

ADDENDUM

Landmark Tower Mixed-Use Development Environmental Impact Report

(SCH# 2007062074)

Prepared by the
City of Milpitas

October 2015

TABLE OF CONTENTS

	<u>Page</u>
SECTION 1.0 INTRODUCTION AND PURPOSE	5
SECTION 2.0 PROJECT INFORMATION.....	7
2.1 PROJECT TITLE	7
2.2 PROJECT LOCATION.....	7
2.3 PROPERTY OWNER/PROPONENT	7
2.4 LEAD AGENCY CONTACT.....	7
2.5 ASSESSOR’S PARCEL NUMBERS	7
2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING	7
2.7 PROJECT-RELATED APPROVALS, AGREEMENTS AND PERMITS ...	7
SECTION 3.0 PROJECT DESCRIPTION.....	10
3.1 PROPOSED CHANGES TO THE APPROVED PROJECT.....	10
SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACTS	17
4.1 AESTHETICS	18
4.2 AGRICULTURAL AND FOREST RESOURCES	32
4.3 AIR QUALITY	34
4.4 BIOLOGICAL RESOURCES.....	53
4.5 CULTURAL RESOURCES.....	57
4.6 GEOLOGY AND SOILS	61
4.7 GREENHOUSE GAS EMISSIONS	67
4.8 HAZARDS AND HAZARDOUS MATERIALS	77
4.9 HYDROLOGY AND WATER QUALITY	83
4.10 LAND USE	91
4.11 MINERAL RESOURCES.....	96
4.12 NOISE	97
4.13 POPULATION AND HOUSING	107
4.14 PUBLIC SERVICES.....	109
4.15 RECREATION.....	115
4.16 TRANSPORTATION	117
4.17 UTILITIES AND SERVICE SYSTEMS.....	125
4.18 MANDATORY FINDINGS OF SIGNIFICANCE.....	132
SECTION 5.0 REFERENCES	136
SECTION 6.0 LEAD AGENCY AND CONSULTANTS.....	138

TABLE OF CONTENTS

Page

Figures

Figure 2.2-1: Regional Map.....	8
Figure 2.2-2: Vicinity Map	9
Figure 3.1-1: Proposed Site Plan	11
Figure 3.1-2: Elevation - Front	12
Figure 3.1-3: Elevation – Side (north)	13
Figure 3.1-4: Elevation – Side (south).....	14
Figure 3.1-5: Elevation – Rear.....	15
Figure 4.1-1: Mass Comparison.....	20
Figure 4.1-2: Photosimulation Viewpoints	22
Figure 4.1-3: Photosimulation	23
Figure 4.1-4: Photosimulation	24
Figure 4.1-5: Photosimulation	25
Figure 4.1-6: Photosimulation	26
Figure 4.1-7: Photosimulation	27
Figure 4.1-8: Photosimulation	28
Figure 4.1-9: Photosimulation	29
Figure 4.1-10: Photosimulation.....	30
Figure 4.10-1: Aerial Photograph with Surrounding Land Uses	92
Figure 4.16-1: Roadway Network.....	118

Tables

Table 4.0-1: Letter Codes of Environmental Issues.....	17
Table 4.3-1: Common Sources of Health Effects for Criteria Air Pollutants	35
Table 4.3-2: California and National Ambient Air Quality Standards	35
Table 4.3-3: Air Quality Significance Thresholds	41
Table 4.3-4: Construction Period Emissions.....	42
Table 4.3-5: Project Operation Emissions	44
Table 4.3-6: Maximum Health Risks from Project Construction Activities.....	46
Table 4.3-7: Maximum Health Risks to Proposed Residences.....	47
Table 4.3-8: BAAQMD Odor Screening Distances.....	50
Table 4.7-1: Annual Project GHG Emissions in Metric Tons	72
Table 4.7-2: Climate Action Plan Consistency.....	73
Table 4.8-1: Regulation of Hazardous Materials	77

TABLE OF CONTENTS

Appendices

Appendix A	Air Quality and Greenhouse Gas Analysis
Appendix B	Tree Survey
Appendix C	Geotechnical Feasibility Investigation
Appendix D	Phase I Environmental Site Assessment
Appendix E	Storm Water Control Plan
Appendix F	Environmental Noise Assessment
Appendix G	Transportation Operations Study

SECTION 1.0 INTRODUCTION AND PURPOSE

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusion in the environmental document.

On November 18, 2008, the City of Milpitas certified the Environmental Impact Report (EIR) for the Landmark Tower Mixed-Use Development project (SCH# 2007062074). The project evaluated in the EIR proposed the redevelopment of a three-acre project site located at 600 Barber Lane with an 18-story mixed-use building and attached 8-level parking garage, all above three levels of below-grade parking.

The purpose of this Addendum is to evaluate the environmental impacts of the proposed changes to the project and document that none of the conditions described in §15162 of the CEQA Guidelines (see below) calling for preparation of a subsequent EIR have occurred. The proposed changes to the project include the following:

- reconfiguring the location of the proposed onsite uses,
- increasing the number of condominiums from 375 units to 450 units,
- decreasing the amount of retail space from 148,805 square feet to 42,000 square feet,
- decreasing the amount of office space from 48,960 square feet to 8,000 square feet, and
- increasing the maximum height of the development from 277 feet (18 stories) to 285 feet (22 stories).

The CEQA Guidelines §15162 state that when an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

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

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

CEQA Guidelines §15164 states that the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in §15162 (see above) calling for preparation of a subsequent EIR have occurred.

Taking into consideration the proposed project, knowledge of the project site and the information contained in the EIR previously certified for the Landmark Tower Mixed-Use Development project, the City of Milpitas concludes that the proposed changes to the project would not result in any new impacts that were not disclosed in the previously certified EIR; nor would the changes substantially increase the magnitude of a previously identified environmental impact. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the Landmark Tower Mixed-Used Development EIR has been prepared for the proposed project.

This addendum will not be circulated for public review, but will be attached to the Landmark Tower Mixed-Used Development EIR, pursuant to CEQA Guidelines §15164(c).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Milpitas Landmark Towers

2.2 PROJECT LOCATION

The three-acre project site is located at 600 Barber Lane, adjacent to the west side of Interstate 880 (I-880) in the City of Milpitas. A regional map and vicinity map of the project site are shown on Figures 2.2-1 and 2.2-2, respectively.

2.3 PROPERTY OWNER/PROPONENT

BDK Capital, LLC
2 North Lake, 11th Floor
Pasadena, CA 91106

2.4 LEAD AGENCY CONTACT

Bill Ekern, Interim Director
City of Milpitas
Planning & Neighborhood Services Department
455 East Calaveras Blvd.
Milpitas, CA 95035

2.5 ASSESSOR'S PARCEL NUMBERS

086-01-034

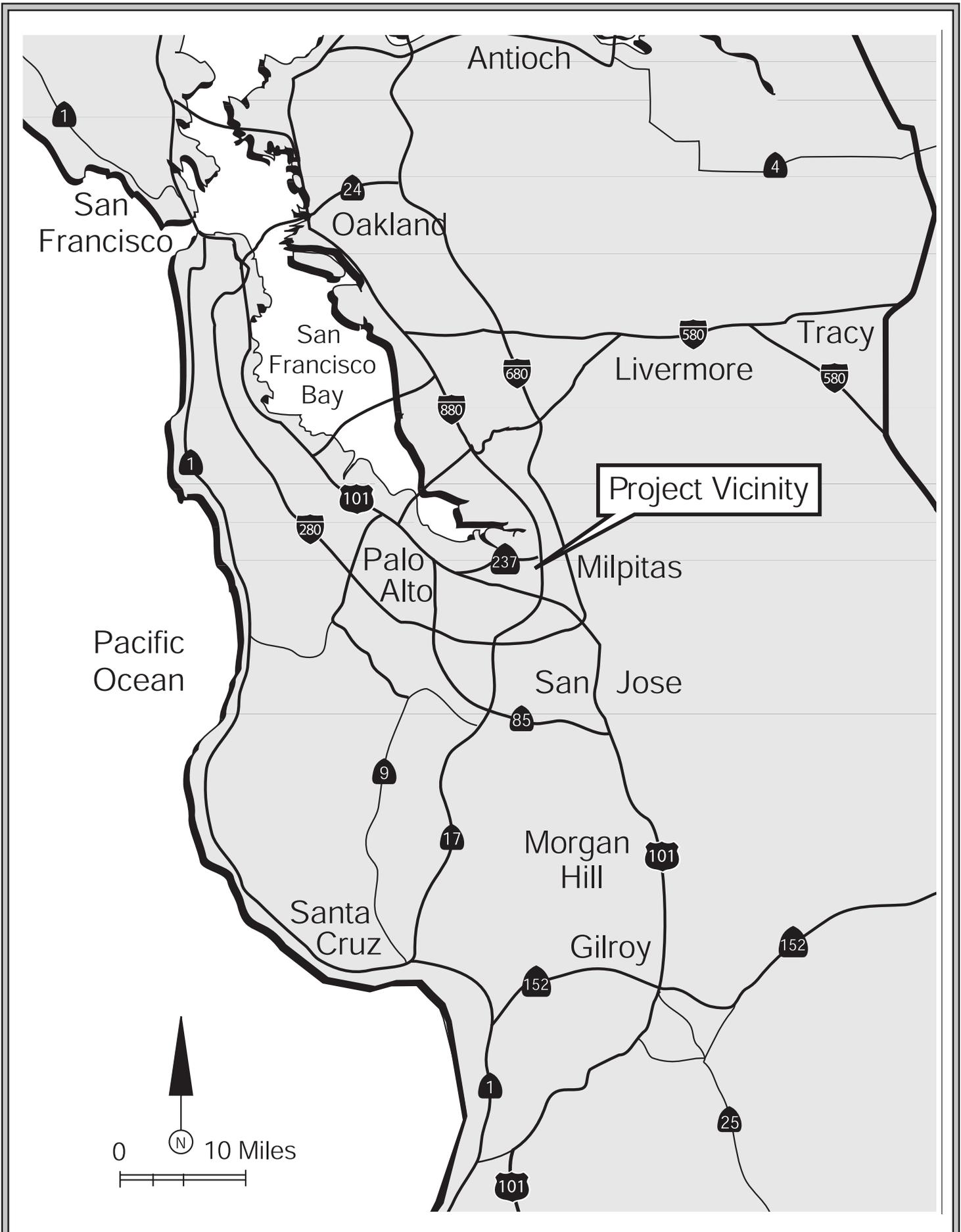
2.6 GENERAL PLAN LAND USE DESIGNATION AND ZONING

General Plan Land Use Designation: *Boulevard Very High Density Mixed Use (BVMU)*

Zoning Designation: *Mixed Use, Very High Density (MXD3) High Rise Overlay (HR)*

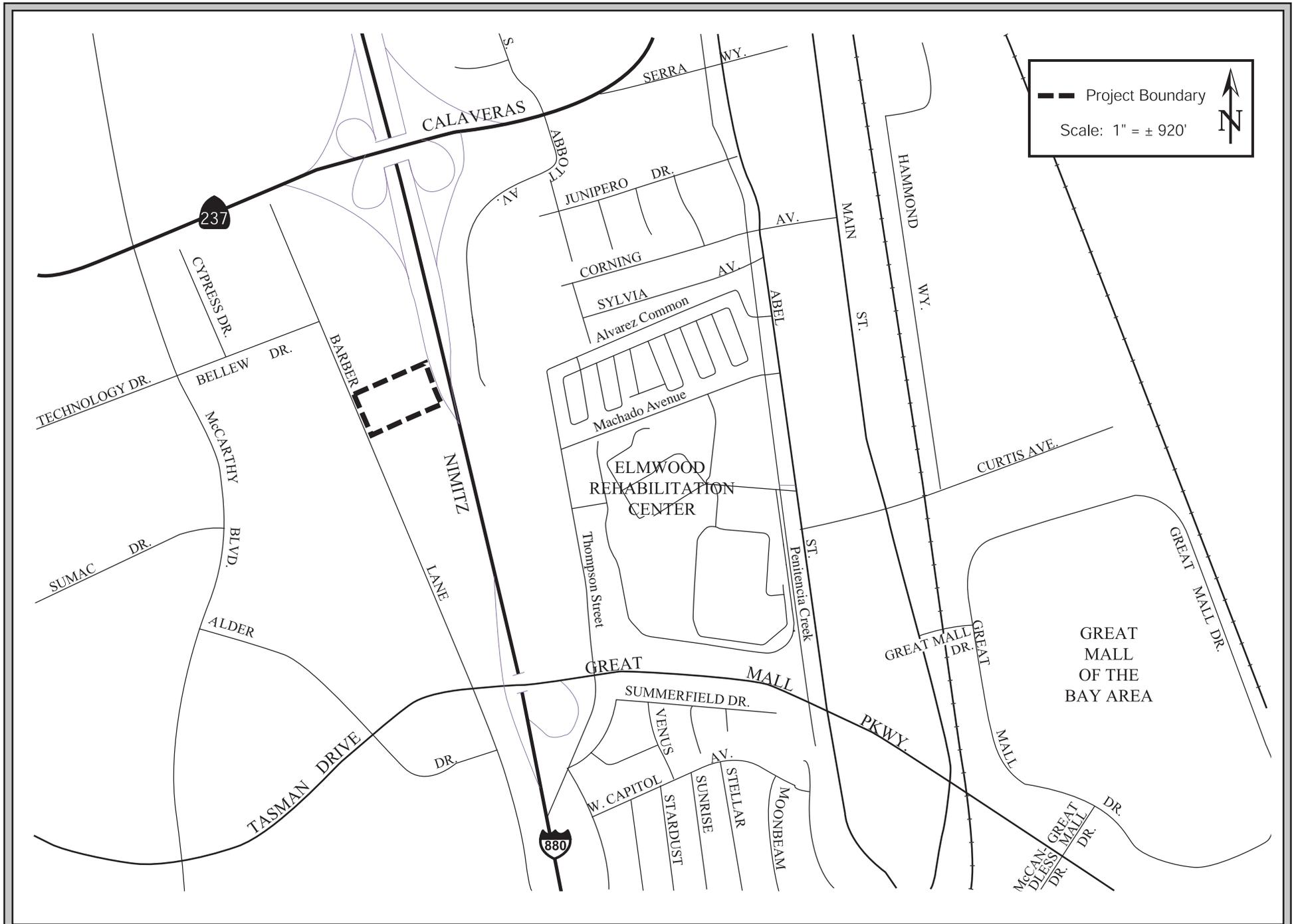
2.7 PROJECT-RELATED APPROVALS, AGREEMENTS AND PERMITS

- Site Development Permit
- Grading Permit
- Building Permit
- Conditional Use Permit
- Tentative Subdivision Map



