



# Montague Expressway Self-Storage Facility

INITIAL STUDY/  
MITIGATED NEGATIVE DECLARATION



Prepared for:  
City of Milpitas

Submitted by:





**PUBLIC REVIEW DRAFT**

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

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**Montague Expressway  
Self-Storage Facility**

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**LEAD AGENCY:**

**City of Milpitas**

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AND TECHNICAL APPENDICES ON CD**



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## **1.0 INTRODUCTION**

The proposed Montague Expressway Self-Storage Facility (“project” or “proposed project”) consists of demolition of several vacant industrial buildings (located at 985 Montague Expressway) and the construction of 171,924 square feet of self-storage space in four new buildings. Following preliminary review of the proposed project, the City of Milpitas has determined that it is subject to the guidelines and regulations of the California Environmental Quality Act (CEQA). This Initial Study addresses the direct, indirect, and cumulative environmental effects associated with the project, as proposed.

### **1.1 STATUTORY AUTHORITY AND REQUIREMENTS**

In accordance with CEQA (Public Resources Code Sections 21000-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations (CCR), the City of Milpitas, acting in the capacity of Lead Agency, is required to undertake the preparation of an Initial Study to determine whether the proposed project would have a significant environmental impact. If the Lead Agency finds that there is no evidence that the project, either as proposed or as modified to include the mitigation measures identified in the Initial Study, may cause a significant effect on the environment, the Lead Agency shall find that the proposed project would not have a significant effect on the environment and shall prepare a Negative Declaration (or Mitigated Negative Declaration) for that project. Such determination can be made only if “there is no substantial evidence in light of the whole record before the Lead Agency” that such impacts may occur (Section 21080(c), Public Resources Code).

The environmental documentation, which is ultimately approved and/or certified by the City of Milpitas in accordance with CEQA, is intended as an informational document undertaken to provide an environmental basis for subsequent discretionary actions upon the project. The resulting documentation is not a policy document, and its approval and/or certification neither presupposes nor mandates any actions on the part of those agencies from whom permits and other discretionary approvals would be required.

### **1.2 PURPOSE**

Section 15063 of the *CEQA Guidelines* identifies specific disclosure requirements for inclusion in an Initial Study. Pursuant to those requirements, an Initial Study shall include:

- A description of the project, including the location of the project;
- Identification of the environmental setting;
- Identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries;
- Discussion of ways to mitigate significant effects identified, if any;
- Examination of whether the project is compatible with existing zoning, plans, and other applicable land use controls; and



- The name(s) of the person(s) who prepared or participated in the preparation of the Initial Study.

### **1.3 INCORPORATION BY REFERENCE**

The references outlined below were utilized during preparation of this Initial Study. The documents are available for review at the City of Milpitas Planning and Neighborhood Services, located at 455 East Calaveras Boulevard, Milpitas, California 95035.

- *Milpitas General Plan (July 1997)*. The *Milpitas General Plan* (General Plan), dated July 1997, is a comprehensive, long-term general plan for the physical development of the City, and any land outside its boundaries which in the City's judgment bears relation to its planning. Each element of the General Plan includes guiding principles, and implementing policies. The identification of the goals, policies, and programs in one document facilitates its usefulness in daily City operations. The Technical Document (Volume II) includes the data and analysis necessary to support Volume I, as well as the EIR, as required by CEQA.
- *Milpitas Transit Area Specific Plan (December 2011)*. The *Milpitas Transit Area Specific Plan* (TASP), dated June 2008 and amended December 2011, creates a structure for a walkable, transit-oriented area with a mix of land uses that encourages walking, biking, and transit trips and minimizes vehicle trips. This type of development allows for substantial growth, while minimizing impacts on local roadways, and reducing urban sprawl at the periphery of the region.
- *Milpitas Transit Area Specific Plan EIR (SCH #2006032091) (May 2008)*. The *Milpitas Transit Area Specific Plan Environmental Impact Report* (TASP PEIR) was prepared concurrently with preparation of the Specific Plan, pursuant to the requirements of the CEQA. Policies in the TASP were prepared based on the analysis for the PEIR to ensure that the plan minimizes or reduces significant environmental impacts to the extent feasible; in this way the plan is "self-mitigating." Transportation analysis was conducted using a new model prepared by the Santa Clara Valley Transportation Authority (VTA) for analyzing regional circulation. The PEIR undertook extensive quantitative analysis and modeling to assess service requirements for sewer, water, and storm drainage, including water supply and sewer treatment capacity as well as distribution and collection facilities. The PEIR also made a full quantitative analysis of the buildout and traffic impacts of the General Plan policies, which were compared to those of the TASP project.
- *Climate Action Plan and Qualified Greenhouse Gas Reduction Strategy (May 7, 2013)*. The Climate Action Plan and Qualified Greenhouse Gas Reduction Strategy (CAP), adopted May 7, 2013, is designed to streamline environmental review of future development projects in the City of Milpitas consistent with the California Environmental Quality Act (CEQA) Guidelines Section 15183.5(b) and the Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines. The CAP identifies a strategy, reduction measures, and implementation strategies the City uses to achieve the State-recommended greenhouse gas (GHG) emissions reduction target of 15 percent below 2005 emissions levels by 2020. The CAP establishes goals, measures, and actions in the energy, water, transportation, solid waste, and off-road equipment



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sectors. It also establishes implementation programs and a framework to monitor and report progress.

- *City of Milpitas Municipal Code*. The *City of Milpitas Municipal Code* (Milpitas Municipal Code) consists of regulatory, penal, and administrative ordinances of the City of Milpitas. It is the method the City uses to implement control of land uses, in accordance with General Plan goals and policies.



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## 2.0 PROJECT DESCRIPTION

### 2.1 PROJECT LOCATION AND SETTING

#### PROJECT LOCATION

The 4.5-acre project site is located within the southern portion of the City of Milpitas (City), west of Interstate 680 (I-680), in Santa Clara County, California; refer to [Exhibit 2-1, \*Regional Vicinity\*](#). The site is specifically located at 985 Montague Expressway, at the northeast corner of Montague Expressway and S. Milpitas Boulevard (a portion of Assessor's Parcel Number [APN] 086-32-020-00); refer to [Exhibit 2-2, \*Site Vicinity\*](#).

#### EXISTING CONDITIONS

##### Project Site

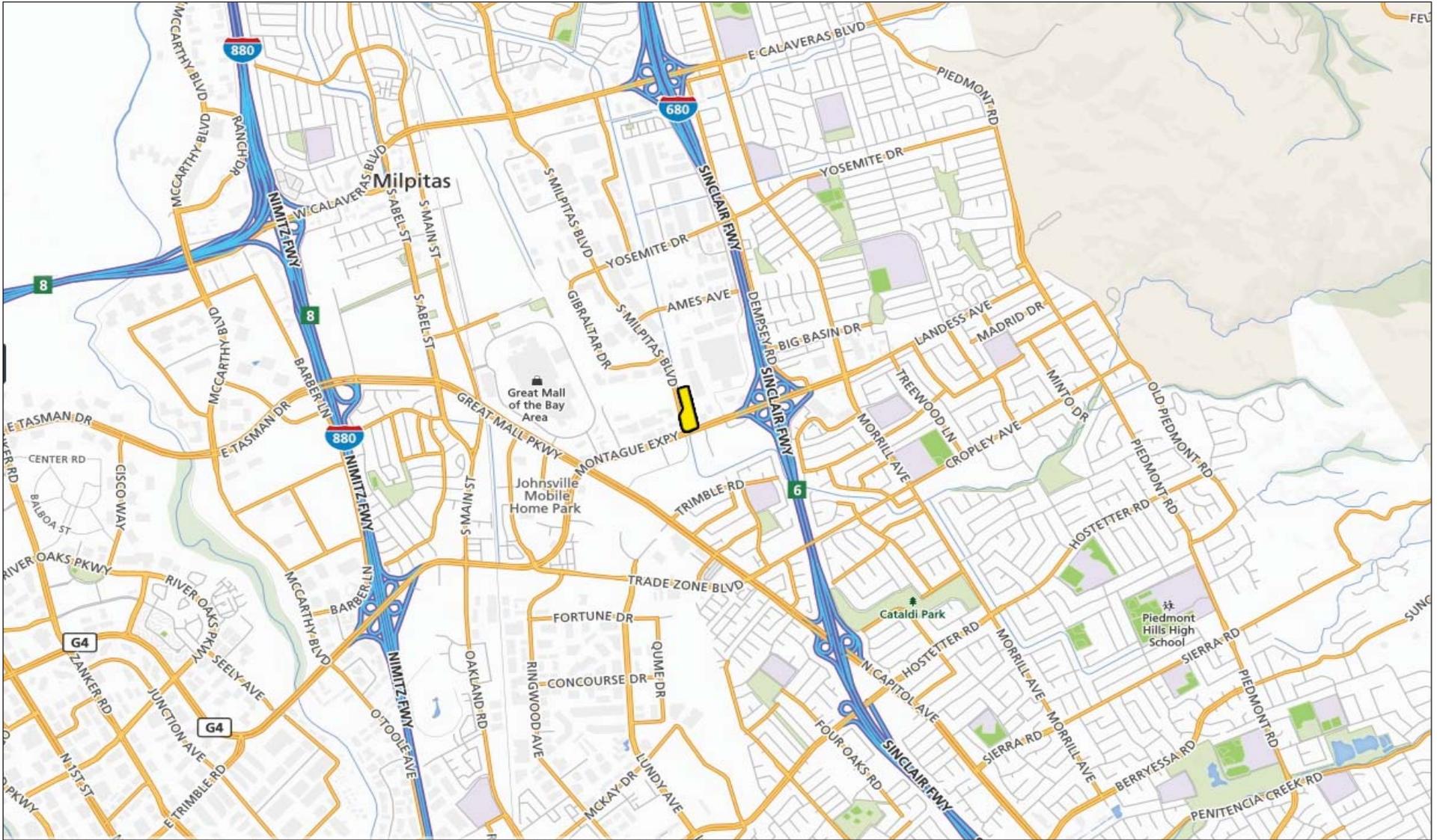
The project site was developed in the early 1960's by Jones Chemical, Inc. (JCI) for chemical storage, repackaging, and distribution. JCI operated on-site until about 2000, at which time JCI vacated the property. While at the site, JCI had operated an office/warehouse building; chemical mixing, storage, and handling areas; aboveground storage tanks (ASTs); underground storage tanks (USTs); wastewater sumps; a wastewater treatment building; rail spurs for tanker car unloading and storage; and outdoor storage areas. Bulk chemicals were delivered and stored for packaging and distribution including: chlorine gas; sulfur dioxide; anhydrous ammonia; acids; and chlorinated solvents. The chlorinated solvents were stored in three ASTs on-site between 1968 and 1982 and included: 1,1,1-trichloroethane (TCA); trichloroethene (TCE); and tetrachloroethene (PCE). The bulk chemicals were delivered to the project site by rail or tanker truck and repackaged into cylinders or drums for distribution.

Currently, the former warehouse/office building; outdoor covered storage areas and concrete pads; paved storage yard; and rail spurs remain on-site; refer to [Exhibit 2-3, \*Aerial Photograph\*](#), and [Exhibit 2-4, \*Existing Condition Photographs\*](#). The *Milpitas General Plan* (General Plan) designates the project site as Manufacturing and Warehousing (MW) and the *Milpitas Municipal Code* (Milpitas Municipal Code) zones the project site Heavy Industrial (M2). The site is currently accessed via one driveway along Montague Expressway at the southern portion of the project site.

##### Remedial Activities On-Site

On February 3, 1982, a partially filled JCI-operated AST containing an estimated 2,000 to 4,000 gallons of chlorinated solvents (VOCs) exploded, releasing its contents to the ground surface, which flowed into the adjacent Berryessa Creek (to the west of the project site) via storm drains. The spill resulted in impacts to underlying groundwater, which migrated westward. Subsequently, JCI has been engaged in ongoing environmental investigation and cleanup activities pursuant to Site Cleanup Requirement Orders adopted by the Regional Water Quality Control Board (RWQCB). These activities continue to this day under Site Cleanup Requirements, Order No. 90-072.





Source: Rand McNally, <http://maps.randmcnally.com/>, accessed on October 14, 2015.

 - Project Boundary

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# Site Vicinity

Exhibit 2-2



Source: Google Earth 2015.  
- Project Boundary

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# Aerial Photograph

Exhibit 2-3



View of existing on-site rail spur.



View of former on-site Wastewater Treatment Building.



View of the northern portion of the project site.



Southern view of the western project boundary along Berryessa Creek.



View of the central portion of the project site.



View of the southern portion of the project site.



According to files maintained by the Regional Water Quality Control Board, JCI pumped and treated 24,140 pounds of contaminant from groundwater from 1985 to 2004.<sup>1</sup> From 2003 to 2010, JCI conducted in situ treatment on-site. These remedial activities involved injection of carbohydrate solution into the groundwater. Semiannual groundwater monitoring occurs at the project site and surrounding area via groundwater monitoring wells. Currently, 12 groundwater monitoring wells are operating on-site and 3 groundwater monitoring wells are operating off-site.

**Surrounding Land Uses**

The project site is located within a mixed industrial/commercial area of the City. Table 2-1, Surrounding Land Uses, describes the surrounding land uses.

**Table 2-1  
Surrounding Land Uses**

| Direction | General Plan Designation                      | Zoning                                       | Existing Land Use   |
|-----------|---|--|---|
| North     | Manufacturing and Warehousing (MW)            | Heavy Industrial (M2)                        | Vacant land uses are present to the north of the project site.  |
|           | --  | --   | Railroad right-of-way extends to the north of the project site, trending in a north/south direction.                            |
| East      | Manufacturing and Warehousing (MW)            | Heavy Industrial (M2)                        | Warehouse/distribution uses (i.e., Medius) and a power line easement are located to the east and northeast of the project site. |
|           | Manufacturing and Warehousing (MW)            | Heavy Industrial (M2)                        | Montague Court at Fleming Business Park is located to the east of the project site.   |
| South     | Manufacturing and Warehousing (MW)            | Heavy Industrial (M2)                        | Commercial uses (i.e., Public Storage) are located to the south and southeast of the project site.                              |
|           | Urban Residential (URR)*                      | Urban Residential (R5)*                      | Industrial uses (i.e., Silicon Valley Electro-Plating Corp.) are located to the southwest of the project site.                  |
|           | --  | --   | Montague Expressway bounds the project site to the south and trends in an east/west direction.                                  |
| West      | Boulevard Very High Density Mixed Use (BVMU)* | Mixed Use, Very High Density (MXD2)*         | Commercial/office uses are located to the west of the project site.   |
|           | Multi-Family Residential High Density (MFH)*  | Multi-Family Residential, High Density (R3)* | The Milpitas Business Center (office/warehousing uses) and vacant land are located to the west of the project site.             |
|           | Manufacturing and Warehousing (MW)*           | Heavy Industrial (M2)                        | A substation is located to the west of the project site.  |
|           | --  | --   | S. Milpitas Boulevard bounds the project site to the west and trends in a north/south direction.                                |
|           | Parks and Open Space (POS)                    | Park and Open Space (POS)                    | Berryessa Creek bounds the western portion of the project site and flows in a northern direction.                               |

Notes:  
 \*Located within the Transit Area Specific Plan (TASP).  
 \*Transit Oriented Development Overlay (TOD).

<sup>1</sup> Regional Water Quality Control Board, *GeoTracker*, [http://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=SL18213593](http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=SL18213593), accessed October 15, 2015.



## 2.2 PROPOSED PROJECT

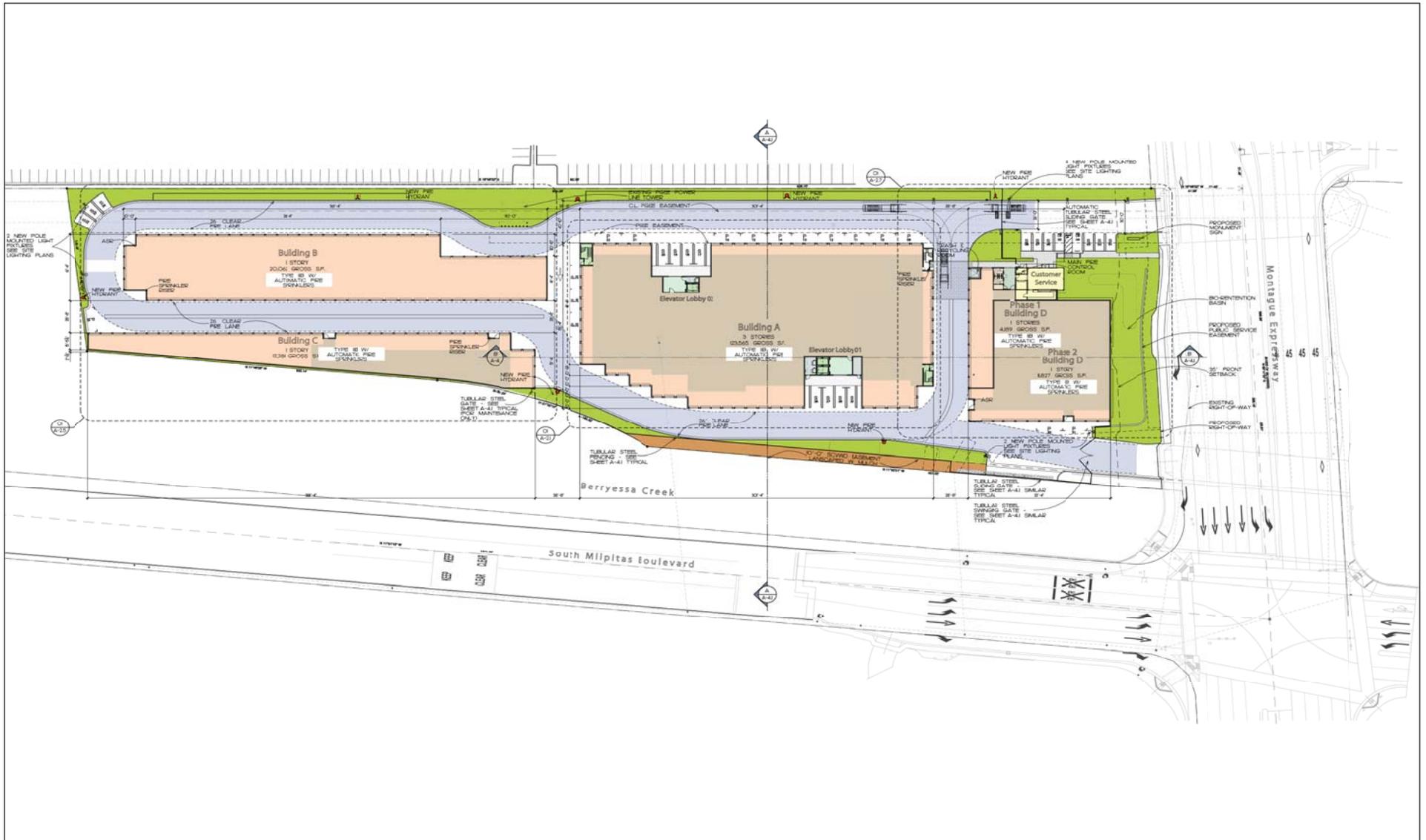
The proposed project would involve the demolition of the former JCI facility and the construction a 171,924 square-foot self-storage facility in four new buildings (Buildings A through D); refer to Exhibit 2-5, Site Plan. The storage facility would include 1,241 storage units (or 132,288 square feet of storage space), a customer service office, and other ancillary uses (i.e., restroom, elevator lobbies, trash room, janitor’s closet, hallways, and stairwells). Rental units would range in size from 5-foot by 5-foot to 12-foot by 30-foot with an average unit size of 107 square feet. The floor area ratio (FAR) would be 0.86. Table 2-2, Proposed Buildings, details project features for each building proposed. The proposed self-storage facility would be consistent with the allowed uses per the General Plan designation Manufacturing and Warehousing (MW) and Milpitas Municipal Code zone Heavy Industrial (M2).

**Table 2-2  
Proposed Buildings**

| Building  | Proposed Height          | Gross Square Feet   | Square Feet of Storage Space              |
|---|--------------------------|---------------------|---|
| A   | 3 stories (up to 38'-8") | 123,565             | 90,663<br>(993 storage units)             |
| B   | 1 story (up to 12'-5")   | 20,062              | 19,500<br>(71 storage units)              |
| C   | 1 story (up to 12'-0")   | 12,281              | 10,525<br>(79 storage units)              |
| D   | 1 story (up to 22'-0")   | 16,016 <sup>1</sup> | 11,600 <sup>1</sup><br>(98 storage units) |
| <b>Total</b>  |                          | <b>171,924</b>      | <b>132,288 (1,241 storage units)</b>      |
| Notes:<br>1. Building D would be constructed in two phases. Phase 1 would involve construction of 4,189 gross square feet (including 2,150 square feet of storage space; 11 storage units) and Phase 2 would involve construction of 11,827 gross square feet (including 9,450 square feet of storage space; 87 storage units). |                          |                     |   |

As shown in Exhibits 2-6a through 2-6c, Elevations, and Exhibits 2-7a and 2-7b, Project Views, on-site structures would be one story in height (up to 22 feet, 0 inches), except for Building A, which would be three stories in height (up to 28 feet, 8 inches). The design of Buildings A and D are intended to be of contemporary design through the use of precision fluted masonry and prefinished insulated metal panels. Buildings B and C are designed to be neutral and appear as a perimeter wall rather than as buildings. The roll-up doors are all oriented to the interior of the project and would not be highly visible from off-site areas.

Perimeter fencing would include tubular steel fencing, gates, and sliding gates. One retaining wall would be installed on-site, along Montague Expressway, and would be up to five feet in height, facing the interior of the project site (only the retaining wall cap, approximately 3 feet, 6 inches, would be visible from Montague Expressway).



Source: James Goodman Architecture; December 16, 2015.

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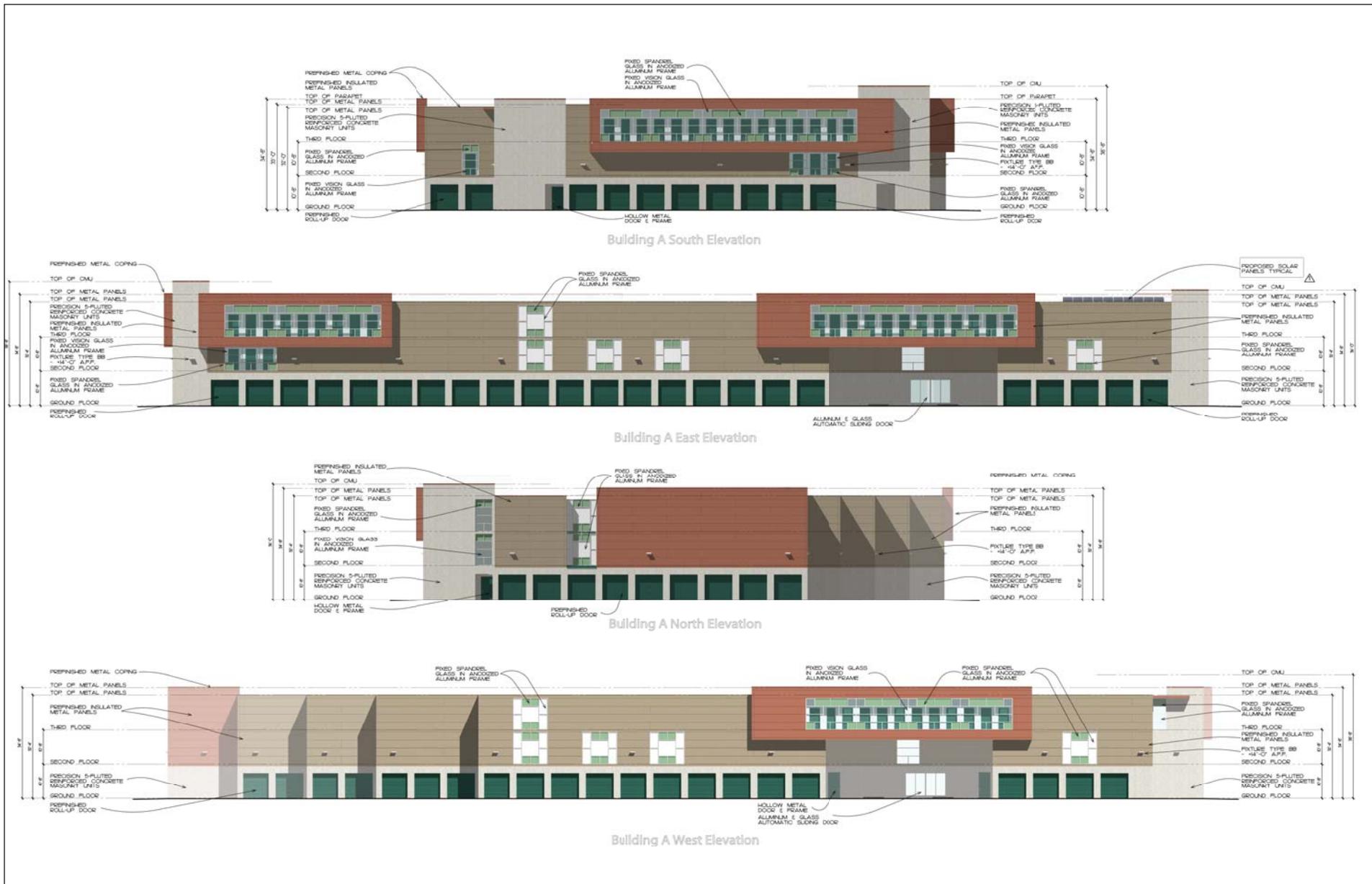


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# Site Plan

Exhibit 2-5



Source: James Goodman Architecture; October 15, 2015.

