Draft
Environmental Impact Report
Preston Property Residential Project

State Clearinghouse No: 2012022075

City of Milpitas • November 15, 2012

Michael Brandman Associates
Bishop Ranch 3
2633 Camino Ramon, Suite 460
San Ramon, CA 94583

DRAFT
Environmental Impact Report
Preston Property Residential Project
City of Milpitas, Santa Clara County, California

State Clearinghouse No. 2012022075

Prepared for:

City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035
408.586.3278

Contact: Mr. Sheldon Ah Sing, Senior Planner

Prepared by:

Michael Brandman Associates
Bishop Ranch 3
2633 Camino Ramon, Suite 460
San Ramon, CA 94583
925.830.2733

Contact: Jason M. Brandman, Project Director
Grant Gruber, Project Manager

November 15, 2012

TABLE OF CONTENTS

Acronyms and Abbreviations ix

Executive Summary ES-1

Purpose ES-1
Project Summary ES-1
Significant Unavoidable Adverse Impacts ES-2
Summary of Project Alternatives ES-2
Areas of Controversy ES-3
Public Review of the Draft EIR ES-4
Executive Summary Matrix ES-5

Section 1: Introduction 1-1

1.1 - Overview of the CEQA Process 1-1
1.2 - Scope of the EIR 1-2
1.3 - Organization of the EIR 1-4
1.4 - Documents Incorporated by Reference 1-6
1.5 - Documents Prepared for the Project 1-7
1.6 - Review of the Draft EIR 1-7

Section 2: Project Description 2-1

2.1 - Project Location and Setting 2-1
2.2 - Project Characteristics 2-2
2.3 - Project Objectives 2-25
2.4 - Intended Uses of This Draft EIR 2-25

Section 3: Environmental Impact Analysis 3-1

Organization of Issue Areas 3-1
Issues Addressed in This EIR 3-1
Level of Significance 3-1
Impact Analysis and Mitigation Measure Format 3-2
3.1 - Aesthetics, Light, and Glare 3.1-1
3.2 - Air Quality/Greenhouse Gas Emissions 3.2-1
3.3 - Biological Resources 3.3-1
3.4 - Cultural Resources 3.4-1
3.5 - Geology, Soils, and Seismicity 3.5-1
3.6 - Hazards and Hazardous Materials 3.6-1
3.7 - Hydrology and Water Quality 3.7-1
3.8 - Land Use 3.8-1
3.9 - Noise and Vibration 3.9-1
3.10 - Public Services and Recreation 3.10-1
3.11 - Transportation 3.11-1
3.12 - Utility Systems 3.12-1

Section 4: Cumulative Effects 4-1

4.1 - Introduction 4-1
4.2 - Cumulative Impact Analysis 4-4

Section 5: Alternatives to the Proposed Project 5-1

5.1 - Introduction 5-1

5.2 - Project Objectives 5-2
5.3 - Alternative 1 – No Project/Existing Land Use Activities Alternative 5-2
5.4 - Alternative 2 – Reduced Density Alternative 5-3
5.5 - Alternative 3 – Mixed Use Center Alternative 5-8
5.6 - Environmentally Superior Alternative 5-14
5.7 - Alternatives Rejected From Further Consideration 5-15

Section 6: Other CEQA Required Sections 6-1

6.1 - Significant Unavoidable Impacts 6-1
6.2 - Growth-Inducing Impacts 6-1
6.3 - Significant Irreversible Changes 6-2
6.4 - Energy Conservation 6-3

Section 7: Effects Found Not To Be Significant 7-1

7.1 - Introduction 7-1
7.2 - Effects Found Not To Be Significant 7-1

Section 8: Persons and Organizations Consulted/ List of Preparers 8-1

8.1 - Persons and Organizations Consulted 8-1
8.2 - List of Preparers 8-3

Section 9: References 9-1

Appendix A: Notice of Preparation and Responses

A-1 - Notice of Preparation
A-2 - Responses

Appendix B: Air Quality Supporting Data

Appendix C: Biological Resources Supporting Information

Appendix D: Phase I and Phase II Environmental Site Assessments

D-1 - Phase I Environmental Site Assessment
D-2 - Phase II Environmental Site Assessment

Appendix E: Hydrology and Water Quality Review

Appendix F: Noise and Vibration Study

Appendix G: Public Services and Recreation Supporting Information

Appendix H: Traffic Study

Appendix I: Utility Systems Supporting Information

Appendix J: Fiscal Impact Analysis

LIST OF TABLES

Table ES-1: Executive Summary Matrix ES-6
Table 2-1: Dwelling Unit Summary 2-11
Table 3.2-1: Milpitas Meteorological Summary 3.2-3
Table 3.2-2: Air Quality Monitoring Summary 3.2-4
Table 3.2-3: Bay Area Air Basin Attainment Status 3.2-6
Table 3.2-4: Description of Air Pollutants 3.2-7
Table 3.2-5: Description of Greenhouse Gases 3.2-19
Table 3.2-6: Thresholds of Significance for Construction-Related Criteria Air Pollutants and Precursors 3.2-35
Table 3.2-7: Construction Emissions (Unmitigated) 3.2-36
Table 3.2-8: Operational Criteria Air Pollutant Screening 3.2-36
Table 3.2-9: Net Emission Increase 3.2-40
Table 3.2-10: Odor Sources 3.2-46
Table 3.2-11: Construction Greenhouse Gas Emissions 3.2-47
Table 3.2-12: Project Operational Greenhouse Gases 3.2-49
Table 3.5-1: Fault Summary 3.5-2
Table 3.6-1: Detected Groundwater Analytes 3.6-6
Table 3.6-2: Records Search Summary 3.6-9
Table 3.6-3: Aerial Photograph Summary 3.6-12
Table 3.6-4: Topographical Map Summary 3.6-13
Table 3.7-1: Milpitas Meteorological Summary 3.7-1
Table 3.7-2: Existing Peak Stormwater Flow Rates 3.7-3
Table 3.7-3: Impaired Water Body Summary 3.7-4
Table 3.7-4: Existing and Proposed Peak Stormwater Flow Rates 3.7-18
Table 3.8-1: Surrounding Land Use Designations 3.8-7
Table 3.8-2: General Plan Consistency Analysis 3.8-11
Table 3.8-3: Midtown Specific Plan Consistency Analysis 3.8-31
Table 3.9-1: Noise Levels and Human Response 3.9-3
Table 3.9-2: Response to Groundborne Vibration 3.9-4
Table 3.9-3: Existing (Ambient) Long-Term Noise Level Measurement 3.9-5
Table 3.9-4: Existing (Ambient) Short-Term Noise Level Measurement 3.9-5
Table 3.9-5: Site Monitor Locations and Measured Vibration Levels 3.9-6
Table 3.9-6: Ground-borne Vibration Impact Criteria 3.9-9
Table 3.9-7: Groundborne Vibration Exposure Standards 3.9-10
Table 3.9-8: Construction Equipment Noise Emissions and Usage Factors 3.9-14
Table 3.9-9: FHWA Model Roadway Parameters 3.9-15