REGIONAL MAP

FIGURE 2.2-1



VICINITY MAP

FIGURE 2.2-2

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROPOSED CHANGES TO THE APPROVED PROJECT

On November 18, 2008, the City of Milpitas certified the Environmental Impact Report (EIR) for the Landmark Tower Mixed-Use Development project (SCH# 2007062074). The purpose of this Addendum is to evaluate the environmental impacts of the proposed changes to the approved project, which include the following:

- reconfiguring the location of the proposed onsite uses,
- increasing the number of condominiums from 375 units to 450 units,
- decreasing the amount of retail space from 148,805 square feet to 42,000 square feet,
- decreasing the amount of office space from 48,960 square feet to 8,000 square feet, and
- increasing the maximum height of the development from 277 (18 stories) to 285 feet (22 stories).

The proposed project includes all the mitigation measures described in the certified EIR and required as a condition of approval for the existing entitlements, which are hereby incorporated by reference. A description of the proposed project is provided below.

3.1.1 Proposed Project

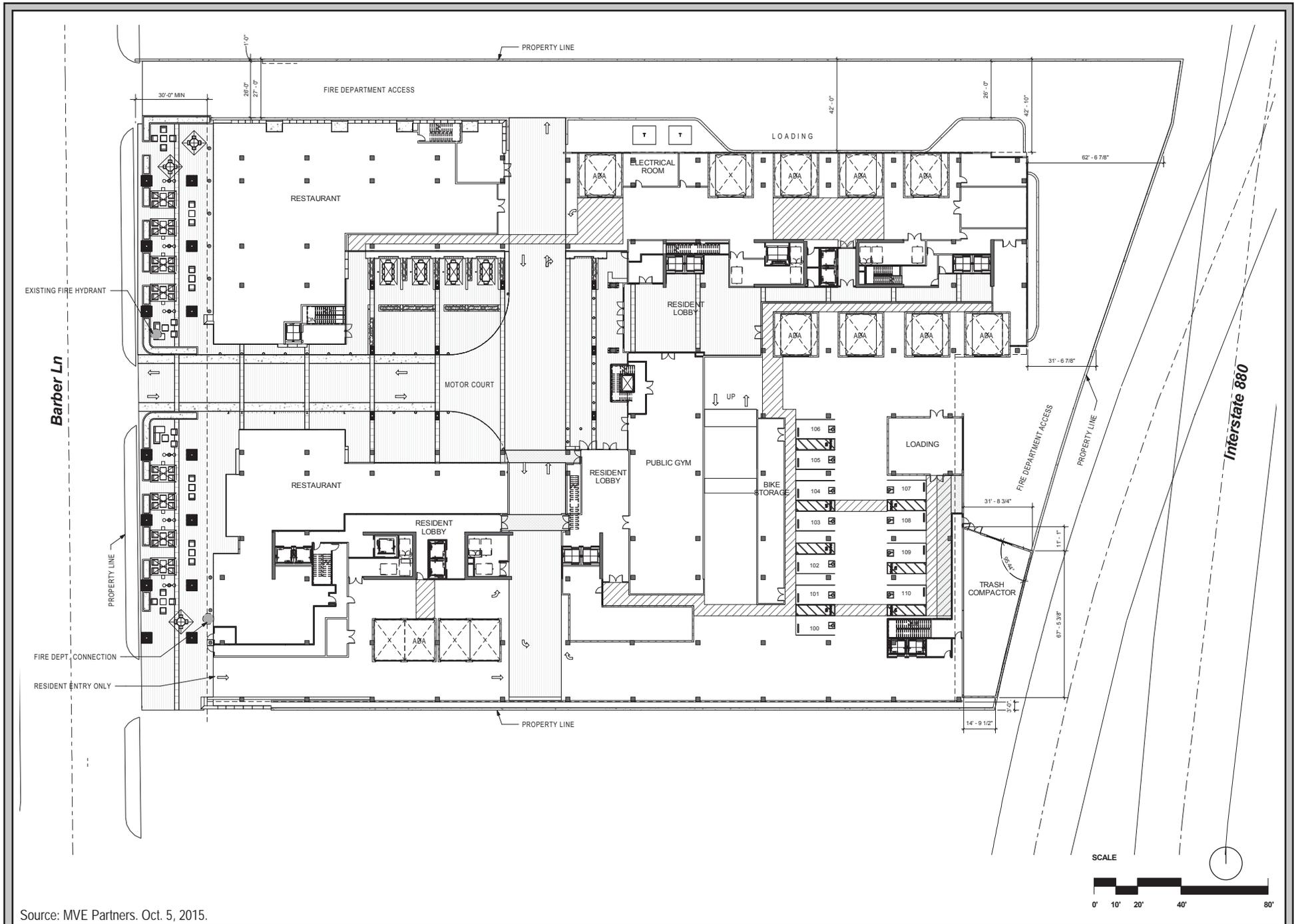
The project proposes to redevelop the site with a 22-story mixed-use building that includes two 19-story residential towers over three stories of parking as well as supporting retail and office uses and one to two levels of below-grade parking. The residential towers would have a maximum height of approximately 277 feet. A conceptual site plan of the proposed project is shown on Figure 3.1-1. Conceptual elevations of the proposed project are shown on Figures 3.1-2, 3.1-3, 3.1-4, and 3.1-5.

Retail and commercial uses are proposed on floors one, two, and three of the mixed-use building, and would include 42,000 gross square feet of retail uses and 8,000 gross square feet of office space.

Up to 450 residences are proposed in the residential towers, which would include a mix of six one-bedroom units, 304 two-bedroom units, and 140 three-bedroom units.

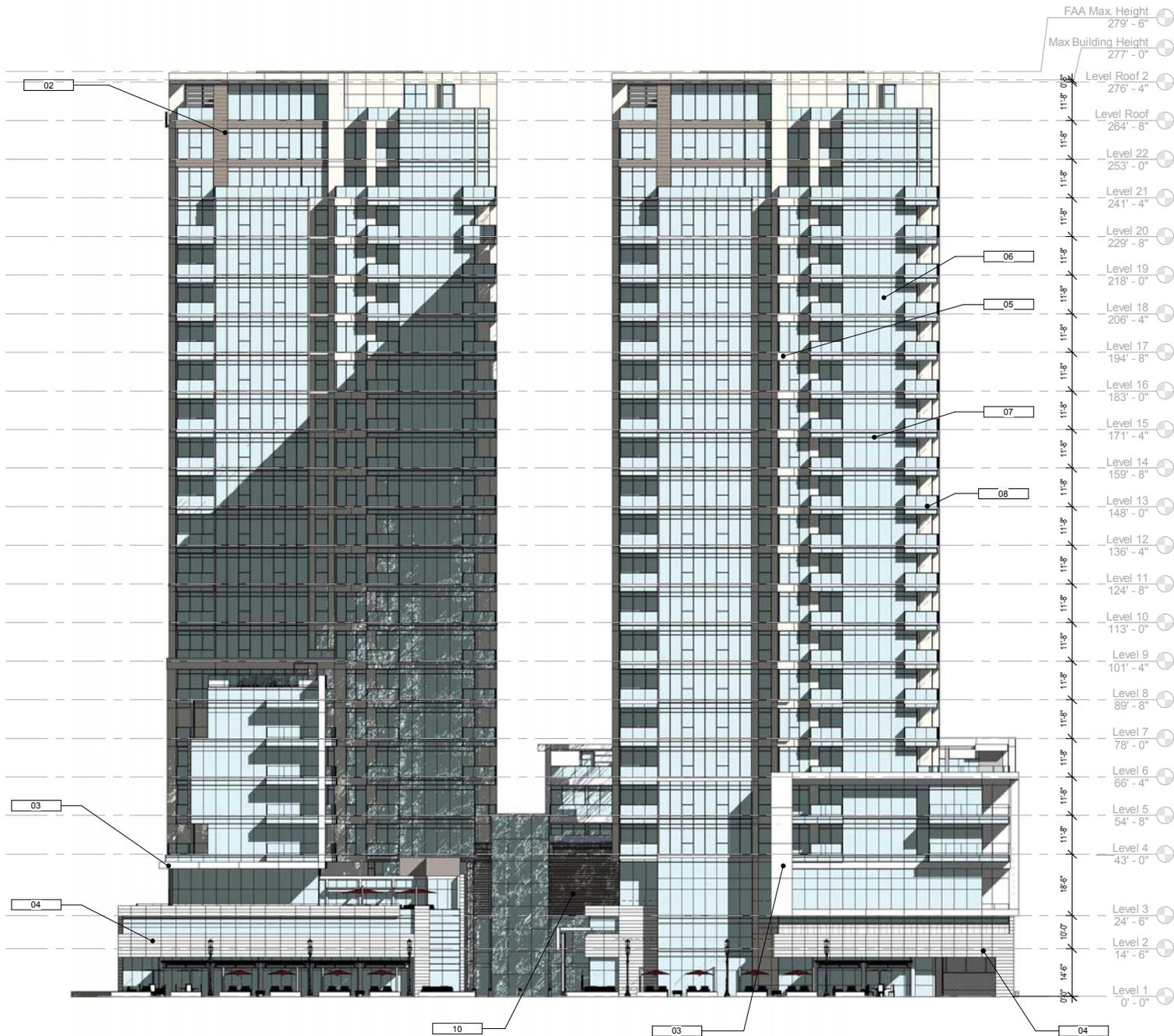
3.1.1.1 *Parking*

The proposed project would provide a total of approximately 1,383 parking spaces, including 183 above-ground, self-parking spaces on levels one, two, and three and 1,200 below-grade, automated-parking spaces.



CONCEPTUAL SITE PLAN

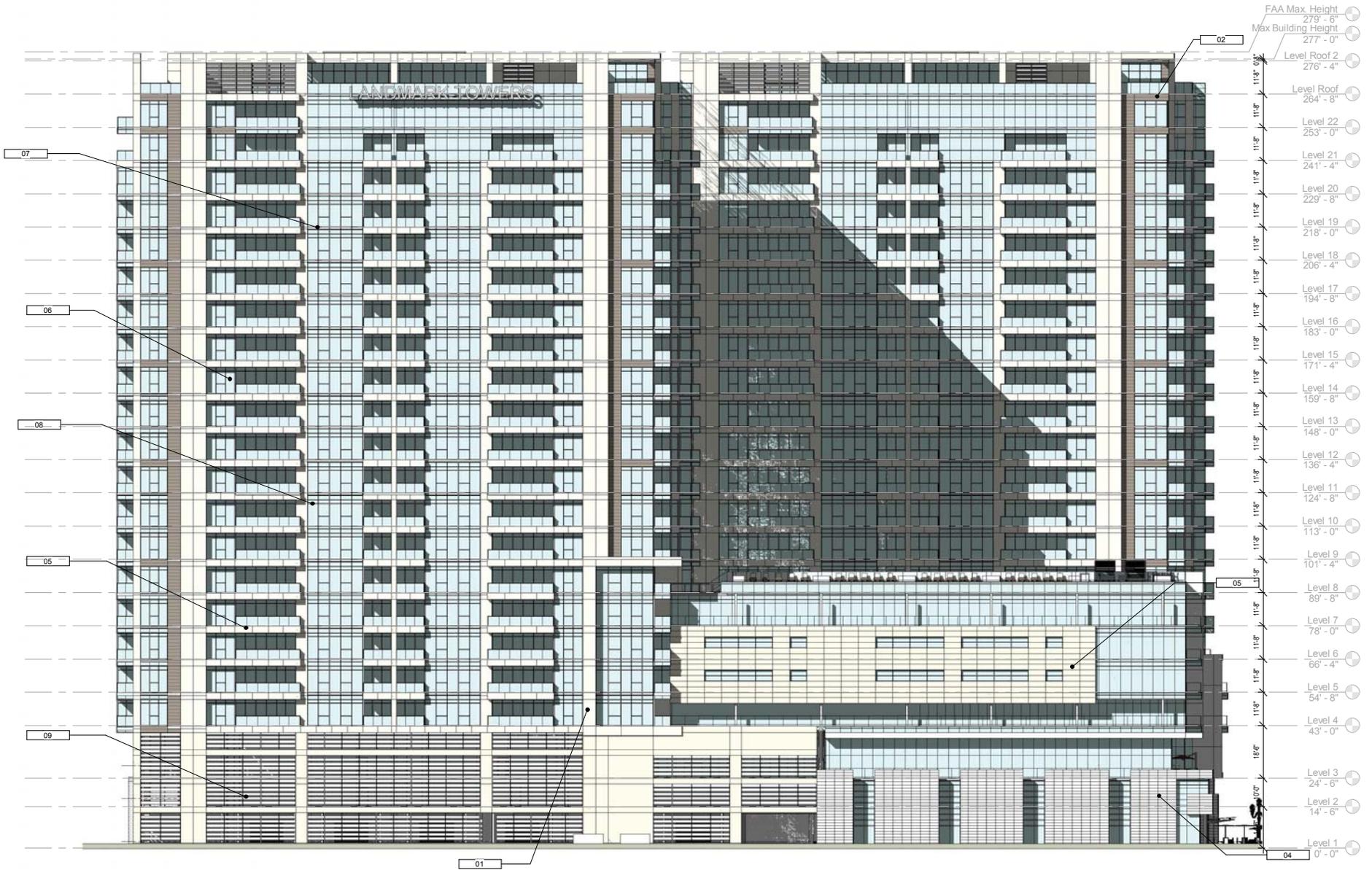
FIGURE 3.1-1



Source: MVE Partners. Oct. 5, 2015.