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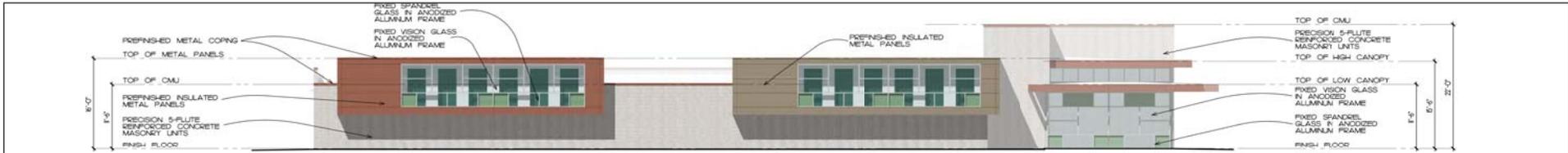
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**Elevations**

**Exhibit 2-6a**

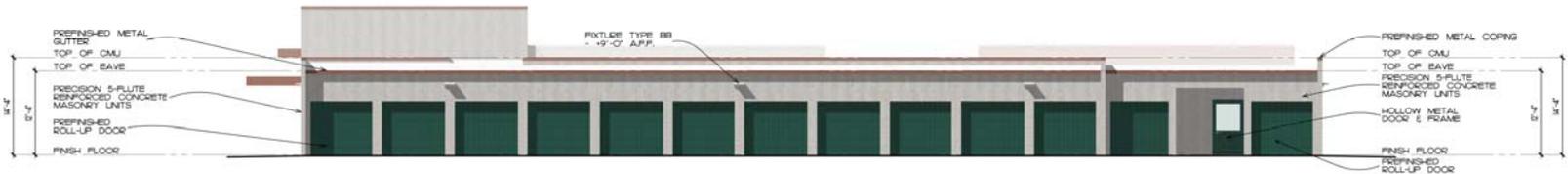




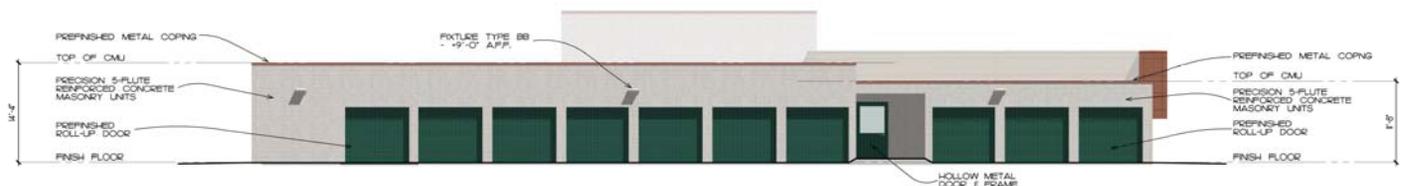
Building D South Elevation



Building D East Elevation



Building D North Elevation



Building D West Elevation

Source: James Goodman Architecture; August 19, 2015.

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**Elevations**

**Exhibit 2-6c**



From Montague Expressway looking North



From Montague Expressway looking Northeast

Source: James Goodman Architecture; August 19, 2015.

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## Project Views

Exhibit 2-7a



South Retaining Wall Elevation



South Retaining Wall Detail

**Retaining Wall Design**

THE RETAINING WALL IS CONSTRUCTED OF THE SAME REINFORCED SPLIT FACE 6 TAPER SCORE CONCRETE MASONRY AS USED FOR THE BUILDING. THE WALL IS A MAXIMUM 10'-0" ABOVE THE SOUTH SIDE WALK BECAUSE THE WALL IS A MAXIMUM 10'-0" ABOVE THE SOUTH SIDE WALK BECAUSE THE WALL PROVIDES WALL PROTECTION FOR THE GRADE CHANGE TO THE NORTH SIDE OF THE WALL AND ALSO INTEGRATES WITH BUILDING IS TO PROVIDE VISUAL INTEREST FROM THE STREET. LANDSCAPE AND TREES WILL EVENTUALLY GROW TO BRIDGE BOTH THE RETAINING AND BUILDING WALLS.

THE DESIGN OF THE WALL IS INTENTIONALLY SOFT AND SUBTLE SO NOT TO ATTRACT ATTENTION AND DEDUCT FROM THE OVERALL PROJECT LOOK. THE SPLIT FACE, SCORED MASONRY WALL PROVIDE TEXTURE AND VISUAL INTEREST.

Source: James Goodman Architecture; October 15, 2015.

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The project would provide two one-yard waste dumpsters, one for trash and one for recycling. Regarding solid waste generated from items left behind, this solid waste would either be disposed of in the on-site dumpsters, or if necessary, would be taken to an approved landfill facility for disposal.

The proposed project would employ both office staff and outside attendants. There would be at minimum two employees on-site during office hours and one employee on-site after office hours. Proposed gate access hours would be from 7:00 a.m. to 7:00 p.m. (seven days per week). Office hours would be Monday through Friday from 9:00 a.m. to 6:00 p.m., Saturday from 9:00 a.m. to 5:00 p.m., and Sunday from 10:00 a.m. to 4:00 p.m.

### **INTERNAL CIRCULATION AND PARKING**

The proposed project's main access would be provided on Montague Expressway, at the southeastern corner of the site. For existing customers, access to the remainder of the site would be provided via computer controlled gate keypads for both entering and exiting the self-storage facility. A second swinging gate would be provided only for emergency vehicle access at the southwestern portion of the project site, accessed via Montague Expressway. A third sliding gate would be accommodated at the western property boundary (at the southwestern portion of the site) to allow for Berryessa Creek maintenance access for Santa Clara Valley Water District staff.

The project would provide a total of 35 parking spaces, as required by the Milpitas Municipal Code. The public parking lot, located at the main entry at Building D, would provide six parking spaces and two disabled parking spaces. Building D would also provide two parallel parking spaces at the interior of the self-storage facility (at the southwest corner). Building A would provide eight parking spaces and 13 parallel parking spaces. The northern portion of the project site, in the vicinity of Buildings B and C, would accommodate three more parking spaces and one parallel parking space.

The interior vehicular circulation is designed to meet the Fire Department turning radius requirements, as well as the occasional moving truck. A six-foot paved walkway would be provided to connect pedestrians from the public parking lot at the main entry to the proposed customer office.

### **LANDSCAPING**

Currently, there are 22 trees located on the project site. Of the 22 on-site trees, 13 trees are located along the eastern and northern boundaries of the site and the remaining nine trees grow along the western boundary of the site. Development of the proposed project would remove 21 trees. The City has a Tree Ordinance in place to protect those trees that are with a trunk of 12-inches (37-inch circumference) or greater in diameter (for commercial property), regardless of the species. Based on the *Tree Survey Report* (dated April 17, 2015) prepared for the project, 9 trees are considered to be protected trees per the Milpitas Tree Ordinance. Implementation of the proposed project would protect-in-place one of the nine protected trees and would remove the remaining eight protected trees upon receipt of a tree removal permit with the City Public Works Department.



Proposed landscaping would include perimeter trees, shrubs, and groundcover. The street frontage along Montague Expressway would also be landscaped with trees, shrubs, and groundcover. New landscaping would accommodate recycled water, once it becomes available. The proposed tree palette would include Arbutus, Crape Myrtle, and Chinese Pistachiespecies. A portion of the proposed landscaping would contain bioretention ponds. These pond features would be located along the eastern and western portions of the project site, as well as in the landscaped areas between Building D and Montague Expressway. Specifically, two ponds would be install along the eastern project boundary and three ponds would be installed along the western project boundary. One “L” shaped pond would be installed along Montague Expressway.

## **UTILITIES**

The project proposes new 12-inch storm drain lines that would connect to the existing 15-inch storm drain and associated outfall structure located at the western project boundary, near the southwestern portion of the project site.

The proposed project would maintain the existing Pacific Gas and Electric (PG&E) power line easement, located along the eastern project boundary. No structures are proposed within the easement; proposed landscaping and bioretention ponds would be placed under the existing power lines.

The project would install new two-inch water pipelines on-site, which would connect to the existing water lateral located in Montague Expressway. New six-inch sewer lines would be installed to connect to the existing nine-inch sewer line located in Montague Expressway. The project would install eight-inch fire supply lines at the project site that would connect to the existing 10-inch water main located in Montague Expressway. The project would also install recycled water lines for irrigation, which would connect into the future recycled water lateral to be provided along Montague Expressway, as part of the Montague Expressway Widening Project.

## **PROJECT PHASING AND CONSTRUCTION**

Construction of the proposed project would occur concurrently with the proposed Montague Expressway Widening Project. As part of the Montague Expressway Widening Project, the southern portion of the project site would provide a Temporary Construction Easement (TCE) during construction of the widening. As a result, proposed project construction would be required to be accomplished in two phases.

Phase 1 construction is anticipated to start in June 2016 and end by March 2017. Phase 1 consists of the construction of buildings A, B, C, and 4,189 square feet of building D (a total of 160,097 gross feet). Phase 2 construction would begin after the expiration of the Temporary Construction Easement (TCE) on-site, which is March 1, 2017. Phase 2 construction represents approximately 11,827 square feet of the proposed building D, as well as a the proposed site improvements such as landscaping and the retaining wall on the south side of the project site.

Proposed grading would include approximately 4,452 cubic yards of cut materials and 6,431 cubic yards of fill materials. Approximately 1,979 cubic yards of soil import is proposed. Proposed demolition, grading, and construction activities are anticipated to last for



approximately 15.5 months. As required by the RWQCB, JCI would provide a Soils Management Plan (SMP) to the Applicant prior to construction, as part of the on-going remediation efforts at the site.

### **2.3 DISCRETIONARY ACTIONS**

The City of Milpitas is the Lead Agency under CEQA and has discretionary authority over the proposed project. The project would be subject to various City permits and approvals, including, but not limited to:

- Certification of a Final Mitigated Negative Declaration;
- Site Development Permit; and
- Conditional Use Permit.

The project would also require administrative approvals from the City for issuance of grading, building, and occupancy permits as well as connection permits from utility providers. Permits anticipated by other agencies would include:

- City of Milpitas Public Works Department (Tree Removal Permit);
- Santa Clara Valley Water District (access easement);
- PG&E Land Management (utility easement);
- Santa Clara County (Encroachment Permit); and
- Valley Transportation Authority (Encroachment Permit).



## **3.0 INITIAL STUDY CHECKLIST**

### **3.1 BACKGROUND**

|   |   |
|---|---|
| <b>1. Project Title:</b>  | Montague Expressway Self-Storage Facility   |
| <b>2. Lead Agency Name and Address:</b>   | City of Milpitas<br>455 East Calaveras Boulevard<br>Milpitas, California 95035  |
| <b>3. Contact Person and Phone Number:</b>  | Ms. Bhavani Potharaju<br>Assistant Planner<br>408.586.3284  |
| <b>4. Project Location:</b>   | The 4.5-acre project site is located within the southern portion of the City of Milpitas, west of Interstate 680, in Santa Clara County, California. The site is specifically located at 985 Montague Expressway, at the northeast corner of Montague Expressway and S. Milpitas Boulevard (a portion of Assessor's Parcel Number 086-32-020-00). |
| <b>5. Project Sponsor's Name and Address:</b>   | Mr. Cristian Streeter<br>El Camino MV Holdings, LLC<br>100 School Street<br>Danville, California 94526  |
| <b>6. General Plan Designation:</b>   | The Milpitas General Plan designates the project site as Manufacturing and Warehousing (MW).  |
| <b>7. Zoning:</b>   | The Milpitas Municipal Code zones the project site Heavy Industrial (M2).   |
| <b>8. Description of the Project:</b>   | Refer to <u>Section 2.2, Proposed Project</u> .   |
| <b>9. Surrounding Land Uses and Setting:</b>  | The project site is surrounded by a mix of industrial and commercial land uses. Refer to <u>Section 2.1, Project Location and Setting</u> .   |
| <b>10. Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement):</b> | Refer to <u>Section 2.3, Discretionary Actions</u> .  |



### 3.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or “Potentially Significant Unless Mitigated,” as indicated by the checklist on the following pages.

|   |                                  |   |                                    |
|---|----------------------------------|---|------------------------------------|
|   | Aesthetics                       |   | Land Use and Planning              |
|   | Agriculture and Forest Resources |   | Mineral Resources                  |
| ✓ | Air Quality                      | ✓ | Noise                              |
| ✓ | Biological Resources             |   | Population and Housing             |
| ✓ | Cultural Resources               |   | Public Services                    |
| ✓ | Geology and Soils                |   | Recreation                         |
|   | Greenhouse Gas Emissions         |   | Transportation/Traffic             |
| ✓ | Hazards and Hazardous Materials  |   | Utilities & Service Systems        |
|   | Hydrology and Water Quality      | ✓ | Mandatory Findings of Significance |

### 3.3 LEAD AGENCY DETERMINATION

On the basis of this initial evaluation:

I find that the proposed use COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

\_\_\_\_\_

I find that although the proposal could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section 4.0 have been added. A MITIGATED NEGATIVE DECLARATION will be prepared.

\_\_\_\_\_ ✓ \_\_\_\_\_

I find that the proposal MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

\_\_\_\_\_

I find that the proposal MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a “potentially significant impact” or “potentially significant unless mitigated.” An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

\_\_\_\_\_

Bhavani P.  
Signature

City of Milpitas  
\_\_\_\_\_  
Agency

Bhavani Potharaju  
\_\_\_\_\_  
Printed Name

February 10, 2016  
\_\_\_\_\_  
Date



### **3.4 EVALUATION OF ENVIRONMENTAL IMPACTS**

This section analyzes the potential environmental impacts associated with the proposed project. The issue areas evaluated in this Initial Study include:

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems

The environmental analysis in this section is patterned after the Initial Study Checklist recommended by the *CEQA Guidelines*, as amended, and used by the City of Milpitas in its environmental review process. For the preliminary environmental assessment undertaken as part of this Initial Study's preparation, a determination that there is a potential for significant effects indicates the need to more fully analyze the development's impacts and to identify mitigation.

For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and an answer is provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long-term, direct, indirect, and cumulative impacts of the development. To each question, there are four possible responses:

- *No Impact.* The development will not have any measurable environmental impact on the environment.
- *Less Than Significant Impact.* The development will have the potential for impacting the environment, although this impact will be below established thresholds that are considered to be significant.
- *Less Than Significant Impact With Mitigation Incorporated.* The development will have the potential to generate impacts, which may be considered as a significant effect on the environment, although mitigation measures or changes to the development's physical or operational characteristics can reduce these impacts to levels that are less than significant.
- *Potentially Significant Impact.* The development could have impacts, which may be considered significant, and therefore additional analysis is required to identify mitigation measures that could reduce potentially significant impacts to less than significant levels.

Where potential impacts are anticipated to be significant, mitigation measures will be required, so that impacts may be avoided or reduced to insignificant levels.



**MONTAGUE EXPRESSWAY SELF-STORAGE FACILITY**  
Public Review Draft Initial Study/Mitigated Negative Declaration

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## 4.0 ENVIRONMENTAL ANALYSIS

The following is a discussion of potential project impacts as identified in the Initial Study.

### 4.1 AESTHETICS

| <i>Would the project:</i>  | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| a. Have a substantial adverse effect on a scenic vista?  |                                |   |                              | ✓         |
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? |                                |   |                              | ✓         |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings?  |                                |   | ✓                            |           |
| d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?                                   |                                |   | ✓                            |           |

#### a) ***Have a substantial adverse effect on a scenic vista?***

**No Impact.** Based on Figure 4-6, *Scenic Resources and Routes*, of the Open Space and Environmental Conservation Element of the General Plan, there are no designated Scenic Corridors located in the project vicinity nor are there identified visually significant resources (such as vegetation or hillsides) located on-site or in the vicinity. One designated Major Visual Gateway is identified along I-680 (at Montague Expressway). I-680 is also identified as a Scenic Connector. The nearest identified visually significant resources include hillsides, associated hilltops and ridgelines, as well as vegetation located in the eastern portion of the City. Views from motorists traveling along I-680 would not include views toward the proposed project as a result of intervening mature ornamental trees and topography associated with the I-680/Montague Expressway Interchange. Thus, implementation of the proposed project would not result in any impacts to a scenic vista and no impacts would occur in his regard.

**Mitigation Measures:** No mitigation measures are required.

#### b) ***Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?***

**No Impact.** There are no State scenic highways located in the vicinity of the project site.<sup>1</sup> Additionally, there are no significant trees, rock outcroppings, or historic buildings located on-site. Therefore, project implementation would not damage scenic resources within a State scenic highway. No impact would result in this regard.

<sup>1</sup> California Department of Transportation website, [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm), accessed October 29, 2015.



**Mitigation Measures:** No mitigation measures are required.

**c) Substantially degrade the existing visual character or quality of the site and its surroundings?**

**Less Than Significant Impact.**

**Short-Term Construction**

Demolition materials, graded surfaces, debris, equipment, and truck traffic would be visible during construction. Additionally, soil would be stockpiled and equipment for grading activities would be staged at various locations throughout the site. During this time construction activities would be visible from surrounding commercial employees/customers as well as motorists, bicyclists, and pedestrians in the area. Impacts in this regard would be temporary in nature and would cease upon project completion. Therefore, it is concluded that short-term project construction would not substantially degrade the existing visual character or quality of the site and its surroundings. Less than significant impacts would result in this regard.

**Long-Term Operations**

The project site is located within a developed area of the City. The property is relatively flat, with an elevation of approximately 55 to 70 feet above mean sea level (msl). The project site has been highly disturbed and is occupied by the former JCI-operated warehouse/office building, outdoor covered storage areas and concrete pads, paved storage yard, and rail spurs. Existing ornamental vegetation that is no longer maintained is present on-site. Surrounding land uses consist of a mix of commercial and industrial uses.

Development of the proposed project would not degrade the visual character of the site or its surroundings. The project would be consistent with the developed nature of the area. The existing on-site structures would be removed and the proposed self-storage facility would be constructed in four on-site buildings with drive aisles and landscaping; refer to Exhibit 2-5, Site Plan. The storage facility would include 1,241 storage units (or 132,288 square feet of storage space), a customer service office, and other ancillary uses (i.e., restroom, elevator lobbies, trash room, janitor's closet, hallways, and stairwells). As shown in Exhibits 2-6a through 2-6c, Elevations, and Exhibits 2-7a and 2-7b, Project Views, on-site structures would be one story in height (up to 22 feet), except for Building A, which would be three stories in height (up to 38 feet, 8 inches). The design of Buildings A and D are intended to be of contemporary design through the use of precision fluted masonry and prefinished insulated metal panels. Buildings B and C are designed to be neutral and appear as a perimeter wall rather than as buildings. The roll-up doors are all oriented to the interior of the project and would not be highly visible from off-site areas.

Perimeter fencing would include tubular steel fencing, gates, and sliding gates. One retaining wall would be installed on-site, along Montague Expressway, and would be up to five feet in height, facing the interior of the project site (only the retaining wall cap, approximately 3 feet, 6 inches in height, would be visible from Montague Expressway). The proposed project's main access would be provided on Montague Expressway, at the southeastern corner of the site. For existing customers, access to the remainder of the site would be provided via computer controlled gate keypads for both entering and exiting the self-storage facility.



The proposed project would be subject to the Milpitas Municipal Code Subsection XI-10.7.03 (Industrial Zone General Development Standards) as well as Subsections XI-10-57.04 and XI-10-57.03 (Conditional Use Permit and Site Development Permit – Design Review Process Standards), and would be designed in conformance with the City’s standards of design. All sidewalks, concrete curbs and gutters, parkway trees, street lights, pavements, sanitary sewer lines, water and recycled water lines, fire hydrants, culverts, drainage structures, and any other required improvements would be required to be installed and would conform to grades and specifications established by the City Engineer.

Proposed landscaping would include perimeter trees, shrubs, and groundcover. The street frontage along Montague Expressway would also be landscaped. New landscaping would accommodate recycled water, once it becomes available. The proposed tree palette would include Arbutus, Crape Myrtle, and Chinese Pistachiespecies. A portion of the proposed landscaping would contain bioretention ponds. These pond features would be located along the eastern and western portions of the project site, as well as in the landscaped areas between Building D and Montague Expressway. Specifically, two ponds would be install along the eastern project boundary and three ponds would be installed along the western project boundary. One “L” shaped pond would be installed along Montague Expressway. Overall, the proposed project would be subject to the City’s Design Review Process, including approval of the proposed aesthetic treatments and landscaping and would be consistent with the character of the surrounding community.

It should be noted that there are 22 existing trees located on the project site. Of the 22 on-site trees, 13 trees are located along the eastern and northern boundaries of the site and the remaining 9 trees grow along the western boundary of the site. Development of the proposed project would remove 21 trees. The City has a Tree Ordinance in place to protect trees that have a trunk size of 12-inches (37-inch circumference) or greater in diameter (for commercial property), regardless of the species. Based on the *Tree Survey Report* (dated April 17, 2015) prepared for the project, 9 trees are considered to be protected trees per the Milpitas Tree Ordinance. Implementation of the proposed project would protect-in-place 1 of the 9 protected trees and would remove the remaining 8 protected trees with approval of a tree removal permit with the City Public Works Department, as discussed in Response 4.4(e). Although the proposed project would remove 8 protected trees from the project site, the perimeter of the project site would be re-landscaped with new trees.

With implementation of the Milpitas Municipal Code and Design Review Process, development of the project site would be consistent with the character of the surrounding commercial/industrial community. As the project would not degrade the existing visual character or quality of the site and its surroundings, impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?**

**Less Than Significant Impact.** There are two primary sources of light: light emanating from building interiors that pass through windows and light from exterior sources (e.g., street lighting, parking lot lighting, building illumination, security lighting, and landscape lighting). Depending upon the location of the light source and its proximity to adjacent light sensitive uses, light



introduction can be a nuisance, affecting adjacent areas and diminishing the view of the clear night sky.

The proposed project is located within a developed area of the City. Although former operations did exist on-site, currently, nighttime lighting does not emanate from the project site, as existing uses have vacated. Areas surrounding the project site are urbanized and contain various sources of light and glare as a result of commercial and industrial uses and associated parking lots. Specifically, light and glare in the project area is generated from the light emanating from building interiors and light from exterior sources (i.e., street lighting and security lighting) associated with the adjacent properties. Surface parking lot lighting is also present mostly from adjoining uses to the east. Light and glare caused by car headlights are also present along Montague Expressway and South Milpitas Boulevard.

The proposed project is not anticipated to require nighttime construction. Thus, no nighttime lighting would be required. Upon construction of the proposed project, light sources at the project site would increase due to the introduction of the new self-storage facility, which would include landscape and security lighting, entry monumentation, and increased vehicle headlights at the proposed driveway.

The types of land uses that are typically sensitive to excess light and glare include residential uses, hospitals, senior housing, and other types of uses where excessive light may disrupt sleep. Although the project would result in increased lighting sources on-site, the surrounding uses in the immediate vicinity of the project site (i.e., commercial and industrial uses) are not considered light sensitive. The nearest light sensitive receptors to the project site are residential uses located approximately 0.24-mile south of the project site. As such, lighting impacts from the project site would be negligible at this distance due to intervening structures and mature trees. Further, the proposed project would be subject to the requirements of Subsection XI-1054.17 (Lighting) of the Milpitas Municipal Code. This Subsection requires that all exterior lighting be shielded or recessed such that direct glare and reflections are contained within the boundaries of the project site, and must be directed downward and away from adjoining properties and public rights-of-way. Fixtures are also required to be appropriate in terms of height, style, design, scale, and wattage to the use of the property. Fixtures must be spaced appropriately to maximize pedestrian safety as well. With compliance with the Milpitas Municipal Code requirements, impacts in this regards would be reduced to less than significant levels.

***Mitigation Measures:*** No mitigation measures are required.



## 4.2 AGRICULTURE AND FOREST RESOURCES

| <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In Determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided by the California Air Resources Board. Would the project:</i> | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?  |                                |   |                              | ✓         |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?  |                                |   |                              | ✓         |
| c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 122220(g)), timberland as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?  |                                |   |                              | ✓         |
| d. Result in the loss of forest land or conversion of forest land to non-forest use?  |                                |   |                              | ✓         |
| e. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?   |                                |   |                              | ✓         |

- a) ***Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?***

**No Impact.** The project site has been previously disturbed by development and does not contain any farmland and no farmland exists within the surrounding area. Further, the project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.<sup>1</sup> Implementation of the proposed project would replace the on-site structures with the proposed self-storage facility. Thus, the project would not convert prime farmland, unique

<sup>1</sup> California Department of Conservation, *Farmland Mapping and Monitoring Program, California Important Farmland Finder*, <http://maps.conservation.ca.gov/ciff/>, accessed on October 27, 2015.



farmland, or farmland of statewide importance to non-agricultural uses, and no impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

**No Impact.** The project site is zoned as Heavy Industrial (M2) per the Milpitas Municipal Code. No zone change would be required as part of the proposed project. The proposed project does not involve any agricultural-related zoning designations, nor is the site part of a Williamson Act contract. Additionally, the land uses surrounding the project area are not zoned for agricultural uses or in a Williamson Act contract. Therefore, project implementation would not conflict with existing zoning for agricultural use, or a Williamson Act contract, and no impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 122220(g)), timberland as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

**No Impact.** The project site is not occupied by or used for forest land or timberland purposes and is not zoned Timberland Production. Further, project implementation would not result in the rezoning of forest land, timberland, or timberland zoned Timberland Production. Therefore, no impact to forest land or timberland would occur as a result of the proposed project.

**Mitigation Measures:** No mitigation measures are required.

**d) Result in the loss of forest land or conversion of forest land to non-forest use?**

**No Impact.** The project site is not occupied by or used for forest land. Therefore, no impact to forest land would occur as a result of the proposed project.

**Mitigation Measures:** No mitigation measures are required.

**e) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?**

**No Impact.** Refer to Responses 4.2(a) through 4.2(d). As the project site occurs within a developed area, implementation of the proposed project would not result in the conversion of designated farmland or forest land to non-agricultural/non-forest land use and no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.



### 4.3 AIR QUALITY

| <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</i>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant Impact With Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b> |
|---|---------------------------------------|--|-------------------------------------|------------------|
| a. Conflict with or obstruct implementation of the applicable air quality plan?   |                                       |  | ✓                                   |                  |
| b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  |                                       | ✓  |                                     |                  |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? |                                       | ✓  |                                     |                  |
| d. Expose sensitive receptors to substantial pollutant concentrations?  |                                       | ✓  |                                     |                  |
| e. Create objectionable odors affecting a substantial number of people?   |                                       |  | ✓                                   |                  |

**a) Conflict with or obstruct implementation of the applicable Air Quality Management Plan or Congestion Management Plan?**

**Less Than Significant Impact.** The project site is located in the City of Milpitas, which is in the San Francisco Bay Area Air Basin (SFBAAB). The Bay Area Air Quality Management District (BAAQMD) is responsible for assuring that the Federal and California Ambient Air Quality Standards are attained and maintained in the SFBAAB. The SFBAAB exceeds the state air quality standards for ozone (O<sub>3</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). The area is designated nonattainment for national standards of 8-hour ozone, 24-hour PM<sub>2.5</sub>, and state standards for 24-hour and annual PM<sub>10</sub>, and annual PM<sub>2.5</sub>.<sup>1</sup>

The *Bay Area 2010 Clean Air Plan* (2010 Clean Air Plan) (prepared by the BAAQMD), is the regional air quality management plan for the SFBAAB, accounts for projections of population growth provided by the Association of Bay Area Governments (ABAG) and vehicle miles traveled provided by the Metropolitan Transportation Commission (MTC), and it identifies strategies to bring regional emissions into compliance with federal and state air quality standards. The BAAQMD encourages local jurisdictions to include General Plan policies or elements that, when implemented, would improve air quality. Although air quality elements are not mandated, general plans are required to be consistent with any air quality policies and programs that exist within that jurisdiction.