Table 3.9-10: Average Daily Traffic 3.9-16
Table 3.9-11: Nearby Roadway Vehicle Mixes 3.9-17
Table 3.9-12: Construction Noise Impacts at Nearby Receptors Prior to Mitigation 3.9-20
Table 3.9-13: Mitigated Construction Noise Impacts at Nearby Receptors 3.9-21
Table 3.9-14: Existing Scenario Project Traffic Noise Contributions 3.9-22
Table 3.9-15: Background Scenario Project Traffic Noise Contributions 3.9-24
Table 3.10-1: Fire Station No. 1 Summary 3.10-1
Table 3.10-2: Local School Summary 3.10-3
Table 3.10-3: Emergency Vehicle Access Response Time Summary 3.10-21
Table 3.11-1: Intersection Level of Service Definitions 3.11-3
Table 3.11-2: City of Milpitas Roadway Level of Service Definitions 3.11-3
Table 3.11-3: Existing Intersection Levels of Service 3.11-5
Table 3.11-4: Valley Transportation Agency Bus Route Summary 3.11-15
Table 3.11-5: Freeway Segment Evaluation 3.11-22
Table 3.11-6: Near-Term Trip Generation 3.11-23
Table 3.11-7: Year 2030 Trip Generation 3.11-35
Table 3.11-8: Existing Plus Project Intersection Operations 3.11-36
Table 3.11-9: Baseline Plus Project Intersection Operations 3.11-41
Table 3.11-10: Year 2030 AM Peak Hour Roadway Segment Operations 3.11-43
Table 3.11-11: Year 2030 PM Peak Hour Roadway Segment Operations 3.11-46
Table 3.12-1: City of Milpitas Water Supply Sources (2015–2035) 3.12-1
Table 3.12-2: Projected Water Use (2015–2035) 3.12-3
Table 3.12-3: Projected Supply and Demand – Normal Year 3.12-3
Table 3.12-4: Projected Supply and Demand – Single Dry Water Year 3.12-3
Table 3.12-5: Projected Supply and Demand – Multiple Dry Year Period 3.12-4
Table 3.12-6: Newby Island Landfill Summary 3.12-6
Table 3.12-7: Milpitas Disposal Rate Targets 3.12-6
Table 3.12-8: Water Demand Estimate 3.12-12
Table 3.12-9: Wastewater Generation Estimate 3.12-13
Table 3.12-10: Existing and Proposed Peak Stormwater Flow Rates 3.12-14
Table 3.12-11: Demolition and Construction Solid Waste Generation 3.12-15
Table 3.12-12: Operational Waste Generation 3.12-16
Table 3.12-13: Energy Demand Estimate 3.12-17
Table 4-1: Cumulative Projects 4-1
Table 5-1: Reduced Density Alternative Summary 5-4
Table 5-2: Reduced Density Alternative Trip Generation Summary 5-7
Table 5-3: Mixed Use Center Alternative Summary 5-9

Table 5-4: Mixed Use Center Alternative Trip Generation Summary....5-13
Table 5-5: Summary of Alternatives....5-14
Table 6-1: Construction Fuel Consumption....6-7
Table 6-2: Vehicle Fuel Consumption....6-7

LIST OF EXHIBITS

Exhibit 2-1: Regional Location Map....2-3
Exhibit 2-2: Local Vicinity Map – Aerial Base....2-5
Exhibit 2-3: Site Photographs....2-7
Exhibit 2-4: Conceptual Site Plan....2-9
Exhibit 2-5a: Proposed General Plan Amendment....2-13
Exhibit 2-5b: Proposed Rezoning....2-15
Exhibit 2-6a: Conceptual Elevations....2-17
Exhibit 2-6b: Conceptual Elevations....2-19
Exhibit 2-7a: Railroad Avenue Streetscape Improvements....2-21
Exhibit 2-7b: Hammond Way Streetscape Improvements....2-23
Exhibit 3.1-1: View of Surrounding Land Uses....3.1-3
Exhibit 3.3-1: CNDDB-Recorded Occurrences of Special-Status Species Within 5 Miles of the Project Site....3.3-1
Exhibit 3.7-1: Special Flood Hazard Areas....3.7-7
Exhibit 3.8-1: General Plan Map....3.8-3
Exhibit 3.8-2: Zoning Map....3.8-5
Exhibit 3.9-1: Noise and Vibration Measurement Locations....3.9-7
Exhibit 3.9-2: City of Milpitas Land Use Compatibility Matrix....3.9-11
Exhibit 3.9-3: Proposed Sound Wall Locations....3.9-27
Exhibit 3.9-4: 90th Percentile Vibration Levels at Location V1....3.9-33
Exhibit 3.10-1: Emergency Response Routes....3.10-9
Exhibit 3.10-2: Station No. 1 Alternate Emergency Response Routes....3.10-13
Exhibit 3.10-3: Station No. 2 Alternate Emergency Response Routes....3.10-15
Exhibit 3.10-4: Station No. 3 Alternate Emergency Response Routes....3.10-17
Exhibit 3.10-5: Station No. 4 Alternate Emergency Response Routes....3.10-19
Exhibit 3.11-1: Project Site Location and Study Intersections....3.11-7
Exhibit 3.11-2: Existing Lane Configurations....3.11-9
Exhibit 3.11-3: Existing Traffic Volumes....3.11-11
Exhibit 3.11-4: Existing Transit Facilities....3.11-13
Exhibit 3.11-5: Existing Bikeways....3.11-17
Exhibit 3.11-6: Proposed Project Trip Distribution (Residential)....3.11-25
Exhibit 3.11-7: Existing Industrial Use Trip Distribution....3.11-27

Exhibit 3.11-8: Net Project Trip Assignment 3.11-29
Exhibit 3.11-9: Existing Plus Project Traffic Volumes 3.11-31
Exhibit 3.11-10: Background Plus Project Traffic Volumes 3.11-33
Exhibit 3.11-11: Background Traffic Volumes 3.11-39
Exhibit 3.11-12: Railroad Avenue Street Improvements 3.11-59
Exhibit 3.11-13: Hammond Way Street Improvements 3.11-61
Exhibit 5-1: Carlo Street Grade Separated Extension Alignments 5-19

ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ADA	Americans with Disability Act
AM Peak	Weekday morning peak hour (7 a.m. to 9 a.m.)
AQP	Air Quality Plan
ARB	California Air Resources Board
ASF	age sensitivity factor
AST	aboveground storage tank
ATCM	Airborne Toxic Control Measures
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BMP	Best Management Practices
BTEX	benzene toluene ethylbenzene xylenes
BVOC	biogenic volatile organic compound
C	Celsius
CAAQS	California Ambient Air Quality Standards
CalEPA	California Environmental Protection Agency
CalOSHA	California Occupational Health and Safety Administration
Caltrans	California Department of Transportation
CAP	Clean Air Plan
CAP	Corrective Action Plan
CAPCOA	California Air Pollution Control Officers Association
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act

CFC	chlorofluorocarbon
CH_4	methane
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO_2e	carbon dioxide equivalent
CPUC	California Public Utilities Code
CWA	Clean Water Act
dB	decibel
DIPE	Diisopropyl ether
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EMF	electromagnetic field
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
F	Fahrenheit
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHWA	Federal Highway Administration
FIRM	flood insurance rate map
GWh/y	gigawatt-hours per year
GWP	global warming potential

HCM	Highway Capacity Manual
HFC	hydrofluorocarbon
HRA	Health Risk Assessment
HVAC	heating, ventilation, and air conditioning
Hz	hertz
I	Interstate
IPCC	United Nations Intergovernmental Panel on Climate Change
ITE	Institute of Transportation Engineers
L_{dn}	day/night average sound level
L_{eq}	equivalent sound level
LOS	Level of Service
MBA	Michael Brandman Associates
MBTA	Migratory Bird Treaty Act
mgd	million gallons per day
MMI	Modified Mercalli Intensity
mph	miles per hour
MTBE	methyl tertiary butyl ether
MTC	Metropolitan Transportation Commission
$MTCO_2e$	metric tons of carbon dioxide equivalent
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAVD	North American Vertical Datum
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NO_2	nitrogen dioxide
NOC	Notice of Completion