ELEVATION - FRONT

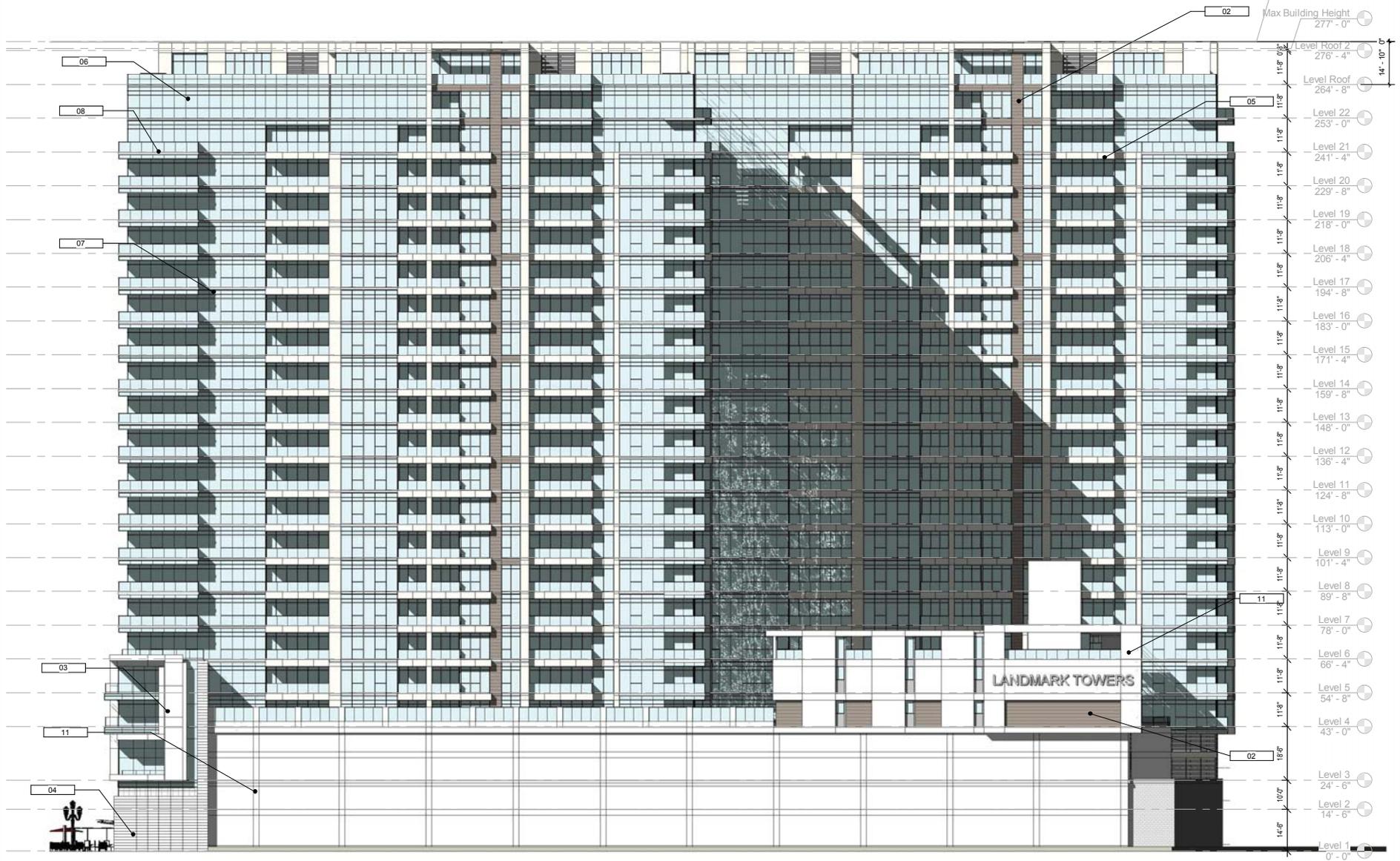
FIGURE 3.1-2



Source: MVE Partners. Oct. 5, 2015.

ELEVATION - SIDE (NORTH)

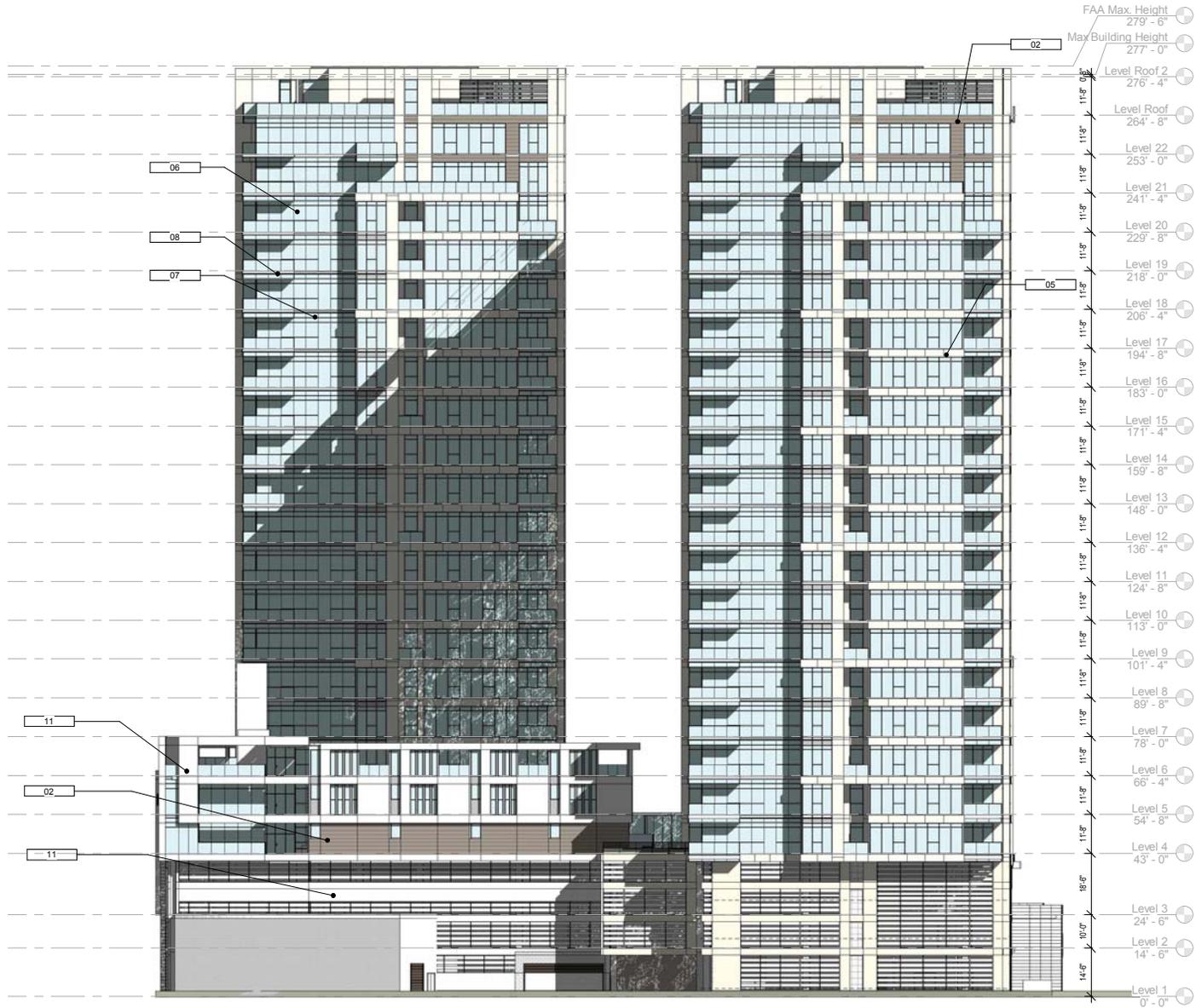
FIGURE 3.1-3



Source: MVE Partners. Oct. 5, 2015.

ELEVATION - SIDE (SOUTH)

FIGURE 3.1-4



Source: MVE Partners. Oct. 5, 2015.

ELEVATION - SIDE (REAR)

FIGURE 3.1-5

3.1.1.2 *Open Space*

Common Open Space

The proposed project includes five outdoor use areas. These include: 1) a 4th floor rooftop pool to serve gym members; 2) a 9th floor private rooftop pool for the residents of the development; 3) a ground level courtyard area, a 9th floor rooftop garden, and a 4th floor dog park.

Private Open Space

Each residence would include a private balcony.

3.1.1.3 *Access*

Three driveways (northern, central, and southern) from Barber Lane would provide access to the project site. The northern driveway would be located adjacent to the northern boundary of the project site and would be for emergency vehicle access only. The central driveway would provide ingress and egress for residents, commercial customers, and employees. The southern driveway would be located adjacent to the southern property boundary and would provide ingress for residents only.

Access to the project site will be designed to meet the requirements of the Milpitas Fire Department.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACTS

This section, **Section 4.0 Environmental Setting, Checklist, and Discussion of Impacts**, describes any changes that have occurred in existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project or the changed conditions.

The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, was used to compare the environmental impacts of the “Proposed Project” with those of the “Approved Project” (i.e., development approved by the City and evaluated in the EIR prepared for the Landmark Tower Mixed-Use Development project [SCH# 2007062074]) and to identify whether the proposed project would likely result in new significant environmental impacts. The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section.

Each impact is numbered using an alpha-numerical system that identifies the environmental issue. For example, **Impact HAZ – 1**, denotes the first impact in the hazards and hazardous materials section. Mitigation measures and conclusions are also numbered to correspond to the impacts they address. For example, **MM HYD – 2.3** refers to the third mitigation measure for the second impact in the hydrology section. The letter codes used to identify environmental issues are shown in Table 4.0-1.

Letter Code	Environmental Issue
AES	Aesthetics
AGR	Agriculture and Forestry Resources
AIR	Air Quality
BIO	Biological Resources
CUL	Cultural Resources
GEO	Geology and Soils
GHG	Greenhouse Gases
HAZ	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality
LU	Land Use
NOI	Noise
PUB	Public Services
REC	Recreation
TRAN	Transportation
UTIL	Utilities and Service Systems

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 *Visual Character of the Project Area*

The project site is located in an urban area adjacent to a major freeway and is currently developed with a vacant, non-descript, two-story showroom building, a large paved parking lot, and minimal landscaping. The site has not been well maintained since the showroom building was vacated. Development in the project area includes modern commercial and light industrial uses with building heights up to 12 stories tall. The project site is bordered to the east by I-880 and an elevated freeway on-ramp that is approximately 50 feet tall. Across I-880 from the project site are newly constructed residences and auto dealerships. The project site is bordered to the north and south by newer shopping centers with two-story buildings and paved surface parking lots. The project site is bordered to the west by Barber Lane. Across Barber Lane from the project site is a newer business park developed with two and three story buildings and large, landscaped surface parking lots. The tallest existing building in the project area is the 12-story Crowne Plaza Hotel, which is located approximately 1,500 feet north of the project site at the corner of Bellew Drive and Barber Lane. Photos of the project site and nearby uses are shown on the following pages.

4.1.1.2 *Scenic Views and Resources*

The project site and the surrounding area are flat, and as a result, the site is only visible from the immediate area. The project area is not a designated scenic corridor and I-880 is not a designated state scenic highway. Scenic views in the project area include the east hills. Due to the flat topography and existing development in the project area, views of the east hills from the project site and the surrounding area are limited.

4.1.1.3 *Light and Glare*

Sources of light and glare are abundant in the urban environment of the project area, including but not limited to street lights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows.

4.1.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as "Approved Project"	Less Impact than "Approved Project"	Checklist Source(s)
Would the project:						
1. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8,11, 12
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12

4.1.2.1 Aesthetic Impacts

As described above, the project site is currently developed with a non-descript, two-story showroom building, a large paved parking lot, and minimal landscaping. The site has not been well maintained since the showroom building was vacated in 2005. The site is located immediately adjacent to an elevated (approximately 50-foot tall) freeway on-ramp and eight-lane freeway in a highly urbanized area that is developed with low to mid-rise industrial and commercial buildings.