<sup>1</sup> Bay Area Air Quality Management District, *Air Quality Standards and Attainment Status*, <http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status>. Accessed: December 28, 2015.



For projects, the determination of a significant cumulative air quality impact should be based on the consistency of the project with the Bay Area's most recently adopted Clean Air Plan. A project would be consistent with the 2010 Clean Air Plan if it would not exceed the growth assumptions in the plan. The primary method of determining consistency with the 2010 Clean Air Plan growth assumptions is consistency with the General Plan land use designations and zoning ordinance designations for the site. If the General Plan growth forecast was adopted prior to the adoption of the 2010 Clean Air Plan, then it can be assumed that the 2010 Clean Air Plan incorporates the growth forecast from the General Plan.

The 2010 Clean Air Plan assumptions for projected air emissions and pollutants in Milpitas are based on the land use and development projection assumptions in the Milpitas General Plan (General Plan). The project site is currently has a land use designation of Manufacturing and Warehousing (MW) and zoned Heavy Industrial (M2). The proposed self-storage facility would be consistent with the City's land use and zoning designations and growth assumption projected in the General Plan. As such, the proposed project would not deviate from the forecasted regional vehicle miles traveled. In addition, the proposed project would not have the potential to exceed the level of population or housing foreseen in regional planning efforts.

As described below in Responses 4.3(b) and 4.3(c), construction and operational air quality emissions generated by the proposed project would not exceed the BAAQMD's emissions thresholds. These thresholds are established to identify projects that have the potential to generate a substantial amount of criteria air pollutants. Because the proposed project would not exceed these thresholds, the proposed project would not be considered by the BAAQMD to be a substantial emitter of criteria air pollutants, and would not contribute to any non-attainment areas in the SFBAAB. Therefore, the project would be in compliance with the 2010 Clean Air Plan and impacts would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?***

***Less Than Significant Impact With Mitigation Incorporated.***

### **Short-Term Emissions**

Short-term air quality impacts are predicted to occur during grading and construction activities associated with implementation of the proposed project. Temporary air emissions would result from the following activities:

- Particulate (fugitive dust) emissions from demolition, grading, and building construction activities; and
- Exhaust emissions from the construction equipment and the motor vehicles of the construction crew.

Construction activities would include two phases: Phase 1 involves demolition, grading, paving, building construction of 160,097 square feet, and application of architectural coatings and Phase 2 comprises building construction of 11,827 square feet and application of architectural coatings. Project construction equipment during Phase 1 would include excavators, graders, tractors/



loaders/backhoes during demolition; excavators, graders, scrapers, tractors/loaders/backhoes during grading; graders, rollers, paving equipment, and a paver during paving, an excavator, a grader, a roller, a rough terrain forklift, and a tractor/loader/backhoe during building construction; and an air compressor during architectural coating. Project construction equipment during Phase 2 would include an excavator, a grader, and a tractor/loader/backhoe during building construction and an air compressor during architectural coating. Phase 1 construction activities would require approximately 4,452 cubic yards of cut, 6,431 cubic yards of fill, and 1,979 cubic yards of import. The analysis of daily construction emissions has been prepared utilizing the California Emissions Estimator Model (CalEEMod). Refer to [Appendix 8.1, Air Quality/Greenhouse Gas Data](#), for the CalEEMod outputs and results. [Table 4.3-1, Short-Term Construction Emissions](#), presents the anticipated daily short-term construction emissions.

**Table 4.3-1  
Short-Term Construction Emissions**

| Emissions Source  | Pollutant (pounds/day) <sup>1,2</sup> |                 |                  |                   |
|---|---------------------------------------|-----------------|------------------|-------------------|
|   | ROG                                   | NO <sub>x</sub> | PM <sub>10</sub> | PM <sub>2.5</sub> |
| <b>Phase 1</b>  |                                       |                 |                  |                   |
| <b>Year 1</b>   |                                       |                 |                  |                   |
| <i>Emissions</i> <sup>3</sup>   | 3.76                                  | 40.53           | 2.37             | 1.99              |
| <i>BAAQMD Thresholds</i>  | 54                                    | 54              | 82               | 54                |
| <b>Is Threshold Exceeded?</b>   | <b>No</b>                             | <b>No</b>       | <b>No</b>        | <b>No</b>         |
| <b>Year 2</b>   |                                       |                 |                  |                   |
| <i>Emissions</i> <sup>3</sup>   | 52.52                                 | 26.58           | 2.42             | 1.63              |
| <i>BAAQMD Thresholds</i>  | 54                                    | 54              | 82               | 54                |
| <b>Is Threshold Exceeded?</b>   | <b>No</b>                             | <b>No</b>       | <b>No</b>        | <b>No</b>         |
| <b>Phase 2<sup>4</sup></b>  |                                       |                 |                  |                   |
| <b>Year 2</b>   |                                       |                 |                  |                   |
| <i>Emissions</i> <sup>3</sup>   | 8.38                                  | 19.09           | 1.21             | 1.08              |
| <i>BAAQMD Thresholds</i>  | 54                                    | 54              | 82               | 54                |
| <b>Is Threshold Exceeded?</b>   | <b>No</b>                             | <b>No</b>       | <b>No</b>        | <b>No</b>         |
| ROG = reactive organic gases; NO <sub>x</sub> = nitrogen oxides; PM <sub>10</sub> = particulate matter 10 microns in diameter or less; PM <sub>2.5</sub> = particulate matter 2.5 microns in diameter or less   |                                       |                 |                  |                   |
| Notes:  |                                       |                 |                  |                   |
| 1. Based on CalEEMod modeling results, worst-case seasonal emissions for construction emissions have been modeled. Refer to <a href="#">Appendix 8.1, Air Quality/Greenhouse Gas Data</a> , for assumptions used in this analysis.  |                                       |                 |                  |                   |
| 2. BAAQMD, <i>2010 California Environmental Quality Act Air Quality Guidelines</i> , May 2011.  |                                       |                 |                  |                   |
| 3. The emissions presented in this table are based on mitigation included in the CalEEMod model and as required by the BAAQMD through Basic Construction Mitigation Measures. The mitigation includes the following: properly maintain mobile and other construction equipment; water exposed surfaces three times daily; cover stock piles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour. |                                       |                 |                  |                   |
| 4. The timing of Phase 2 construction activities would not overlap with Phase 1 construction activities.  |                                       |                 |                  |                   |



### *ROG Emissions*

In addition to gaseous and particulate emissions, the application of asphalt and surface coatings emits reactive organic gases (ROG), which are O<sub>3</sub> precursors. In accordance with the methodology prescribed by the BAAQMD, the ROG emissions associated with paving have been quantified with CalEEMod. Architectural coatings were also quantified with CalEEMod based upon the size of the proposed buildings. As indicated in Table 4.3-1, the project would result in a maximum of 52.52 lbs/day of ROG emissions during Phase 1 Year 2 construction activities from primarily architectural coating applications. As such, construction ROG emissions would not exceed the BAAQMD threshold of 54 lbs/day. Therefore, a less than significant impact would occur with regard to ROG emissions. It should be noted that all Basic Construction Mitigation Measures would be implemented during construction to further reduce ROG emissions; refer to Mitigation Measure AQ-1. A less than significant impact would occur in this regard.

### *Construction Equipment and Worker Vehicle Exhaust*

Exhaust emission factors for typical diesel-powered heavy equipment are based on the CalEEMod program defaults. Variables factored into estimating the total construction emissions include: level of activity, length of construction period, number of pieces/types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on-site or offsite.

Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the project site, emissions produced on-site as the equipment is used, and emissions from trucks transporting materials and workers to and from the site. Emitted pollutants would include ROG, nitrogen oxides (NO<sub>x</sub>), PM<sub>10</sub>, and PM<sub>2.5</sub>. As shown in Table 4.3-1, BAAQMD thresholds would not be exceeded. Although construction pollutant emissions associated with the proposed project would be below BAAQMD thresholds, Basic Construction Mitigation Measures and NO<sub>x</sub> reduction measures would be implemented as required by the BAAQMD; refer to Mitigation Measure AQ-1. These measures include properly maintaining mobile and other construction equipment; watering exposed surfaces three times daily; covering stock piles with tarps; watering all haul roads twice daily; and limiting speeds on unpaved roads to 15 miles per hour. Adherence to BAAQMD Basic Construction Measures would further reduce emissions and a less than significant impact would occur in this regard.

### *Naturally Occurring Asbestos*

Pursuant to guidance issued by the Governor's Office of Planning and Research, State Clearinghouse, Lead Agencies are encouraged to analyze potential impacts related to naturally occurring asbestos (NOA). Naturally occurring asbestos can be released from serpentinite and ultramafic rocks when the rock is broken or crushed. At the point of release, the asbestos fibers may become airborne, causing air quality and human health hazards. These rocks have been commonly used for unpaved gravel roads, landscaping, fill projects, and other improvement projects in some localities. Asbestos may be released to the atmosphere due to vehicular traffic on unpaved roads, during grading for development projects, and at quarry operations.

Serpentinite and/or ultramafic rock are known to be present in 44 of California's 58 counties. These rocks are particularly abundant in the counties associated with the Sierra Nevada foothills, the Klamath Mountains, and Coast Ranges. The California Air Resources Board (CARB) has established two Airborne Toxic Control Measures (ATCMs) that address NOA. The first one



regulates surfacing materials and amends an older ATCM for asbestos-containing serpentine. The second ATCM, which applies to construction, grading, quarrying, and surface mining operations, requires more stringent dust control measures at these operations. The requirements for road construction and maintenance differ somewhat from those for general construction and grading (e.g., development of a shopping center). Other requirements of the proposed ATCM address post-construction stabilization of disturbed areas. These areas must be revegetated, paved, or covered with at least three inches of non-asbestos-containing material. NOA-containing material may be transported if the loads are adequately wetted or covered with tarps.

According to the Department of Conservation Division of Mines and Geology, *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos Report* (August 2000), the project site is located in an area where naturally occurring asbestos is not likely to be present. Thus, there would be no impact in this regard. *Total Daily Construction Emissions*

In accordance with the BAAQMD Guidelines, CalEEMod was utilized to model construction emissions for ROG, NO<sub>x</sub>, and PM<sub>10</sub>. Construction would occur over approximately 15.5 months during both phases with the greatest amount of fugitive dust emissions being generated during the grading and building construction stages of construction. Additionally, the greatest amount of ROG emissions would typically occur during the final stages of development due to the application of architectural coatings.

As indicated in [Table 4.3-1](#), the proposed project would not result in an exceedance of any BAAQMD thresholds for ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Therefore, a less than significant impact would occur. It should be noted, however, that Mitigation Measure AQ-1 would be implemented during construction to further reduce emissions and comply with BAAQMD's guidelines.

## **Long-Term Operational Impacts**

### *Mobile Source Emissions*

Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> are all pollutants of regional concern (NO<sub>x</sub> and ROG react with sunlight to form O<sub>3</sub> [photochemical smog], and wind currents readily transport PM<sub>10</sub> and PM<sub>2.5</sub>). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions have been estimated using CalEEMod. Trip generation rates associated with the project were based on traffic data within the *Self-Storage Project at 985 Montague Expressway Traffic and Transportation Review* (Traffic Technical Memorandum), prepared by Abrams Associates (dated January 11, 2016). [Table 4.3-2, Long-Term Operational Air Emissions](#), presents the anticipated mobile source emissions. As shown in [Table 4.3-2](#), operational emissions generated by the proposed project would not exceed established BAAQMD thresholds for ROG, NO<sub>x</sub>, PM<sub>10</sub>, and/or PM<sub>2.5</sub>. Impacts from mobile source air emissions would be less than significant.



**Table 4.3-2**  
**Long-Term Operational Air Emissions**

| Emissions Source  | Pollutant (pounds/day) <sup>1</sup> |                 |                  |                   |
|---|-------------------------------------|-----------------|------------------|-------------------|
|   | ROG                                 | NO <sub>x</sub> | PM <sub>10</sub> | PM <sub>2.5</sub> |
| <b>Phase 1 Long-Term Emissions</b>  |                                     |                 |                  |                   |
| Area Source Emissions   | 4.44                                | 0.00            | 0.00             | 0.00              |
| Energy Emissions  | 0.02                                | 0.16            | 0.01             | 0.01              |
| Mobile Emissions  | 1.19                                | 3.02            | 1.94             | 0.55              |
| <i>Total Phase 1 Unmitigated Emissions</i>  | 5.65                                | 3.18            | 1.95             | 0.56              |
| <i>BAAQMD Threshold<sup>2</sup></i>   | 54                                  | 54              | 82               | 54                |
| <b><i>Is Threshold Exceeded? (Significant Impact?)</i></b>  | <b>No</b>                           | <b>No</b>       | <b>No</b>        | <b>No</b>         |
| <b>Phase 2 Long-Term Emissions</b>  |                                     |                 |                  |                   |
| Area Source Emissions   | 0.33                                | 0.00            | 0.00             | 0.00              |
| Energy Emissions  | 0.00                                | 0.01            | 0.00             | 0.00              |
| Mobile Emissions  | 0.09                                | 0.22            | 0.14             | 0.04              |
| <i>Total Phase 2 Unmitigated Emissions</i>  | 0.42                                | 0.23            | 0.14             | 0.04              |
| <i>BAAQMD Threshold<sup>2</sup></i>   | 54                                  | 54              | 82               | 54                |
| <b><i>Is Threshold Exceeded? (Significant Impact?)</i></b>  | <b>No</b>                           | <b>No</b>       | <b>No</b>        | <b>No</b>         |
| <b><i>Total Project Unmitigated Emissions<sup>3</sup></i></b>   | <b>6.07</b>                         | <b>3.41</b>     | <b>2.09</b>      | <b>0.60</b>       |
| Notes:  |                                     |                 |                  |                   |
| 1. Based on CalEEMod modeling results, worst-case seasonal emissions for area, energy, and mobile emissions have been modeled. Refer to Appendix 8.1, <i>Air Quality/Greenhouse Gas Data</i> , for assumptions used in this analysis. |                                     |                 |                  |                   |
| 2. Bay Area Air Quality Management District, <i>California Environmental Quality Act Air Quality Guidelines</i> , May 2011.   |                                     |                 |                  |                   |
| 3. Totals may be slightly off due to rounding.  |                                     |                 |                  |                   |

### Area Source Emissions

Area source emissions would be generated due to an increased demand for consumer products, architectural coating, and landscaping. As shown in Table 4.3-2, area source emissions from the proposed project would not exceed BAAQMD thresholds for ROG, NO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>. Impacts from area source air emissions would be less than significant.

### Energy Source Emissions

Energy source emissions would be generated as a result of electricity and natural gas (non-hearth) usage associated with the proposed project. The primary use of electricity and natural gas by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. As shown in Table 4.3-2, energy source emissions from the proposed project would not exceed BAAQMD thresholds for ROG, NO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub>. Impacts from energy source air emissions would be less than significant.

### Conclusion

As indicated in Table 4.3-2, unmitigated operational emissions from the proposed project would not exceed BAAQMD thresholds. If stationary sources, such as backup generators, are installed on-site, they would be required to obtain the applicable permits from BAAQMD for operation of such equipment. The BAAQMD is responsible for issuing permits for the operation of stationary sources in order to reduce air pollution, and to attain and maintain the national and California



ambient air quality standards in the SFBAAB. Backup generators would be used only in emergency situations, and would not contribute a substantial amount of emissions capable of exceeding BAAQMD thresholds. Thus, operational air quality impacts would be less than significant.

***Mitigation Measures:***

AQ-1 Prior to issuance of a Demolition Permit, the City Engineer and the Chief Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that in compliance with Bay Area Air Quality Management District's Basic Construction Mitigation Measures, the following basic construction mitigation measures shall be implemented:

- Water all active construction areas to maintain 12 percent soil moisture.
- All grading shall be suspended when winds exceed 20 miles per hour.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.



- c) ***Result in a cumulatively considerable net increase of any criteria pollutant for which the air basin is nonattainment under an applicable Federal or State ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?***

***Less Than Significant Impact With Mitigation Incorporated.*** No potential cumulative impacts on air quality standards have been identified based on the following analysis.

#### **Cumulative Short-Term Emissions**

The SFBAAB is designated nonattainment for O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> for state standards and nonattainment for O<sub>3</sub> and PM<sub>2.5</sub> for federal standards. As discussed above, the project's construction-related emissions by themselves would not have the potential to exceed the BAAQMD significance thresholds for criteria pollutants.

Since these thresholds indicate whether an individual project's emissions have the potential to affect cumulative regional air quality, it can be expected that the project-related construction emissions would not be cumulatively considerable. The BAAQMD recommended Basic Construction Mitigation Measures are recommended for all projects whether or not construction-related emissions exceed the thresholds of significance. Compliance with BAAQMD construction-related mitigation requirements are considered to reduce cumulative impacts at a Basin-wide level. Therefore, construction emissions associated with the proposed project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

#### **Cumulative Long-Term Emissions**

The BAAQMD has not established separate significance thresholds for cumulative operational emissions. The nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The BAAQMD developed the operational thresholds of significance based on the level above which a project's individual emissions would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. Therefore, a project that exceeds the BAAQMD operational thresholds would also be a cumulatively considerable contribution to a significant cumulative impact. As depicted in Table 4.3-2, the proposed project's operational emissions would not exceed BAAQMD thresholds. Therefore, operational emissions associated with the proposed project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

***Mitigation Measures:*** Refer to Mitigation Measure AQ-1.

- d) ***Expose sensitive receptors to substantial pollutant concentrations?***

***Less Than Significant Impact.*** According to BAAQMD, sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools and school yards, parks and play grounds, daycare centers, nursing homes, and medical facilities. CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma,



emphysema, and bronchitis. The closest sensitive receptors are the multi-family residential uses located 865 feet southwest of the project site.

### **Localized Carbon Monoxide Hotspots**

The SFBAAB is designated as attainment for carbon monoxide (CO). Emissions and ambient concentrations of CO have decreased dramatically in the SFBAAB with the introduction of the catalytic converter in 1975. No exceedances of the California Ambient Air Quality Standards (CAAQS) or National Ambient Air Quality Standards (NAAQS) for CO have been recorded at nearby monitoring stations since 1991. As a result, the BAAQMD screening criteria notes that CO impacts may be determined to be less than significant if a project is consistent with the applicable congestion management plan (CMP) and would not increase traffic volumes at local intersections to more than 24,000 vehicles per hour for locations in heavily urban areas, where “urban canyons” formed by buildings tend to reduce air circulation. Based on the scope of the proposed project (construction of 171,924 square-foot self-storage facilities), traffic would increase along surrounding roadways during long-term operational activities. However, according to the Traffic Technical Memorandum (provided in [Appendix 8.6](#)) for the proposed project, the entire project would generate a low volume of traffic (approximately 330 daily trips). Given that the project would not generate a significant number of vehicle trips, impacts related to CO concentrations would be less than significant.

### **Risk and Health Hazards**

According to Section 39655 of the California Health and Safety Code, a toxic air contaminant (TAC) is “an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health.” In addition, substances that have been listed as Federal hazardous air pollutants (HAPs) pursuant to Section 7412 of Title 42 of the United States Code are TACs under the State’s air toxics program pursuant to Section 39657 (b) of the California Health and Safety Code. TACs can cause various cancers, depending on the particular chemicals, their type, and duration of exposure. Additionally, some of the TACs may cause other health effects over the short or long term. TACs of particular concern for posing health risks in California are acetaldehyde, benzene, 1-3 butadiene, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, perchlorethylene, and diesel particulate matter (DPM). As the proposed self-storage facility would not generate TACs that could pose a possible risk to off-site uses, a health risk assessment was not conducted. Health risk related impacts associated with the Montague Expressway Self-Storage Facility project would be less than significant.

**Mitigation Measures:** Refer to Mitigation Measure AQ-1.

#### **e) *Create objectionable odors affecting a substantial number of people?***

**Less Than Significant Impact.** According to the BAAQMD, land uses associated with odor complaints typically include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The project proposes a self-storage facility and does not include any uses identified by the BAAQMD as being associated with odors.



**MONTAGUE EXPRESSWAY SELF-STORAGE FACILITY**  
Public Review Draft Initial Study/Mitigated Negative Declaration

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Potential odors could arise from the diesel construction equipment used on-site, as well as from architectural coatings and asphalt off-gassing. Odors generated from the referenced sources are common in the man-made environment and are not known to be substantially offensive to adjacent receptors. Construction-related odors would be short-term in nature and cease upon project completion. Any impacts to existing adjacent land uses would be short-term and are considered less than significant.

***Mitigation Measures:*** No mitigation measures are required.



## 4.4 BIOLOGICAL RESOURCES

| <i>Would the project:</i>  | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? |                                | ✓   |                              |           |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?   |                                |   |                              | ✓         |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   |                                |   |                              | ✓         |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   |                                |   |                              | ✓         |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  |                                | ✓   |                              |           |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   |                                | ✓   |                              |           |

- a) ***Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

***Less Than Significant Impact With Mitigation Incorporated.*** The project site is fully developed and located within an urbanized area. No endangered, rare, threatened, or special status plant species (or associated habitats) or wildlife species designated by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), or California Native Plant Society (CNPS) are known to occur on-site. However, based on the Santa Clara Valley Habitat Plan, the project site is located within the expanded study area for Burrowing Owl Conservation.<sup>1</sup> Based on Figure 5-11, *Burrowing Owl Conservation Strategy – Habitat Types*,

<sup>1</sup> Figure 1-2, Santa Clara Valley Habitat Plan Study Area and Permit Area, of the *Final Santa Clara Valley Habitat Plan*, prepared by ICF International, dated August 2012.



of the Santa Clara Valley Habitat Plan, the project site is situated within the North San Jose/Baylands Region, designated as Burrowing Owl Conservation Zone. However, it is outside of the identified occupied nesting burrowing owl habitat.

The western burrowing owl is considered a special status wildlife species of concern. Based on the Habitat Conservation Plan, the population of western burrowing owl is declining in the plan area. Conservation opportunities in the study area to increase the local population are very limited. After extensive discussions with the Wildlife Agencies and species experts, it became clear that the only way to increase the local population was to provide conservation outside the study area.

Although the project site is located within the identified Burrowing Owl Conservation Zone, the site is highly disturbed and surrounded by developed land uses. It is unlikely that the western burrowing owl is present on-site. However, since the site is partially vacant, there is a possibility of presence on-site. Thus, the project would be required to prepare a Suitability Assessment for Burrowing Owl in order to verify if the western burrowing owl is present or may be present on-site (Mitigation Measure BIO-1). If determined to be present or have the potential to be present based on observations on-site, a Protocol Survey would be required to be conducted accordance with the current California Department of Fish and Wildlife or United States Fish and Wildlife Services survey protocols for the Burrowing Owl. With implementation of the recommended Mitigation Measure BIO-1, impacts in this regard would be reduced to less than significant levels.

**Mitigation Measures:**

BIO-1 Prior to the issuance of a grading permit, the Applicant shall retain a qualified biologist to conduct a Suitability Assessment for the Burrowing Owl (*Athene cunicularia*). If the biologist determines that no suitable habitat, burrowing owl individuals, or sign (i.e., pellets, feathers, or white wash) are found on the project site during the suitability assessment, a final pre-construction burrowing owl clearance survey shall be conducted three (3) days prior to the start of site disturbance activities to ensure burrowing owl remain absent from the project site.

However, if the biologist determines that, based on the Suitability Assessment, the project site has the potential to provide suitable habitat for burrowing owl or burrowing owl sign is observed, the biologist shall conduct a focused burrowing owl survey during the breeding season. The Protocol Survey shall be conducted in accordance with the current California Department of Fish and Wildlife or United States Fish and Wildlife Services survey protocols for the Burrowing Owl.

b) ***Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

**No Impact.** There is no riparian habitat or other sensitive natural communities present on the project site. Project implementation would not significantly impact any riparian habitat or other sensitive natural community.

**Mitigation Measures:** No mitigation measures are required.



- c) ***Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, costal, etc.) through direct removal, filling, hydrological interruption, or other means?***

**No Impact.** There are no federally protected wetlands present on the project site. Project implementation would not impact federally protected wetlands through direct removal, filling, hydrological interruption, or other means. No impacts would result in this regard.

**Mitigation Measures:** No mitigation measures are required.

- d) ***Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

**No Impact.** No identified wildlife corridors or native wildlife nurseries occur within the boundaries of the project site. The portion of Berryessa Creek in the project vicinity is surrounded by urban industrial/commercial uses in the project area and, therefore, does not function as a wildlife movement corridor. As such, project implementation would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

**Mitigation Measures:** No mitigation measures are required.

- e) ***Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?***

**Less Than Significant Impact With Mitigation Incorporated.** The City has a Tree Ordinance in place (Milpitas Municipal Code Section X-2-7.01 [Existing Trees Protected]) to protect those trees that have a trunk of 12-inches (37-inch circumference) or greater in diameter (for commercial property), regardless of the species. Based on the *Tree Survey Report* (Tree Survey Report), dated April 17, 2015 (provided in Appendix 8.2, *Tree Survey Report*), there are currently 22 trees located on the project site. Development of the proposed project would remove 21 of the 22 trees; as described in Table 4.4-1, *Existing On-Site Trees*.

Based on the Tree Survey Report, 9 of the 22 trees are considered to be protected trees per the Milpitas Tree Ordinance. Implementation of the proposed project would protect-in-place 1 of the 9 protected trees and would remove the remaining 8 protected trees.

The goal of tree preservation is not merely tree survival during development but maintenance of tree health and beauty. For the proposed tree preservation of the Valley oak, construction activities could result in extensive injury and project operations could inadequately maintain these specimens such that these trees become a liability rather than an asset. The response of individual trees depends on the amount of excavation and grading, the care with which demolition is undertaken, and the construction methods. Coordinating any construction activity inside a Certified Consulting Arborist-identified Tree Protection Zone can minimize these impacts.