NOP	Notice of Preparation
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
O_3	ozone
OEHHA	California Office of Environmental Health Hazard Assessment
PCB	polychlorinated biphenyl
PCE	perchloroethylene
pCi/L	picoCuries per liter
PFC	perfluorocarbon
PG&E	Pacific Gas and Electric Company
Phase I ESA	Phase I Environmental Site Assessment
Phase II ESA	Phase II Environmental Site Assessment
PM Peak	Weekday afternoon peak hour (4 p.m. to 6 p.m.)
PM_x	particulate matter
ppb	parts per billion
ppm	parts per million
PPV	peak particle velocity
PVC	polyvinyl chloride
RCRA	Federal Resource Conservation and Recovery Act
RMP	Risk Management Plan
rms	root mean square
ROG	reactive organic gases
RPS	Renewable Portfolio Standards
RWQCB	Regional Water Quality Control Board
SB	Senate Bill

SCVWD	Santa Clara Valley Water District
SF_6	sulfur hexafluoride
SO_2	sulfur dioxide
SR	State Route
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TAME	Tertiary-amyl methyl ether
TCM	transportation control measures
TDS	total dissolved solids
Tg	teragram
therms/y	therms per year
TPH	total petroleum hydrocarbons
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
VMT	vehicle miles traveled
VTA	Santa Clara Valley Transportation Agency
WDR	Waste Discharge Requirements

EXECUTIVE SUMMARY

Purpose

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of Preston Property Residential Project (State Clearinghouse No. 2012022075). This document is prepared in conformance with CEQA (California Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.).

The purpose of this Draft EIR is to inform decision makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the proposed project. This Draft EIR describes potential impacts relating to a wide variety of environmental issues and methods by which these impacts can be mitigated or avoided.

Project Summary

Project Location

The project site is located in the City of Milpitas, Santa Clara County, California (Exhibit 2-1). The project site is located at 133 Bothelo Lane, Milpitas, CA 95035. The 15.4-gross-acre project site is bounded by the Union Pacific Railroad Warm Springs Subdivision (west); the Calaveras Boulevard (State Route 237) overcrossing (north); the Union Pacific Railroad Milpitas Yard, Ford Creek, and Bothelo Lane (east); and single-family residential uses, the Macedonia Missionary Baptist Church, and Sinnott Lane (south).

Project Description

The proposed project consists of the development of as many as 220 dwelling units on the project site. Primary vehicular access would be taken from Railroad Avenue and secondary vehicular access would be taken from Hammond Way. The project would provide open space amenities, including a 1.2-acre private park. The proposed project requires approval of a General Plan Amendment, Midtown Specific Plan Amendment, Zone Change, Tentative Subdivision Map, Planned Unit Development, Site Development Permit, and Conditional Use Permit. Refer to Section 2, Project Description for a complete project description.

Project Objectives

The objectives of the proposed project are to:

- Promote economic growth through new capital investment, an expanded population base, and payment of development fees.

- Provide new residential opportunities to accommodate forecasted population growth within the City of Milpitas.
- Provide single-family and townhouse product types in one development that would cater to various segments of the community.
- Facilitate the logical and orderly transition of an underutilized light industrial site to higher-and-better residential uses.
- Provide a high-quality residential development project that offers recreational and open space amenities for residents.
- Promote land use compatibility with neighboring light industrial and commercial uses through appropriate site planning measures.

Significant Unavoidable Adverse Impacts

The proposed project would result in the following significant unavoidable impact:

- **Year 2030 Traffic:** The proposed project would contribute new trips to transportation facilities that are anticipated to operate below acceptable levels of service during Year 2030 Conditions. Mitigation is proposed requiring the applicant to pay all transportation-related development fees to fund planned transportation improvements; however, feasible improvements are not available for all impacted facilities and, therefore, the residual significance of this impact is significant and unavoidable.

Summary of Project Alternatives

Below is a summary of the alternatives to the proposed project considered in Section 5, Alternatives to the Proposed Project.

No Project/Existing Land Use Activities Alternative

The proposed project would not be implemented and the current land use activities on the project site would continue for the foreseeable future.

Reduced Density Alternative

A medium-density residential project consisting of 164 dwelling units would be developed on the project site. This represents a 25-percent reduction in dwelling units relative to the proposed project. The Reduced Density Alternative is the Environmentally Superior Alternative.

Mixed Use Center Alternative

A horizontal mixed-use center consisting of 80,000 square feet of commercial uses and 160 apartments would be developed on the project site. As part of this alternative, Carlo Street would be

extended across the Union Pacific Warm Springs Subdivision to provide direct access to the project site.

Areas of Controversy

Pursuant to CEQA Guidelines Section 15123(b), a summary section must address areas of controversy known to the lead agency, including issues raised by agencies and the public, and it must also address issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

A Notice of Preparation (NOP) for the proposed project was issued on February 28, 2012. The NOP describing the original concept for the project and issues to be addressed in the EIR was distributed to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period extending from February 28, 2012 through March 28, 2012. The NOP identified the potential for significant impacts on the environment related to the following topical areas:

- Aesthetics, Light, and Glare
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise and Vibration
- Public Services and Recreation
- Transportation
- Utility Systems

Pursuant to CEQA Guidelines Section 15082(c), the City of Milpitas held a public scoping meeting on Wednesday, March 28, 2012 at Milpitas City Hall, 455 E. Calaveras Boulevard, Milpitas, CA 95035. Several members of the public attended the meeting and comments were received regarding the scope and content of the environmental review process.

Disagreement Among Experts

This Draft EIR contains substantial evidence to support all the conclusions presented herein. It is possible that there will be disagreement among various parties regarding these conclusions, although the City of Milpitas is not aware of any disputed conclusions at the time of this writing. Both the CEQA Guidelines and case law clearly provide the standards for treating disagreement among experts. Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision-makers to make an informed judgment about the environmental consequences of the proposed project.

Potentially Controversial Issues

Below is a list of potentially controversial issues that may be raised during the public review and hearing process of this Draft EIR:

- Aesthetics and Visual Character
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Population Growth
- Land Use Plan Consistency
- Noise and Vibration
- Public Services and Utilities
- Transportation

It is also possible that evidence will be presented during the Draft EIR public review period that may create disagreement. Decision-makers would consider this evidence during the public hearing process.

In rendering a decision on a project where there is disagreement among experts, the decision-makers are not obligated to select the most environmentally preferable viewpoint. Decision-makers are vested with the ability to choose whatever viewpoint is preferable and need not resolve a dispute among experts. In their proceedings, decision-makers must consider comments received concerning the adequacy of the Draft EIR and address any objections raised in these comments. However, decision-makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on the Draft EIR, and can certify the Final EIR without needing to resolve disagreements among experts.

Public Review of the Draft EIR

Upon completion of the Draft EIR, the City of Milpitas filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (Public Resources Code, Section 21161). Concurrent with the NOC, this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the City of Milpitas Planning and Neighborhood Services Department offices and the Milpitas Library. The address for each location is provided below:

City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035
Hours:
Monday – Friday: 8 a.m. to 5 p.m.