The maximum height of the proposed project is 277 feet. The proposed project would be the tallest building in the City of Milpitas. Buildings near the project site that are similar in height and mass to the proposed project include the 12-story Crowne Plaza Hotel (located approximately 1,500 feet north of the site) and the 10-story Embassy Suites Hotel (located approximately 8,500 feet east of the site). The mass of the proposed project is compared to the Crowne Plaza Hotel and the Embassy Suites Hotel on Figure 4.1-1. Although taller, the two-tower design reduces the mass of the proposed project. Overall, the mass of the proposed project would be similar to the Embassy Suites Hotel.

Photosimulations of the proposed project were prepared to illustrate the massing and scale of the proposed project in its surroundings, from a variety of vantage points in the City. Eight views from within the City were selected to illustrate the visual character with and without the project. Views one through four are from the surrounding area, and views five through eight are from the immediate vicinity. A map of the view point locations is shown on Figure 4.1-2. Figures 4.1-3 through 4.1-10 show each of the eight views with and without the proposed project.

EMBASSY SUITES HOTEL - CALAVERAS BLVD.



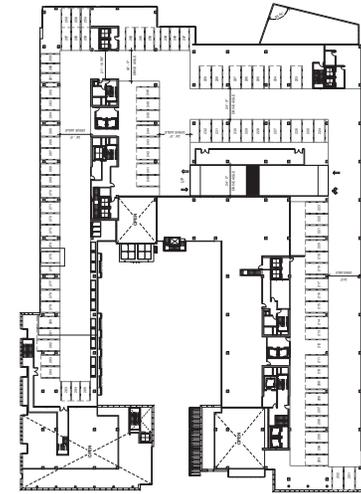
EMBASSY SUITES HOTEL - CALAVERAS BLVD.

CROWN PLAZA HOTEL- BELLEW DRIVE



CROWN PLAZA HOTEL- BELLEW DRIVE

LANDMARK TOWER - BARBER LANE



LANDMARK TOWER - BARBER LANE

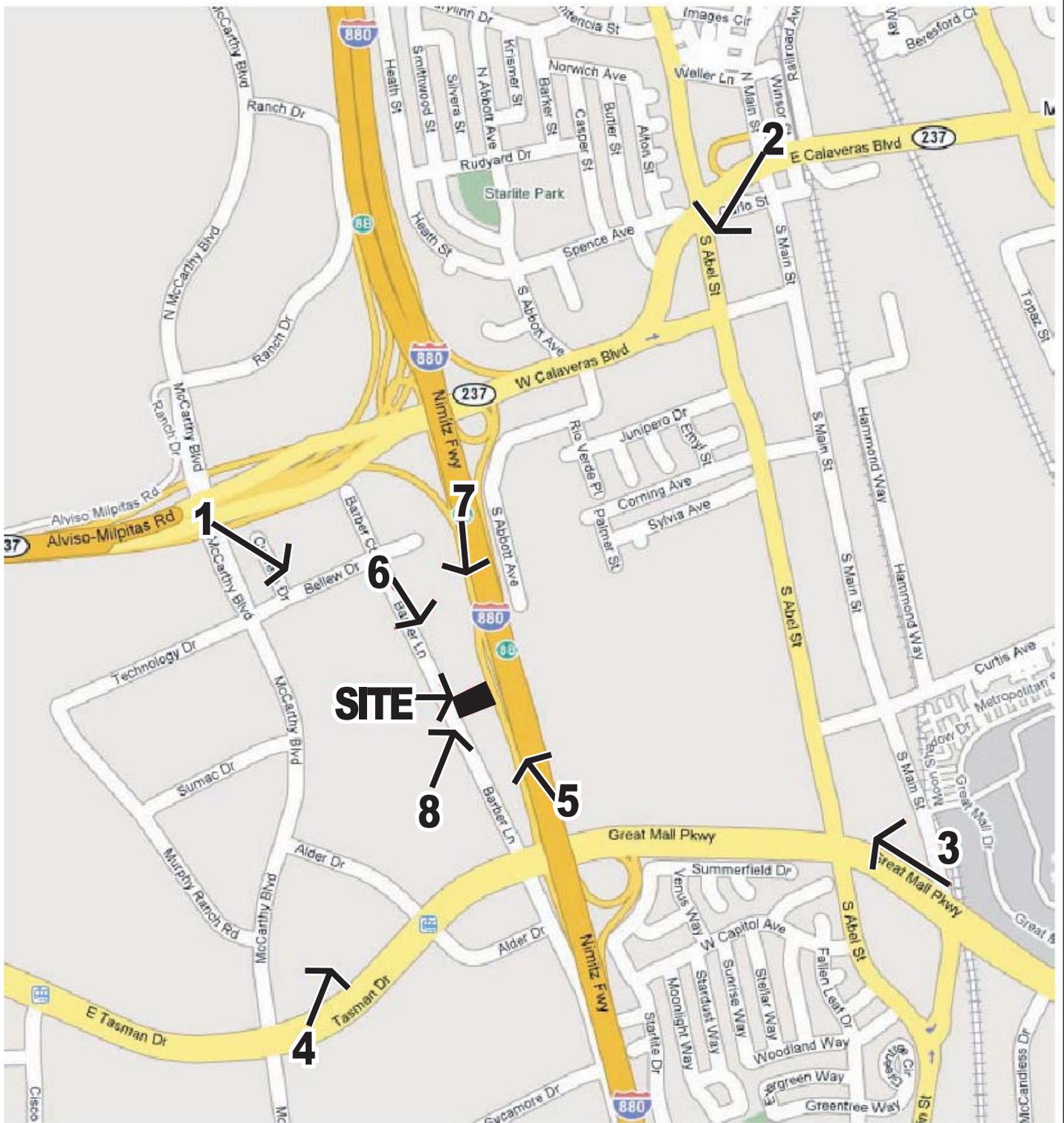
While the proposed project will be substantially taller than the buildings located on surrounding properties, it is not completely out of character with the existing development in the project area. The project area is highly urbanized. There is a 12-story building (Crowne Plaza Hotel) located approximately 1,500 feet north of the site. I-880 and an elevated onramp to I-880 are located immediately east of the project site. Due to the flat topography and existing urban development in the project area, views further from the project site would not substantially change with development of the proposed project. The proposed project will be subject to architectural and design review as a part of the City's permitting process, to ensure that the final design is a high-quality development. For these reasons, the redevelopment of the project site with a modern, mixed-use, 22-story high-rise building would not substantially degrade the existing visual character of the site or its surroundings. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.2.2 *Effect on Scenic Views*

The Diablo Range foothills to the east provide the only visible natural habitat in the project area. The City of Milpitas General Plan designates the hilltops, hillsides, and ridgelines within Ed Levine Park as scenic resources. There are no designated scenic view corridors in the project area. The existing views of the east hills from the project site and the surrounding area are limited, due to the flat topography and existing freeway ramp and intervening development. Existing development west of the project site is industrial. Therefore, the proposed development of a 22-story mixed-use residential building on the site would not block existing residential views of the scenic Diablo Range foothills to the east. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.1.2.3 *Light and Glare*

The developed project site is located adjacent to I-880 in a highly urbanized area of Milpitas that is developed with shopping centers and business parks and contains numerous existing sources of light and glare. The proposed project would incrementally add to the existing light and glare in the project area. The project includes outdoor security night lighting along walkways and in the parking and entrance areas and light standards would be located along the driveways. Outdoor lighting would also be provided in the common open-space areas. Lighting on the project site would be directed downward to avoid spillover onto adjacent areas. The headlights of vehicles traveling to and from the project site would also incrementally add to existing light levels in the project area. Similar to the existing development in the project area, the proposed project will include reflective surfaces such as window panes and trim. The sun reflecting off these surfaces would create glare. Compared to the existing light and glare on and adjacent to the project site, the light and glare created by the proposed project would not be substantial. **[Same Impact as Approved Project (Less than Significant Impact)]**



1" = ± 1,300'

PHOTOSIMULATION VANTAGE POINTS

FIGURE 4.1-2



EXISTING VIEW - LOOKING SOUTHEAST FROM McCARTHY BLVD. AND STATE ROUTE 237



PROPOSED VIEW - LOOKING SOUTHEAST FROM McCARTHY BLVD. AND STATE ROUTE 237



EXISTING VIEW - LOOKING SOUTHWEST FROM CALAVERAS BLVD. AT THE RAILROAD OVERPASS



PROPOSED VIEW - LOOKING SOUTHWEST FROM CALAVERAS BLVD. AT THE RAILROAD OVERPASS



EXISTING VIEW - LOOKING NORTHWEST FROM SOUTH ABEL STREET AT GREAT MALL PARKWAY



PROPOSED VIEW - LOOKING NORTHWEST FROM SOUTH ABEL STREET AT GREAT MALL PARKWAY



EXISTING VIEW - LOOKING NORTHWEST FROM SOUTH ABEL STREET AT GREAT MALL PARKWAY



PROPOSED VIEW - LOOKING NORTHWEST FROM SOUTH ABEL STREET AT GREAT MALL PARKWAY



EXISTING VIEW - LOOKING NORTHWEST FROM 880 NORTHBOUND AT GREAT MALL PARKWAY



PROPOSED VIEW - LOOKING NORTHWEST FROM 880 NORTHBOUND AT GREAT MALL PARKWAY



EXISTING VIEW - LOOKING SOUTH FROM BARBER LANE AT BELLEW DRIVE



PROPOSED VIEW - LOOKING SOUTH FROM BARBER LANE AT BELLEW DRIVE



EXISTING VIEW - 880 SOUTHBOUND AT STATE ROUTE 237



PROPOSED VIEW - 880 SOUTHBOUND AT STATE ROUTE 237



EXISTING VIEW - BABER LANE



PROPOSED VIEW - BABER LANE

4.1.3 Conclusion

The development of a 22-story mixed-use building on the site would not block scenic views. Compared to the existing sources of light and glare on and adjacent to the project site, the light and glare created by the proposed project would not be substantial. The proposed project would not result in any new aesthetic impacts or substantially increase the severity of aesthetic impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

The project site is currently developed and is located in a highly urbanized area that is immediately adjacent to an elevated freeway on-ramp and eight-lane freeway. Due to the flat topography and existing urban development in the project area, views further from the project site would not substantially change with development of the proposed project. The proposed project will be subject to architectural and design review as a part of the City permitting process, to ensure that the final design is a high-quality development. For these reasons, the redevelopment of the project site with a modern, 22-story, mixed-use high-rise building would not substantially degrade the existing visual character of the site or its surroundings. The proposed project would not result in any new aesthetic impacts or substantially increase the severity of the aesthetic impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

The project site is an existing developed commercial property that is located in an urban area of the City of Milpitas. The Santa Clara County Farmland Map 2012 designates the project site *Urban and Built-up Land*. *Urban and Built-up Land* is defined as residential land with a density of at least six units per ten acre parcel, as well as land used for industrial and commercial purposes, golf courses, landfills, airports, sewage treatment, and water control structures.

The project site does not include forest land, nor has any timberland production occurred on the project site.

4.2.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
1. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7,12
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12
4. Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
5. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7,12

4.2.3 Conclusion

The development of a 22-story mixed-use building on the site would not affect farmland, agricultural uses, forest land or timberland uses in any way. The proposed project would not result in any new agricultural or forest resource impacts or increase the severity of the agricultural or forest resource impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.3 AIR QUALITY

The following discussion is based, in part, upon an air quality and greenhouse gas assessment for the proposed project prepared by *Illingworth & Rodkin, Inc.* in July 2015. The report is included as Appendix A to this Addendum.

4.3.1 Setting

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunshine.

The Bay Area typically has moderate ventilation, frequent inversions that restrict vertical dilution, and terrain that restricts horizontal dilution. These factors give the Bay Area a relatively high atmospheric potential for pollution.

4.3.1.1 *Specific Air Pollutants*

Criteria Pollutants

Both the U.S. Environmental Protection Agency and the California Air Resources Board (CARB) have established ambient air quality standards for six common pollutants (ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, suspended particulate matter and lead). These ambient air quality standards are levels of contaminants which represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents prepared by government agencies. As mandated by the Clean Air Act, the U.S. Environmental Protection Agency (EPA) periodically reviews the scientific bases (or criteria) for the various ambient air quality standards by assessing newly available scientific information on a given air pollutant. Under the review process, a criteria document is developed which is a compilation and evaluation of the latest available pertinent information on atmospheric science, air quality, exposure, health effects, and environmental effects.

The federal and state ambient standards are developed independently, and as a result, the federal and state standards differ in some cases. In general, the California state standards are more stringent, particularly for ozone and particulate matter. These two criteria pollutants are known to at times exceed the state and federal standards in the Bay Area.

Health effects and typical sources for the major criteria pollutants of ground level ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and suspended particulate matter (PM₁₀ and PM_{2.5}) are summarized in Table 4.3-1 and described below.