**Table 4.4-1**  
**Existing On-Site Trees**

| Tree No. <sup>1</sup> | Tree Species  | Existing Condition of Tree <sup>2</sup> | Protected under Milpitas Municipal Code? | Proposed for Removal?                |
|-----------------------|---|---|--|--------------------------------------|
| 1                     | <b>Fruitless mulberry (<i>Morus alba</i>)</b>         | <b>Moderate</b>                         | <b>Yes</b>                               | <b>Yes</b>                           |
| 2                     | Glossy privet ( <i>Lugustrum lucidum</i> )            | Moderate                                | No                                       | Yes                                  |
| 3                     | <b>Fruitless mulberry (<i>Morus alba</i>)</b>         | <b>Moderate</b>                         | <b>Yes</b>                               | <b>Yes</b>                           |
| 4                     | Glossy privet ( <i>Lugustrum lucidum</i> )            | Moderate                                | No                                       | Yes                                  |
| 5                     | <b>Fruitless mulberry (<i>Morus alba</i>)</b>         | <b>Moderate</b>                         | <b>Yes</b>                               | <b>Yes</b>                           |
| 6                     | Eugenia ( <i>Syzigium paniculatum</i> )               | Moderate                                | No                                       | Yes                                  |
| 7                     | Glossy privet ( <i>Lugustrum lucidum</i> )            | Moderate                                | No                                       | Yes                                  |
| 8                     | <b>Fruitless mulberry (<i>Morus alba</i>)</b>         | <b>Moderate</b>                         | <b>Yes</b>                               | <b>Yes</b>                           |
| 9                     | European olive ( <i>Olea europaea</i> )               | Moderate                                | No                                       | Yes                                  |
| 10                    | European olive ( <i>Olea europaea</i> )               | Moderate                                | No                                       | Yes                                  |
| 11                    | <b>Ash (<i>Fraxinus sp.</i>)</b>                      | <b>Moderate</b>                         | <b>Yes</b>                               | <b>Yes</b>                           |
| 12                    | <b>Mexican fan palm (<i>Washingtonia robusta</i>)</b> | <b>Good</b>                             | <b>Yes</b>                               | <b>Yes</b>                           |
| 13                    | Eugenia ( <i>Syzigium paniculatum</i> )               | Moderate                                | No                                       | Yes                                  |
| 14                    | Coast red elderberry ( <i>Sambucus callicarpa</i> )   | Moderate                                | No                                       | Yes                                  |
| 15                    | Chinese pistache ( <i>Pistachia chinensis</i> )       | Moderate                                | No                                       | Yes                                  |
| 16                    | Brazilian pepper ( <i>Schinus terebinthifolus</i> )   | Moderate                                | No                                       | Yes                                  |
| 17                    | <b>Mexican fan palm (<i>Washingtonia robusta</i>)</b> | <b>Good</b>                             | <b>Yes</b>                               | <b>Yes</b>                           |
| 18                    | Coast red elderberry ( <i>Sambucus callicarpa</i> )   | Moderate                                | No                                       | Yes                                  |
| 19                    | <b>Mexican fan palm (<i>Washingtonia robusta</i>)</b> | <b>Good</b>                             | <b>Yes</b>                               | <b>Yes</b>                           |
| 20                    | Mexican fan palm ( <i>Washingtonia robusta</i> )      | Good                                    | No                                       | Yes                                  |
| 21                    | Coast red elderberry ( <i>Sambucus callicarpa</i> )   | Moderate                                | No                                       | Yes                                  |
| 22                    | <b>Valley oak (<i>Quercus lobate</i>)</b>             | <b>Moderate</b>                         | <b>Yes</b>                               | <b>No (to be preserved in place)</b> |

Notes: **Bold** denotes protected trees per the Milpitas Municipal Code.

1. Tree number locations correlate to the Tree Survey Map attached to the Tree Survey Report, provided in [Appendix 8.2](#).

2. The existing tree condition is based on the methodologies presented in the Tree Survey Report ([Appendix 8.2](#)):

**Poor** = Tree in poor health or with significant structural defects that cannot be mitigated. Tree is expected to continue to decline, regardless of treatment. The species or individual may have characteristics that are undesirable for landscapes, and generally are unsuited for use areas.

**Moderate** = Trees with somewhat declining health and/or structural defects than can be abated with treatment. The tree will require more intense management and monitoring, and may have shorter life span than those in 'good' category.

**Good** = Trees with good health and structural stability that have the potential for longevity at the site.

Source: Ed Brennan, Consulting Arborist, *Tree Survey Report*, dated April 17, 2015; [Appendix 8.2, Tree Survey Report](#).

Implementation of the recommended Mitigation Measure BIO-2 would ensure the health of Valley oak tree species, proposed for preservation, during construction. Prior to the approval of grading plans, the Applicant would be required to retain a Certified Consulting Arborist, as approved by the City of Milpitas, to identify Tree Protection Zones on project grading plans. No grading, construction, demolition, or other work would be permitted within the Tree Protection Zone, unless permitted and monitored by the Consulting Arborist. Any root pruning required for construction purposes would receive the prior approval of, and be supervised by, the Consulting Arborist. Supplemental irrigation would also be applied. If injury should occur to any tree during construction, it would be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied. No excess soil, chemicals, debris, equipment, or other



materials would be allowed to be dumped or stored within the Tree Protection Zone. Any additional tree pruning needed for clearance during construction would be required to be performed by a Certified Arborist. Last, as trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings, and pavements on expansive soils near trees would be designed to withstand differential displacement (recommended Mitigation Measure BIO-3).

For the remaining 8 protected trees proposed for removal by the project, the Applicant must comply with Municipal Code Section X-2-4.02 (Permit Required for Removal). Per this Subsection, it is unlawful for any person other than City personnel in the performance of their duties to remove any street tree, protected tree, or heritage planting without first applying for a permit issued by the Public Works Department. The Public Works Department may determine that a tree authorized for removal be replaced by the permittee through the compensation methods described in Section X-2-9.01, subsections (a), (b) or (c).

With compliance with the Milpitas Municipal Code and implementation of the recommended Mitigation Measures BIO-2 and BIO-3, the proposed project would not conflict with any local policies or ordinances protecting biological resources. Impacts in this regard would be reduced to less than significant levels.

***Mitigation Measures:***

**BIO-2** Prior to the approval of grading plans, the Applicant shall retain a Certified Consulting Arborist, as approved by the City of Milpitas, to identify Tree Protection Zones on project grading plans. The project grading plans shall note that trees proposed to be protected-in-place, as identified by the Consulting Arborist, shall be enclosed via six-foot high fencing in order to identify the Tree Protection Zone prior to demolition, grubbing, or grading. The Tree Protection Zone fencing shall allow for pedestrian access. Fences shall remain in place until all grading and construction is completed.

No grading, construction, demolition, or other work shall occur within the Tree Protection Zone, unless approved and monitored by the Consulting Arborist. Grading within the dripline of any tree shall be monitored by the Consulting Arborist. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Consulting Arborist. Supplemental irrigation shall be applied as determined by the Consulting Arborist. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied. No excess soil, chemicals, debris, equipment, or other materials shall be dumped or stored within the Tree Protection Zone. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.

**BIO-3** Prior to approval of Final Design Plans by the City of Milpitas, foundations, footings, and pavements on expansive soils near trees shall be designed to withstand differential displacement. These design features, if applicable, shall be noted on the Final Design Plans.



- f) ***Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

***Less Than Significant Impact With Mitigation Incorporated.*** The proposed project is not subject to the Santa Clara Valley Habitat Plan, as the northern boundary of the Plan is Montague Expressway.<sup>2</sup> However, the project site is located within the expanded study area for Burrowing Owl Conservation.<sup>3</sup> Refer to Response 4.4(a) pertaining to the project's potential impacts to the western burrowing owl. With implementation of the recommended Mitigation Measure BIO-1, potential impacts pertaining to the western burrowing owl would be less than significant and the project would comply with the intent of the Santa Clara Valley Habitat Plan with regard to the western burrowing owl. Impacts in this regard would be reduced to less than significant levels.

***Mitigation Measures:*** Refer to Mitigation Measure BIO-1.

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<sup>2</sup> Figure 6-8, Private Development Areas Subject to the Plan, of the *Final Santa Clara Valley Habitat Plan*, prepared by ICF International, dated August 2012.

<sup>3</sup> Figure 1-2, Santa Clara Valley Habitat Plan Study Area and Permit Area, of the *Final Santa Clara Valley Habitat Plan*, prepared by ICF International, dated August 2012.



## 4.5 CULTURAL RESOURCES

| <i>Would the project:</i>   | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5?    |                                |   |                              | ✓         |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5? |                                | ✓   |                              |           |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?                       |                                | ✓   |                              |           |
| d. Disturb any human remains, including those interred outside of formal cemeteries?  |                                |   | ✓                            |           |

**a) *Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?***

**No Impact.** The proposed project would not result in a substantial adverse change in the significance of a historical resource. The project site is currently comprised of structures associated with the former industrial operations (JCI). Per General Plan Table 4-6, *Designated Cultural Resources*, of the Open Space and Environmental Conservation Element, these on-site structures are not considered historic sites. The proposed project would demolish the existing structures and construct the proposed self-storage facility. The existing on-site structures are not associated with significant events, important persons, or distinctive characteristics of a type, period, or method of construction; representing the work of an important creative individual; or do not possess high artistic values. Thus, project implementation would not cause a substantial adverse change in the significance of a historical resource and no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?***

**Less Than Significant Impact With Mitigation Incorporated.** The project site exists within a highly developed area and has been completely disturbed as a result of development of the former JCI facility on-site. According to the Open Space and Environmental Conservation Element of the General Plan, two notable Costanoan village sites lie within the City limits. One, a huge shellmound near the present-day Elmwood Rehabilitation Center, was discovered in 1949 and dates back to the eighteenth century. The other, on the site of the Alviso Adobe near the corner of Calaveras and Piedmont, is at least 3,000 years old and is one of only a handful of archaeological sites in California with such a long history of continuous occupation. Both of these sites are located greater than one mile from the project site.



Although it is not expected that archaeological resources would be encountered during construction due to previous disturbance at the site, the project would require excavation activities. As such, Mitigation Measure CUL-1 is recommended in the unlikely event that such resources are discovered during the grading and excavation process and trenching activities. Upon implementation of the recommended Mitigation Measure CUL-1, impacts would be reduced to less than significant levels.

***Mitigation Measures:***

CUL-1 If evidence of subsurface archaeological resources is found during construction, excavation, trenching, and/or other construction activities in that area shall cease and the construction contractor shall contact the Director of Planning and Neighborhood Services. With direction from the Director of Planning and Neighborhood Services, an archaeologist approved by the City of Milpitas shall be retained by the Applicant to evaluate the discovery prior to resuming grading in the immediate vicinity of the find. If warranted, the archaeologist shall collect the resource and prepare a technical report describing the results of the investigation. The test-level report shall evaluate the site including discussion of significance (depth, nature, condition, and extent of the resources), final mitigation recommendations, and cost estimates.

c) ***Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

***Less Than Significant Impact With Mitigation Incorporated.*** As noted above, the site exists within a highly developed area and the project site has been completely disturbed as a result of the existing on-site uses. Although it is not expected that paleontological resources would be encountered during construction, the project would require excavation and trenching that could unearth undocumented subsurface paleontological resources. As such, Mitigation Measure CUL-2 is provided in the unlikely event that such resources are discovered during the grading and excavation process. Upon implementation of the recommended mitigation measure CUL-2, impacts would be reduced to less than significant levels.

***Mitigation Measures:***

CUL-2 If evidence of subsurface paleontological resources is found during construction, excavation, trenching, and/or other construction activities in that area shall cease and the construction contractor shall contact the Director of Planning and Neighborhood Services. With direction from the Director of Planning and Neighborhood Services, a paleontologist approved by the City of Milpitas shall evaluate the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.

d) ***Disturb any human remains, including those interred outside of formal cemeteries?***

***Less Than Significant Impact.*** Given the fully developed condition of the site, the potential for project implementation to disturb any human remains is remote. Additionally, no conditions exist that suggest human remains are likely to be found on the project site. Human remains,



including those interred outside of formal cemeteries, are not anticipated to be encountered during earth removal or disturbance activities. However, if human remains are found, those remains would be required to conduct proper treatment, in accordance with applicable laws. State of California Public Resources Health and Safety Code Sections 7050.5 to 7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission (NAHC), and consultation with the individual identified by the NAHC to be the “most likely descendant.” If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains until the County coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with existing State regulations, which detail the appropriate actions necessary in the event human remains are encountered, impacts in this regard would be reduced to less than significant levels.

***Mitigation Measures:*** No mitigation measures are required.



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## 4.6 GEOLOGY AND SOILS

| <i>Would the project:</i>  | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:   |                                |   |                              |           |
| 1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. |                                |   |                              | ✓         |
| 2) Strong seismic ground shaking?  |                                | ✓   |                              |           |
| 3) Seismic-related ground failure, including liquefaction?   |                                |   | ✓                            |           |
| 4) Landslides?   |                                |   |                              | ✓         |
| b. Result in substantial soil erosion or the loss of topsoil?  |                                |   | ✓                            |           |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?  |                                |   | ✓                            |           |
| d. Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001), creating substantial risks to life or property?  |                                | ✓   |                              |           |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?  |                                |   |                              | ✓         |

This section is primarily based upon the *Geotechnical Investigation* (Geotechnical Investigation) for the proposed project, prepared by Friar Associates, Inc., (dated April 30, 2015); refer to Appendix 8.3, *Geotechnical Investigation*.

- a) ***Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:***
  - 1) ***Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.***

**No Impact.** The San Francisco Bay Area is one of the most seismically active regions in the United States. The San Francisco Bay Area is subject to the effects of seismic activity due to



the active faults that traverse the area. Santa Clara County (of which the project site is located) is designated as an area of high seismic hazard.<sup>1</sup> However, according to the Geotechnical Investigation, the project site is not located within an Alquist-Priolo Earthquake Fault Zone prepared by the California Geological Survey (CGS). The possibility of damage due to ground rupture is considered low since no active faults are known to cross the site. Since no known faults exist in the site vicinity and the site is not located within an Alquist-Priolo Earthquake Fault Zone, impacts would not occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

## 2) **Strong seismic ground shaking?**

**Less Than Significant Impact With Mitigation Incorporated.** The San Francisco Bay Area has numerous active seismic faults subjecting residents to potential earthquake and seismic-related hazards. Seismic activity poses two types of potential hazards for residents and structures, categorized either as primary or secondary hazards. Primary hazards include ground rupture, ground shaking, ground displacement, subsidence, and uplift from earth movement. Primary hazards can also induce secondary hazards such as ground failure (lurch cracking, lateral spreading, and slope failure), liquefaction, water waves (seiches), movement on nearby faults (sympathetic fault movement), dam failure, and fires.

As stated above in Response 4.6(a), no faults (active, potentially active, or inactive) are known to exist in the site vicinity. However, ground shaking at the site could be severe if a major earthquake occurs with an epicentral location close to the project site. The expected ground motion characteristics of future earthquakes in the region would depend on the characteristics of the generating fault, the distance to the epicenter, the magnitude of the earthquake, and the site-specific geologic conditions. According to the Geotechnical Investigation, the closest faults to the project site are the Hayward and Calaveras faults, located within approximately five miles of the nearest project boundary. These faults have a maximum moment magnitude of between 6.2 and 7.1 Maximum Moment Magnitude (mmm).<sup>2</sup> In addition, the San Andreas Fault, located approximately 16 miles from the project site, is capable of generating an earthquake with a 7.9 maximum moment magnitude. As such, it is possible that strong ground shaking could occur at the project site during an earthquake. However, building and structures that would be constructed for the project would be subject to the City's existing construction ordinances and the California Building Code (CBC) in order to minimize hazards during a seismic event. The CBC includes standards related to soils and foundations, structural design, building materials, and structural testing and inspections. The Geotechnical Investigation also provides geotechnical recommendations (including CBC requirements) that the project engineer would be required to comply with. Adherence to these building requirements as part of Mitigation Measure GEO-1 would minimize risks related to seismic shaking to a less than significant level.

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<sup>1</sup> U.S. Geologic Survey, California 2014 Seismic Hazard Map, <http://earthquake.usgs.gov/earthquakes/states/california/hazards.php>, accessed December 9, 2015.

<sup>2</sup> Moment magnitude measures the size of events in terms of how much energy is released. Specifically, moment magnitude relates to the amount of movement by rock (i.e. the distance of movement along a fault or fracture) and the area of the fault or fracture surface. Since magnitude scales are logarithmic, an increase of one unit of magnitude on a magnitude scale is equivalent to an increase of 10 times the amplitude recorded by a seismograph and approximately 30 times the energy. In the image above, the area of the circle is proportional to the energy of an event at moment magnitude +1 versus moment magnitude +2. Source: ESG Solutions, *What is Moment Magnitude?* <https://www.esgsolutions.com/technical-resources/microseismic-knowledgebase/what-is-moment-magnitude>, accessed January 13, 2016.



**Mitigation Measures:**

GEO-1 Prior to issuance of a building permit, the City of Milpitas Building Official shall ensure that final engineering plans meet the design parameters for seismic safety identified in the Geotechnical Investigation (Friar Associates, Inc., April 30, 2015), and the latest version of the California Building Code.

**3) Seismic-related ground failure, including liquefaction?**

**Less Than Significant Impact.** Liquefaction is a seismic phenomenon in which loose, saturated, granular soils behave similarly to a fluid when subject to high-intensity ground shaking. Liquefaction occurs when three general conditions coexist: 1) shallow groundwater; 2) low density non-cohesive (granular) soils; and 3) high-intensity ground motion. Saturated, loose to medium dense, near surface cohesionless soils exhibit the highest liquefaction potential, while dry, dense, cohesionless soils and cohesive soils exhibit low to negligible liquefaction potential. In general, cohesive soils are not considered susceptible to liquefaction. Effects of liquefaction on level ground include settlement, sand boils, and bearing capacity failures below structures. Dynamic settlement of dry loose sands can occur as the sand particles tend to settle and densify as a result of a seismic event.

According to the Geotechnical Investigation, the subsurface soils at the project site consist of fill, clay, silt, sand, and gravel. Based on the Geotechnical Investigation, liquefaction on-site as a result of severe ground shaking is unlikely. Impacts in this regard are less than significant.

Lateral spreading is a type of liquefaction-induced ground failure associated with the lateral displacement of surficial blocks of sediment resulting from liquefaction in a subsurface layer. Once liquefaction transforms the subsurface layer into a fluid mass, gravity plus the earthquake inertial forces may cause the mass to move downslope towards a free face (such as a river channel or an embankment). Lateral spreading may cause large horizontal displacements and such movement typically damages pipelines, utilities, bridges, and structures. Due to the site being relatively level and the lack of an adjacent free face to drive lateral spreading, the potential for lateral spreading is considered very low. Impacts in this regard are less than significant.

**Mitigation Measures:** No mitigation measures are required.

**4) Landslides?**

**No Impact.** The project site and surrounding topography is generally flat, making the possibility for landslides extremely remote. Consequently, there is no potential for landslides to occur on or near the proposed project site as a result of the proposed project. Therefore, there would be no impact associated with the exposure of people or structures to potential substantial adverse effects involving landslides.

**Mitigation Measures:** No mitigation measures are required.

**b) Result in substantial soil erosion or the loss of topsoil?**

**Less Than Significant Impact.** The primary concern in regards to soil erosion or loss of topsoil would be during the construction phase of the project. Grading and earthwork activities



associated with project construction activities would expose soils to potential short-term erosion by wind and water. Construction of the proposed project would be required to comply with the requirements set forth in the National Pollutant Discharge Elimination System (NPDES) Storm Water General Construction Permit for construction activities; refer to Response 4.9(a). The NPDES Storm Water General Construction Permit requires preparation of a Storm Water Pollution Prevention Plan (SWPPP), which would identify specific erosion and sediment control Best Management Practices (BMPs) that would be implemented to protect storm water runoff during construction activities.

Long-term operational impacts related to soil erosion or loss of topsoil would be required to comply with the NPDES requirements (i.e., the Municipal Regional Stormwater NPDES Permit), and City's urban runoff and water pollution policies (e.g., Title XI, Chapter 16, Stormwater and Urban Runoff Pollution Control, of the City's Municipal Code), refer to Response 4.9(a). Compliance with the requirements of the NPDES, and City requirements would minimize effects from erosion and ensure consistency with the RWQCB requirements, reducing impacts to a less than significant level.

**Mitigation Measures:** No mitigation measures are required.

- c) ***Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?***

**Less Than Significant Impact.** The proposed project site is located within a seismically-active area. As stated within Response 4.6(a)(3), impacts related to liquefaction would be less than significant and as demonstrated in Response 4.6(a)(4), the project site would not be subject to earthquake-induced landslides.

Subsidence is a general lowering of the ground surface over a large area, and is generally attributed to lowering of the groundwater levels, settlement of peat, and oxidation of peat. More localized or focal subsidence or settlement of the ground can occur as a result of earthquake motion. This type of settlement and consequent differential settlement results from compaction of loose cohesionless soils. The project site is generally flat, and as noted above, the soils underlying the surface consist of fill, clay, silt, sand, and gravel. Due to varying groundwater elevations and subsurface soil types at the project site, subsidence is not anticipated to create unstable conditions as a result of the project. In addition, as noted in the Geotechnical Investigation, the soils underlying the project site are unlikely to liquefy; therefore, lateral spreading and/or collapse would not be likely at the project site. Thus, a less than significant impact would result.

**Mitigation Measures:** No mitigation measures are required.

- d) ***Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?***

**Less Than Significant Impact With Mitigation Incorporated.** According to the Geotechnical Investigation, the near-surface native soils are moderately expansive. Expansive soils contract when dry but increase in volume when they gain water. The degree of expansion depends on the antecedent soil water content prior to gaining water. The cycle of contraction and expansion in the soil tend to have detrimental effects on foundation elements, particularly, on concrete



elements. However, as stated above, the proposed project would be designed and constructed in accordance with CBC requirements and the recommendations of the Geotechnical Investigation (refer to Mitigation Measure GEO-1), which would minimize any impacts related to expansive soils. Impacts would be considered less than significant upon implementation of Mitigation Measure GEO-1 and the CBC.

**Mitigation Measures:** Refer to Mitigation Measure GEO-1.

- e) ***Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?***

**No Impact.** The project would not involve the use of septic tanks or alternative wastewater disposal systems, and no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.



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## 4.7 GREENHOUSE GAS EMISSIONS

| <i>Would the project:</i>  | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?        |                                |   | ✓                            |           |
| b. Conflict with an applicable plan, policy, or regulations adopted for the purpose of reducing the emissions of greenhouse gases? |                                |   | ✓                            |           |

### GLOBAL CLIMATE CHANGE

California is a substantial contributor of global greenhouse gases (GHGs), emitting over 400 million tons of carbon dioxide (CO<sub>2</sub>) per year.<sup>1</sup> Climate studies indicate that California is likely to see an increase of three to four degrees Fahrenheit over the next century. Methane (CH<sub>4</sub>) is also an important GHG that potentially contributes to global climate change. GHGs are global in their effect, which is to increase the earth's ability to absorb heat in the atmosphere. As primary GHGs have a long lifetime in the atmosphere, accumulate over time, and are generally well-mixed, their impact on the atmosphere is mostly independent of the point of emission.

The impact of human activities on global climate change is apparent in the observational record. Air trapped by ice has been extracted from core samples taken from polar ice sheets to determine the global atmospheric variation of CO<sub>2</sub>, CH<sub>4</sub>, and nitrous oxide (N<sub>2</sub>O) from before the start of industrialization (approximately 1750), to over 650,000 years ago. For that period, it was found that CO<sub>2</sub> concentrations ranged from 180 to 300 parts per million. For the period from approximately 1750 to the present, global CO<sub>2</sub> concentrations increased from a pre-industrialization period concentration of 280 to 379 parts per million in 2005, with the 2005 value far exceeding the upper end of the pre-industrial period range.

### REGULATIONS AND SIGNIFICANCE CRITERIA

The Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. It concluded that a stabilization of GHGs at 400 to 450 ppm carbon dioxide equivalent (CO<sub>2</sub>eq)<sup>2</sup> concentration is required to keep global mean warming below 2 degrees Celsius (°C), which in turn is assumed to be necessary to avoid dangerous climate change.

Executive Order S-3-05 set forth a series of target dates by which statewide emissions of GHGs would be progressively reduced, as follows:

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<sup>1</sup> California Energy Commission, *California Greenhouse Gas Inventory for 2000-2013*, June 30, 2015.

<sup>2</sup> Carbon Dioxide Equivalent (CO<sub>2</sub>eq) – A metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.



- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

Additionally, issued in April 2015, Executive Order B-30-15 requires statewide GHG emissions to be reduced 40 percent below 1990 levels by 2030. Assembly Bill 32 (AB 32) requires that the California Air Resources Board (CARB) determine what the statewide GHG emissions level was in 1990, and approve a statewide GHG emissions limit that is equivalent to that level, to be achieved by 2020. CARB has approved a 2020 emissions limit of 427 million metric tons (MT) of CO<sub>2</sub>eq (MTCO<sub>2</sub>eq).

Due to the nature of global climate change, it is not anticipated that any single development project would have a substantial effect on global climate change. In actuality, GHG emissions from the proposed project would combine with emissions emitted across California, the United States, and the world to cumulatively contribute to global climate change.

In June 2008, the California Governor's Office of Planning and Research published a Technical Advisory, which provides informal guidance for public agencies as they address the issue of climate change in *CEQA* documents.<sup>3</sup> This is assessed by determining whether a proposed project is consistent with, or obstructs, the 39 Recommended Actions identified by CARB in its *Climate Change Scoping Plan*, which includes nine Early Action Measures (qualitative approach). The Attorney General's Mitigation Measures identify areas where GHG emissions reductions can be achieved in order to achieve the goals of AB 32. As set forth in the California Governor's Office of Planning and Research Technical Advisory and in the proposed amendments to the *CEQA Guidelines* Section 15064.4, this analysis examines whether the proposed project's GHG emissions are significant based on a qualitative and performance based standard (*CEQA Guidelines* Section 15064.4(a)(1) and (2)).

### **Bay Area Air Quality Management District Thresholds**

The Bay Area Air Quality Management District's (BAAQMD's) approach to developing a threshold of significance for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions needed to move us towards climate stabilization. If a project would generate GHG emissions above the threshold level, it would be considered to contribute considerably to a significant cumulative impact. Stationary-source projects include land uses that would accommodate processes and equipment that emit GHG emissions and would require an BAAQMD permit to operate. If annual operational-related GHG emissions exceed these levels, the proposed project would result in a cumulatively considerable contribution to a cumulatively significant impact to global climate change.

Table 4.7-1, *Bay Area Air Quality Management District GHG Thresholds*, presents the project-level thresholds for GHG emissions. It should be noted that the BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, the BAAQMD recommends quantification and disclosure of construction GHG emissions. The BAAQMD also recommends that the Lead Agency should make a determination on the significance of these construction generated GHG emission impacts in relation to meeting AB 32

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<sup>3</sup> Governor's Office of Planning and Research, *CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review*, 2008.



GHG reduction goals, as required by the Public Resources Code, Section 21082.2. The Lead Agency is encouraged to incorporate best management practices to reduce GHG emissions during construction, as feasible and applicable.