Milpitas Library
160 N. Main Street
Milpitas, CA 95035
Hours:
Monday – Thursday: 10 a.m. to 9 p.m.
Friday – Saturday: 10 a.m. to 6 p.m.
Sunday: 12 p.m. to 6 p.m.

Agencies, organizations, and interested parties have the opportunity to comment on the Draft EIR during the public review period. Written comments on this Draft EIR should be addressed to:

Mr. Sheldon Ah Sing, Senior Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035
Phone: (408) 586-3278
Fax: (408) 586-3305
Email: sahsing@ci.milpitas.ca.gov

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the City of Milpitas on the project, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision makers for the project.

Executive Summary Matrix

Table ES-1 below summarizes the impacts, mitigation measures, and resulting level of significance after mitigation for the relevant environmental issue areas evaluated for the proposed project. The table is intended to provide an overview; narrative discussions for the issue areas are included in the corresponding section of this EIR. Table ES-1 is included in the EIR as required by CEQA Guidelines Section 15123(b)(1).

Table ES-1: Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
Section 3.1 - Aesthetics, Light, and Glare		
Impact AES-1: The proposed project would not substantially degrade the visual character of the project site or its surroundings.	**MM AES-1:** Prior to the issuance of building permits, the project applicant shall submit to the City of Milpitas a landscaping and open space plan for the project site. The plan shall illustrate that the project incorporates landscaping and open space as required by Section XI-10-4.05 of the Milpitas Municipal Code.	Less than significant impact.
Impact AES-2: The proposed project may result in the addition of new sources of substantial light and glare that would adversely affect daytime or nighttime views.	**MM AES-2:** Prior to issuance of building permits, the project applicant shall prepare and submit building plans to the City of Milpitas depicting design techniques intended to avoid or minimize project exposure to nighttime lighting associated with the Union Pacific Railroad Automobile Distribution Facilities. Such techniques may include but are not limited to (1) minimizing the number of windows facing the facility, (2) use of blackout blinds or comparable devices on widows that face the facility, (3) planting of landscaping along the eastern project site boundary, (4) or the establishment of a park buffer along the eastern project site boundary. The approved plans shall be incorporated into the proposed project.	Less than significant impact.
Section 3.2 - Air Quality/Greenhouse Gas Emissions		
Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan.	Implement Mitigation Measure AIR-2.	Less than significant impact.
Impact AIR-2: The project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.	**MM AIR-2:** During construction activities, the following air pollution control measures shall be implemented: • Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material offsite shall be covered.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
	• 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. • All vehicle speeds on unpaved roads and surfaces shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks shall be paved as soon as possible. • A publicly visible sign shall be posted with the telephone number and person to contact at the City of Milpitas regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.	
Impact AIR-3: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).	No mitigation is necessary.	Less than significant impact.
Impact AIR-4: The project would not expose sensitive receptors to substantial pollutant concentrations.	No mitigation is necessary.	Less than significant impact.
Impact AIR-5: The project would not create objectionable odors affecting a substantial number of people or expose people to objectionable odors from existing odor sources.	No mitigation is necessary.	Less than significant impact.
Impact AIR-6: The proposed project may emit significant amounts of greenhouse gases or conflict with an applicable plan, policy or regulation concerning greenhouse gas reduction.	No mitigation is necessary.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
Impact AIR-7: The project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.	No mitigation is necessary.	Less than significant impact.
Section 3.3 - Biological Resources		
Impact BIO-1: Development of the proposed project may adversely affect special-status species.	**MM BIO-1:** If vegetation removal associated with development of the property is to occur during the nesting bird season (generally February 15 through August 31), a qualified biologist shall conduct a pre-construction survey for nesting birds to identify any potential nesting activity. The pre-construction surveys for nesting birds shall be conducted within 14 days prior to any construction-related activities (grading, ground clearing, etc.). If nesting birds are identified on the site, a 100-foot buffer shall be maintained around the nests; no construction-related activities shall be permitted within the 100-foot buffer. A qualified biologist shall monitor the nests, and construction activities may commence within the buffer area at the discretion and presence of the biological monitor. The pre-construction survey for nesting birds shall not be required if construction activities occur outside of the nesting bird season (September 1 through February 14).	Less than significant impact.
Impact BIO-2: Development of the proposed project may adversely affect riparian habitat or other sensitive natural communities.	Implement Mitigation Measure HYD-1a.	Less than significant impact.
Impact BIO-3: The proposed project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.	No mitigation is necessary.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
Impact BIO-4: The proposed project may conflict with the City of Milpitas tree maintenance and protection ordinance.	**MM BIO-4:** Prior to the issuance of grading or building permits, the project applicant shall obtain a tree removal permit from the City of Milpitas for any trees slated for removal with a trunk circumference of 37 inches or more, measured at 4.5 feet above ground level. Replacement trees shall be performed in accordance with the requirements of the Tree Maintenance and Protection Ordinance. Removed trees that are not covered by the Tree Maintenance and Protection Ordinance, (i.e., less than 37 inches in circumference at 4.5 feet above ground level) shall be replaced onsite with a similar tree species at no less than a 1:1 ratio.	Less than significant impact.
Section 3.4 – Cultural Resources		
Impact CUL-1: Subsurface construction activities associated with the proposed project may damage or destroy previously undiscovered historic resources.	**MM CUL-1:** If potentially significant cultural resources are encountered during subsurface earthwork activities for the project, all construction activities within a 50-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist and, if significant, recorded on appropriate California Department of Parks and Recreation (DPR) forms. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive report and file it with the appropriate Information Center, and provide for the permanent curation of the recovered materials.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
Impact CUL-2: Subsurface construction activities associated with the proposed project may damage or destroy previously undiscovered archaeological resources.	Implement Mitigation Measure CUL-1.	Less than significant impact.
Impact CUL-3: Subsurface construction activities associated with the proposed project may damage or destroy previously undiscovered paleontological resources.	**MM CUL-3:** If the proposed project involves excavation activities at depths of more than 10 feet below ground surface, prior to issuance of grading permits, the project applicant shall retain a qualified paleontologist to prepare and submit a paleontologic mitigation monitoring program to the City of Milpitas for review and approval. The program shall at a minimum contain the following elements: (1) require monitoring by a qualified paleontologist of excavation activities below 10 feet, (2) empower monitor(s) to temporarily halt or divert equipment to allow removal of abundant or large specimens, and (3) identify steps for fossil salvaging. For the latter item, salvaged specimens shall be appropriately preserved, including curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage, as appropriate. At the conclusion of monitoring, the paleontologist shall prepare and submit a report of findings to the City of Milpitas with an appended, itemized inventory of specimens and confirmation of the curation of recovered specimens into an established, accredited museum repository. This mitigation measure does not apply if excavation activities are limited to no more than 10 feet below ground surface.	Less than significant impact.
Impact CUL-4: Subsurface construction activities associated with the proposed project may damage or destroy previously undiscovered human remains.	**MM CUL-4:** In the event of the accidental discovery or recognition of any human remains, all activities must cease within 50 feet of the find and the following procedures shall be implemented, as applicable: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Santa Clara County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the county coroner determines the remains are Native American, the coroner	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
	shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. 2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance: • The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the NAHC. • The MLD fails to make a recommendation. • The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.	
Section 3.5 – Geology, Soils, and Seismicity		
Impact GEO-1: The development of the proposed project may expose persons or structures to seismic hazards.	**MM GEO-1:** Prior to issuance of building permits, the project applicant shall submit a design-level geotechnical report to the City of Milpitas for review and approval. The design-level investigation shall be prepared in accordance with California Building Code Standards and Milpitas Municipal Code standards and address the potential for seismic hazards to occur onsite, and it shall identify abatement measures to reduce the potential for such an event to acceptable levels. The recommendations of the approved design-level geotechnical report shall be incorporated into the project plans.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