Pollutants	Sources	Health Effects
Ozone	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	Aggravation of respiratory and cardiovascular diseases; reduced lung function; increased cough and chest discomfort
Particulate Matter (PM _{2.5} and PM ₂₁₀)	Stationary combustion of solid fuels; construction activities; industrial processes; atmospheric chemical reactions	Reduced lung function; aggravation of respiratory and cardiovascular diseases; increases in mortality rate; reduced lung function growth in children
Nitrogen Dioxide (NO ₂)	Motor vehicle exhaust; high temperature stationary combustion; atmospheric reactions	Aggravation of respiratory illness
Carbon Monoxide (CO)	Incomplete combustion of fuels and other carbon-containing substances, such as motor vehicle exhaust; natural events, such as decomposition of organic matter	Aggravation of some heart diseases; reduced tolerance for exercise; impairment of mental function; birth defects; death at high levels of exposure
Sulfur Dioxide (SO ₂)	Combination of sulfur-containing fossil fuels; smelting of sulfur bearing metal ore; industrial processes	Aggravation of respiratory diseases; reduced lung function
Lead (Pb)	Contaminated soil	Behavioral and hearing disabilities in children; nervous system impairment

Source: BAAQMD. *California Environmental Quality Act Air Quality Guidelines*. 2012. Appendix C.

Both State and Federal standards for these criteria pollutants are summarized in Table 4.3-2. In Santa Clara County, ozone and particulate matter are the pollutants of greatest concern since measured air pollutant levels exceed these concentrations at times.

Pollutant	Averaging Time	California Standards	National Standards ^(a)	
			Primary ^(b,c)	Secondary ^(b,d)
Ozone (O ₃)	8-hour	0.070 ppm (137 µg/m ³)	0.075 ppm (147 µg/m ³)	—
	1-hour	0.09 ppm (180 µg/m ³)	— ^e	Same as primary
Carbon Monoxide (CO)	8-hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)	—
	1-hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)	—
Nitrogen Dioxide (NO ₂)	Annual	0.030 ppm (57 µg/m ³)	0.053 ppm (100 µg/m ³)	Same as primary

Table 4.3-2: California and National Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards	National Standards ^(a)	
			Primary ^(b,c)	Secondary ^(b,d)
	1-hour	0.18 ppm (339 $\mu\text{g}/\text{m}^3$)	0.100 ppm ^f (189 $\mu\text{g}/\text{m}^3$)	—
Sulfur Dioxide (SO ₂)	Annual	—	— ^g	—
	24-hour	0.04 ppm (105 $\mu\text{g}/\text{m}^3$)	— ^g	—
	3-hour	—	—	0.5 ppm (1300 $\mu\text{g}/\text{m}^3$)
	1-hour	0.25 ppm (655 $\mu\text{g}/\text{m}^3$)	0.075 ppm ^g (196 $\mu\text{g}/\text{m}^3$)	—
PM ₁₀	Annual	20 $\mu\text{g}/\text{m}^3$	—	Same as primary
	24-hour	50 $\mu\text{g}/\text{m}^3$	150 $\mu\text{g}/\text{m}^3$	Same as primary
PM _{2.5}	Annual	12 $\mu\text{g}/\text{m}^3$	15 $\mu\text{g}/\text{m}^3$	
	24-hour	No Separate State Standard	35 $\mu\text{g}/\text{m}^3$	
Lead	Calendar quarter	—	1.5 $\mu\text{g}/\text{m}^3$	Same as primary
	30-day average	1.5 $\mu\text{g}/\text{m}^3$	—	—

Notes: ppm = parts per million; $\mu\text{g}/\text{m}^3$ = micrograms per cubic meter; mg/m^3 = milligrams per cubic meter

- (a) Standards, other than for ozone and those based on annual averages, are not to be exceeded more than once a year. The ozone standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above the standard is equal to or less than one.
- (b) Concentrations are expressed first in units in which they were promulgated. Equivalent units given in parenthesis.
- (c) Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health. Each state must attain the primary standards no later than 3 years after that state's implementation plan is approved by the EPA.
- (d) Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- (e) The national 1-hour ozone standard was revoked by U.S. EPA on June 15, 2005. A new 8-hour standard was established in May 2008.
- (f) The form of the 1-hour NO₂ standard is the 3-year average of the 98th percentile of the daily maximum 1-hour average concentration.
- (g) On June 2, 2010 the U.S. EPA established a new 1-hour SO₂ standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of the 1-hour daily maximum. The EPA also revoked both the existing 24-hour and annual average SO₂ standards.

Toxic Air Contaminants (TAC)

Besides the “criteria” air pollutants, there is another group of substances found in ambient air referred to as Hazardous Air Pollutants (HAPs) under the Federal Clean Air Act (CAA) and Toxic Air Contaminants (TACs) under the California CAA. These contaminants tend to be localized and are found in relatively low concentrations. They can, however, result in adverse chronic health effects if exposure to low concentrations occurs for long periods. HAPs are the air contaminants identified by the U.S. EPA as known or suspected to cause cancer, serious illness, birth defects, or death. Many of these contaminants originate from human activities, such as fuel combustion and solvent use.

California developed a program under the Tanner Toxics Act (AB 1807) to identify, characterize and control toxic air contaminants (TACs). Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (cancer risk). TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level. The source of most TACs is vehicle exhaust. Diesel particulate matter is the predominant TAC in urban air. Smoke from residential wood combustion can also be a source of TACs. BAAQMD 2005 data indicates that the cancer health risk from toxic air contaminants in the most urbanized areas of the Bay Area exceeds 1,000 in 1 million. This risk is expected to decrease substantially in the future.

Odors

Odors are generally regarded as an annoyance rather than a health hazard. Manifestations of a person’s reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The ability to detect odors varies considerably among the population and overall is quite subjective. People may have different reactions to the same odor. Examples of land uses that have the potential to generate considerable odors include, but are not limited to: wastewater treatment plants; landfills; confined animal facilities; composting stations; food manufacturing plants; refineries; and chemical plants.

4.3.1.2 Sensitive Receptors

The BAAQMD defines sensitive receptors as facilities where population groups that are particularly sensitive to the effects of air pollutants (i.e., children, the elderly, and people with illnesses) are likely to be located. Examples include schools, hospitals, and residential areas. The nearest sensitive receptors are children at the Cisco Family Connection Daycare facility on Barber lane about 500 feet south of the project site. The nearest residences are about 950 feet east of the project site across I-880.

4.6.1.3 *Regulatory Setting*

Federal

Clean Air Act

The federal Clean Air Act governs air quality in the United States and is administered by the United States Environmental Protection Agency (USEPA). The USEPA regulates emission sources that are under the exclusive authority of the federal government (i.e., aircraft, ships, and certain types of locomotives) and establishes various emission standards, including those for vehicles sold in states other than California.

State

California Clean Air Act

In addition to federal requirements, air quality in California is governed by more stringent regulations under the California Clean Air Act of 1988. This act is administered by the California Air Resources Board (CARB) at the state level and by the Air Quality Management Districts at the regional and local levels. CARB, which is part of the California Environmental Protection Agency (CalEPA), regulates mobile air pollution sources and sets emission standards for motor vehicles sold in California. The Bay Area Air Quality Management District (BAAQMD) regulates stationary air quality sources in the Bay Area, including the project site.

Regional and Local

Bay Area Air Quality Management District (BAAQMD)

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area Counties. BAAQMD is primarily responsible for assuring that the National and State ambient air quality standards are attained and maintained in the Bay Area. The ambient air quality standards cover what are called “criteria” pollutants because the health and other effects of each pollutant are described in criteria documents. BAAQMD has jurisdiction over much of the nine Bay Area counties including Santa Clara County.

BAAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutant, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, and many other associated activities. Several key activities of BAAQMD are described below.

Regional Clean Air Plans: BAAQMD and other agencies prepare clean air plans as required under the State and Federal CAAs. Regional clean air plans include the Bay Area 2010 Clean Air Plan, and the PM₁₀ and PM_{2.5} Plans. The Bay Area 2010 Clean Air Plan (CAP) provides a comprehensive plan

to improve Bay Area air quality and protect public health through implementation of a control strategy designed to reduce emissions and decrease ambient concentrations of harmful pollutants. The most recent CAP also includes measures designed to reduce GHG emissions.

San Francisco Bay Area's Air Toxics Program: The San Francisco Bay Area's Air Toxics Program integrates federal and state air toxics mandates with local goals that have been established by BAAQMD's Board of Directors. The Program consists of several elements that are designed to identify and reduce public exposure to TACs.

BAAQMD CEQA Guidelines: The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The Guidelines include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing air quality impacts, mitigating impacts, and background air quality information. Thresholds of significance prepared and adopted by BAAQMD as part of their CEQA Guidelines in May 2011 were the subject of a lawsuit by the California Building Industry Association (BIA)¹ and a subsequent appeal by BAAQMD.² The Appellate Court decision on August 13, 2013 upheld the adoption of the thresholds as valid. On November 26, 2013, the California Supreme Court granted limited review of the case, and the matter is currently pending. Until the Supreme Court issues ruling, the legal status of BAAQMD's thresholds remains uncertain. The most recent amendment to the updated BAAQMD CEQA Air Quality Guidelines was in May 2012.

BAAQMD CARE Program: The Community Air Risk Evaluation (CARE) program was initiated in 2004 to evaluate and reduce health risks associated with exposures to outdoor TACs in the Bay Area.

Attainment Status: BAAQMD monitors air quality conditions at more than 30 locations throughout the Bay Area. The air quality monitoring stations nearest the project site are located in Gilroy and San José. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and PM_{2.5} and state standards for PM₁₀. Based on air quality monitoring data, CARB has designated the region as a “nonattainment area” for ozone, PM₁₀, and PM_{2.5} under the California Clean Air Act. The region is either in attainment or unclassified for other pollutants.

¹ *California Building Industry Association v. Bay Area Air Quality Management District*, Alameda County Superior Court Case No. RG10548693)

² *California Building Industry Association v. Bay Area Air Quality Management District*, Cal. Ct. App. 1st, Case No. A135335, August 13, 2013. The Appellate Court ruled that the BAAQMD CEQA thresholds were adopted using a valid public review process and were supported by substantial evidence.

4.3.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
1. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,20
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,20
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,20
4. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,20
5. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,20

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of Milpitas, and other jurisdictions in the San Francisco Bay Area Air Basin, often utilize the thresholds and methodology for assessing air emissions and/or health effects adopted by the BAAQMD based upon the scientific and other factual data prepared by BAAQMD in developing those thresholds.

The determination of whether a project may have a significant effect on the environment is subject to the discretion of each lead agency, based upon substantial evidence. The City has carefully considered the thresholds prepared by BAAQMD in May 2011 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin. Evidence supporting these thresholds has been presented in the following documents:

- BAAQMD. *CEQA Air Quality Guidelines*. Updated May 2011.

- BAAQMD. *Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance*. October 2009.
- California Air Pollution Control Officers Association. *Health Risk Assessments for Proposed Land Use Projects*. July 2009.
- California Environmental Protection Agency, California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. 2005.

The analysis in this Addendum is based upon the general methodologies in the most recent BAAQMD CEQA Air Quality Guidelines (dated May 2012) and numeric thresholds identified for the San Francisco Bay Area Air Basin in the May 2011 BAAQMD CEQA Air Quality Guidelines. The thresholds of significance used to evaluate project air quality impacts are summarized in Table 4.3-3, below.

Table 4.3-3: Air Quality Significance Thresholds			
Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG	54	54	10
NO _x	54	54	10
PM ₁₀	82	82	15
PM _{2.5}	54	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources			
Excess Cancer Risk	10 per one million		
Chronic or Acute Hazard Index	1.0		
Incremental annual average PM _{2.5}	0.3 µg/m ³		
Health Risks and Hazards for Sensitive Receptors (Cumulative from all sources within 1,000 foot zone of influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	100 per one million		
Chronic Hazard Index	10.0		
Annual Average PM _{2.5}	0.8 µg/m ³		
Note: ROG = reactive organic gases, NO _x = nitrogen oxides, PM ₁₀ = coarse particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, and PM _{2.5} = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less.			

4.3.2.1 Clean Air Plan

The most recent clean air plan is the Bay Area 2010 Clean Air Plan that was adopted by BAAQMD in September 2010. The proposed project would not conflict with the latest Clean Air planning efforts because the project would have emissions below the BAAQMD thresholds (refer to Section 4.3.2.2, below), and development would be near existing transit with regional connections. The project would not exceed any of the significance thresholds and, thus, it is not required to incorporate project-specific transportation control measures listed in the latest Clean Air Plan. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.3.2.2 Criteria Pollutants

The Bay Area is considered a non-attainment area for ground-level ozone and PM_{2.5} under both the Federal Clean Air Act and the California Clean Air Act. The area is also considered non-attainment for PM₁₀ under the California Clean Air Act, but not the federal act. The Bay Area has attained both state and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM₁₀, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NO_x), PM₁₀, and PM_{2.5} and apply to both construction period and operational period impacts.

The California Emissions Estimator Model (CalEEMod) was used to predict emissions from construction and operation of the proposed project, as described in further detail below.