**Table 4.7-1  
Bay Area Air Quality Management District GHG Thresholds**

| Project Type  | Construction-Related | Operational-Related   |
|---|----------------------|---|
| Projects other than Stationary Sources <sup>1</sup>   | None                 | Compliance with Qualified Climate Action Plan<br>OR<br>1,100 MTCO <sub>2</sub> eq/yr.<br>OR<br>4.6 MTCO <sub>2</sub> eq/SP <sup>2</sup> /yr. <sup>3</sup> |
| Stationary Sources <sup>1</sup>   | None                 | 10,000 MTCO <sub>2</sub> eq/yr.   |
| MTCO <sub>2</sub> eq/yr. = metric tons of carbon dioxide equivalent per year  |                      |   |
| Notes:  |                      |   |
| <ol style="list-style-type: none"> <li>1. According to the BAAQMD CEQA Guidelines, a stationary source project is one that includes land uses that would accommodate processes and equipment that emit GHG emissions and would require a BAAQMD permit to operate. Projects other than stationary sources are land use development projects including residential, commercial, industrial, and public uses that do not require a BAAQMD permit to operate.</li> <li>2. SP = service population (residents + employees).</li> <li>3. The BAAQMD CEQA Guidelines (p. D-22) indicate that this threshold can be applied to all project types (residential or commercial/retail only and mixed use).</li> </ol> |                      |   |
| Source: Bay Area Air Quality Management District, <i>Options and Justification Report</i> , October 2009 and Bay Area Air Quality Management District, <i>CEQA Air Quality Guidelines</i> , May 2011.   |                      |   |

The BAAQMD *Options and Justification Report*, dated October 2009 establishes thresholds based on substantial evidence and are consistent with the thresholds outlined in the *2010 CEQA Air Quality Guidelines*, dated May 2011. Although the BAAQMD failed to comply with CEQA before completing its 2010 guidelines, these recommendations still represent the best available science on the subject of what constitutes significant air quality and/or GHG effects for this project.

### City of Milpitas Climate Action Plan

In May 2013, the City of Milpitas prepared a Climate Action Plan (CAP) to streamline future environmental review of future development projects in Milpitas consistent with CEQA Guidelines Section 15183.5(b) and the BAAQMD CEQA Air Quality Guidelines. The CAP identifies a strategy, reduction measures, and implementation strategies the City would use to achieve the State-recommended greenhouse gas (GHG) emissions reduction target of 15 percent below 2005 emissions levels by 2020. The CAP establishes goals, measures, and actions in the energy, water, transportation, solid waste, and off-road equipment sectors, implementation programs, and a framework to monitor and report progress. This CAP establishes a local GHG reduction target of 15 percent below baseline 2005 emissions levels by 2020. Both the *AB 32 Climate Change Scoping Plan* and the *BAAQMD 2010 CEQA Air Quality Guidelines* provide substantial evidence supporting use of this target by the City of Milpitas. This target serves as the City's cumulative level of significance for community-wide GHG emissions through 2020. Although the CAP identifies a strategy, reduction measures, and implementation strategies to reduce GHG emissions, the CAP does not provide project level significance thresholds for GHG emissions.



Therefore, the BAAQMD's thresholds are used to analyze the project's GHG impacts on climate change.

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

**Less Than Significant Impact.** The proposed project would result in direct and indirect emissions of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, and would not result in other GHGs that would facilitate a meaningful analysis. Therefore, this analysis focuses on these three forms of GHG emissions. Direct project-related GHG emissions include emissions from construction activities, area sources, and mobile sources, while indirect sources include emissions from electricity consumption, water demand, and solid waste generation. Operational GHG estimations are based on energy emissions from natural gas usage and automobile emissions. Project related GHG emissions were quantified with the California Emissions Estimator Model (CalEEMod), as recommended by the BAAQMD. CalEEMod relies upon vehicle trip rates and project specific land use data to calculate emissions. The project proposes a 171,924 square-foot self-storage facility with 35 parking spaces, and a forecast trip generation of approximately 330 daily trips per the *Self-Storage Project at 985 Montague Expressway Traffic and Transportation Review* (Traffic Technical Memorandum), provided in Appendix 8.6, Traffic Technical Memorandum, Table 4.7-2, Estimated Greenhouse Gas Emissions, presents the estimated CO<sub>2</sub>, N<sub>2</sub>O, and CH<sub>4</sub> emissions of the proposed project. CalEEMod outputs with the GHG emissions data are contained within Appendix 8.1, Air Quality/Greenhouse Gas Data.

**Table 4.7-2  
Estimated Greenhouse Gas Emissions**

| Source   | CO <sub>2</sub>                  | CH <sub>4</sub>    |                                   | N <sub>2</sub> O   |                                   | Total<br>MTCO <sub>2</sub> eq <sup>3</sup> |
|--|----------------------------------|--------------------|-----------------------------------|--------------------|-----------------------------------|--|
|  | MT/yr <sup>1</sup>               | MT/yr <sup>1</sup> | MTCO <sub>2</sub> eq <sup>2</sup> | MT/yr <sup>1</sup> | MTCO <sub>2</sub> eq <sup>2</sup> |  |
| <b>Direct Emissions</b>  |                                  |                    |                                   |                    |                                   |  |
| • Construction (amortized over 30 years)   | 12.96                            | 0.00               | 0.08                              | 0.00               | 0.00                              | 13.03                                      |
| • Area Source  | 0.00                             | 0.00               | 0.00                              | 0.00               | 0.00                              | 0.00                                       |
| • Mobile Source  | 393.01                           | 0.02               | 0.40                              | 0.00               | 0.00                              | 393.41                                     |
| <b>Total Direct Emissions<sup>3</sup></b>  | <b>405.97</b>                    | <b>0.02</b>        | <b>0.48</b>                       | <b>0.00</b>        | <b>0.00</b>                       | <b>406.44</b>                              |
| <b>Indirect Emissions</b>  |                                  |                    |                                   |                    |                                   |  |
| • Energy   | 226.04                           | 0.01               | 0.23                              | 0.00               | 0.72                              | 227.00                                     |
| • Solid Waste  | 32.81                            | 1.94               | 48.40                             | 0.00               | 0.00                              | 81.21                                      |
| • Water Demand   | 75.20                            | 1.30               | 32.40                             | 0.03               | 9.24                              | 116.84                                     |
| <b>Total Indirect Emissions<sup>3</sup></b>  | <b>334.05</b>                    | <b>3.25</b>        | <b>81.03</b>                      | <b>0.03</b>        | <b>9.96</b>                       | <b>425.05</b>                              |
| <b>Total Project-Related Emissions<sup>3</sup></b>   | <b>831.49 MTCO<sub>2</sub>eq</b> |                    |                                   |                    |                                   |  |
| Notes:   |                                  |                    |                                   |                    |                                   |  |
| 1. Emissions calculated using CalEEMod.  |                                  |                    |                                   |                    |                                   |  |
| 2. Carbon dioxide equivalent values calculated using the U.S. Environmental Protection Agency Website, <i>Greenhouse Gas Equivalencies Calculator</i> , <a href="http://www2.epa.gov/energy/greenhouse-gas-equivalencies-calculator">http://www2.epa.gov/energy/greenhouse-gas-equivalencies-calculator</a> , accessed January 2016. |                                  |                    |                                   |                    |                                   |  |
| 3. Totals may be slightly off due to rounding.   |                                  |                    |                                   |                    |                                   |  |
| Refer to <u>Appendix 8.1, Air Quality/Greenhouse Gas Data</u> , for detailed model input/output data.  |                                  |                    |                                   |                    |                                   |  |



### Direct Proposed Project-Related Sources of Greenhouse Gases

- **Construction Emissions.** Construction GHG emissions are typically summed and amortized over the lifetime of the project (assumed to be 30 years), then added to the operational emissions.<sup>4</sup> As seen in Table 4.7-2, the proposed project would result in 13.03 MTCO<sub>2</sub>eq/yr (amortized over 30 years which is the expected lifecycle of the project), which represents a total of approximately 390.68 MTCO<sub>2</sub>eq from construction activities. It should be noted that the BAAQMD has not adopted thresholds for GHGs associated with construction activities, but recommends that they are quantified and disclosed.
- **Area Source.** Area source emissions were calculated using CalEEMod and project-specific land use data. As noted in Table 4.7-2, the proposed project would result in a nominal amount (0.00 MTCO<sub>2</sub>eq/yr) of area source GHG emissions.
- **Mobile Source.** CalEEMod relies upon trip data within the Traffic Technical Memorandum and project specific land use data to calculate mobile source emissions. The proposed project would directly result in approximately 393.41 MTCO<sub>2</sub>eq/yr of mobile source-generated GHG emissions; refer to Table 4.7-2.

### Indirect Proposed Project-Related Sources of Greenhouse Gases

- **Energy Consumption.** Energy consumption emissions were calculated using CalEEMod and project-specific land use data. Electricity would be provided to the project site via Pacific Gas & Electric Company. The proposed project would indirectly result approximately 227.00 MTCO<sub>2</sub>eq/yr due to energy consumption; refer to Table 4.7-2.
- **Solid Waste.** Solid waste associated with operations of the proposed project would result in an approximately 81.21 MTCO<sub>2</sub>eq/yr; refer to Table 4.7-2.
- **Water Demand.** The proposed project's operations would result in a demand of approximately 39.76 million gallons of water per year. Emissions from indirect energy impacts due to water supply would result in approximately 116.84 MTCO<sub>2</sub>eq/yr; refer to Table 4.7-2.

### Total Proposed Project-Related Sources of Greenhouse Gases

As shown in Table 4.7-2, the total amount of project-related GHG emissions from direct and indirect sources combined would total 831.49 MTCO<sub>2</sub>eq/yr. As such, the project's GHG emissions would be below the BAAQMD's 1,100 MTCO<sub>2</sub>eq/yr threshold. Therefore, emissions would not exceed the GHG significance threshold of 1,100 MTCO<sub>2</sub>eq/yr, and a less than significant impact would occur.

**Mitigation Measures:** No mitigation measures are required.

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<sup>4</sup> The project lifetime is based on the standard 30 year assumption of the South Coast Air Quality Management District (South Coast Air Quality Management District, *Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group #13*, August 26, 2009). The BAAQMD recommends that construction emissions are quantified and disclosed, but does not provide specific guidance. Therefore, the SCAQMD approach was conservatively used.



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

**Less Than Significant Impact.** In May 7, 2013, the City of Milpitas adopted their Final CAP, which provides goals, measures, and actions in the sectors of energy, water, transportation, solid waste, and off-road equipment. Table 4.7-3, Project Consistency with the City’s CAP, discusses the project’s consistency with the applicable CAP reduction measures actions.

**Table 4.7-3  
Project Consistency with the City’s CAP**

| CAP Reduction Measures Action  | Project Consistency   |
|--|---|
| <b>Action 2.1 D:</b> New nonresidential construction between 25,000 and 49,999 gross square feet must still obtain Leadership in Energy & Environmental Design (LEED) certification (with verification) (MMC II-20-3.01(b)). New nonresidential construction or renovations greater than or equal to 50,000 gross square feet must be verified as LEED silver (MMC II-20-3.01(c)). Construction or renovations of municipal buildings greater than or equal to 50,000 square feet must be LEED silver (MMC II-20-3.01(d)). | <b>Consistent.</b> The project would be required to be compliant with City of Milpitas Green Building Ordinance No. 65.138. As the project proposes the construction of a 171,924 square foot self-storage facility, LEED Silver verification would be required per City Code requirements. It should be noted that compliance with this requirement would further reduce project emissions depicted in <u>Table 4.7-2</u> .  |
| <b>Action 3.1 A:</b> Encourage through the discretionary process all new nonresidential development to meet energy needs with renewable energy sources.  | <b>Consistent.</b> Refer to Action 2.1 D Response.  |
| <b>Action 4.1 C:</b> Implement the water-efficient landscaping ordinance and the water conservation ordinance.   | <b>Consistent.</b> The project would be complaint with the City of Milpitas Municipal Code Section VIII-6-3.00, Restrictions and Section VIII-6-5.00, Supplemental Water Use Restrictions, which promotes the values and benefits of conservation and efficient use of potable water and establishes provisions for water management practices and prevention of potable water waste. In addition, the project would utilize reclaimed water for irrigation as it becomes available. The irrigation system would be designed in accordance with local health codes. |
| <b>Action 4.1 D:</b> Participate in ongoing regional coordination.   | <b>Consistent.</b> The project is part of South Bay Water Recycling Program, an on-going, multi-year effort to use high quality recycled water from the San Jose/Santa Clara Water Pollution Control Plant (WPCP) for irrigation, industrial, and other purposes.   |
| <b>Action 4.2 B:</b> Continue to require all commercial and industrial development south of the Hetch Hetchy right-of-way to install recycled water lines, and require conversion of landscape irrigation to recycled water as soon as available.  | <b>Consistent.</b> The project would utilize reclaimed water for irrigation as it becomes available. The irrigation system would be designed in accordance with local health codes.   |
| <b>Action 8.4 A:</b> Ensure development of new areas is supported by the necessary levels of transportation infrastructure and support.  | <b>Consistent.</b> The project would be served by Santa Clara Valley Transportation Authority (VTA) Routes 46, 47, 70, 71, 104, and 180 bus services along Montague Expressway and VTA Routes 46, 47, 70, 71, 321, and 901 along Capitol Avenue. In addition, the Montague Expressway is proposed to be widened and would include a bus stop located at 1061 Montague Expressway, approximately 0.08 miles east of the project site.  |

Source: PMC, *City of Milpitas Climate Action Plan and Qualified Greenhouse Gas Reduction Strategy*, adopted May 7, 2013.



As shown in Table 4.7-3, the proposed project would be consistent with the applicable CAP reduction measures actions. Thus, the project would help implement the CAP, and would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. A less than significant impact would occur in this regard.

### **Cumulative Impacts**

As stated above, the proposed project would not result in a significant impact regarding GHG emissions. It is generally the case that an individual project of this size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory.<sup>5</sup> GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective.<sup>6</sup> The additive effect of project-related GHGs would not result in a reasonably foreseeable cumulatively considerable contribution to global climate change. In addition, the proposed project as well as other cumulative related projects would also be subject to all applicable regulatory requirements, which would further reduce GHG emissions. This includes adherence to all federal, state, and local policies adopted for the purpose of reducing GHG emissions. The proposed project would result in a less than significant impact regarding GHG emissions. Therefore, the proposed project's cumulative GHG emissions would be considered less than significant.

**Mitigation Measures:** No mitigation measures are required.

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<sup>5</sup> California Air Pollution Control Officers Association, *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act*, 2008.

<sup>6</sup> Ibid.



**MONTAGUE EXPRESSWAY SELF-STORAGE FACILITY**  
Public Review Draft Initial Study/Mitigated Negative Declaration

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## 4.8 HAZARDS AND HAZARDOUS MATERIALS

| <i>Would the project:</i>  | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  |                                |   | ✓                            |           |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  |                                | ✓   |                              |           |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  |                                |   |                              | ✓         |
| d. Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and, as a result, would it create a significant hazard to the public or the environment?                                 |                                | ✓   |                              |           |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? |                                |   |                              | ✓         |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  |                                |   |                              | ✓         |
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  |                                |   | ✓                            |           |
| h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?   |                                |   |                              | ✓         |

This section is based on the following hazardous materials documents completed by West Environmental Services & Technology (West): *Phase I Environmental Site Assessment* (Phase I ESA), dated May 2015, and *Phase II Environmental Site Assessment* (Phase II ESA), dated March 13, 2015 (refer to [Appendix 8.4, Hazardous Materials Documentation](#)). The Phase I ESA and Phase II ESA for the project site are collectively referred to as the “Hazardous Materials Documentation.” The intent of the Hazardous Materials Documentation is to identify conditions indicative of releases or threatened releases of hazardous substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) section 101, and petroleum products at the project site. The Hazardous Materials Documentation included a search for recorded environmental cleanup liens; review of Federal, tribal, State, and local government records; visual inspection of the property and of adjoining properties; and interviews with current owners, operators, and occupants.



**a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?***

***Less Than Significant Impact.*** The proposed project involves the demolition of the former JCI facility, and the construction of a self-storage facility in four new buildings. As a result, limited amounts of hazardous materials could be used in the short-term construction of the project, including standard construction materials (e.g., paints and solvents), vehicle fuel, and other hazardous materials. The routine transportation, use, and disposal of these materials would be required to adhere to State and local standards and regulations for handling, storage, and disposal of hazardous substances. With compliance with the existing State and local procedures that are intended to minimize potential health risks associated with their use or the accidental release of such substances, impacts associated with the handling, storage, and transport of these hazardous materials during construction would be less than significant.

For project operations, substantial risks associated with hazardous materials are not typically associated with self-storage facility uses. Minor cleaning products along with the occasional use of pesticides and herbicides for landscape maintenance of the project site are generally the extent of hazardous materials that would be routinely utilized on-site. Thus, as the presence and on-site storage of these materials are common for a self-storage facility and would not be stored in substantial quantities (quantities required to be reported to a regulatory agency), impacts in this regard are less than significant.

***Mitigation Measures:*** No mitigation measures are required.

**b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***

***Less Than Significant Impact With Mitigation Incorporated.*** During project construction, there is a possibility of accidental release of hazardous substances such as petroleum-based fuels or hydraulic fluid used for construction equipment. The level of risk associated with the accidental release of hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials utilized during construction. The construction contractor would be required to use standard construction controls and safety procedures that would avoid and minimize the potential for accidental release of such substances into the environment. Standard construction practices would be observed such that any materials released are appropriately contained and remediated as required by local, State, and Federal law.

## **Historical On-Site Activities**

### *Agricultural Operations*

As noted in the Hazardous Materials Documentation, the project site and surrounding properties were used for agricultural cultivation prior to the 1960s. As such, it is possible that herbicides, pesticides, and other chemicals were used during agricultural operations at the project site during this time. Historical use of agricultural pesticides may have resulted in pesticide residues of certain persistence in soil at concentrations that are considered to be hazardous based on established federal regulatory levels. The primary concern with historical pesticide residues is human health risk from inadvertent ingestion of contaminated soil, particularly by children. The



presence of moderately elevated pesticide residuals in soil presents potential health and marketplace concerns.

Further, soil investigations were conducted to determine if the on-site soils were below applicable screening thresholds for pesticides and herbicides. Based on these soils sampling investigations (Appendix 8.4), all pesticides tested below screening thresholds for commercial uses. As the project involves the construction of a self-storage facility, a less than significant impact would occur in this regard.

#### *Former JCI Facility Operations*

As discussed in Section 2.0, Project Description, the project site is currently occupied by the former JCI warehouse/office building, outdoor covered storage areas and concrete pads, paved storage yard, and rail spurs. Based on the Hazardous Materials Documentation, the former JCI facility has been known to handle and store hazardous materials, including bulk chemicals (chlorine gas, sulfur dioxide, anhydrous ammonia, acids, and chlorinated solvents). The chlorinated solvents were stored in three 30,000-gallon aboveground storage tanks (ASTs) and included trichloroethane (TCA), trichloroethene (TCE), and tetrachloroethene (PCE). The JCI facility also contained underground storage tanks (USTs), and manufactured sodium hypochlorite and aqua-ammonia on-site.

In 1982, one of three solvent ASTs exploded releasing approximately 2,000 gallons of chlorinated solvent, and flowed through a storm drain into Berryessa Creek to the west. Consequently, the San Francisco Bay Area Regional Water Quality Control Board (RWQCB) issued Site Cleanup Requirements Order 85-108 requiring JCI to cleanup groundwater at and down gradient of the project site. Groundwater monitoring, site investigations, and remedial actions have occurred at the project site since this time, and continue today. Case closure with the RWQCB has not yet been received.

Development of the proposed project would be subject to RWQCB oversight per RWQCB Order No. 90-072. Per this Order, the RWQCB requires a Site Management Plan (SMP) for site disturbance activities at the project site that detail the procedures and protocols for managing soil and groundwater during and following development of the project.<sup>1</sup> The SMP would be used to manage risks posed by the soil vapors present from groundwater on-site, as well as to properly manage soil and groundwater that may be encountered during future on-site intrusive activities. The SMP would also describe vapor mitigation requirements for all on-site structures. A list of agency submittals necessary to document that the vapor mitigation systems have been properly designed, installed, and inspected, and would require appropriate implementation activities to protect construction workers during site disturbance activities. Following implementation of the vapor mitigation measures, the SMP would require the development of an Operations, Maintenance, and Monitoring (OM&M) Plan to document ongoing requirements for the vapor mitigation system and any other engineering controls (e.g., hardscape to limit potential exposure to soil containing chemicals above cleanup goals), as appropriate. Thus, compliance with all RWQCB procedures and requirements regarding site remediation activities (including the SMP and OM&M) would result in a less than significant impact pertaining to the reported past release of hazardous materials into the environment.

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<sup>1</sup> San Francisco Bay Regional Water Quality Control Board, *Requirement for Technical Report – Site Management Plan for On-site Area of Former JCI Jones Chemicals Facility, 985 Montague Expressway, Milpitas, Santa Clara County*, December 1, 2015.



### *On-Site Fill Materials*

In approximately 2000, fill material from the adjacent industrial/commercial business park was placed on the project site. The adjacent industrial/commercial business park was previously cultivated for orchards prior to its development. Based on the Hazardous Materials Documentation, fill material was observed on the northern unpaved portion of the project site up to four feet above the ground surface of the main JCI facility. According to the Hazardous Materials Documentation, fill material is also present beneath the existing buildings and concrete pads. In November 2000, three soil samples were collected at approximately 2 to 2.5-feet below ground surface within the fill material and analyzed for volatile organic compounds (VOCs) and metals. VOCs were detected in the soil samples including PCE up to 19 micrograms per kilogram (ug/kg) and naphthalene up to 16 ug/kg. Metals were detected in soil samples including: chromium up to 68 milligrams per kilogram (mg/kg); cobalt up to 12 mg/kg; nickel up to 94 mg/kg; and zinc up to 53 mg/kg. As such, it is possible that soil and/or groundwater contamination as a result of petroleum products associated with fill material placed on the project site have not been remediated to within the RWQCB standards for commercial uses. Therefore, the project would be required to verify that on-site fill materials are suitable for proposed on-site commercial uses (Mitigation Measure HAZ-1). Should fill materials include hazardous substances above regulatory thresholds, further remediation activities in accordance with RWQCB requirements would be incorporated into the SMP for the project site. With implementation of the recommended Mitigation Measure HAZ-1, impacts in this regard would be reduced to less than significant levels.

### *Miscellaneous Debris*

Based on the Hazardous Materials Documentation, a drum, paint can, and storage tote debris area was noted in the northern fill area. The contents of the containers were not reasonably ascertainable. In November 2000, two soil samples were collected between 1-foot and 2.5-feet below ground surface near the debris area and analyzed for VOCs and metals. VOCs were detected in the soil samples including: 1,2,4-trimethylbenzene up to 150 ug/kg; 1,3,5-trimethylbenzene up to 120 ug/kg; toluene up to 150 ug/kg and xylenes up to 340 ug/kg. Metals were detected in soil samples including: arsenic up to 13 mg/kg; chromium up to 55 mg/kg; cobalt up to 7.8 mg/kg; lead up to 61 mg/kg; nickel up to 65 mg/kg; thallium up to 25 mg/kg; and zinc up to 85 mg/kg. As such, it is possible that soil and/or groundwater contamination as a result of petroleum products associated with discarded debris on the project site has not been remediated to within the RWQCB standards for commercial uses. The project would be required to verify that on-site miscellaneous debris have not resulted in hazardous substances in soil, soil gas, or groundwater above regulatory thresholds for commercial use (Mitigation Measure HAZ-1). Should hazardous substances above regulatory thresholds be found, further remediation activities in accordance with RWQCB requirements would be incorporated into the SMP for the project site. With implementation of the recommended Mitigation Measure HAZ-1, impacts in this regard would be reduced to less than significant levels.

### *Former Underground Storage Tanks*

According to the Hazardous Materials Documentation, four gasoline and diesel USTs were reportedly installed at the project site in the 1960s. The USTs were located at three locations within the JCI property. Two USTs for gasoline and diesel storage were located south of the former solvent ASTs. These two USTs were removed in 1984. Laboratory analysis of soil samples collected from these two UST excavations revealed diesel up to 75 mg/kg. One gasoline UST was reportedly located within the central portion of the truck yard east of the bleach



manufacturing area and one gasoline UST was located north of the wastewater neutralization building. These two USTs were removed in 1984. In November 2000, five soil samples were collected at 2 to 2.5-feet below ground surface near the former gasoline UST locations within the truck yard and near the wastewater treatment building. The soil samples were analyzed for VOCs and metals. VOCs detected in the soil samples included: TCA up to 24 ug/kg; PCE up to 200 ug/kg; TCE up to 82 ug/kg; and naphthalene up to 7.5 ug/kg. Metals detected in soil included: arsenic up to 16 mg/kg; chromium up to 60 mg/kg; cobalt up to 10 mg/kg; lead up to 13 mg/kg; nickel up to 96 mg/kg and zinc up to 53 ug/kg. As such, it is possible that soil and/or groundwater contamination as a result of petroleum products associated with the former USTs at the project site have not been remediated to within the RWQCB standards for commercial uses. The project would be required to verify that the former USTs have not resulted in hazardous substances in soil, soil gas, or groundwater above regulatory thresholds for commercial use (Mitigation Measure HAZ-1). Should hazardous substances above regulatory thresholds be found, further remediation activities in accordance with RWQCB requirements would be incorporated into the SMP for the project site. With implementation of the recommended Mitigation Measure HAZ-1, impacts in this regard would be reduced to less than significant levels.

### *Rail Spurs*

Active and inactive railroad beds frequently have concentrations of petroleum products and lead elevated above natural background conditions. Petroleum product concentrations and lead concentrations are derived from drippings from rail vehicles and flaked paint, respectively. Wooden railroad ties may contain preservatives (i.e., creosote), some of which may contain hazardous constituents. Track switch locations often have elevated levels of petroleum hydrocarbons. Inorganic and organic herbicides, along with diesel fuel, may have been used for vegetation control.

Two rail spurs are located on the project site. One rail spur is located along the project western boundary (near the former bleach manufacturing and packaging building, acid storage area and office/warehouse building) and was used for offloading rail tanker cars containing chlorinated solvents, chlorine gas, anhydrous ammonia, and sulfur dioxide. A second rail spur was located west of the wastewater treatment building. In November 2000, five soil samples were collected from the rail spur areas. Polycyclic aromatic hydrocarbons (PAHs), TPHg and TPHd were not reported above the laboratory-reporting limits. TPH as motor oil (TPHmo) was detected in the soil samples up to 75 mg/kg. VOCs were detected in soil samples including PCE up to 25 ug/kg. Herbicides were not detected in the soil samplers above the laboratory-reporting limits. Metals were detected including: arsenic up to 13 mg/kg; chromium up to 640 mg/kg; cobalt up to 65 mg/kg; lead up to 20 mg/kg; nickel up to 1,200 mg/kg; and zinc up to 84 mg/kg. The pH of the soil samples indicated alkaline soil conditions. As such, it is possible that soil and/or groundwater contamination associated with the on-site rail spurs have not been remediated to within the RWQCB standards for commercial uses.