Impact GEO-2: Construction activities associated with the project may result in substantial soil erosion or the loss of topsoil.	Implement Mitigation Measure HYD-1.	Less than significant impact.
Impact GEO-3: The development of the proposed project would not expose persons or structures to hazards associated with unstable geologic units or soils.	No mitigation is necessary.	Less than significant impact.
Impact GEO-4: The development of the proposed project may expose persons or structures to hazards associated with expansive soils.	No mitigation is necessary.	Less than significant impact.
Section 3.6 - Hazards and Hazardous Materials		
Impact HAZ-1: The development of the proposed project may result in the exposure of persons or the environment to hazardous materials associated with past and present uses of the project site.	**MM HAZ-1a:** Prior to the issuance of building permits, a soil characterization shall be completed to identify areas of contaminated soil within the project site. The project applicant shall implement excavation and subsequent transport and disposal of identified contaminated soils in accordance with local, state, and federal regulations. Resulting soil conditions shall be tested to ensure all identified contaminants are properly remediated and do not exceed the applicable screening levels established by the appropriate regulatory agencies. **MM HAZ-1b:** Prior to the issuance of building permits, the project applicant shall complete groundwater remediation efforts as indicated in the current Corrective Action Plan, including the reconsideration of the MTBE groundwater cleanup criteria, in coordination with the Santa Clara County Department of Environmental Health. Groundwater contamination levels must conform to the applicable screening levels established by the appropriate regulatory agencies. **MM HAZ-1c:** Upon completion of soil and groundwater remediation efforts, and prior to the issuance of building permits, the project applicant shall perform additional characterization to determine the extent of contaminated soil vapor. Should soil	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
	contamination still be present, the project applicant shall implement remedial methods, which may include, but not be limited to excavation, in situ oxidation, or soil vapor extraction to ensure contamination levels are within the applicable screening levels established by the appropriate regulatory agencies. **MM HAZ-1d:** Prior to demolition of any structures located on the project site that was constructed prior to 1978, the project applicant shall retain a certified contractor to remove and properly dispose of all hazardous materials located on the project site associated with current onsite industrial land uses. During removal, any spills shall be noted and remediated in accordance with standards maintained by the Santa Clara County Department of Environmental Health. All removal, disposal, and remediation activities shall be completed prior to the commencement of demolition. **MM HAZ-1e:** Prior to demolition of any structures located on the project site that was constructed prior to 1978, the project applicant shall retain a certified contractor to remove and properly dispose of all materials containing asbestos, mercury, CFCs, and lead paint in accordance with federal and state law. All removal and disposal activities shall be completed prior to the commencement of demolition.	
Impact HAZ-2: The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions.	No mitigation is necessary.	Less than significant impact.
Impact HAZ-3: The proposed project would not interfere with emergency response or evacuation.	No mitigation is necessary.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
Section 3.7 – Hydrology and Water Quality		
Impact HYD-1: Construction activities associated with the proposed project have the potential to degrade water quality in downstream water bodies.	**MM HYD-1:** Prior to the issuance of grading permits for the proposed project, the applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Milpitas that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The SWPPP shall adhere to the applicable provisions of the Municipal Regional Permit (including Low Impact Development) and identify a practical sequence for BMP implementation and maintenance, site restoration, contingency measures, responsible parties, and agency contacts. The SWPPP shall include but not be limited to the following elements: • Temporary erosion control measures shall be employed for disturbed areas. • No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months. • Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures. • The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains. • BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure. In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
Impact HYD-2: Operational activities associated with the proposed project have the potential to degrade water quality in downstream water bodies.	**MM HYD-2:** Prior to the issuance of building permits for the proposed project, the project applicant shall submit a stormwater management plan to the City of Milpitas for review and approval. The stormwater management plan shall comply with the requirements of the Municipal Regional Permit (including Low Impact Development) and Milpitas Municipal Code Title XI, Chapter 16 and identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of stormwater pollution prevention measures and practices to be contained in the plan include but are not limited to: • Strategically placed bioswales and landscaped areas that promote percolation of runoff • Pervious pavement • Roof drains that discharge to landscaped areas • Trash enclosures with screen walls • Stenciling on storm drains • Curb cuts in parking areas to allow runoff to enter landscaped areas • Rock-lined areas along landscaped areas in parking lots • Catch basins • Oil/water separators • Regular sweeping of parking areas and cleaning of storm drainage facilities The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.	Less than significant impact.
Impact HYD-3: The proposed project does not have any characteristics that would contribute to groundwater overdraft or contamination.	No mitigation is necessary.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
Impact HYD-4: The proposed project would not increase impervious surface coverage and, therefore, would not have the potential to contribute to downstream flooding.	No mitigation is necessary.	Less than significant impact.
Impact HYD-5: The proposed project may place housing and structures within a 100-year flood hazard area and may impeded or redirect flood flows.	**MM HYD-5a:** Prior to the issuance of grading or building permits, the project applicant shall submit grading and site plans to the City of Milpitas for review and approval demonstrating that the lowest adjacent grade to any residential structure exceeds the Base Flood Elevation by at least 1 foot, as set forth in the latest adopted Flood Insurance Rate Map or Letter of Map Revision (whichever applies). In addition, features that could obstruct the flow of floodwater to the north of the project site shall not be included in the proposed onsite park. **MM HYD-5b:** Prior to issuance of the first certificate of occupancy for production homes, the dredging project (Wrigley-Ford Creek) shall be completed. If the City has not completed the dredging project during this time frame, then the applicant shall be required to do so under the existing regulatory permits, subject to fair-share contribution towards project.	Less than significant impact.
Impact HYD-6: The proposed project may expose people or structures to a significant risk of loss, injury or death involving the failure of a levee or dam.	No mitigation is necessary.	Less than significant impact.
Section 3.8 – Land Use		
Impact LU-1: The proposed project would not physically divide an established community.	No mitigation is necessary.	Less than significant impact.
Impact LU-2: The proposed project may conflict with the applicable provisions of the City of Milpitas General Plan.	**MM LU-2:** Prior to issuance of certificate of occupancy for the first production unit, the project proponent shall commence construction of the offsite improvements, including sidewalks and other streetscape improvements along Railroad Avenue, Hammond Way, and Sinnott Lane (east of Hammond Way), to improve bicycle and	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
	pedestrian circulation and safety in the project vicinity. These features would connect to existing and proposed bikeways in the project vicinity, thereby providing and accommodating both recreational and transportation uses of the trail system. The project shall construct the onsite improvements including the area adjacent to Ford Creek for recreational purposes, including a bicycle route to connect Railroad Avenue and Hammond Way. Implementation of such facilities would provide recreational opportunities and link facilities.	
Impact LU-3: The proposed project may conflict with the applicable provisions of the Midtown Specific Plan.	Implement Mitigation Measure LU-2	Less than significant impact.
Impact LU-4: The proposed project would be consistent with the applicable policies of the Milpitas Municipal Code.	No mitigation is necessary.	Less than significant impact.
Section 3.9 – Noise and Vibration		
Impact NOI-1: The proposed project may result in 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.	**MM NOI-1a:** During construction activities the project applicant shall require construction contractors to adhere to the following noise attenuation requirements: • Construction activities shall be limited to the hours between 7 a.m. to 7 p.m. Construction activities shall not occur on holidays. The City of Milpitas shall have the discretion to permit construction activities to occur outside of allowable hours or on federal holidays if compelling circumstances warrant such an exception (e.g., weather conditions necessary to pour concrete). • All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. If no noise reduction features were installed by the manufacturer, then the contractor shall require that at least a muffler be installed on the equipment. • Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest residence or church, unless safety or technical factors take	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