Construction Emissions

CalEEMod provides annual emission estimates for construction for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. A detailed description of all the factors (trip length, number of haul trips, equipment use, construction schedule, etc.) accounted and input to CalEEMod are contained in Appendix A. Table 4.3-4 shows total construction emissions in tons and average daily emissions in pounds per day of ROG, NO_x, PM₁₀, exhaust, and PM_{2.5} exhaust. As shown in Table 4.3-4, predicted project emissions would not exceed the BAAQMD significance thresholds. **[Same Impact as Approved Project (Less than Significant Impact)]**

Table 4.3-4: Construction Period Emissions				
Scenario	ROG	NO_x	PM₁₀ Exhaust	PM_{2.5} Exhaust
Construction emissions (tons)	8.18 tons	13.52 tons	0.66 tons	0.63 tons
Average daily emissions (pounds) ¹	28.6 lbs.	47.3 lbs.	2.3 lbs.	2.2 lbs.
<i>BAAQMD Thresholds (pounds per day)</i>	54 lbs.	54 lbs.	82 lbs.	54 lbs.
Exceed Threshold?	No	No	No	No

¹ Assumes 572 workdays.

Fugitive Dust

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5}. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit dirt on local streets, which would be an additional source of fugitive dust. Fugitive dust emissions would vary from day to day. Larger dust particles would settle near the source, while fine particles would disperse greater distances from the construction site. Fugitive dust emissions during project construction would be significant unless BAAQMD-recommended best management practices are implemented.

Impact AIR-1: Project construction activities could result in elevated dust levels downwind of the project site. [**Same Impact as Approved Project (Significant Impact)**]

MM AIR-1: The contractor shall implement the following best management practices, which were required as part of the proposed project, during construction of the proposed project:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt 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 shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- 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 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 Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

Implementation of the BAAQMD recommended measures listed above would reduce air quality impacts associated with grading and new construction to a less than significant level. **[Same Impact as Approved Project (Less Than Significant Impact with Mitigation)]**

Operation Emissions

Air emissions during project operation would be generated primarily from autos driven by future residences, retail users and office workers. Emissions associated with vehicle travel depend on the year of analysis because emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed, the higher the emission rates. The earliest year the project could potentially be constructed and begin fully operating would be 2019. The project-specific vehicle trip generation rates provided in the project traffic report (refer to *Section 4.16, Transportation* of this Addendum) were used to calculate project operational emissions. A detailed description of all the factors (energy use, fire places, etc.) accounted and input to CalEEMod are contained in Appendix A. As shown in Table 4.3-5, average daily and annual emissions associated with operation of the proposed project would not exceed the BAAQMD significance thresholds. **[Same Impact as Approved Project (Less than Significant Impact)]**

Scenario	ROG	NO _x	PM ₁₀	PM _{2.5}
Annual Existing Emissions (operating in 2019)	Not included			
Annual Project Operational emissions (tons)	6.53 tons	4.45 tons	3.43 tons	0.99 tons
<i>BAAQMD Thresholds (tons per year)</i>	<i>10 tons</i>	<i>10 tons</i>	<i>15 tons</i>	<i>10 tons</i>
<i>Exceed Threshold?</i>	No	No	No	No
Average daily emissions (pounds) ¹	35.8 lbs.	24.4 lbs.	18.8 lbs.	5.4 lbs.
<i>BAAQMD Thresholds (pounds per day)</i>	<i>54 lbs.</i>	<i>54 lbs.</i>	<i>82 lbs.</i>	<i>54 lbs.</i>
<i>Exceed Threshold with Mitigation?</i>	No	No	No	No

¹ Assumes 365-day operation.

4.3.2.3 Toxic Air Contaminants

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs (e.g., a freeway) or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. The BAAQMD recommends using a 1,000-foot screening radius around a

project site for purposes of identifying community health risk from siting a new sensitive receptor or a new source of TACs. The closest off-site sensitive receptors are children at the Cisco Family Connection Daycare facility on Barber lane about 500 feet south of the project site. The closest off-site residences are about 950 feet east of the project site across I-880. Residents of the proposed project would be exposed to TACs generated by traffic on I-880. Operation of the project is not expected to cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels. No stationary sources that would emit substantial amounts of TACs, such as large diesel generators, are proposed as part of the project. Heavy equipment use during project construction would generate TACs that could affect offsite receptors. The potential for sensitive receptors to be exposed to substantial TAC concentrations as a result of the proposed project is discussed in further detail below.

Construction TAC Impacts

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TAC. A community risk assessment was completed to evaluate potential health effects to nearby sensitive receptors from project construction TAC emissions, which included diesel particulate matter (DPM) dispersion modeling to predict DPM concentrations at the receptors.³

The maximum modeled DPM concentrations occurred at the Cisco Family Connection Daycare facility. Increased cancer risks were calculated based on applying the BAAQMD-recommended age sensitivity factors to the DPM exposures. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer-causing TACs. The BAAQMD-recommended exposure parameters were used for the cancer risk calculations.⁴ Infant and child exposures were assumed to occur at all residences and the Cisco Family Connection Daycare facility during the entire construction period.

The results of this assessment for each exposure type are summarized in the Table 4.3-6, below. While the maximum increased cancer risks for a residential infant/child would be lower than the BAAQMD significance threshold of 10 in one million or greater cancer risk, the increased cancer risk for infant/child exposure at the Cisco Family Connection Daycare facility would be above the significance threshold. This is the same impact that was identified to occur under the approved project.

Impact AIR-2: Project construction activities could expose children at the nearby daycare center to substantial TAC concentrations. **[Same Impact as Approved Project (Significant Impact)]**

³ DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

⁴ Bay Area Air Quality Management District (BAAQMD), 2010. *Air Toxics NSR Program Health Risk Screening Analysis Guidelines*, January.

Table 4.3-6: Maximum Health Risks from Project Construction Activities			
Exposure Location and Type	Cancer Risk (per million)	Annual DPM ($\mu\text{g}/\text{m}^3$)	Chronic Hazard Index
Residential Infant/Child	2.1	0.01	<0.01
Cisco Family Connection Daycare facility Infant/Child	18.6	0.13	0.02
<i>Significance Threshold</i>	<i>10.0</i>	<i>0.3</i>	<i>1.0</i>
Note: The annual DPM concentration is the sum of the DPM and fugitive PM _{2.5} concentrations.			

The maximum modeled annual DPM concentration was $0.13 \mu\text{g}/\text{m}^3$ occurring at the Cisco Family Connection Daycare facility. This is below the BAAQMD significance threshold of $0.3 \mu\text{g}/\text{m}^3$ and, therefore, is considered less than significant.

Potential non-cancer health effects due to chronic exposure to DPM were also evaluated. The maximum computed hazard index is 0.023, which is much lower than the BAAQMD significance criterion of a hazard index greater than 1.0 and, therefore, is considered less than significant.

MM AIR-2: Use Construction equipment that has low particulate matter exhaust emissions. Selection of construction equipment would substantially reduce particulate matter exhaust emissions. Such equipment selection would include the following:⁵

- All mobile diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall meet, at a minimum, U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent; and
- All portable diesel-powered equipment (i.e., aerial lifts, air compressors, concrete saws, forklifts, generators, and pumps) shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.

Operation TAC Impacts

Cars travelling on I-880 and State Route 237 (SR 237) are a source of TAC emissions in the project area. Similar to the analysis completed and described above for project construction, a community risk assessment was completed to evaluate potential health effects to the proposed residences. The results of this assessment for each exposure type are summarized in the Table 4.3-7, below.

⁵ Note that the construction contractor could use other measures to minimize construction period DPM emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG-powered lifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the City and demonstrated to reduce community risk impacts to less than significant.

Table 4.3-7: Maximum Health Risks to Proposed Residences			
Exposure Location	Cancer Risk (per million)	Annual DPM ($\mu\text{g}/\text{m}^3$)	Chronic Hazard Index
4 th Floor Residence	14.5	0.028	0.006
<i>Significance Threshold</i>	<i>10.0</i>	<i>0.3</i>	<i>1.0</i>
Note: The annual DPM concentration is the sum of the DPM and fugitive PM _{2.5} concentrations.			

Residences would be located on floors four through 22 of the proposed project. Roadway DPM concentrations were calculated for the residents that would be located on the fourth through seventh floors. Modeling of higher floor levels was not completed, because cancer risks for residences on the seventh floor and above would be lower and would be below the significance thresholds for cancer risk.

Increased cancer risks were calculated using the most recent methods recommended by BAAQMD.⁶ The assessment conservatively assumed long-term residential exposures to identify the greatest possible impact. The maximum increased cancer risk from traffic on I-880 and SR 237 was computed as 14.5 in one million, occurring at a receptor on the fourth floor nearest I-880. Cancer risks at other locations and floor levels would be lower than the maximum risk. The maximum increased cancer risk is above the BAAQMD's threshold of 10 in one million excess cancer cases per million.

The maximum predicted annual DPM concentration and the potential non-cancer health effects due to chronic DPM exposure were also evaluated. As shown in Table 4.3-7, both are well below the respective thresholds.

Impact AIR-3: Residents of the proposed project would be exposed to substantial TAC concentrations. **[Same Impact as Approved Project (Significant Impact)]**

MM AIR-3: The project shall include the following measures to minimize both TAC and PM_{2.5} exposure for new project occupants:

- Design buildings and site to limit exposure from sources of TAC and fine particulate matter (PM_{2.5}) emissions. The site layout shall locate windows and air intakes as far as possible from I-880 traffic lanes. Any modifications to the site design shall incorporate buffers between residences and the freeway.
- Install air filtration in residential buildings for 4th through 6th floors. Air filtration devices shall be rated MERV13 or higher. To ensure adequate

⁶ BAAQMD, 2010. *Air Toxics NSR Program Health Risk Screening Analysis (HSRA) Guidelines*. January.

health protection to sensitive receptors (i.e., residents), this ventilation system shall meet the following minimal design standards⁷:

- A MERV13 filter or higher rating (depending on exposure);
 - At least one air exchange(s) per hour of fresh outside filtered air; and
 - At least four air exchange(s) per hour recirculation.
- As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required.
 - Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks; (2) include assurance that new owners or tenants are provided information on the ventilation system; and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

4.3.2.4 *Operation Fine Particulate Matter Impacts*

In addition to TACs, vehicles travelling on I-880 and the SR 237 would also generate fine particulate matter (PM_{2.5}) emissions (e.g., exhaust, tire wear, brake wear, and dust). The impacts upon the proposed residences resulting from the PM_{2.5} emissions were evaluated. The same basic modeling approach used to assess TAC impacts was used to assess PM_{2.5} concentrations. The maximum average annual PM_{2.5} concentration from I-880 and the SR 237 was estimated to be 0.34 µg/m³, occurring at the receptor on the fourth floor level that had the maximum cancer risk. This is greater than the 0.3 µg/m³ threshold and, therefore, is considered a significant impact.

Impact AIR-4: Residents of the proposed project would be exposed to substantial PM_{2.5} concentrations. **[Same Impact as Approved Project (Less than Significant Impact)]**

MM AIR-4: The project shall include the measures listed above in MM AIR-3 to minimize both TAC and PM_{2.5} exposure for new project occupants.

4.3.2.5 *Operation Stationary Source Impacts*

BAAQMD's Google Earth *Stationary Source Risk & Hazard Analysis Tool* mapping tool was used to locate existing stationary air pollutant sources in the project area and estimate the risk and hazard impacts upon the proposed residences. Three stationary air pollutant sources were identified within the 1,000-foot influence area; however, these sources do not emit TACs or PM_{2.5} in quantities that would cause excess cancer risk, non-cancer hazards or elevated PM_{2.5} concentrations. **[Same Impact as Approved Project (Less than Significant Impact)]**

⁷ Department of Public Health, City and County of San Francisco, 2008, *Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review*, May.

4.3.2.6 *Cumulative Operation Air Quality Impacts*

The only substantial source of TAC and annual PM_{2.5} emissions affecting the proposed project is highway traffic. Therefore, the proposed project is not expected to result in cumulative air quality impacts. [**Same Impact as Approved Project (Less than Significant Impact)**]

4.3.2.7 *Odor Impacts*

Typical large non-project sources of odors that result in complaints are wastewater treatment facilities, landfills including composting operations, food processing facilities, and chemical plants. Other sources, such as restaurants, paint or body shops, and coffee roasters typically result in localized sources of odors. The BAAQMD CEQA Air Quality Guidelines identify screening buffers for various odor sources within which significant odor impacts could occur. According to the BAAQMD CEQA Guidelines, an odor source with five or more confirmed complaints per year averaged over three years is considered to have a significant impact. There are several odor sources that have been suspected of causing odor complaints in Milpitas, which are described below:

- **Allied Waste – Newby Island Landfill and Compost Facility:** This landfill and compost facility is located about one mile west of the City of Milpitas near Dixon Landing Road. Trash collected from Milpitas and other Santa Clara communities is disposed at this site. In addition, the compost facility processes green and food waste. Methane and other gases may be generated as a result of the trash and compost decomposition from this facility. This facility is located approximately 2.5 miles from the project site.
- **Zanker Road Landfill and Compost Facility:** This landfill and compost facility is located about 2.2 miles to the west-northwest of the project site. Landfilling operations include processing and disposal of nonhazardous, non-compostable, inert mixed wastes, as well as recycling residuals from the on-site resource recovery activities. The landfill composts yard waste by conventional open-window composting. The same company operates the neighboring Zanker Materials Processing Facility, with similar landfill operations. The resource recovery facility processes concrete, demolition debris, wood waste, glass, soil, and yard waste and composting.
- **San José-Santa Clara Regional Wastewater Facility:** This facility is located on Zanker Road approximately 1.5 miles west of the project site. The facility treats sewage from Milpitas, San Jose, Santa Clara and other Santa Clara communities. Odors are generated in the sewage treatment and solids handling process. The treatment process first separates solids and liquids. Solids are treated by anaerobic digestion for about 30 days, stored in open air lagoons for 3 to 4 years, and then air dried in open drying beds. Odor controls are in place, including the use of chemicals. The facility began a master planning effort in 2008 that is expected to reduce odor complaints.
- **San Francisco Bay and Creeks:** Natural decomposition of organic material occurs in the San Francisco Bay wetlands west of Milpitas. During windy conditions, marsh sediments may be churned and odors released. Such events are more likely to occur during the spring and fall.