The project would be required to verify that the on-site rail spurs have not resulted in hazardous substances in soil above regulatory thresholds for commercial use (Mitigation Measure HAZ-1). Should hazardous substances above regulatory thresholds be found, further remediation activities in accordance with RWQCB requirements would be incorporated into the SMP for the project site. With implementation of the recommended Mitigation Measure HAZ-1, impacts in this regard would be reduced to less than significant levels.



### *Former On-Site Sumps*

In May 1995, six on-site sumps were closed by the City of Milpitas Fire Department. As part of the Hazardous Materials Documentation, soil samples were collected next to the sumps and analyzed for pH. Based on the pH measurements, sumps five of the six sumps were closed in place by backfilling with a concrete slurry then overlain by an aggregate base rock. One sump, located within the central-western portions of the project site (just south of the former Acids handling Area) was over-excavated due to the pH of 13 Standard Units (SU). Following over-excavation, additional soil sampling indicated pH levels remained high. With concurrence from the City of Milpitas Fire Department, the sump was backfilled with compacted fill and capped with concrete. Additional soil removal was not feasible at the time due to the proximity of ASTs and building structures. In November 2000, two soil samples were collected between 1-foot and 3-feet below ground surface near another on-site sump (previously filled with concrete slurry) in the central-eastern portion of the project site. VOCs were detected in the soil samples including PCE up to 6.7 ug/kg; toluene up to 5.4 ug/kg; and methylene chloride up to 7.1 ug/kg. As such, it is possible that soil and/or groundwater contamination associated with the former on-site sumps have not been remediated to within the RWQCB standards for commercial uses.

The project would be required to verify that the former on-site sumps have not resulted in hazardous substances in soil, soil gas, or groundwater above regulatory thresholds for commercial use (Mitigation Measure HAZ-1). Should hazardous substances above regulatory thresholds be found, further remediation activities in accordance with RWQCB requirements would be incorporated into the SMP for the project site. With implementation of the recommended Mitigation Measure HAZ-1, impacts in this regard would be reduced to less than significant levels.

### *Former Northern Storage Area*

According to the Hazardous Materials Documentation, the northern portion of the project site was formerly used as a maintenance building, wastewater treatment system building, and storage of sulfur dioxide. North of the former maintenance building, the project site is unpaved and was formerly used for storage of equipment, debris, and placement of fill material. In addition, ASTs were present for storage of caustic soda and solvents. A soil vapor survey conducted in 2006 revealed VOCs near the wastewater treatment system building including PCE up to 150 micrograms per liter (ug/l) and TCE up to 27 ug/l. The VOCs in soil gas appear outside the area of the 1982 former AST release. In November 2000, three soil samples were collected near the former caustic soda and solvent ASTs. VOCs were detected in soil including PCE up to 12 ug/kg and TCE up to 79 ug/kg. Metals were detected in soil including: arsenic at 10 mg/kg; chromium at 34 mg/kg; lead at 5.7 mg/kg; nickel at 48 mg/kg; and zinc at 46 mg/kg. Information regarding the extent or current conditions of VOCs in soil gas north of the wastewater treatment building and within the northern unpaved area was not reasonably ascertainable. VOCs have also been detected in groundwater within the northern unpaved area. Laboratory analysis of groundwater samples collected from former monitoring wells had previously detected PCE and TCE up to 0.024 milligrams per liter (mg/l) and 0.220 mg/l, respectively. As such, it is possible that soil, soil gas, and/or groundwater contamination associated with the former northern storage area on-site has not been remediated to within the RWQCB standards for commercial uses.

The project would be required to verify that the former activities associated with the northern storage area have not resulted in hazardous substances in soil, soil gas, or groundwater above regulatory thresholds for commercial use (Mitigation Measure HAZ-1). Hazardous substances above regulatory thresholds would be remediated in accordance with RWQCB requirements.



With implementation of the recommended Mitigation Measure HAZ-1, impacts in this regard would be reduced to less than significant levels.

### **Demolition of the On-Site Structures**

Implementation of the proposed project would require the demolition of the former JCI facility on-site (i.e., the office/warehouse building, and ancillary structures) in the southern portion of the project site. As noted in the Hazardous Materials Documentation, the JCI facility was developed in the early 1960s. Because of the date of construction, there is a potential for asbestos-containing materials (ACMs) and lead-based paint (LBP) in association with the on-site structures. Demolition of these structures could expose construction personnel and the public to ACMs and/or LBPs. However, Federal and State regulations govern the renovation and demolition of structures where ACMs and LBPs are present. All demolition that could result in the release of ACMs or LBPs must be conducted according to Federal and State standards.

The National Emission Standards for Hazardous Air Pollutants (NESHAP) mandates that building owners conduct an asbestos survey to determine the presence of ACMs prior to the commencement of any remedial work, including demolition (Mitigation Measure HAZ-2). If ACM material is found, abatement of asbestos would be required prior to any demolition activities. If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste would be required to be evaluated independently from the building material by a qualified Environmental Professional (HAZ-3). If LBP is found, abatement would be required to be completed by a qualified Lead Specialist prior to any demolition activities. Compliance with Mitigation Measures HAZ-2 and HAZ-3, as well as Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2, would reduce potential impacts in this regard to less than significant levels.

### **Soil Import**

Grading activities during construction of the project would require approximately 1,979 cubic yards of soil import on-site. As a precautionary measure to ensure the imported soils are not contaminated and would be sufficient for fill material at the project site, the project Applicant/contractor would be required to conduct verification sampling for all import soils as part of Mitigation Measure HAZ-4. The verification sampling as part of Mitigation Measure HAZ-4 shall confirm that no soil import materials are contaminated above regulatory thresholds for commercial use. If soils are determined to be contaminated above regulatory thresholds, these soils would not be used as fill material within the boundaries of the project site, unless otherwise specified by the RWQCB.

### **Conclusion**

With implementation of Mitigation Measures HAZ-1 through HAZ-4, impacts associated with the potential release hazardous materials into the environment through reasonably foreseeable upset and accident conditions during construction would ensure less than significant impacts would result.



***Mitigation Measures:***

HAZ-1 Prior to and during site disturbance activities, the proposed project shall comply with the requirements set for by the Regional Water Quality Control Board (RWQCB) Order No. 90-072. The project shall implement a Site Management Plan (SMP), as enforced by the RWQCB, for site disturbance activities at the project site. In addition to the existing ongoing remediation activities associated with the 1982 former AST release, The Applicant shall also provide in writing verification to the RWQCB that the following former on-site activities have not resulted in exceedance of regulatory thresholds for hazardous substances for commercial uses:

- On-Site Fill Materials;
- Miscellaneous Debris;
- Former Underground Storage Tanks;
- Former on-site rail spurs;
- Former on-site sumps; and
- Former activities associated with the northern storage area.

Should results indicate that elevated hazardous substances, exceeding applicable commercial use thresholds, are present, appropriate remediation activities shall be identified in the SMP, as reviewed and approved by the RWQCB.

HAZ-2 Prior to demolition activities, the Applicant shall retain an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to conduct an asbestos survey to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, the abatement of asbestos shall be completed by the Applicant prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the Bay Area Air Quality Management District (BAAQMD) Rule Regulation 11, Rule 2. Contractors performing asbestos abatement activities shall provide evidence of abatement activities to the City Building Official.

HAZ-3 If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Lead Specialist. If lead-based paint is found, the Applicant shall retain a qualified Lead Specialist to conduct abatement prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City Building Official.

HAZ-4 Prior to issuance of a grading permit for the proposed project, the Applicant shall provide written verification (by a Phase II Site Characterization Specialist) to the Regional Water Quality Control Board that all imported soils are not contaminated above regulatory thresholds for commercial use. If soils are determined to be contaminated above regulatory thresholds, these soils shall not be used as fill material



within the boundaries of the project site, unless otherwise specified the Regional Water Quality Control Board.

- c) ***Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

**No Impact.** The nearest school to the project site is Northwood Elementary School (2760 Trimble Road, San Jose, CA 95132), located approximately 0.35-mile to the south/southeast. Therefore, the project would not handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school. No impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

- d) ***Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?***

**Less Than Significant Impact With Mitigation Incorporated.** Government Code Section 65962.5 requires the DTSC and SWRCB to compile and update a regulatory sites listing (per the criteria of the Section). The California Department of Health Services is also required to compile and update, as appropriate, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Section 116395 of the Health and Safety Code. Section 65962.5 requires the local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the California Code of Regulations (CCR), to compile, as appropriate, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste.

According to the Hazardous Materials Documentation, the project site is listed in the Cortese database (in association with the 1982 former AST release). However, as discussed in Response 4.8(b), with implementation of Mitigation Measure HAZ-1, impacts in this regard would be reduced to a less than significant levels with compliance with the required RWQCB Order No. 90-072.

**Mitigation Measures:** Refer to Mitigation Measure HAZ-1.

- e) ***For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?***

**No Impact.** The nearest airport to the project site is the Mineta San Jose International Airport, located approximately 3.75 miles to the southwest. The project site is not located within the airport's Impact Zones.<sup>2</sup> Further, the proposed project is not located within the Federal Aviation Regulations (FAR) Part 77 radius pertaining to height restrictions in Santa Clara County.<sup>3</sup> Thus, no impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

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<sup>2</sup> Santa Clara County Airport Land Use Commission, *Norman Y. Mineta San Jose International Airport*, May 25, 2011.

<sup>3</sup> Santa Clara County Airport Land Use Commission, *Comprehensive Land Use Plan, Norman Y. Mineta San Jose International Airport*, Figure 6, May 25, 2011.



- f) ***For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?***

**No Impact.** There are no private airstrips located within the vicinity of the proposed project, and no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

- g) ***Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

**Less Than Significant Impact.** The proposed project would not cause any permanent alterations to vehicular circulation routes and/or patterns, or obstruct public access or travel. Additionally, all construction staging would occur within the boundaries of the project site and would not interfere with circulation along Montague Expressway, South Milpitas Boulevard, or any other nearby roadways. It is noted that construction of the proposed project would occur concurrently with the proposed Montague Expressway Widening Project. As part of the Montague Expressway Widening Project, the southern portion of the project site would provide a Temporary Construction Easement (TCE) during construction of the widening. As a result, proposed project construction would be required to be accomplished in two phases. All improvements along Montague Expressway associated with the proposed project (i.e., landscaped street frontage, ponds, connections to sewer and water lines, and new recycled water line) would not result in any lane closures. Therefore, the proposed project would not be expected to interfere with any adopted emergency response plan or emergency evacuation plan. A less than significant impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

- h) ***Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?***

**No Impact.** The project site is located within a completely urbanized area that is void of any wildland areas. Further, according to the Association of Bay Area Governments Resilience Program, the project site is not located within a high, very high, or extreme area of wildfire threat.<sup>4</sup> No impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

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<sup>4</sup> Association of Bay Area Governments, Resilience Program, *Bay Area Hazards*, <http://gis.abag.ca.gov/website/Hazards/>, accessed December 11, 2015.



## 4.9 HYDROLOGY AND WATER QUALITY

| <i>Would the project:</i>   | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| a. Violate any water quality standards or waste discharge requirements?   |                                |   | ✓                            |           |
| b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? |                                |   | ✓                            |           |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?   |                                |   | ✓                            |           |
| d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?  |                                |   | ✓                            |           |
| e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   |                                |   | ✓                            |           |
| f. Otherwise substantially degrade water quality?   |                                |   | ✓                            |           |
| g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  |                                |   |                              | ✓         |
| h. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?  |                                |   |                              | ✓         |
| i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  |                                |   |                              | ✓         |
| j. Inundation by seiche, tsunami, or mudflow?   |                                |   |                              | ✓         |

The information presented in this analysis has been supplemented with the *Storm Water Management Plan, Self-Storage Facility, 985 Montague Expressway, Milpitas, California* (Hydrology/Drainage Study) prepared for the proposed project by Kier and Wright Civil Engineers & Surveyors (dated November 24, 2015); refer to [Appendix 8.5, Hydrology/Drainage Study](#).



**a) *Violate any water quality standards or waste discharge requirements?***

***Less Than Significant Impact.*** As part of Section 402 of the Clean Water Act, the U.S. Environmental Protection Agency (EPA) has established regulations under the National Pollutant Discharge Elimination System (NPDES) program to control direct storm water discharges. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The NPDES program regulates industrial pollutant discharges, which include construction activities. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality. The City of Milpitas is within the jurisdiction of the San Francisco Bay Area RWQCB

**Short-Term Construction**

Dischargers whose projects disturb one or more acres of soil, or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. As the project site is larger than one acre (i.e., 4.5 acres), the project Applicant would be required to prepare a Notice of Intent (NOI) for submittal to the San Francisco Bay Area RWQCB providing notification of intent to comply with the General Construction Permit.

The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP would contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP would list Best Management Practices (BMPs) the discharger would use to protect storm water runoff and the placement of those BMPs. These BMPs would include measures to contain runoff from vehicle washing at the construction site, prevent sediment from disturbed areas from entering the storm drain system using structural controls (i.e., sand bags at inlets), and cover and contain stockpiled materials to prevent sediment and pollutant transport. Implementation of the BMPs would ensure runoff and discharges during the project's construction phase would not violate any water quality standards. The SWPPP would contain a visual monitoring program, and a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs. It is noted that and a sediment monitoring plan for the project is not required as part of the SWPPP, as the site would not discharge directly to a water body listed on the 303(d) list for sediment.<sup>1</sup> The SWPPP would be required to be reviewed/approved by the City (or designee), for water quality construction activities on-site. A copy of the SWPPP would be made available and implemented at the construction site at all times. Compliance with the NPDES requirements would reduce short-term construction-related impacts to water quality to a less than significant level.

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<sup>1</sup> California State Water Resources Control Board, Impaired Water Bodies, Final 2012 California Integrated Report (Clean Water Act Section 303(d) List / 305(b) Report), [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2012.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml), accessed January 13, 2016.



## **Long-Term Operations**

The project would be regulated under the requirements set forth in provision C.3 of the San Francisco Bay RWQCB Municipal Regional Stormwater NPDES Permit. The RWQCB Municipal Regional Stormwater NPDES Permit effectively prohibits the discharge of non-stormwater (materials other than stormwater) into storm drain systems and watercourses. However, NPDES-permitted discharges are exempt from this prohibition. Provision C.3 is for new development and redevelopment projects to use their planning authorities to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from new development and redevelopment projects. This provision requires the inclusion of adequate low impact development (LID) source control measures to limit pollutant generation, discharge, and runoff. These source control measures should include:

- Storm drain stenciling;
- Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping;
- Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas;
- Covered trash, food waste, and compactor enclosures; and
- Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
  - Dumpster drips from covered trash and food compactor enclosures.
  - Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
  - Swimming pool water, if discharge to onsite vegetated areas is not a feasible option.
  - Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option.

### *Proposed Project BMPs*

As the project would replace more than 50 percent of the pre-existing impervious surface on-site, the project is required to be included treatment system design (i.e., stormwater treatment systems must be designed and sized to treat stormwater runoff from the entire redevelopment project) as part of Provision C.3 of the RWQCB Municipal Regional Stormwater NPDES Permit.



As such, the project would be required to implement post-construction best management practices (BMPs) to treat stormwater runoff as part of the storm water treatment measures required by Provision C.3. The BMPs are required in order to utilize the same pre-development watershed areas for storm water runoff; this would prevent the need to upsize downstream storm systems.

As discussed in the Hydrology/Drainage Study for the project, three post-construction BMPs are proposed the project site. The project would include six biotreatment ponds, labeling of stormwater inlets, and integrated pest management. Stormwater runoff from the site would be directed to the on-site storm drainage system, and then discharged to one of the six proposed biotreatment ponds on-site. Two ponds would be located at the northern boundary of the project site; one pond near the eastern boundary adjacent to Montague Expressway; and three ponds along the southern boundary adjoining Berryessa Creek. The treatment ponds consist of depressed landscaping areas that allow the collection of stormwater runoff to percolate through a sandy loam soil into an under-drain, thereby promoting pollutant removal. Storm water inlets would have metal badges installed with the logo “No Dumping - Flows to Bay”. This educational measure is intended to prevent unlawful dumping of waste materials such as motor oil or trash into the inlets. Alternative methods for pest reduction methods would be employed to limit the usage of pesticides, including the incorporation of planting materials.

Further, the project site owner and maintenance staff would review and adhere to the Landscape Maintenance Techniques for Pest Reduction included in the Maintenance Agreement between the City of Milpitas and the property owner; refer to Appendix I of the Hydrology/Drainage Study. In addition, the stormwater and urban runoff from the project site would be required to comply with the City of Milpitas water pollution policies (e.g., Title XI, Chapter 16, Stormwater and Urban Runoff Pollution Control) in the City’s Municipal Code.

As discussed above, following compliance with requirements of the RWQCB NPDES permit for stormwater quality and City water pollution regulations, project implementation would not violate any water quality standards or waste discharge requirements associated with long-term operations. Impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

- b) ***Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?***

**Less Than Significant Impact.** The project would not substantially deplete groundwater supplies. The City purchases drinking water from two wholesalers: two-thirds from the San Francisco Public Utilities Commission (SFPUC) and one-third from the Santa Clara Valley Water District (SCVWD).<sup>2</sup> However, no municipal water wells underlie the project site. Implementation of the project would not create a substantial demand on groundwater sources and would not significantly change the amount of groundwater available and pumped from local wells. The site consists of 4.5 acres of previously developed land. Due to the developed nature

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<sup>2</sup> City of Milpitas, *City of Milpitas Water Quality in 2014*, [https://www.ci.milpitas.ca.gov/\\_pdfs/pw\\_water\\_quality\\_report.pdf](https://www.ci.milpitas.ca.gov/_pdfs/pw_water_quality_report.pdf), accessed December 3, 2015.



of the area, the project site does not have the capacity to serve as a significant source for groundwater recharge. Further, the project would include six biotreatment ponds that would filter and percolate to groundwater beneath the project site. The project does not involve the direct withdrawal of groundwater for municipal use and would not substantially interfere with recharge capabilities. Thus, impacts in this regard are less than significant.

**Mitigation Measures:** No mitigation measures are required.

- c) ***Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?***

**Less Than Significant Impact.** Soil disturbance would temporarily occur during project construction due to earth-moving activities such as excavation and trenching for foundations and utilities, soil compaction and moving, and grading. Disturbed soils would be susceptible to high rates of erosion from wind and rain, resulting in sediment transport via stormwater runoff from the project site.

The project would be subject to compliance with the requirements set forth in the NPDES Storm Water General Construction Permit for construction activities; refer to Response 4.9(a). Compliance with the NPDES, including preparation of a SWPPP would reduce the volume of sediment-laden runoff discharging from the site. Therefore, project implementation would not substantially alter the existing drainage pattern of the site during the construction process such that substantial erosion or siltation would occur.

The project would include the development of a self-storage facility in four new buildings. Given the nature of the proposed use and the urbanized project setting, long-term operation of the project would not have the potential to result in substantial erosion or siltation off-site. The project would not include large areas of exposed soils that would be subject to runoff; rather, any unpaved areas would be improved with groundcover and landscaping to minimize the potential for erosion/siltation. In addition, as stated within Response 4.9(a), the project would also be subject to existing requirements of the San Francisco Bay RWQCB Municipal Regional Stormwater NPDES Permit (including implementation of post-construction BMPs) and the City's water pollution regulations, which would reduce sediment discharge off-site compared to the existing condition. Thus, impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

- d) ***Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?***

**Less Than Significant Impact.** As discussed in Response 4.9(a), the project is subject to the requirements of Provision C.3 of the San Francisco Bay RWQCB Municipal Regional Stormwater NPDES Permit. In addition, although the amount of stormwater runoff is expected to increase at the project site, the project would include six bioretention ponds to reduce stormwater runoff and filter pollutants prior to percolation into groundwater and Berryessa Creek to the west. The project would not result in a substantial change in topography that would alter or change flow patterns in the project area, and the project's landscape features would assist in



reducing the amount of storm water traveling off-site. The project does not include alteration of streams, rivers, or creeks. Impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

**Less Than Significant Impact.** Currently, existing drainage from the site flows off-site to the west towards Berryessa Creek, and into a storm drain infrastructure located to the south of the project site along Montague Expressway. From there, the storm water flows north, carrying stormwater through underground storm water pipes and the Berryessa Creek channel, ultimately discharging flows into San Francisco Bay. Any overflow storm water would follow the existing drainage pattern.

Although the amount of impervious surfaces would increase on the project site, implementation of BMPs in compliance with Provision C.3 of the San Francisco Bay RWQCB Municipal Regional Stormwater NPDES Permit would reduce runoff-impacts from the existing drainage onto the existing storm drain facilities. As such, the stormwater runoff at the project site is not expected to exceed the capacity of existing storm water drainage system for the City of Milpitas. The project would not result in a substantial change in topography that would alter or change flow patterns in the project area. In addition, the project would incorporate landscaping features and would reduce the amount of impervious surfaces, which would assist in reducing the amount of storm water traveling off-site. The existing storm drain is anticipated to adequately service any increased runoff from the project site. Less than significant impacts related to potential polluted runoff from the site are discussed in Response 4.9(a), above. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

- f) **Otherwise substantially degrade water quality?**

**Less Than Significant Impact.** The proposed project involves the construction of a self-storage facility, which due to its scope and nature, would not otherwise substantially degrade water quality. As discussed in Response 4.9(a), with compliance with the existing requirements of the San Francisco Bay RWQCB Municipal Regional Stormwater NPDES Permit and City's water pollution regulations, impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

- g) **Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

**No Impact.** According to the Federal Emergency Management Agency's (FEMA's) Flood Insurance Rate Map (FIRM) 06085C0067J, the project site is located within "Zone X", which is



an area determined to be outside of the 0.2 percent annual chance flood.<sup>3</sup> As such, no impact would result in this regard.

**Mitigation Measures:** No mitigation measures are required.

- h) ***Place within a 100-year flood hazard area structures, which would impede or redirect flood flows.***

**No Impact.** Refer to Response 4.9(g).

**Mitigation Measures:** No mitigation measures are required.

- i) ***Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?***

**No Impact.** The project site is not located within a 100-year flood hazard zone. In addition, based on the Association of Bay Area Governments (ABAG) dam failure inundation hazard maps, the project site is not located within a flood inundation hazard zone. As such, the project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. No impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

- j) ***Inundation by seiche, tsunami, or mudflow?***

**No Impact.** A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, lake, or storage tank. A tsunami is a great sea wave, commonly referred to as a tidal wave, produced by a significant undersea disturbance such as tectonic displacement of a sea floor associated with large, shallow earthquakes. Mudflows result from the downslope movement of soil and/or rock under the influence of gravity.

The project site is located greater than eight miles from the San Francisco Bay and is a sufficient distance so as not to be subject to tsunami impacts. The project site is not in the vicinity of a reservoir, harbor, lake, or storage tank capable of creating a seiche. In addition, there are no sources of potential mudflow capable of inundating the project site due to the developed nature of the area and the relatively flat topography of the vicinity. Therefore, no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

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<sup>3</sup> Federal Emergency Management Agency, *Flood Insurance Rate Map #06085C0067J*, Map Revised February 19, 2014.



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## 4.10 LAND USE AND PLANNING

| <i>Would the project:</i>   | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| a. Physically divide an established community?  |                                |   |                              | ✓         |
| b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? |                                |   | ✓                            |           |
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan?   |                                |   |                              | ✓         |

**a) *Physically divide an established community?***

**No Impact.** The project site currently consists of industrial uses and is surrounded by similar uses. Per the General Plan and Zoning Code, the project site is intended for industrial/warehouse uses and the proposed project would not require a General Plan Amendment or Zone Change. Thus, the project would not physically divide an established community. The project would be compatible with existing surrounding uses, which include industrial/warehousing uses. No impacts would result in this regard.

**Mitigation Measures:** No mitigation measures are required.

**b) *Conflict with applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?***

**Less Than Significant Impact.**

### **Milpitas General Plan**

The General Plan designates the project site as Manufacturing and Warehousing (MW). This designation encompasses a variety of light and heavy industrial activities, such as manufacturing, packaging, processing, warehousing and distribution, and ancillary support uses. Per the Land Use Element of the General Plan, the MW designation allows for a maximum permitted floor-area ratio (FAR) of 0.40.

The proposed project involves construction of a self-storage facility at the project site. The proposed use is a permitted use with a discretionary application (refer to the Milpitas Zone Code discussion below). Therefore, the proposed project complies with the site's intended MW use. However, it is noted that implementation of the proposed project would result in a FAR of 0.86, where the General Plan only permits a maximum FAR of 0.40. With approval of the proposed Conditional Use Permit (CUP), the proposed FAR of 0.86 would be allowed. Thus, as the



proposed project is consistent with the intended land uses for the site per the General Plan and approval of the proposed CUP would permit the project's 0.86 FAR, impacts in this regard would be less than significant.

**Milpitas Zone Code**

The Milpitas Municipal Code zones the project site Heavy Industrial (M2). The Zone Code permits the proposed self-storage facility within this zone under a Conditional Use Permit, in accordance with Zone Code Subsection XI-10-57.04, *Conditional Use Permits and Minor Conditional Use Permits*. The project would comply with all Development Standards, as described in Table 4.10-1, M2 Development Standards. Thus, impacts pertaining to consistency with the Milpitas Municipal Code are less than significant.

**Table 4.10-1  
M2 Development Standards**

| Standard   | Allowed  | Proposed  | Consistent?  |
|--|--|---|--|
| Lot Area, minimum  | None   | --  | Yes  |
| Lot Width, minimum   | None   | --  | Yes  |
| Front Yard Setback, minimum  | Along major street: 35 feet from face of curb.<br>Along non-major street: 25 feet from face of curb.   | 35 feet from Montague Expressway                            | Yes  |
| Side yard Setback (interior), minimum  | None   | None  | Yes  |
| Street Side Yard Setback, minimum  | Same as front yard setback   | Not Applicable  | Yes  |
| Rear Yard Setback, minimum   | None   | --  | Yes  |
| Building Height, minimum   | None. However, prior to construction of any structure that exceeds three (3) stories or thirty-five (35) feet in height, the Planning Commission must make the following finding: That any such excess height will not be detrimental to the light, air, or privacy of any other structure or use currently existing or anticipated. | Three (3) stories – up to 38 feet, 8 inches                 | Yes. The proposed project is a self-storage facility, surrounded by similar commercial/industrial uses. Development of the proposed heights would not result in detrimental impacts pertaining to increased shading, air quality concerns, or privacy of surrounding structures. It is noted that uses to the west of the project site are proposed for residential uses. However, increased heights associated with a self-storage facility is not anticipated to result in detrimental privacy issues of concern. Further, as part of the project's required CUP discretionary process, the Applicant would request Planning Commission to make the following finding: That any such excess height would not be detrimental to the light, air, or privacy of any other structure or use currently existing or anticipated. |
| Parking  | 1 per 5,000 square feet, plus 1 per resident manager (35 spaces <sup>1</sup> )   | 35 spaces (33 full size and 2 disabled access) <sup>2</sup> | Yes  |
| Notes:<br>1. 171,924 gross square-foot facility divided by 5,000 square feet equals 34.6, or 35 parking spaces.<br>2. Note that no resident manager is proposed. |  |   |  |



*Section XI-10-57.04 – Conditional Use Permits and Minor Conditional Use Permits*

The purpose and intent of the Conditional Use Permit process is to provide a review of land uses which would not otherwise be permitted as a matter of right in a zoning district because of their nature, have an impact on the surrounding environment, and for the determination of whether or not the proposed use is appropriate for its proposed location.