	precedence (e.g., a heavy equipment breakdown). • A minimum 10-foot high temporary noise barrier shall be placed along the shared property line with 87 Sinnott Lane, 121 Sinnott Lane, and 133 Sinnott Lane. The temporary noise barrier shall be installed prior to commencement of demolition activities and shall not be removed until completion of grading activities. The noise barrier shall be constructed with a minimum of ½-inch plywood or OSB. **MM NOI-1b:** Prior to issuance of building permits, the project applicant shall prepare and submit plans to the City of Milpitas depicting the sound walls detailed below and depicted on Exhibit 3.9-3. Each sound wall shall be free of cutouts or openings and constructed of wood, concrete, stud and stucco, plate glass, plexiglass, or vinyl and have a surface density of at least 2 pounds per square foot. • Minimum 6-foot high sound walls shall be placed around the perimeter of all private yards for the northernmost residential Lots 1, 6, and 7. • A minimum 6-foot high sound wall, berm or combination thereof along the eastern property line, in either of the proposed locations provided in Exhibit 3.9-3. • A minimum 7-foot high sound wall, berm or combination thereof along the western property line. **MM NOI-1c:** Prior to issuance of building permits, the project applicant shall prepare and submit plans to the City of Milpitas for review and approval demonstrating that all residences would be constructed with a mechanical ventilation system.	
Impact NOI-2: The proposed project would not result in exposing persons to or generation of excessive groundborne vibration or groundborne noise levels.	No mitigation is necessary.	No mitigation is necessary.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
Impact NOI-3: The proposed project would not result in substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	No mitigation is necessary.	Less than significant impact.
Impact NOI-4: The proposed project may result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	Implement Mitigation Measure NOI-1a.	Less than significant impact.
Section 3.10 – Public Services and Recreation		
Impact PSR-1: The proposed project may adversely impact fire and emergency medical services.	**MM PSR-1:** Prior to the issuance of building permits, the project applicant shall submit project plans to the City of Milpitas Fire Department for review and approval. The plans shall demonstrate project compliance with all applicable emergency vehicle access and fire safety standards, including provision of minimum required turning radii for fire apparatus. The approved plans shall be incorporated into the proposed project.	Less than significant impact.
Impact PSR-2: The proposed project would not adversely impact police protection.	**MM PSR-2a:** Prior to the issuance of building or grading permits for the proposed project, the applicant shall prepare and submit a description of security measures to be implemented during project construction. The measures shall include but not be limited to the provision of 24-hour onsite security personnel. during the duration of construction activities. The provision of 24-hour onsite security personnel may cease once construction is completed. **MM PSR-2b:** Prior to the issuance of the first certificate of occupancy for the proposed project, the applicant shall prepare and submit a description of security measures that would be implemented at the project site. The Police Department shall review and comment on the proposed measures. The measures may include but are not limited to video surveillance and adequate security lighting.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
Impact PSR-3: Development of the proposed project would not result in a need for new or physically altered school facilities in order to maintain acceptable pupil-teacher ratios or other performance objectives.	No mitigation is necessary.	Less than significant impact.
Impact PSR-4: Development of the proposed project may result in a need for new or physically altered parks in order to maintain acceptable park land ratios.	**MM PSR-4a:** Prior to the issuance of building permits, the project applicant shall coordinate with the City of Milpitas to determine the amount of park land and/or in-lieu fees required to be provided pursuant to Municipal Code Section XI-1-9. Park land shall be incorporated into the proposed project and the in-lieu fees shall be paid prior to the issuance of building permits. **MM PSR-4b:** Prior to recordation of the final map, the project applicant shall depict a trail along Ford Creek (but outside of the waterway banks) and dedicate this land to the City of Milpitas.	Less than significant impact.
Impact PSR-5: Development of the proposed project would not result in a need for new or physically altered library facilities.	No mitigation is necessary.	Less than significant impact.
Section 3.11 – Transportation		
Impact TRANS-1: The proposed project would not contribute new trips to transportation facilities that operate below acceptable level of service during Existing Plus Project Conditions.	No mitigation is necessary.	Less than significant impact.
Impact TRANS-2: The proposed project would not contribute new trips to transportation facilities that operate below acceptable level of service during Baseline Conditions.	No mitigation is necessary.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
Impact TRANS-3: The proposed project may contribute new trips to transportation facilities that operate below acceptable levels of service during Year 2030 Conditions.	**MM TRANS-3:** Prior to issuance of each building permit for the proposed project, the project applicant shall provide the City of Milpitas with all transportation-related fees in accordance with the latest adopted fee schedule. Such fees are anticipated to include but not to be limited to the Calaveras Boulevard Widening Traffic Impact Fee.	Significant unavoidable impact.
Impact TRANS-4: The proposed project may substantially increase hazards due to a design feature or incompatible uses.	**MM TRANS-4a:** Prior to issuance of building permits, the project applicant shall prepare and submit plans to the City of Milpitas for review and approval demonstrating that all driveways have adequate site distances and are free and clear of obstructions. Any landscaping and signage shall be located in such a way to insure an unobstructed view for drivers entering and exiting the site. The approved plans shall be incorporated into the proposed project. **MM TRANS-4b:** Prior to issuance of building permits, the project applicant shall prepare and submit plans to the City of Milpitas for review and approval demonstrating the two 90-degree bends on the main drive aisle onsite have painted centerlines and be signed as 10 miles per hour. The approved plans shall be incorporated into the proposed project.	Less than significant impact.
Impact TRANS-5: The proposed project may result in inadequate emergency access.	Implement Mitigation Measure PSR-1.	Less than significant impact.
Impact TRANS-6: The proposed project may conflict with adopted policies, plans, or programs supporting alternative transportation.	Implement Mitigation Measure LU-2 and: **MM TRANS-6a:** Prior to issuance of grading permits for the proposed project, the improvement plans for the private open space area shall depict at least one bicycle rack with space for a minimum of 10 bicycles located in an accessible and convenient area. The approved improvement plans shall be incorporated into the proposed project. **MM TRANS-6b:** Prior to approval of the final map, the project applicant shall prepare and submit plans to the City of Milpitas for review and approval that depicts fencing along either side of the Union Pacific Railroad Warm Springs Subdivision railroad right-of-way to deter pedestrian crossings of the tracks. The fence shall	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
	extend from the southern project boundary to Curtis Avenue. The property owner (or Home Owners Association) shall be responsible for maintaining the fence. The approved plans shall be incorporated into the proposed project.	
Section 3.12 –Utility Systems		
Impact US-1: The proposed project may not be served with adequate long-term water supplies.	**MM US-1:** Prior to issuance of building permits, the project applicant shall pay the Water Impact Fee to the City of Milpitas.	Less than significant impact.
Impact US-2: The proposed project may require additional wastewater treatment or offsite conveyance facilities.	**MM US-2:** Prior to issuance of building permits, the project applicant shall pay the Wastewater Impact Fee to the City of Milpitas.	Less than significant impact.
Impact US-3: The proposed project would provide adequate onsite storm drainage facilities and would not require the construction of offsite facilities.	Less than significant impact.	No mitigation is necessary.
Impact US-4: The proposed project may generate substantial amounts of solid waste during both construction and operations.	**MM US-4a:** Prior to issuance of building permits, the project applicant shall retain a qualified contractor to perform construction and demolition debris recycling with the objective of diverting a minimum of 50 percent of the waste stream from landfills. The project applicant shall provide documentation to the satisfaction of the City of Milpitas demonstrating that construction and demolition debris was recycled. **MM US-4b:** Prior to issuance of occupancy permits, the project applicant shall provide one or more centralized solid waste and recycling facilities within the project boundaries. Such facilities shall be enclosed and screened from public view and shall provide containers or dumpster identifying whether they are intended for solid waste or recyclable materials. The solid waste and recycling facilities shall adhere to City of Milpitas and the franchise waste hauler's design standards for such facilities.	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Environmental Impact	Mitigation Measures	Level of Significance After Mitigation
Impact US-5: The proposed project would not result in the inefficient, unnecessary, or wasteful consumption of energy.	No mitigation is necessary.	Less than significant impact.