Table 4.3-8 shows the BAAQMD-recommended screening buffers and distances from nearby odor sources to the project site. As shown in Table 4.3-8, the San José-Santa Clara Regional Wastewater Facility is located within the screening distance from the project site. Though the wastewater facility site, as well as other odor sources in the area, have best management practices in place, odor complaints continue to be received by the City of Milpitas and the BAAQMD.

Table 4.3-8: BAAQMD Odor Screening Distances		
Land Use/Type of Operation	Project Screening Distance	Distance to the Project Site
Wastewater Treatment Plant	2 miles	--
<i>San José-Santa Clara Regional Wastewater Facility</i>	--	1.5 miles
Wastewater Pumping Facilities	1 mile	--
Sanitary Landfill	2 miles	--
<i>Newby Island Landfill and Compost Facility</i>	--	2.5 miles
<i>Zanker Road Landfill and Compost Facility</i>	--	2.2 miles
Transfer Station	1 mile	--
Composting Facility	1 mile	--
Asphalt Batch Plant	2 miles	--
Chemical Manufacturing	2 miles	--
Fiberglass Manufacturing	1 mile	--
Painting/Coating Operations	1 mile	--
Coffee Roaster	1 mile	--
Food Processing Facility	1 mile	--
Green Waste and Recycling Operations	1 mile	--

Odors are part of the existing baseline in the project area. The odor issue is well documented and is being addressed on an ongoing basis by the City. Future residents and occupants of the proposed project would be exposed to odors.

Impact AIR-5: Residents of the proposed project would be exposed to substantial odors.
[Same Impact as Approved Project (Significant Impact)]

MM AIR-5: All future residents of the project shall be notified in writing of possible odor impacts as part of buyer disclosures or lease/rental agreements. Included shall be information pertaining to the location and distance of nearby odor sources, BAAQMD screening

buffers distances, types of odor that each source may produce, and the best and most recent information about confirmed odor complaints in the project vicinity.

4.3.3 Conclusion

Impact AIR-1: Project construction activities could result in elevated dust levels downwind of the project site. Implementation of the measures recommended by BAAQMD and listed under MM AIR-1 would reduce the air quality impacts associated with grading and new construction to a less than significant level. The proposed project would not result in any new construction-dust impacts or substantially increase the severity of the construction-dust impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

Impact AIR-2: Project construction activities could expose children at the nearby daycare center to substantial TAC concentrations. Implementation of MM AIR-1, described above for construction dust emission impact together with measures listed under MM AIR-2 would reduce the impact to a less than significant level. The proposed project would not result in any new construction-TAC impacts or substantially increase the severity of the construction-TAC impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

Impact AIR-3: Residents of the proposed project would be exposed to substantial TAC concentrations. Implementation of the measures listed under MM AIR-3 would reduce this impact to a less than significant level. A properly installed and operated ventilation system with MERV13 filters should achieve reductions of 60 percent. This would reduce the maximum cancer risk below 10 in one million and the annual PM_{2.5} concentration below 0.3 µg/m³. Operation of the proposed project would not result in any new TAC impacts or substantially increase the severity of the TAC impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

Impact AIR-4: Residents of the proposed project would be exposed to substantial PM_{2.5} concentrations. Implementation of the measures listed under MM AIR-3 would also reduce exposure to PM_{2.5} concentrations to a less than significant level. Operation of the proposed project would not result in any new PM_{2.5} impacts or substantially increase the severity of the PM_{2.5} impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

Impact AIR-5:

Residents of the proposed project would be exposed to substantial odors emanating from the San José-Santa Clara Regional Wastewater Facility. Implementation of MM AIR-5 requires that future occupants of the project be notified that objectionable odors may be experienced at times. While this mitigation measure would likely reduce the probability that future residences would be surprised should they find odors present, the impact would remain significant.

BAAQMD advises that the most effective method of avoiding odor impacts is distance (i.e., separation between the odor source and sensitive receptors). The entire project site is exposed to odor, therefore, it is not possible for the project to provide the separation distance needed to avoid the odor. As discussed in Section 4.8, Noise, forced-air mechanical ventilation is necessary to avoid significant noise impacts. The provision of forced-air mechanical ventilation would also allow residents of the project to keep windows closed when odors are noticeable. This would not, however, reduce the odor impact to a less than significant level. There are no feasible measures to reduce this impact to a less than significant level. The proposed project would not result in any new odor impacts or substantially increase the severity of the odor impact previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

4.4 BIOLOGICAL RESOURCES

The following discussion is based in part upon a tree survey completed for the proposed project by *David J. Powers and Associates, Inc.* in August 2006. The tree survey is included as Appendix B of this Addendum.

4.4.1 Regulatory Setting

Biological resources include plants and animals and the habitats that support them. Individual plant and animal species that are listed as rare, threatened or endangered under the state and/or federal Endangered Species Act, and the natural communities or habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also important biological resources.

The avoidance and mitigation of significant impacts to biological resources under CEQA is consistent with and complementary to various federal, state, and local laws and regulations that are designed to protect these resources. These regulations often mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts required as permit conditions, prior to the commencement of development activities.

4.4.2 Existing Biological Resources

4.4.2.1 *Habitat*

The project site is fully developed and located in an urban area adjacent to a major freeway. The project site, an auto showroom building surrounded by a paved parking lot, has extremely low value in terms of biological habitat. The most substantial habitat on and adjacent to the project site is landscaping. There are no streams, creeks, or other waterways on or adjacent to the project site. The project site does not function as a wildlife corridor or nursery site, and is not within the boundaries of a conservation plan.

4.4.2.2 *Special Status Species*

Special status species are those plants and animals listed under the state and federal Endangered Species Acts (including candidate species), plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994), and animals designated as Species of Special Concern by the California Department of Fish and Game. Special status species do not occur on the project site. This conclusion is based upon the fact that the project site and surrounding area is developed and, as a result, does not contain suitable habitat for special status species known to occur in the project area (i.e., marsh, wetland, or serpentine soils). Due to their small size, the landscape trees on the project site do not provide nesting habitat for raptors.

4.4.2.3 Trees

On developed commercial property, such as the project site, the City of Milpitas Tree Ordinance defines an ordinance-sized tree as any tree having a trunk that measures 37 inches or greater in circumference at a height of four and one-half feet above the ground. A multi-stem tree is considered a single tree and is ordinance-size if any one of its trunks measures 37 inches or greater in circumference. A tree removal permit is required from the City for the removal of ordinance-sized trees.

The tree survey completed for the proposed project identified a total of 37 landscape trees planted on the project site. The landscape trees planted on the site are range in size from seven to 80 inches in circumference at a height of four and one-half feet above the ground. Four palm trees on the site are protected by the City of Milpitas Tree Ordinance. For a complete list of the landscape trees planted on the site and an aerial photo showing their location, refer to Appendix B of this Addendum.

4.4.3 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
2. 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 Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
3. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12, 16
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12

The project site is developed and located in a developed urbanized area adjacent to a major freeway. Development of the proposed project will not directly affect special status plant or animal species, sensitive habitat, wildlife movement, wildlife nurseries, or wetlands, and will not conflict with the provisions of a habitat conservation plan. Except for the City of Milpitas Tree Preservation Ordinance (see discussion below), there are no local ordinances protecting biological resources that are applicable to the proposed project.

The increased density of development on the project site proposed by the project would incrementally increase the amount of non-point source water pollutants (e.g., automobile tire rubber, brake pad dust, and litter) entering waterways (e.g., Coyote Creek and San Francisco Bay) and will incrementally increase air pollutants (e.g., carbon monoxide) in the project area. These indirect impacts to biological resources that would result from the proposed project are not considered substantial. The air and water quality impacts of the proposed project are discussed in detail in *Section 4.4, Air Quality* and *Section 4.8, Hydrology and Water Quality* of this Addendum. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.4.3.1 *Trees*

The City of Milpitas Tree Ordinance defines an ordinance-size tree as any woody perennial plant characterized by having a main stem or trunk which measures 37-inches or greater in diameter. The proposed project will result in the removal of four ordinance-size palm trees measuring 80, 39, 38, and 37 inches in circumference at a height of four and one-half feet above the ground.

Impact BIO-1: The proposed project will result in the removal of four ordinance-size palm trees. **[Same Impact as Approved Project (Significant Impact)]**

MM BIO-1.1: Prior to receiving an occupancy permit, the developer shall implement the following measures, which would reduce the impact of the loss of the four ordinance-size palm trees on the project site to a less than significant level. These measures shall be printed on all construction documents, contracts, and project plans:

- In conformance with the City of Milpitas Zoning Ordinance, all trees removed from the site that measure 37 inches or greater in circumference (12-inches in diameter) at four feet six inches above the ground surface will be replaced in-kind at a 3:1 ratio within the project site.
- Trees that are removed but cannot be mitigated for on-site, due to lack of available planting area, will be mitigated by fees paid to the City. The funds will be deposited in the City's Tree Replacement Fund and will be used to plant trees within the City of Milpitas.

4.4.4 Conclusion

The project would not result in substantial direct or indirect impacts to biological resources. With implementation of the mitigation measure MM BI-1.1, the proposed project would conform to the City of Milpitas Zoning Ordinance as it pertains to the removal of trees measuring 37 inches or greater in circumference. The proposed project would not result in any new biological resource impacts or substantially increase the severity of the biological resource impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

4.5 CULTURAL RESOURCES

The following discussion is based upon an archaeological literature review prepared by *Holman & Associates* in September 2006. Because this report may discuss the location of specific archaeological sites, it is considered administratively confidential and is not included in this Addendum. Qualified personnel may request a copy from the City’s Planning Department located at 455 East Calaveras Boulevard, during normal business hours.

4.5.1 Existing Setting

4.5.1.1 Archaeological Resources

The project site is located within an area of high archaeological sensitivity due to its proximity to Coyote Creek, which is located approximately 4,700 feet west of the project site. Therefore, a review of archaeological maps and records on file at the Northwest Information Center (NWIC) located at Sonoma State University was completed for the project site by a qualified archaeologist. The archaeological literature review determined that the project site was surveyed in the past and was found to contain no recorded archaeological material. It is possible, however, that the negative finding was caused by the deposition of alluvial soils in the project area, as the project site is located within the former flood zone of Coyote Creek. These alluvial materials may have buried archaeological resources on the project site. Development in the project area over the past thirty years has led to the discovery of numerous buried prehistoric archaeological sites that were found below three feet or more of alluvial materials.

There are two recorded archaeological sites within one-half mile of the project site. The Elmwood Jail, located east of the project site across I-880, contains a large recorded archaeological site. An additional recorded archaeological site is located north of the project site near the convergence of Highway 237 and I-880.

4.5.1.2 Historic Resources

The existing building on the site was constructed in the early 1990’s. Because the building is less than 45 years old and vernacular in construction, it is not considered a historic building and no further analysis is warranted.

4.5.1.3 Other Cultural Resources

There are no known paleontological resources (i.e., fossils), geologic features (e.g., cavern, crater, river, etc.), or human remains on or adjacent to the project site. The nearest geologic feature to the project site is Coyote Creek.

4.5.2 Regulatory Setting

4.5.2.1 California Public Resources Code

California Public Resources Code, Sections 21083.2 and 21084.1 defines archaeological and historical resources, respectively. These include resources listed on or eligible for the California Register of Historical Resources (CRHR) or the National Register of Historic Places and those resources listed on a local register. Public Resources Code, Sections 5020.1 through 5024.6 (effective 1992) creates the California Register of Historical Resources (CRHR) and sets forth requirements for protection of historic cultural resources.

4.5.3 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
1. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,19
2. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,19
3. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
4. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12, 18

4.5.3.1 Impacts to Archaeological Resources

Construction of the proposed project would require substantial excavation of soil on the project site. Although the site has been surveyed in the past and there are no known archaeological resources on the project site, the site is located in an area of high archaeological sensitivity. If archaeological resources exist on the project, they would likely be buried by three or more feet of alluvial soil. Therefore, it is possible that archaeological resources could be encountered and damaged during construction of the proposed project.