The Conditional Use Permit process is intended to encourage uses to be located in a manner that is:

- a. Consistent with the City's zones;
- b. Sensitive to community and neighborhood identity; and
- c. Minimizes impacts to adjacent uses, including traffic flow; circulation; safety for vehicular and pedestrian traffic; imposition of noises, odors and health and safety hazards upon nearby residential area; provision of adequate light, air and reasonable access; securing safety from fire and other dangers; prevent overcrowding of land; facilitating adequate provision for transportation and in general, to promote the public health, safety, peace, morals, comfort and welfare; prevention of neighborhood deterioration and blight; the objectives of zoning and planning in the community and the effect upon the City's general welfare of this proposed use in relation to surrounding uses and the community. Review of a use may require the consideration of site plan issues related to the use, as well.

The Planning Commission has the authority to approve Conditional Use Permits, subject to concurrent review and appeal provisions of Section XI-10-64, *Development Review Process*, of the Zone Code.

The CUP is required for the project due to the following inconsistencies with the development standards for the project site: height exceedances. With approval of the proposed CUP, the proposed project would be consistent with the City's Municipal Code. A less than significant impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

- c) ***Conflict with any applicable habitat conservation plan or natural community conservation plan?***

**No Impact.** Refer to Response 4.4(f).

**Mitigation Measures:** No mitigation measures are required.



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## 4.11 MINERAL RESOURCES

| <i>Would the project:</i>   | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                |                                |   |                              | ✓         |
| b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? |                                |   |                              | ✓         |

**a)            *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?***

**No Impact.** Santa Clara County is identified as a principal producing area for cement plant and crushed stone.<sup>1</sup> Based on General Plan Figure 4-5, *Mineral Resources*, of the Open Space and Environmental Conservation Element, no known mineral resources occur on-site; the nearest resource (identified as a Mineral Resource Aggregate Product) is located approximately 1.93 miles northeast of the project site. The project site is located within an urbanized area and involves the demolition of a former industrial use in order to construct the proposed self-storage facility. No former cement plant or crushed stone producing activities occur or previously occurred on-site. As no known mineral recovery activities have occurred on-site, the project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the State. Thus, no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**b)            *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?***

**No Impact.** Refer to Response 4.11(a).

**Mitigation Measures:** No mitigation measures are required.

<sup>1</sup> U.S. Geological Survey, *California State Minerals Information website, 2010-2011 Minerals Yearbook, California [Advance Release]*, [http://minerals.usgs.gov/minerals/pubs/state/2010\\_11/myb2-2010\\_11-ca.pdf](http://minerals.usgs.gov/minerals/pubs/state/2010_11/myb2-2010_11-ca.pdf), accessed October 28, 2015.



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## 4.12 NOISE

| <i>Would the project:</i>   | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   |                                | ✓   |                              |           |
| b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   |                                |   | ✓                            |           |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  |                                |   | ✓                            |           |
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  |                                | ✓   |                              |           |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? |                                |   |                              | ✓         |
| f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  |                                |   |                              | ✓         |

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air, and is characterized by both its amplitude and frequency (or pitch). The human ear does not hear all frequencies equally. In particular, the ear de-emphasizes low and very high frequencies. To better approximate the sensitivity of human hearing, the A-weighted decibel scale (dBA) has been developed. On this scale, the human range of hearing extends from approximately three dBA to around 140 dBA.

Noise is generally defined as unwanted or excessive sound, which can vary in intensity by over one million times within the range of human hearing; therefore, a logarithmic scale, known as the decibel scale (dB), is used to quantify sound intensity. Noise can be generated by a number of sources, including mobile sources such as automobiles, trucks, and airplanes, and stationary sources such as construction sites, machinery, and industrial operations. Noise generated by mobile sources typically attenuates (is reduced) at a rate between three dBA and 4.5 dBA per doubling of distance. The rate depends on the ground surface and the number or type of objects between the noise source and the receiver. Hard and flat surfaces, such as concrete or asphalt, have an attenuation rate of three dBA per doubling of distance. Soft surfaces, such as uneven or vegetated terrain, have an attenuation rate of about 4.5 dBA per doubling of distance. Noise generated by stationary sources typically attenuates at a rate between 6 dBA and about 7.5 dBA per doubling of distance.

There are a number of metrics used to characterize community noise exposure, which fluctuate constantly over time. One such metric, the equivalent sound level ( $L_{eq}$ ), represents a constant



sound that, over the specified period, has the same sound energy as the time-varying sound. Noise exposure over a longer period of time is often evaluated based on the Day-Night Sound Level ( $L_{dn}$  or DNL). This is a measure of 24-hour noise levels that incorporates a 10-dBA penalty for sounds occurring between 10:00 p.m. and 7:00 a.m. The penalty is intended to reflect the increased human sensitivity to noises occurring during nighttime hours, particularly at times when people are sleeping and there are lower ambient noise conditions. Typical  $L_{dn}$  noise levels for light and medium density residential areas range from 55 dBA to 65 dBA.

## REGULATORY FRAMEWORK

### City of Milpitas

#### *General Plan*

The Noise Element of the Milpitas General Plan adopted standards for noise compatibility for land uses. The guidelines categorize the land uses in terms of community noise exposure; refer to Table 4.12-1, *Noise and Land Use Compatibility*. The guidelines are intended to be used as one of the many factors used in the land use planning process.

**Table 4.12-1  
Noise and Land Use Compatibility**

| Land Use Category   | Community Noise Exposure ( $L_{dn}$ or CNEL, dBA) |                          |                       |                      |
|---|---|--------------------------|-----------------------|----------------------|
|   | Normally Acceptable                               | Conditionally Acceptable | Normally Unacceptable | Clearly Unacceptable |
| Residential - Low Density, Single-Family, Duplex, Mobile Homes  | 50 - 60   | 55 - 70                  | 70-75                 | 75-85                |
| Residential - Multiple Family   | 50 - 65   | 60 - 70                  | 70 - 75               | 75- 85               |
| Transient Lodging - Motel, Hotels   | 50 - 65   | 60 - 70                  | 70 - 80               | 80 - 85              |
| Schools, Libraries, Churches, Hospitals, Nursing Homes  | 50 - 70   | 60 - 70                  | 70 - 80               | 80 - 85              |
| Auditoriums, Concert Halls, Amphitheaters   | NA  | 50 - 70                  | NA                    | 65 - 85              |
| Sports Arenas, Outdoor Spectator Sports   | NA  | 50 - 75                  | NA                    | 70 - 85              |
| Playgrounds, Neighborhood Parks   | 50 - 70   | NA                       | 67.5 - 75             | 72.5 - 85            |
| Golf Courses, Riding Stables, Water Recreation, Cemeteries  | 50 - 70   | NA                       | 70 - 80               | 80 - 85              |
| Office Buildings, Business Commercial and Professional  | 50 - 70   | 67.5 - 77.5              | 75 - 85               | NA                   |
| Industrial, Manufacturing, Utilities, Agriculture   | 50 - 75   | 70 - 80                  | 75 - 85               | NA                   |
| NA: Not Applicable  |   |                          |                       |                      |
| Normally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.   |   |                          |                       |                      |
| Conditionally Acceptable – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice. |   |                          |                       |                      |
| Normally Unacceptable – New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.   |   |                          |                       |                      |
| Clearly Unacceptable – New construction or development should generally not be undertaken.  |   |                          |                       |                      |
| Source: City of Milpitas, <i>Milpitas General Plan Noise Element</i> , 1994, updated January 2002, and Office of Planning and Research, California, <i>General Plan Guidelines</i> , October 2003.  |   |                          |                       |                      |



According to the City's Noise Element, traffic and the railroads are the principal noise sources in the City. Sporadic noise from aircraft and construction-related activities also contribute to the noise environment in the City. In addition, the Noise Element contains the following principals and implementing policies that would be applicable to the proposed project.

*Principle 6-G-1: Maintain land use compatibility with noise levels similar to those set by State guidelines.*

*Principle 6-G-2: Minimize unnecessary, annoying, or injurious noise.*

*Implementing Policy 6-I-1: Use the guidelines in Table 6-1 (Noise and Land Use Compatibility) (Table 4.12-1 above) as review criteria for development projects.*

*Implementing Policy 6-I-2: Require an acoustical analysis for projects located within a "conditionally acceptable" or "normally unacceptable" exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.*

*Implementing Policy 6-I-3: Prohibit new construction where the exterior noise exposure is considered "clearly unacceptable" for the use proposed.*

*Implementing Policy 6-I-4: Where actual or projected rear yard and exterior common open space noise exposure exceeds the "normally acceptable" levels for new single-family and multifamily residential projects, use mitigation measures to reduce sound levels in those areas to acceptable levels.*

*Implementing Policy 6-I-5 All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB DNL or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels.*

*Implementing Policy 6-I-9: Enforce the provisions of the City of Milpitas Noise Ordinance and the use of established truck routes.*

*Implementing Policy 6-I-11: Minimize noise impacts on neighbors caused by commercial and industrial projects.*

*Implementing Policy 6-I-13 Restrict the hours of operation, technique, and equipment used in all public and private construction activities to minimize noise impact. Include noise specifications in requests for bids and equipment information.*

#### *Municipal Code*

The City's standards for governing environmental noise are set forth in Chapter 213 (Noise Abatement) of the Milpitas Municipal Code. The City has also adopted community noise



standards within Chapter 213 of the Milpitas Municipal Code in order to limit unnecessary, excessive and annoying noise in the City, as discussed below.

*V-213-3 - Unlawful to Create or Permit Disturbing Noise*

*(b) Site Construction Regulations*

*3.05 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-213-2-2.05 of this Chapter.*

*3.06 Exemption from Off-Site Construction Regulations. Exempt from the Off-Site Construction Regulations of this article are as follows:*

- (1) Emergency construction and repair that is necessary for protection of life and property,*
- (2) Operation preempted from local regulation by state law, such as construction of public school buildings,*
- (3) Furnishing utility-type service including construction and maintenance of utility facilities,*
- (4) Any work on an existing single-family or duplex (two-family) dwelling undertaken by the property owner,*
- (5) Operation to construct and maintain facilities within the public right-of-way as deemed necessary by the Public Works Director, and*
- (6) Any other circumstances where the City Manager deems that an exemption would be appropriate.*

**EXISTING CONDITIONS**

**Stationary Sources**

The project area is located within an urbanized area. The primary sources of stationary noise in the project vicinity are urban-related activities (i.e., mechanical equipment, commercial/light industrial areas, parking areas, and pedestrians). The noise associated with these sources may represent a single-event noise occurrence, short-term, or long-term/continuous noise.

**Mobile Sources**

The majority of the existing mobile noise in the project area is generated from vehicle sources along Montague Expressway and South Milpitas Avenue.



## Sensitive Receptors

Certain land uses are particularly sensitive to noise, including schools, hospitals, rest homes, long-term medical and mental care facilities, and parks and recreation areas. Residential areas are also considered noise sensitive, especially during the nighttime hours. Existing sensitive receptors located in the project vicinity include residential uses located approximately 865 feet to the southwest of the project site.

- a) ***Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?***

***Less Than Significant Impact With Mitigation Incorporated.***

## Short-Term Construction

Construction activities generally are temporary and have a short duration, resulting in periodic increases in the ambient noise environment. Ground-borne noise and other types of construction-related noise impacts would typically occur during the initial construction phases. These phases of construction have the potential to create the highest levels of noise. Typical noise levels generated by construction equipment are shown in Table 4.12-2, *Maximum Noise Levels Generated by Construction Equipment*. It should be noted that the noise levels identified in Table 4.12-2 are maximum sound levels ( $L_{max}$ ), which are the highest individual sound occurring at an individual time period. Operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be due to random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts).

**Table 4.12-2  
Maximum Noise Levels Generated by Construction Equipment**

| Type of Equipment            | Acoustical Use Factor <sup>1</sup> | $L_{max}$ at 50 Feet (dBA) |
|------------------------------|------------------------------------|----------------------------|
| Concrete Saw                 | 20                                 | 90                         |
| Crane                        | 16                                 | 81                         |
| Concrete Mixer Truck         | 40                                 | 79                         |
| Backhoe                      | 40                                 | 78                         |
| Dozer                        | 40                                 | 82                         |
| Excavator                    | 40                                 | 81                         |
| Forklift                     | 40                                 | 78                         |
| Paver                        | 50                                 | 77                         |
| Roller                       | 20                                 | 80                         |
| Tractor                      | 40                                 | 84                         |
| Water Truck                  | 40                                 | 80                         |
| Grader                       | 40                                 | 85                         |
| General Industrial Equipment | 50                                 | 85                         |

Note:  
1. Acoustical use factor (percent): Estimates the fraction of time each piece of construction equipment is operating at full power (i.e., its loudest condition) during a construction operation.  
Source: Federal Highway Administration, *Roadway Construction Noise Model (FHWA-HEP-05-054)*, dated January 2006.



Due to the variability of construction activities and equipment for the project, overall construction noise levels would fluctuate over time. Noise source control is the most effective method of controlling construction noise. Source controls, which limit noise, are the easiest to oversee on a construction project. Attenuation at the source reduces the problem everywhere, not just along one single path or for one receiver. With implementation of Mitigation Measure NOI-1, which includes best practices for reducing construction noise, construction-related noise levels would be reduced to a less than significant level.

Construction activities would also cause increased noise along access routes to and from the site due to movement of equipment and workers. As such, some noise from soil hauling trips would occur along Montague Expressway and/or South Milpitas Boulevard. However, due to the short-term nature of construction activities and construction being limited to daytime hours, noise impacts from vehicles accessing the project site would be less than significant.

Pursuant to the Milpitas Municipal Code, all construction activities may only occur between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and weekends. Construction activities are prohibited on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day; refer to Mitigation Measure NOI-1. These permitted hours of construction are required in recognition that construction activities undertaken during daytime hours are a typical part of living in an urban environment and do not cause a significant disruption. As noted above, implementation of Mitigation Measure NOI-1 would not only require compliance with the City's allowed hours of construction, but would also require construction equipment to be equipped with properly operating and maintained mufflers and other state required noise attenuation devices. Implementation of Mitigation Measure NOI-1 would ensure construction noise is consistent with the levels in Table 4.12-2. Thus, with implementation of Mitigation Measure NOI-1, construction noise would be less than significant.

## **Operational Noise Sources**

### *Off-Site Mobile Noise*

Operation of the proposed project would result in additional traffic on adjacent roadways, thereby increasing vehicular noise in the vicinity of existing and proposed land uses. According to the *Self-Storage Project at 985 Montague Expressway Traffic and Transportation Review* (Traffic Technical Memorandum) prepared by Abrams Associates (dated January 11, 2016) (provided in [Appendix 8.6, \*Traffic Technical Memorandum\*](#)), the proposed project would result in approximately 330 daily trips. The 330 trips generated by the project would be dispersed among the various turning movements and roadways in the vicinity of the project site. However, since access to the project site would be limited to right turns only, all 330 vehicle trips would enter the site via right turn along Montague Expressway. All of the exiting traffic would turn right onto Montague Expressway westbound. According to the Circulation Element of the General Plan (Circulation Element), Montague Expressway is classified as a sub-regional route that has a large vehicle capacity. According to the 2013 California Department of Transportation (Caltrans) *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, doubling of traffic on a roadway would result in an increase of 3 dB. The 330 daily trips generated by the project would be nominal compared to the vehicle capacity of Montague Expressway, and thus, would not result in a perceptible increase traffic noise levels. A less than significant impact would occur in this regard.



### *On-Site Stationary Noise Sources*

Stationary noise sources associated with the project would consist of noise associated with loading/unloading activities at the self-storage units (a two-axle truck typically generates a maximum noise level of 75 dBA at a distance of 50 feet), mechanical equipment such as heating, ventilation, and air conditioning (HVAC) units used on-site, (approximately 55 dBA at a distance of 50 feet), and cars parking, doors shutting, etc., at the parking areas on-site (a maximum of 63 dBA at a distance of 50 feet). The closest sensitive receptors are residential uses located approximately 865 feet to the southwest of the project site. At this distance, the on-site stationary noise sources would generate a maximum of 50.2 dBA at these receptors which is below the City's 65 dBA threshold. Traffic noise along Montague Expressway would further attenuate these stationary noise sources at the project site, and stationary noise at the project site would be intermittent and occur primarily during daytime hours. A less than significant impact would occur in this regard.

### ***Mitigation Measures:***

NOI-1 Prior to Grading Permit issuance, the Applicant shall demonstrate, to the satisfaction of the Director and Planning and Neighborhood Services that the project complies with the following:

- Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
- Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.
- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
- Construction activities shall not take place outside of the allowable hours specified by the City of Milpitas Municipal Code Section V-213-3-3.05, *Site Construction Regulations* (7:00 a.m. and 7:00 p.m. on weekdays and weekends; construction activities are not permitted on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).

### **b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?***

***Less Than Significant Impact.*** Project construction can generate varying degrees of groundborne vibration, depending on the construction procedure and the construction equipment used. Operation of construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible



vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

The types of construction vibration impact include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. The vibration produced by construction equipment is illustrated in Table 4.12-3, *Typical Vibration Levels for Construction Equipment*.

**Table 4.12-3  
Typical Vibration Levels for Construction Equipment**

| Equipment  | Approximate peak particle velocity at 25 feet<br>(inches/second) <sup>1</sup> |
|--|---|
| Large bulldozer  | 0.089   |
| Loaded trucks  | 0.076   |
| Small bulldozer  | 0.003   |
| Jackhammer   | 0.035   |
| Notes:   |   |
| 1. Calculated using the following formula:<br>$PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$<br>where: PPV (equip) = the peak particle velocity in inch per second of the equipment adjusted for the distance<br><br>PPV (ref) = the reference vibration level in inch per second from Table 12-2 of the FTA <i>Transit Noise and Vibration Impact Assessment Guidelines</i><br><br>D = the distance from the equipment to the receiver |   |
| Source: Federal Transit Administration, <i>Transit Noise and Vibration Impact Assessment Guidelines</i> , May 2006. Table 12-2.  |   |

The nearest structure to the project site is a dental office structure located approximately 32 feet to the east. Groundborne vibration decreases rapidly with distance. As indicated in Table 4.12-3, based on the Federal Transit Administration (FTA) data, vibration velocities from typical heavy construction equipment operation that would be used during project construction range from 0.003 to 0.089 inch-per-second peak particle velocity (PPV) at 25 feet from the source of activity, and would range from 0.001 to 0.031 inch-per-second PPV at 50 feet. With regard to the proposed project, groundborne vibration would be generated primarily during grading activities on-site and by off-site haul-truck travel. Although the existing dental office is located 32 feet east of the project site, the proposed construction activities would not be capable of exceeding the 0.2 inch-per-second PPV significance threshold for vibration, as construction activities would be limited and would not be concentrated within 25 feet of the adjacent structures for an extended period of time. Therefore, vibration impacts would be less than significant.

**Mitigation Measures:** No mitigation measures are required.



- c) ***A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?***

***Less Than Significant Impact.*** Refer to Response 4.12(a).

***Mitigation Measures:*** No mitigation measures are required.

- d) ***A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?***

***Less Than Significant Impact With Mitigation Incorporated.*** Refer to Responses 4.12(a) and 4.12(b) above.

***Mitigation Measures:*** Refer to Mitigation Measure NOI-1.

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

***No Impact.*** The nearest airport to the project site is the Norman Y. Mineta San Jose International Airport, located approximately 3.75 miles to the southwest. The project site is not located within the airport's Impact Zones.<sup>1</sup> Therefore, project implementation would not expose people residing or working in the project area to excessive noise levels associated with aircraft.

***Mitigation Measures:*** No mitigation measures are required.

- f) ***For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?***

***No Impact.*** The project site is not located within the vicinity of a private airstrip or related facilities. Therefore, no impacts would occur in this regard.

***Mitigation Measures:*** No mitigation measures are required.

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<sup>1</sup> Santa Clara County Airport Land Use Commission, *Norman Y. Mineta San Jose International Airport*, May 25, 2011.



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### 4.13 POPULATION AND HOUSING

| <i>Would the project:</i>   | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| a. Induce substantial 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)? |                                |   | ✓                            |           |
| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   |                                |   |                              | ✓         |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   |                                |   |                              | ✓         |

**a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?***

***Less Than Significant Impact.*** The project proposes to replace an existing vacant industrial use with a new self-storage facility. The project does not propose the development of housing, which would result in a direct growth in the City’s permanent population. However, the employment created by the proposed commercial use has the potential to result in an indirect growth in the City’s population, since the potential exists that “future employees” (and their families) may choose to relocate to the City. Estimating the number of these future employees who would choose to relocate to the City would be highly speculative, since many factors influence personal housing location decisions (e.g., family income levels and the cost and availability of suitable housing in the local area). Additionally, housing opportunities exist for the project’s future employees in the communities surrounding the City.

Although an uncertainty exists regarding the number of new employees whom may choose to relocate to the City, a conservative analysis of impacts associated with the City’s permanent population is provided. Upon buildout of the proposed project, the number of employees is anticipated to consist of up to five persons (a maximum of four full-time and one part-time employees). For analysis purposes, it is assumed 100 percent of the project’s new full-time employees would relocate to the City. Based on four new employees relocating to the City and an average household size of 3.42,<sup>1</sup> Project implementation would result in a potential population increase of approximately 14 persons. This potential population growth generated by the proposed project would increase the City’s estimated 2015 population of 72,606<sup>2</sup> persons to 72,620 persons, constituting an increase of less than 0.02 percent. Therefore, implementation of the proposed project would not induce substantial population growth within the City either directly or indirectly, resulting in less than significant impacts.

***Mitigation Measures:*** No mitigation measures are required.

<sup>1</sup> State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties and the State – January 1, 2011-2015*. Sacramento, California, May 2015.

<sup>2</sup> Ibid.



**b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?***

**No Impact.** There are no existing residential units on-site and no active operations occur on-site. Thus, implementation of the proposed project would not necessitate the construction of replacement housing nor would the project displace a substantial number of people, necessitating construction of replacement housing elsewhere. No impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?***

**No Impact.** Refer to Response 4.13(b).

**Mitigation Measures:** No mitigation measures are required.



## 4.14 PUBLIC SERVICES

| <i>Would the project:</i>   | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: |                                |   |                              |           |
| 1) Fire protection?   |                                |   | ✓                            |           |
| 2) Police protection?   |                                |   | ✓                            |           |
| 3) Schools?   |                                |   |                              | ✓         |
| 4) Parks?   |                                |   | ✓                            |           |
| 5) Other public facilities?   |                                |   | ✓                            |           |

a) ***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:***

1) ***Fire protection?***

***Less Than Significant Impact.*** The Milpitas Fire Department (MFD) provides fire protection and emergency response to the City, including the project site. According to the Seismic and Safety Element of the General Plan, the average response time to code 3 emergencies in the City was about 4.2 minutes during 2010/2011.<sup>1</sup> The City's Insurance Services Office (ISO) rating is 3 on a scale of 1 to 10 (with 1 being the best). The City staffs and operates four stations: on Curtis Avenue (Fire Station 1), Yosemite Drive (Fire Station 2), Midwick Drive (Fire Station 3), and Barber Lane (Fire Station 4). The nearest fire station to the project site is Fire Station 1, approximately 0.94-mile northwest of the project site).

The proposed project would result in the demolition of the vacant on-site structures and the construction of a new self-storage facility. The proposed project is not expected to result in the construction of new or physically altered fire facilities. Fire access would be maintained by the proposed project through one main access driveway and one fire access driveway, both along Montague Expressway (at the southeast and southwest portions of the project site, respectively). The interior vehicular circulation is designed to meet the MFD turning radius requirements. The proposed project would be subject to MFD site/building plan review to

<sup>1</sup> Dyett & Bhatia, *Milpitas Transit Area Specific Plan Environmental Impact Report* (State Clearinghouse Number 2006032091), dated May 2008.



ensure that the project meets City requirements for fire safety. The proposed project would include features such as fire-resistant construction materials, fire alarm/sprinkler systems, hydrants/fire flow requirements, and adequate fire access for emergency vehicles. Upon compliance with existing City design standards, impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**2) Police protection?**

**Less Than Significant Impact.** The Milpitas Police Department (MPD) provides law enforcement services to the City. The MPD headquarters are located at 1275 North Milpitas Boulevard, which is located approximately 2.59 miles north of the project site. The proposed project would result in the replacement of the former industrial use on-site with the proposed self-storage facility. The development is expected to result in similar service calls typical of a mixed commercial/industrial area. It is not expected that long-term operation of the project would require new or physically altered police facilities, the construction of which could cause significant environmental impacts. In addition, the project would be subject to site plan review by the City to ensure that it meets City safety requirements. Thus, impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**3) Schools?**

**No Impact.** The City of Milpitas provides school services from the Milpitas Unified School District (MUSD) as well as the Berryessa Union and East Side Union districts. The MUSD is composed of nine elementary schools, two junior high schools, and one traditional single high school. The proposed project would not impact requirements for school facilities, as it does not involve the development of residences that would generate a substantial number of students. No impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**4) Parks?**

**Less Than Significant Impact.** The project proposes the construction of a self-storage facility, and would not include the project would not create a demand for new parks in the area. As noted in Section 4.13, Population and Housing, it is anticipated that there would be four full-time and one part-time employees. The employees may use the City's parks in the area; however, it would not constitute a significant use of parks. Thus, a less than significant impact would result in this regard.

**Mitigation Measures:** No mitigation measures are required.

**5) Other public facilities?**

**Less Than Significant Impact.** Library services for the project area are provided by the Milpitas Library, located at 160 North Main Street. In general, residential development results in a direct increase in demand on library services. The project proposes the construction of a self-



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storage facility, and would not generate new residents. The employees may use the City's libraries; however, these employees would not generate an additional need for library space or volumes of permanent collection. Thus, impacts on library services would be less than significant.