SECTION 1: INTRODUCTION

1.1 - Overview of the CEQA Process

This Draft Environmental Impact Report (Draft EIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Preston Property Residential Project (State Clearinghouse No. 2012022075). This document is prepared in conformance with CEQA (California Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.). This Draft EIR is intended to serve as an informational document for the public agency decision makers and the public regarding the proposed project.

1.1.1 - Overview

The proposed project consists of the development of as many as 220 dwelling units on a 15.4-acre site in Milpitas, California. Primary vehicular access would be taken from Railroad Avenue and secondary vehicular access would be taken from Hammond Way. The project would provide open space amenities, including a 1.2-acre private park. The proposed project requires approval of a General Plan Amendment, Midtown Specific Plan Amendment, Zone Change, Tentative Subdivision Map, Planned Unit Development, Site Development Permit, and Conditional Use Permit. Section 2, Project Description provides a complete description of the project.

1.1.2 - Purpose and Authority

This Draft EIR provides a project-level analysis of the environmental effects of the project. The environmental impacts of the proposed project are analyzed in the EIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146. This document addresses the potentially significant adverse environmental impacts that may be associated with the planning, construction, or operation of the project. It also identifies appropriate and feasible mitigation measures and alternatives that may be adopted to significantly reduce or avoid these impacts.

CEQA requires that an EIR contain, at a minimum, certain specific elements. These elements are contained in this Draft EIR and include:

- Table of Contents
- Introduction
- Executive Summary
- Project Description
- Environmental Setting, Significant Environmental Impacts, and Mitigation Measures
- Cumulative Impacts
- Significant Unavoidable Adverse Impacts
- Alternatives to the Proposed Project

- Growth-Inducing Impacts
- Effects Found Not To Be Significant
- Areas of Known Controversy

1.1.3 - Lead Agency Determination

The City of Milpitas is designated as the lead agency for the project. CEQA Guidelines Section 15367 defines the lead agency as ". . . the public agency, which has the principal responsibility for carrying out or approving a project." Other public agencies may use this Draft EIR in the decision-making or permit process and consider the information in this Draft EIR along with other information that may be presented during the CEQA process.

This Draft EIR was prepared by Michael Brandman Associates, an environmental consultant. Prior to public review, it was extensively reviewed and evaluated by the City of Milpitas. This Draft EIR reflects the independent judgment and analysis of the City of Milpitas as required by CEQA. Lists of organizations and persons consulted and the report preparation personnel are provided in Section 8 of this Draft EIR.

1.2 - Scope of the EIR

This Draft EIR addresses the potential environmental effects of the proposed project. The City of Milpitas issued a Notice of Preparation (NOP) for the proposed project on February 28, 2012, which circulated between February 28, 2012 and March 28, 2012 for the statutory 30-day public review period. The scope of this Draft EIR includes the potential environmental impacts identified in the NOP and issues raised by agencies and the public in response to the NOP. The NOP is contained in Appendix A of this Draft EIR.

One comment letter was received from the Santa Clara Valley Transportation Authority in response to the NOP and is provided in Appendix A of this Draft EIR.

1.2.1 - Scoping Meeting

Pursuant to CEQA Guidelines Section 15082(c), the City of Milpitas held a public scoping meeting at 5 p.m., Wednesday, March 28, 2012 at Milpitas City Hall, 455 E. Calaveras Boulevard, Milpitas, California, 95035 to solicit comments on the scope and content of the EIR. The following persons attended and signed in:

- Henry Santos
- Robert L. Finnie
- Sylvia Leury
- Arminta Jensen

1.2.2 - Environmental Issues Determined Not To Be Significant

The NOP identified topical areas that were determined not to be significant. An explanation of why each area is determined not to be significant is provided in Section 7, Effects Found Not To Be Significant. These topical areas are as follows:

- Agricultural and Forest Resources
- Mineral Resources
- Population and Housing

In addition, certain subjects with various topical areas were determined not to be significant. Other potentially significant issues are analyzed in these topical areas; however, the following issues are not analyzed:

- Scenic Vistas (Section 3.1, Aesthetics, Light, and Glare)
- State and Scenic Highways (Section 3.1, Aesthetics, Light, and Glare)
- Riparian Habitat or Other Sensitive Natural Community (Section 3.3, Biological Resources)
- Federally Protected Wetlands(Section 3.3, Biological Resources)
- Native Resident or Migratory Fish or Wildlife Species(Section 3.3, Biological Resources)
- Habitat, Natural Community, or Other Conservation Plan(Section 3.3, Biological Resources)
- Unstable Geologic Units or Soils (Section 3.5, Geology, Soils, and Seismicity)
- Expansive Soils (Section 3.5, Geology, Soils, and Seismicity)
- Septic or Alternative Wastewater Disposal Systems (Section 3.5, Geology, Soils, and Seismicity)
- Exposure of Schools to Hazardous Materials (Section 3.6, Hazards and Hazardous Materials)
- Airports (Section 3.6, Hazards and Hazardous Materials)
- Private Airstrips (Section 3.6, Hazards and Hazardous Materials)
- Wildland Fires (Section 3.6, Hazards and Hazardous Materials)
- Seiches, Tsunamis, or Mudflows (Section 3.7, Hydrology and Water Quality)
- Conservation Plans (Section 3.8, Land Use)
- Aviation Noise (Section 3.9, Noise and Vibration)
- Air Traffic Patterns (3.11, Transportation)

An explanation of why each issue is determined not to be significant is provided in Section 7, Effects Found Not To Be Significant.

1.2.3 - Potentially Significant Environmental Issues

The NOP found that the following topical areas may contain potentially significant environmental issues that will require further analysis in the EIR. These sections are as follows:

- Aesthetics, Light, and Glare
- Air Quality and Greenhouse Gas Emissions
- Biological Resources
- Cultural Resources
- Geology, Soils, and Seismicity
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise and Vibration
- Public Services and Recreation
- Transportation
- Utility Systems

1.3 - Organization of the EIR

This Draft EIR is organized into the following main sections:

- **Section ES: Executive Summary.** This section includes a summary of the proposed project and alternatives to be addressed in the Draft EIR. A brief description of the areas of controversy and issues to be resolved, and overview of the Mitigation Monitoring and Reporting Program, in addition to a table that summarizes the impacts, mitigation measures, and level of significance after mitigation, are also included in this section.
- **Section 1: Introduction.** This section provides an introduction and overview describing the purpose of this Draft EIR, its scope and components, and its review and certification process.
- **Section 2: Project Description.** This section includes a detailed description of the proposed project, including its location, site, and project characteristics. A discussion of the project objectives, intended uses of the Draft EIR, responsible agencies, and approvals that are needed for the proposed project are also provided.
- **Section 3: Environmental Impact Analysis.** This section analyzes the environmental impacts of the proposed project. Impacts are organized into major topic areas. Each topic area includes a description of the environmental setting, methodology, significance criteria, impacts, mitigation measures, and significance after mitigation. The specific environmental topics that are addressed within Section 3 are as follows:
    - **Section 3.1 - Aesthetics, Light, and Glare:** Addresses the potential visual impacts of development intensification and the overall increase in illumination produced by the project.
    - **Section 3.2 - Air Quality/Greenhouse Gas Emissions:** Addresses the potential air quality impacts associated with project implementation, as well as consistency with the Bay Area Air Quality Management District Clean Air Plan. In addition, the section also evaluates project emissions of greenhouse gases.
    - **Section 3.3 - Biological Resources:** Addresses the project's potential impacts on habitat, vegetation, and wildlife; the potential degradation or elimination of important habitat; and impacts on listed, proposed, and candidate threatened and endangered species.

- **Section 3.4 - Cultural Resources:** Addresses the project's potential impacts on cultural resources, including any impacts on known or potential historical, archeological, and paleontological resources.
- **Section 3.5 - Geology, Soils, and Seismicity:** Addresses the potential for the presence of geologic, soil, and seismic hazards on the project site and in the project area that may have the potential to impact human health or property.
- **Section 3.6 - Hazards and Hazardous Materials:** Addresses the potential for the presence of hazardous materials or conditions on the project site and in the project area that may have the potential to impact human health.
- **Section 3.7 - Hydrology and Water Quality:** Addresses the potential impacts of the project on local hydrological conditions, including drainage areas, and changes in the flow rates.
- **Section 3.8 - Land Use:** Addresses the potential land use impacts associated with division of an established community and consistency with the City of Milpitas General Plan, Midtown Specific Plan, and Milpitas Municipal Code.
- **Section 3.9 - Noise and Vibration:** Addresses the potential noise and vibration impacts during construction and at project buildout from mobile sources. The section also addresses the impact of noise generation on neighboring uses.
- **Section 3.10 - Public Services and Recreation:** Addresses the project's potential impacts upon service providers, including fire protection, police protection, schools, and recreational facilities.
- **Section 3.11 - Transportation:** Addresses the impacts on the local and regional roadway system, public transportation, bicycle, and pedestrian access.
- **Section 3.12 - Utility Systems:** Addresses the project's potential impacts upon utility providers, including water supply, wastewater, storm drainage, solid waste, and energy providers.

- **Section 4: Cumulative Effects.** This section analyzes the proposed project's environmental impacts in combination with the impact of other past, present, and probable future projects.

- **Section 5: Alternatives to the Proposed Project.** This section compares the impacts of the proposed project with three land-use project alternatives: the No Project/Existing Land Use Activities Alternative, the Reduced Density Alternative, and the Mixed Use Center Alternative. An environmentally superior alternative is identified. In addition, alternatives initially considered but rejected from further consideration are discussed.

- **Section 6: Other CEQA Required Sections.** This section provides a summary of significant environmental impacts, including unavoidable and growth-inducing impacts. This section discusses the cumulative impacts associated with the proposed project, including the impacts of past, present, and probable future projects. In addition, the proposed project's energy demand is discussed.

- **Section 7: Effects Found Not To Be Significant.** This section contains analysis of the topical sections not addressed in Section 3.
- **Section 8: Organizations and Persons Consulted/List of Preparers.** This section contains a full list of persons and organizations that were consulted during the preparation of this Draft EIR, as well as the authors who assisted in the preparation of the Draft EIR, by name and affiliation.
- **Section 9: References.** This section contains a full list of references that were used in the preparation of this Draft EIR.
- **Appendices:** This section includes all notices and other procedural documents pertinent to the Draft EIR, as well as all technical material prepared to support the analysis.

1.4 - Documents Incorporated by Reference

As permitted by CEQA Guidelines Section 15150, this Draft EIR has referenced several technical studies, analyses, and previously certified environmental documentation. Information from the documents, which have been incorporated by reference, has been briefly summarized in the appropriate section(s). The relationship between the incorporated part of the referenced document and the Draft EIR has also been described. The documents and other sources that have been used in the preparation of this Draft EIR include but are not limited to:

- Milpitas General Plan
- Midtown Specific Plan
- Milpitas Municipal Code
- City of Milpitas 2010 Urban Water Management Plan
- City of Milpitas Water Master Plan
- City of Milpitas Sewer Master Plan
- City of Milpitas Storm Drain Master Plan
- Santa Clara Valley Water District 2010 Urban Water Management Plan

These documents are specifically identified in Section 9, References, of this Draft EIR. In accordance with CEQA Guidelines Section 15150(b), the General Plan, Municipal Code, and the referenced documents and other sources used in the preparation of the Draft EIR are available for review at the City of Milpitas offices at the address shown in Section 1.6 below.

1.5 - Documents Prepared for the Project

The following technical studies and analyses were prepared for the proposed project:

- Air Quality Analysis, prepared by Michael Brandman Associates. (The analysis is wholly contained in Section 3.2, Air Quality and Greenhouse Gas Emissions; modeling data is provided in Appendix B.)
- Biological Resources Assessment, prepared by Michael Brandman Associates. (The analysis is wholly contained in Section 3.3, Biological Resources; supporting information is provided in Appendix C.)
- Phase I and Phase II Environmental Site Assessments, prepared by ENGEO Incorporated (Appendix D).
- Hydrology and Water Quality Review, prepared by Schaaf & Wheeler (Appendix E).
- Noise and Vibration Study, prepared by Veneklasen Associates (Appendix F).
- Preston Pipe Site Development Application Review, prepared by Citygate Associates (Appendix G).
- Transportation Impact Report, prepared by Hexagon Transportation Consultants (Appendix H).
- Water & Sewer Analysis, prepared by RMC (Appendix I).
- Fiscal Impact Analysis, prepared by ALH Urban & Regional Economics (Appendix J).

1.6 - Review of the Draft EIR

Upon completion of the Draft EIR, the City of Milpitas filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (Public Resources Code, Section 21161). Concurrent with the NOC, this Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft EIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft EIR, including the technical appendices, is available for review at the City of Milpitas Planning and Neighborhood Services Department offices and the Milpitas Library. The address for each location is provided below:

City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035
Hours:
Monday – Friday: 8 a.m. to 5 p.m.

Milpitas Library
160 N. Main Street
Milpitas, CA 95035
Hours:
Monday – Thursday: 10 a.m. to 9 p.m.
Friday – Saturday: 10 a.m. to 6 p.m.
Sunday: 12 p.m. to 6 p.m.

Agencies, organizations, and interested parties have the opportunity to comment on the Draft EIR during the public review period. Written comments on this Draft EIR should be addressed to:

Mr. Sheldon Ah Sing, Senior Planner
City of Milpitas
Planning and Neighborhood Services Department
455 E. Calaveras Boulevard
Milpitas, CA 95035
Phone: (408) 586-3278
Fax: (408) 586-3305
Email: sahsing@ci.milpitas.ca.gov

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the City of Milpitas on the project, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision makers for the project.