***Mitigation Measures:*** No mitigation measures are required.



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**4.15 RECREATION**

| <i>Would the project:</i>  | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? |                                |   | ✓                            |           |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?                       |                                |   |                              | ✓         |

- a) ***Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?***

***Less Than Significant Impact.*** Refer to Response 4.14(a)(4). According to the Open Space and Environmental Conservation Element of the General Plan, the City is served by approximately 201 acres of developed City parkland and 1,544 acres of the Ed Levin Park, part of which is within City limits. As the project proposes the construction of a self-storage facility, the project would not have a permanent impact on parks within the City. The employees may use the City’s parks in the area; however, it would not constitute a significant use of parks. Therefore, a less than significant impact would occur in this regard.

***Mitigation Measures:*** No mitigation measures are required.

- b) ***Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?***

***No Impact.*** The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities. No impacts to recreation beyond those described in Response 4.14(a)(4) are anticipated. No impacts would occur in this regard.

***Mitigation Measures:*** No mitigation measures are required.



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## 4.16 TRANSPORTATION/TRAFFIC

| <i>Would the project:</i>   | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? |                                |   | ✓                            |           |
| b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?  |                                |   | ✓                            |           |
| c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?   |                                |   |                              | ✓         |
| d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?  |                                |   | ✓                            |           |
| e. Result in inadequate emergency access?   |                                |   | ✓                            |           |
| f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?  |                                |   | ✓                            |           |

This section is based upon the *Self-Storage Project at 985 Montague Expressway Traffic and Transportation Review* (Traffic Technical Memorandum) prepared by Abrams Associates (dated January 11, 2016); refer to [Appendix 8.6, Traffic Technical Memorandum](#).

- a) ***Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?***

***Less Than Significant Impact.*** Per the Transportation Impact Analysis (TIA) guidelines for the Santa Clara Valley Transportation Authority<sup>1</sup>, the City of Milpitas utilizes the following threshold for the requirement of a TIA as a part of project entitlements: any project in Santa Clara County

<sup>1</sup> Santa Clara Valley Transportation Authority, *Transportation Impact Analysis Guidelines*, October 2014.



expected to generate 100 or more new weekday (a.m. or p.m. peak hour) or weekend peak hour trips, including both inbound and outbound trips. Additionally, an intersection shall be included in a TIA where the proposed project is expected to add 10 or more peak hour vehicles per lane to any intersection movement. Project-related impacts on the surrounding roadway system are discussed below.

**Project Trip Generation**

To determine project trip generation of the proposed project, the Institute of Transportation Engineers (ITE) Trip Generation (9th Edition, 2012) published trip generation rates were used. Table 4.16-1, ITE Trip Rates for the Proposed Project, summarizes ITE trip generation rates used to calculate the number of trips generated by the proposed project.

**Table 4.16-1  
ITE Trip Rates for the Proposed Project**

| Land Use (ITE Code)                | Size              | AM Peak Hour |       |       | PM Peak Hour |       |       | Average Daily Trip Rate |
|------------------------------------|-------------------|--------------|-------|-------|--------------|-------|-------|-------------------------|
|                                    |                   | In           | Out   | Total | In           | Out   | Total |                         |
| Mini-Warehouse, Self-Storage (151) | 1,000 square feet | 0.077        | 0.063 | 0.14  | 0.130        | 0.130 | 0.26  | 2.5                     |

Source: Abrams Associates, Self-Storage Project at 985 Montague Expressway Traffic and Transportation Review, January 11, 2016.

Table 4.16-2, Forecast Trip Generation of the Proposed Project, summarizes the forecast trip generation of the proposed self-storage facility utilizing the ITE trip generation rate shown in Table 4.16-1.

**Table 4.16-2  
Forecast Trip Generation of the Proposed Project**

| Land Use                    | Size   | AM Peak Hour Trip Generation |     |       | PM Peak Hour Trip Generation |     |       | Average Daily Trip Generation |
|-----------------------------|--|------------------------------|-----|-------|------------------------------|-----|-------|-------------------------------|
|                             |  | In                           | Out | Total | In                           | Out | Total |                               |
| Mini-Warehouse Self-Storage | 132,288 square feet (the ITE rate is based on storage space, not gross square footage) | 10                           | 8   | 19    | 17                           | 17  | 34    | 330                           |

Source: Abrams Associates, Self-Storage Project at 985 Montague Expressway Traffic and Transportation Review, January 11, 2016.

For analysis purposes, the trip generation for the peak hour is the determining factor. The peak hour is defined as the highest volume hour of traffic during the AM or PM peak period, which occur during the hours of 6:00 to 9:00 a.m. and 4:00 to 6:30 p.m.

Self-Storage facilities generate a very low amount of traffic (2.5 trips per 1,000 square feet) in comparison to other types of industrial uses. According to the Traffic Technical Memorandum,



the proposed project is forecast to generate approximately 330 daily trips. During the PM peak hour, the project would generate 17 inbound trips and 17 outbound trips. The proposed project is not expected to add 10 or more peak hour vehicles to any lane at the nearest intersection (at Montague Expressway and South Milpitas Boulevard).

As the proposed project would generate less than 100 vehicle trips per hour, it does not satisfy the City-established threshold to require completion of a traffic study for project entitlements. In addition, the proposed development is not expected to add 10 or more peak hour vehicles to any lane at the nearest intersection. Per the TIA Guidelines, the project's proposed traffic generation would result in a less than significant impact.

**Mitigation Measures:** No mitigation measures are required.

- b) ***Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?***

**Less Than Significant Impact.** Based on the Traffic Technical Memorandum, the nearest Santa Clara County Congestion Management Program (CMP) intersection is located approximately 300 feet southwest of the project site (the intersection of Montague Expressway and South Milpitas Boulevard). The previous uses on-site (storage of construction materials) generated a low amount of traffic. As the proposed project would similarly generate a low amount of traffic due to the self-storage facility proposed on-site, the project would not substantially affect a CMP intersection due to the additional number of vehicle trips anticipated. No conflicts with CMP standards are anticipated, and impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

- c) ***Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?***

**No Impact.** The nearest airport to the project site is the Norman Y. Mineta San Jose International Airport. The project site is not located within the airport's Impact Zones.<sup>2</sup> Construction and operation of the proposed self-storage facility would not increase the frequency of air traffic or alter air traffic patterns. Therefore, no impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

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

**Less Than Significant Impact.** The proposed project is not anticipated to result in significant impacts related to hazardous design features. As described in Section 2.0, Project Description, vehicular access would be provided on Montague Expressway at the southeast corner of the project site. For existing customers, access to the site would be provided via computer controlled gate keypads for both entering and exiting the self-storage facility. A second swinging gate would

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<sup>2</sup> Santa Clara County Airport Land Use Commission, *Norman Y. Mineta San Jose International Airport*, May 25, 2011.



be provided only for emergency vehicle access at the southwestern portion of the project site, accessed via Montague Expressway. A third sliding gate would be accommodated at the western property boundary (at the southwestern portion of the site) to allow for Berryessa Creek maintenance access for Santa Clara Valley Water District staff. These driveway and gate entrances would be designed and constructed in accordance with City standards and would not increase hazards due to a design feature. In addition, the interior vehicular circulation would be designed to meet the Fire Department turning radius requirements, as well as the occasional moving truck. Thus, impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**e) Result in inadequate emergency access?**

**Less Than Significant Impact.**

**Access and Fire Department Requirements**

The project is located at the northeast corner of Montague Expressway and South Milpitas Boulevard. Development of the proposed project would provide emergency access to persons at the project site via access along Montague Expressway. In addition, the interior vehicular circulation would be designed to meet the Fire Department turning radius requirements. All driveways, fire lanes, and access control devices (gates or similar devices) would be required to comply with the Milpitas Municipal Code (Municipal Code), and the standards imposed by the Fire Department to ensure proper emergency access. Site access would be sufficient for emergency vehicles and impacts in this regard would be less than significant.

**Phase I**

All construction staging would occur within the boundaries of the project site and would not interfere with circulation along Montague Expressway, South Milpitas Boulevard, or any other nearby roadways. As noted in Responses 4.08(g), construction of the proposed project would occur concurrently with the proposed Montague Expressway Widening Project. As part of the Montague Expressway Widening Project, the southern portion of the project site would provide a Temporary Construction Easement (TCE) during construction of the widening and may result in lane closures. As a result, proposed project construction would be required to be accomplished in two phases. Phase 1 construction would not result in any lane closures. Impacts in this regard would be less than significant.

**Phase 2**

As stated above, construction of the proposed project would occur concurrently with the proposed Montague Expressway Widening Project and may result in lane closures. However, all of the site improvements associated with the Phase 2 of the proposed project (i.e., landscaped street frontage, retaining wall, ponds, connections to sewer and water lines, and new recycled water line) would not result in any lane closures. During short-term construction of Phase 2, Montague Expressway would remain open to traffic at all times. While a partial lane closure may be required, any impact would be temporary in nature and emergency access would be maintained. With approval of the proposed Conditional Use Permit (CUP), the proposed project would be consistent with the Municipal Code. Less than significant impacts would result in this regard.



**Mitigation Measures:** No mitigation measures are required.

- f) ***Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?***

***Less Than Significant Impact.*** The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. The project site is served by Santa Clara Valley Transportation Authority (VTA) Routes 46, 47, 70, 71, 104, and 180 bus services along Montague Expressway and VTA Routes 46, 47, 70, 71, 321, and 901 along Capitol Avenue. In addition, the Montague Expressway is proposed to be widened and would include a bus stop located at 1061 Montague Expressway, approximately 0.08 miles east of the project site. The proposed Montague Expressway Widening Project meets the County of Santa Clara standards for roadway widening and right of way acquisition.<sup>3</sup> Thus, impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

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<sup>3</sup> City of Milpitas, *Public Storage Remodel Initial Study*, November 24, 2014.



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## 4.17 UTILITIES AND SERVICE SYSTEMS

| <i>Would the project:</i>  | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  |                                |   | ✓                            |           |
| b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                             |                                |   | ✓                            |           |
| c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                      |                                |   | ✓                            |           |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?   |                                |   | ✓                            |           |
| e. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? |                                |   | ✓                            |           |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?   |                                |   | ✓                            |           |
| g. Comply with federal, state, and local statutes and regulations related to solid waste?  |                                |   |                              | ✓         |

**a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?***

**Less Than Significant Impact.** As the project site is currently developed, wastewater collection services are provided to the site by the Milpitas Sanitary Sewer Collection System. Wastewater from the project site would be treated at the San Jose/Santa Clara Water Pollution Control Plant (WPCP), located near Alviso (San Jose, California). The City of Milpitas is allowed a sanitary sewer flow of 14.25 million gallons daily (mgd).<sup>1</sup> The WPCP is the largest tertiary treatment plant in the western United States, treating wastewater from over 1.5 million people that live and work in the 300-square mile area encompassing the cities of San Jose, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno.<sup>2</sup> The City of Milpitas currently discharges approximately 8.3 mgd of wastewater to the WPCP, which is well below the City's 13.5 mgd inflow limit at the WPCP.<sup>3</sup>

<sup>1</sup> City of Milpitas, *2010 Urban Water Management Plan*, June 7, 2011.

<sup>2</sup> City of San Jose, *San José-Santa Clara Regional Wastewater Facility*, <https://www.sanjoseca.gov/Index.aspx?NID=1663>, accessed November 30, 2015.

<sup>3</sup> City of Milpitas, *2010 Urban Water Management Plan*, June 7, 2011.



This project represents a nominal increase (0.00054 percent) over the City's existing wastewater generation of 8.3 mgd.<sup>4</sup> Therefore, the WPCP would have adequate capacity to serve the proposed project, and the project would not result in a violation of the existing requirements prescribed by the San Francisco Bay Regional Water Quality Control Board (RWQCB).<sup>5</sup>

The WPCD would be responsible for meeting all State and Federal wastewater treatment requirements. As part of any new development project, WPCD would charge a standard sewer connection fee that would assist in ensuring that sufficient capacity is available and that the wastewater treatment requirements of the San Francisco Bay RWQCB are met. Thus, upon payment of standard sewer connection fees, impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

- b) ***Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?***

**Less Than Significant Impact.** The City of Milpitas owns and maintains the municipal water system that provides water service to the project site. The City of Milpitas Public Works Department can and would supply water to the proposed project.<sup>6</sup> The impacts regarding wastewater treatment facilities are described in Response 4.17(a), above. As such, it is not anticipated that any water or wastewater facilities would be required to serve the project that would result in a significant environmental effect. Refer to Response 4.17(d), below, for a discussion of water supply impacts. Impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

- c) ***Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?***

**Less Than Significant Impact.** The Milpitas Engineering Department oversees the maintenance of the storm drainage system that currently serves the project site. The existing drainage at the project site flows off-site to the west towards Berryessa Creek, and into storm drain infrastructure located to the south of the project site along Montague Expressway. From there, the storm water flows north, carrying stormwater through underground storm water pipes and the Berryessa Creek channel, ultimately discharging flows into San Francisco Bay. The existing project site is flat and all of the existing (and proposed) flows would eventually reach Berryessa Creek to the west. The amount of impervious area on-site from the project would be similar to existing conditions. Due to the existing storm drain system infrastructure in the vicinity of the project site, the project would not result in flooding on- or off-site. Impacts in this regard would be less than significant. As such, no other storm drain facilities would need to be constructed. Impacts in this regard would be less than significant.

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<sup>4</sup> City of Milpitas, *Sanitary Sewer Average Day Flow Generation Factors*, <http://www.ci.milpitas.ca.gov/business/design/sanitary.asp>, accessed January 13, 2016.

<sup>5</sup> City of Milpitas, *985 Montague Expressway, Milpitas CA Self Storage Development - P-SD15-0004 & P-UP15-0009*, December 16, 2015.

<sup>6</sup> Ibid.



**Mitigation Measures:** No mitigation measures are required.

- d) ***Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?***

**Less Than Significant Impact.** The project would be served by the City of Milpitas, which maintains its own municipal water system and would serve the project site. The City of Milpitas purchases drinking water from two wholesalers: two-thirds from the San Francisco Public Utilities Commission (SFPUC) and one-third from the Santa Clara Valley Water District (SCVWD). The project site is located within the jurisdiction of the SCVWD, whose water supply is primarily derived from the Sacramento-San Joaquin Delta watershed.<sup>7</sup> The City also has one existing (Pinewood Well) and one future (Curtis Well) groundwater well which can provide emergency water supply when necessary.<sup>8</sup> Based on the City's 2009 *Water Master Plan Update*, total potable water demand is estimated to be 17 million gallons/day (mgd) in Fiscal Year (FY) 2029/30.<sup>9</sup>

The City's Urban Water Management Plan (UWMP) includes an analysis of water supply reliability projected through 2035. Based on the analysis, the City would be capable of providing adequate water supply to its service area under through the year 2035. In addition, the City has indicated that contractual water capacity is available for the project.<sup>10</sup> Thus, the UWMP accounts for increased demand as growth within the City occurs.

The UWMP demonstrates that adequate supply is available to serve the City through the long-range year of 2035. The UWMP projections are based upon growth and buildout as provided within the General Plan; the General Plan land use designation for the project site is Manufacturing and Warehousing (MW), and the Municipal Code zones the project site Heavy Industrial (M2). The proposed self-storage facility would be consistent with the General Plan designation and Zoning Code zoning for the site. Thus, the project would not result in population growth and would be consistent with the existing growth projections in the UWMP. The City of Milpitas would supply the proposed project. As such, impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

- e) ***Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***

**Less Than Significant Impact.** Refer to Response 4.17(a), above.

**Mitigation Measures:** No mitigation measures are required.

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<sup>7</sup> City of Milpitas, *City of Milpitas Water Quality in 2014*, [https://www.ci.milpitas.ca.gov/\\_pdfs/pw\\_water\\_quality\\_report.pdf](https://www.ci.milpitas.ca.gov/_pdfs/pw_water_quality_report.pdf), accessed December 3, 2015.

<sup>8</sup> City of Milpitas, *2010 Urban Water Management Plan*, [https://www.ci.milpitas.ca.gov/\\_pdfs/pw\\_uwmp2010.pdf](https://www.ci.milpitas.ca.gov/_pdfs/pw_uwmp2010.pdf), accessed December 3, 2015.

<sup>9</sup> Ibid.

<sup>10</sup> City of Milpitas, *985 Montague Expressway, Milpitas CA Self Storage Development - P-SD15-0004 & P-UP15-0009*, December 16, 2015.



- f) ***Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?***

***Less Than Significant Impact.*** The City of Milpitas contracts with Republics Services to collect solid waste generated throughout the City. Solid waste from the project site would be transported to the Newby Island Landfill and recycling facility, located approximately 3.5 miles to the northwest (west of I-880 on Dixon Landing Road). The landfill has a total permitted capacity of 57,500,000 cubic yards and a remaining capacity of 21,200,000 cubic yards of solid waste.<sup>11</sup> The landfill currently allows 4,000 tons per day of permitted throughput per day and has an estimated closure date of January 1, 2041.

The proposed project would result in the generation of solid waste during the construction process, and by on-site users of the proposed self-storage facility during long-term operations. The project would generate approximately 17.1 tons/year, or 78.59 cubic yards of solid waste per year. This represents a nominal increase over the existing capacity of the Newby Island Landfill.<sup>12,13</sup> However, this increase in solid waste generation is not expected to be substantial based upon the capacity available at the Newby Island Landfill. Thus, impacts in this regard would be less than significant.

***Mitigation Measures:*** No mitigation measures are required.

- g) ***Comply with federal, state and local statutes and regulations related to solid waste?***

***No Impact.*** The proposed project would comply with all Federal, State, and local statutes and regulations related to solid waste, including the California Integrated Waste Management Act and City recycling programs. The project would also be required to comply with Assembly Bills 939 and 1327, which require measures to enhance recycling and source reduction. Thus, No impacts would occur in this regard.

***Mitigation Measures:*** No mitigation measures are required.

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<sup>11</sup> CalRecycle official website, Facility/Site Summary Details, <http://www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0003/Detail/>, accessed December 3, 2015.

<sup>12</sup> City of Milpitas, *Development Guidelines for Solid Waste Services*, [http://www.ci.milpitas.ca.gov/\\_pdfs/engdesignguidelines/eng\\_dg\\_xxi\\_solidwasterecycling.pdf](http://www.ci.milpitas.ca.gov/_pdfs/engdesignguidelines/eng_dg_xxi_solidwasterecycling.pdf), accessed January 13, 2016.

<sup>13</sup> California Department of Resources Recycling and Recovery, *FacIT Conversion Table 1 - Material Type Equivalency Factors*, <http://www.calrecycle.ca.gov/FacIT/Conversion1.pdf>, accessed January 13, 2016.



#### 4.18 MANDATORY FINDINGS OF SIGNIFICANCE

| <i>Would the project:</i>  | Potentially Significant Impact | Less Than Significant Impact With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? |                                | ✓   |                              |           |
| b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?   |                                |   | ✓                            |           |
| c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?   |                                | ✓   |                              |           |

- a) ***Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?***

***Less Than Significant Impact With Mitigation Incorporated.*** The project site is within a developed urban area, and there are no rare, endangered, or threatened plants and animal species within the project site. No impacts to biological resources would occur.

As noted above within Section 4.5, Cultural Resources, the site exists within a highly developed area and the project site has been completely disturbed as a result of past on-site uses. No known cultural resources exist within the boundaries of the site. Although it is not expected that cultural resources would be encountered during construction, the project would require excavation. As such, Mitigation Measures CUL-1 and CUL-2 have been provided in the unlikely event such resources are discovered during the grading and excavation process. Upon implementation of the recommended mitigation measures, impacts would be reduced to less than significant levels.



- b) ***Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?***

***Less Than Significant Impact.*** As noted within Section 4.0, *Environmental Analysis*, impacts related to the proposed project would be less than significant with implementation of recommended mitigation measures. No impacts related to the project have been identified that would be individually limited, but cumulatively considerable for the issue areas analyzed within this Initial Study. The proposed project would be consistent with the City’s long-range development plans for the project site as it would represent a use consistent with the surrounding development. Thus, impacts in this regard would be less than significant.

- c) ***Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?***

***Less Than Significant Impact With Mitigation Incorporated.*** Previous sections of this Initial Study reviewed the proposed project’s potential impacts related to air pollution, geology and soils, hazardous materials, noise, and other issues. Mitigation measures have been incorporated into the project that would reduce the potential adverse impacts on human beings to a less than significant level. Therefore, with implementation of the recommended mitigation measures, the proposed project would not result in environmental impacts that would cause substantial adverse effects on human beings.



## **5.0 INVENTORY OF MITIGATION MEASURES**

### **AIR QUALITY**

AQ-1 Prior to issuance of a Demolition Permit, the City Engineer and the Chief Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that in compliance with Bay Area Air Quality Management District's Basic Construction Mitigation Measures, the following basic construction mitigation measures shall be implemented:

- Water all active construction areas to maintain 12 percent soil moisture.
- All grading shall be suspended when winds exceed 20 miles per hour.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.



## **BIOLOGICAL RESOURCES**

**BIO-1** Prior to the issuance of a grading permit, the Applicant shall retain a qualified biologist to conduct a Suitability Assessment for the Burrowing Owl (*Athene cunicularia*). If the biologist determines that no suitable habitat, burrowing owl individuals, or sign (i.e., pellets, feathers, or white wash) are found on the project site during the suitability assessment, a final pre-construction burrowing owl clearance survey shall be conducted three (3) days prior to the start of site disturbance activities to ensure burrowing owl remain absent from the project site.

However, if the biologist determines that, based on the Suitability Assessment, the project site has the potential to provide suitable habitat for burrowing owl or burrowing owl sign is observed, the biologist shall conduct a focused burrowing owl survey during the breeding season. The Protocol Survey shall be conducted in accordance with the current California Department of Fish and Wildlife or United States Fish and Wildlife Services survey protocols for the Burrowing Owl.

**BIO-2** Prior to the approval of grading plans, the Applicant shall retain a Certified Consulting Arborist, as approved by the City of Milpitas, to identify Tree Protection Zones on project grading plans. The project grading plans shall note that trees proposed to be protected-in-place, as identified by the Consulting Arborist, shall be enclosed via six-foot high fencing in order to identify the Tree Protection Zone prior to demolition, grubbing, or grading. The Tree Protection Zone fencing shall allow for pedestrian access. Fences shall remain in place until all grading and construction is completed.

No grading, construction, demolition, or other work shall occur within the Tree Protection Zone, unless approved and monitored by the Consulting Arborist. Grading within the dripline of any tree shall be monitored by the Consulting Arborist. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the Consulting Arborist. Supplemental irrigation shall be applied as determined by the Consulting Arborist. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied. No excess soil, chemicals, debris, equipment, or other materials shall be dumped or stored within the Tree Protection Zone. Any additional tree pruning needed for clearance during construction must be performed by a Certified Arborist and not by construction personnel.

**BIO-3** Prior to approval of Final Design Plans by the City of Milpitas, foundations, footings, and pavements on expansive soils near trees shall be designed to withstand differential displacement. These design features, if applicable, shall be noted on the Final Design Plans.

## **CULTURAL RESOURCES**

**CUL-1** If evidence of subsurface archaeological resources is found during construction, excavation, trenching, and/or other construction activities in that area shall cease and the construction contractor shall contact the Director of Planning and Neighborhood Services. With direction from the Director of Planning and



Neighborhood Services, an archaeologist approved by the City of Milpitas shall be retained by the Applicant to evaluate the discovery prior to resuming grading in the immediate vicinity of the find. If warranted, the archaeologist shall collect the resource and prepare a technical report describing the results of the investigation. The test-level report shall evaluate the site including discussion of significance (depth, nature, condition, and extent of the resources), final mitigation recommendations, and cost estimates.

- CUL-2 If evidence of subsurface paleontological resources is found during construction, excavation, trenching, and/or other construction activities in that area shall cease and the construction contractor shall contact the Director of Planning and Neighborhood Services. With direction from the Director of Planning and Neighborhood Services, a paleontologist approved by the City of Milpitas shall evaluate the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.

## **GEOLOGY AND SOILS**

- GEO-1 Prior to issuance of a building permit, the City of Milpitas Building Official shall ensure that final engineering plans meet the design parameters for seismic safety identified in the Geotechnical Investigation (Friar Associates, Inc., April 30, 2015), and the latest version of the California Building Code.

## **HAZARDS AND HAZARDOUS MATERIALS**

- HAZ-1 Prior to and during site disturbance activities, the proposed project shall comply with the requirements set for by the Regional Water Quality Control Board (RWQCB) Order No. 90-072. The project shall implement a Site Management Plan (SMP), as enforced by the RWQCB, for site disturbance activities at the project site. In addition to the existing ongoing remediation activities associated with the 1982 former AST release, The Applicant shall also provide in writing verification to the RWQCB that the following former on-site activities have not resulted in exceedance of regulatory thresholds for hazardous substances for commercial uses:

- On-Site Fill Materials;
- Miscellaneous Debris;
- Former Underground Storage Tanks;
- Former on-site rail spurs;
- Former on-site sumps; and
- Former activities associated with the northern storage area.

Should results indicate that elevated hazardous substances, exceeding applicable commercial use thresholds, are present, appropriate remediation activities shall be identified in the SMP, as reviewed and approved by the RWQCB.

- HAZ-2 Prior to demolition activities, the Applicant shall retain an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to conduct an asbestos survey to



determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, the abatement of asbestos shall be completed by the Applicant prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the Bay Area Air Quality Management District (BAAQMD) Rule Regulation 11, Rule 2. Contractors performing asbestos abatement activities shall provide evidence of abatement activities to the City Building Official.

HAZ-3 If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Lead Specialist. If lead-based paint is found, the Applicant shall retain a qualified Lead Specialist to conduct abatement prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City Building Official.

HAZ-4 Prior to issuance of a grading permit for the proposed project, the Applicant shall provide written verification (by a Phase II Site Characterization Specialist) to the Regional Water Quality Control Board that all imported soils are not contaminated above regulatory thresholds for commercial use. If soils are determined to be contaminated above regulatory thresholds, these soils shall not be used as fill material within the boundaries of the project site, unless otherwise specified the Regional Water Quality Control Board.

## **NOISE**

NOI-1 Prior to Grading Permit issuance, the Applicant shall demonstrate, to the satisfaction of the Director and Planning and Neighborhood Services that the project complies with the following:

- Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
- Construction haul routes shall be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.
- During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
- Construction activities shall not take place outside of the allowable hours specified by the City of Milpitas Municipal Code Section V-213-3-3.05, *Site Construction Regulations* (7:00 a.m. and 7:00 p.m. on weekdays and weekends; construction activities are not permitted on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day).



## **6.0 REFERENCES**

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**MONTAGUE EXPRESSWAY SELF-STORAGE FACILITY**  
Public Review Draft Initial Study/Mitigated Negative Declaration

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