Impact CUL-1: Archaeological resources could be encountered and damaged during construction of the proposed project. **[Same Impact as Approved Project (Significant Impact)]**

MM CUL-1: The developer shall implement the following measures, which would reduce impacts to archaeological resources to a less than significant level. These measures shall be printed on all construction documents, contracts, and project plans:

- Prior to issuance of a grading permit, the developer shall retain a qualified archaeologist to complete mechanical subsurface presence/absence testing for the project site after the building, pavement, and landscaping are cleared from the project site or the developer shall retain a qualified archaeologist to monitor all excavation activities on the project site that are associated with the proposed project. Testing shall consist of backhoe trenching for prehistoric deposits, combined with selected stripping of soils to search for the smaller, more discrete archaeological resources.
- In the event that any archaeological deposits are discovered during presence/absence testing or during monitoring of the excavation activities on the project site, activity in the vicinity of the “find” shall cease and a program for evaluation of the deposits through hand excavation of the suspected resource shall be submitted to the Director of Planning for approval. If evaluation demonstrates that the resource is eligible for inclusion on the California Register of Historic Resources, a plan for mitigation of impacts shall be prepared by a qualified archaeologist and submitted to the Director of Planning for approval. The mitigation shall be completely reported in a comprehensive manner, incorporating all methods used and data gained, thorough contemporary scientific analysis of all data, and interpretation of any archaeological resources within a regional archaeological framework. Qualified professional archaeologists shall complete the report to best contemporary standards, and the data shall be made available to other qualified researchers following completion of the Final Report, and a copy shall be provided to the Director of Planning. Appropriate specialized, focused scientific analytic techniques shall be applied (e.g., radiocarbon dating, obsidian sourcing and hydration, typological studies, geomorphological studies, faunal analysis, historic research, etc.).
- In those cases where avoidance is not possible, mitigation shall take the form of additional hand excavation to retrieve a representative sample of the archaeological resource for analysis.
- If human remains are encountered, activity in the vicinity of the “find” shall cease, and the “find” shall be handled in accordance with State law and any applicable Native American agreements. All human remains and burial-associated artifacts shall be repatriated in a location that will not be subject to further disturbance. Using professionally-accepted methods, all archaeological resources shall be catalogued and analyzed and a report summarizing such work shall be prepared and provided to the Director of Planning.

4.5.3.2 *Impacts to Other Cultural Resources*

The existing building on the project site was constructed in the 1990s and, therefore, is less than 50 years old and is not a historic resource. There are no known paleontological resources (i.e., fossils) or geologic features (e.g., cavern, crater, river, etc.) on or adjacent to the project site, and they are not expected to occur on the project site. For these reasons, demolition of the existing structure on the project site and construction of the proposed project would not affect cultural resources, except possibly archaeological resources, as discussed above. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.5.4 Conclusion

Archaeological resources could be encountered and damaged during construction of the proposed project. Implementation of measure MM CUL-1 would determine if archaeological resources are present on the project site and, if archaeological resources are present, ensure the project does not significantly impact the resources through the implementation of mitigation and/or avoidance measures. The proposed project would not result in any new cultural resource impacts or substantially increase the severity of the cultural resource impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

4.6 GEOLOGY AND SOILS

The following discussion is based upon a Geotechnical Feasibility Investigation prepared for the proposed project by *TRC Lowney* on July 25, 2006. The Geotechnical Feasibility Investigation is included as Appendix C of this Addendum.

4.6.1 Regulatory Setting

California Code of Regulations (CCR), Title 24, also known as the California Building Standards Code, ensure buildings in the State of California are properly constructed. It is a compilation of three types of building standards from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes.
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions.
- Building standards authorized by the California legislature that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

4.6.2 Existing Setting

4.6.2.1 *Regional Geology*

The City of Milpitas is located in the Santa Clara Valley, an alluvial plain lying between the Santa Cruz Mountains to the west and the Diablo Range to the east. The Santa Clara Valley and the entire San Francisco Bay region are within an area where the geology is dominated by the deformation of the earth's surface due to the movement of the Pacific and North American tectonic plates.

4.6.2.2 *Soils*

The project site is located near the central portion of the Santa Clara Valley and is underlain by stiff alluvial soil that was deposited by meandering rivers and streams.

4.6.2.3 *On-site Geology and Soils Hazards*

Topography

The project site is located on the floor of the Santa Clara Valley at an elevation of approximately 22 feet above mean sea level (msl). The project site slopes gently to the west towards the San Francisco Bay. Because the project site and surrounding area are relatively flat, the possibility for landslides and erosion to occur on the site is low. The project site is not mapped within a landslide hazard zone.⁸

⁸ County of Santa Clara, County Geologic Hazard Zones, February 26, 2002.

Soils

Based on soil conditions known to exist in the vicinity of the project site, loose surficial, expansive, and compressible soils may exist at the site. In addition, soils on the project site may contain sulfates.

Groundwater

Groundwater levels in the project vicinity range from five to ten feet below the ground surface (bgs). Fluctuations in the level of groundwater may occur due to variations in rainfall and local underground drainage patterns.

Fault Rupture

The San Francisco Bay Area is one of the most seismically active regions in the United States. Earthquakes that occur in the Bay Area are generally associated with the active fault zones of the San Andreas Fault system, which regionally trend in a northwest direction. The project site is not located within a designated Alquist-Priolo Fault Zone or a Santa Clara County Fault Hazard Zone. The nearest active faults to the project site are the Hayward, Calaveras, and San Andreas, which are located approximately 1.6 miles east, 5.7 miles east, and 16.6 miles west of the project site, respectively. Because of the deep depth of alluvial soil in the project area (i.e., approximately 500 feet) and because no known surface expression of a fault crosses the site, fault rupture through the site is not anticipated.

Ground Shaking

There is a high probability that the project site will experience ground shaking in the next 30 years as the result of a major earthquake in the region.

Liquefaction

The project site is located in an area mapped by the State of California and the County of Santa Clara as having potential for seismically induced liquefaction hazards. Soil liquefaction is a phenomenon in which saturated, cohesionless soils undergo a temporary loss of strength during earthquake ground shaking. Soils most susceptible to liquefaction are loose to moderately dense, saturated non-cohesive soils, such as sands and silts. These types of soils were encountered in soil borings across Barber Lane from the project site.

Differential Settlement

If near-surface soils vary in composition both vertically and horizontally, strong earthquake shaking can cause non-uniform settlement of unsaturated soil. Soils highly susceptible to differential settlement were encountered across Barber Lane from the project site.

Lateral Spreading

Lateral spreading typically occurs as a form of horizontal displacement of relatively level alluvial material toward an open face such as a body of water, channel, or excavation. Lateral spreading is commonly associated with liquefaction. Coyote Creek is located approximately 3,400 feet west of the project site. Lateral spreading has not been known to occur on the project site, but has been documented in the project vicinity on sites closer to Coyote Creek.

4.6.3 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a. Rupture of a known earthquake fault, as described 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.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,15, 27
b. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,15, 27
c. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,15, 27
d. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,15, 27
2. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,15, 27
3. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,15, 27

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
4. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,15, 27
5. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,15, 27

The primary geology and soils issues that could impact the proposed project include the presence of moderately compressible soils, potential for liquefaction-induced total and differential settlement, possible presence of moderately to highly expansive soils on the site, possible presence of loose surficial soils on the site, presence of shallow groundwater, and possible high levels of sulfates in the surficial soil. These issues are discussed in further detail below.

4.6.3.1 Soils Impacts

Based on soil conditions known to exist in the vicinity of the project site, loose surficial, expansive, and compressible soils may exist at the project site. In addition, soils on the project site may contain sulfates. If present, any one of these soil conditions could result in the development proposed by the project to become structurally unsound and/or expose future occupants to harm. Loose surficial soils could result in static and seismic settlement for shallow foundation supported structures. Expansive soils could damage foundations and/or surface improvements due to shrinking and swelling. Compressible soils could create conditions that are unsuitable for shallow foundations. Chemical reactions with sulfates in the soil could damage below-grade concrete and steel.

Impact GEO-1: Soil conditions known to exist in the vicinity of the project site could result in the development proposed by the project to become structurally unsound and/or expose future occupants to harm. **[Same Impact as Approved Project (Significant Impact)]**

MM GEO-1: The developer shall implement the following measures, which would reduce soils impacts to a less than significant level. These measures shall be printed on all construction documents, contracts, and project plans:

- A design-level geotechnical investigation shall be completed by a qualified geologist once site development plans are complete. The design-level geotechnical investigation shall address the following issues:
 - compressible soils,
 - liquefaction,
 - expansive soils,
 - loose surficial soils,
 - shallow groundwater, and
 - sulfates in soil.
- The design-level geotechnical investigation shall be reviewed and approved by the City Geologist, prior to issuance of a Grading Permit for the project. All recommendations in the design-level geotechnical investigation shall be incorporated into the project design.
- Final construction plans and specifications shall be reviewed by a qualified geologist to verify they are consistent with the recommendations in the design-level geotechnical investigation.
- A qualified geologist will observe earthwork and foundation installation to verify they are completed according to the recommendations in the design-level geotechnical investigation.

4.6.3.2 *Groundwater Impacts*

Groundwater levels in the project vicinity range from five to ten feet below the ground surface. Shallow groundwater could significantly impact grading and underground construction. These impacts include wet and unstable subgrade soils, difficulty achieving compaction, and difficult underground utility installation. In addition, the below-grade parking proposed by the project could be subject to hydrostatic pressure from existing groundwater below the site. If not designed properly to account for the hydrostatic pressure, the proposed development could become structurally unsound and/or expose future occupants to harm.

Impact GEO-2: If not designed properly to account for the hydrostatic pressure, the proposed development could become structurally unsound and/or expose future occupants to harm. **[Same Impact as Approved Project (Significant Impact)]**

MM GEO-2: Implementation of MM GEO-1 (see above) would reduce impacts related to shallow groundwater to a less than significant level. These measures shall be printed on all construction documents, contracts, and project plans.

4.6.3.4 *Seismic Impacts*

While there are no faults running through the project site, the project would be subject to shaking during an earthquake in the area. The impacts of seismic shaking, however, can be mitigated using standard engineering design and seismic safety techniques. The project would be constructed in

conformance with the 2013 California Building Standards Code, which will avoid or minimize potential damage from seismic shaking and seismic-related hazards on the site. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.6.4 Conclusion

Impact GEO-1: As described in MM GEO-1, a design-level geotechnical investigation shall be prepared for the proposed project and the recommendations of the investigation shall be incorporated in to the project design. This will reduce the impacts of onsite soil conditions to a less than significant level. The proposed project would not result in any new geology and soils impacts or substantially increase the severity of the geology and soils impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

Impact GEO-2: As described in MM GEO-1, a design-level geotechnical investigation shall be prepared for the proposed project and the recommendations of the investigation shall be incorporated in to the project design. This will reduce the impacts related to shallow groundwater to a less than significant level. The proposed project would not result in any new groundwater impacts or substantially increase the severity of the groundwater impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

4.7 GREENHOUSE GAS EMISSIONS

The following discussion is based, in part, upon an air quality and greenhouse gas assessment for the proposed project prepared by *Illingworth & Rodkin, Inc.* in July 2015. The report is included as Appendix A to this Addendum.

4.7.1 Existing Setting

4.7.1.1 *Overview*

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (GHGs) contribute to global warming, or global climate change, and have a broader, global impact. Global warming is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global warming are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated compounds. These gases allow energy from the sun to pass through the atmosphere, but they trap some of the heat emitted by the earth and prevent it from escaping the planet's system.

Among the potential implications of global warming are rising sea levels, and adverse impacts to water supply, water quality, agriculture, forestry, and habitats. In addition, global warming may increase electricity demand for cooling, decrease the availability of hydroelectric power, and affect regional air quality and public health. Like most criteria and toxic air pollutants, much of the GHG emissions in the Bay Area come from motor vehicles. GHG emissions can be reduced to some degree by improved coordination of land use and transportation planning on the city, county, and regional level, and through implementation of other measures to reduce automobile use. Energy conservation and efficiency measures also contribute to reductions in a project's GHG emissions.

4.7.1.2 *Existing Greenhouse Gas Emissions*

The existing building on the project site is vacant, and the project site is not maintained; therefore, the existing project site is not a major source of greenhouse gas emissions.

4.7.2 Regulatory Setting

4.7.2.1 *State of California*

AB 32, CEQA, and Other Laws and Regulations

AB 32 and Related Executive Orders and Regulations

The Global Warming Solutions Act (Assembly Bill (AB) 32) was passed in California in September 2006 to address the State's contribution to global climate change. Assembly Bill 32 requires that GHG emissions in California be reduced to 1990 levels by 2020. In June 2005, the Governor of California signed Executive Order S-3-05, identifying CalEPA as the lead coordinating State agency for establishing climate change emissions reduction targets in California. Under Executive Order S-

3-05, the State plans to reduce GHG emissions to 80 percent below 1990 levels by 2050.

In December 2008, the California Air Resources Board (CARB) approved the *Climate Change Scoping Plan*, which contains a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals. In May 2014, CARB adopted the First Update to the Climate Change Scoping Plan. The 2014 update defines CARB's climate change priorities for the next five years and lays the groundwork to start the transition to the post-2020 goals set forth in Executive Order S-3-05 and B-16-2012.⁹ The 2014 update highlights California's progress toward meeting the near-term 2020 greenhouse gas emission reduction goals defined in the 2008 Scoping Plan and evaluates how to align the State's longer-term greenhouse gas reduction strategies with other state policy priorities such as for water, waste, natural resources, agriculture, clean energy, transportation, and land use.

As required under State law (Public Resources Code Section 21083.05), the California Natural Resources Agency amended the State CEQA Guidelines to address the analysis and mitigation of GHG emissions. In these changes to the CEQA Guidelines, Lead Agencies such as the City of Milpitas retain discretion to determine the significance of impacts from GHG emissions based upon individual circumstances. Neither CEQA nor the CEQA Guidelines provide a specific methodology for analysis of GHGs and, under the amendments to the CEQA Guidelines, a Lead Agency may describe, calculate, or estimate GHG emissions resulting from a project. A model and/or qualitative analysis or performance based standards may be used to assess impacts.

Senate Bill 375

Senate Bill 375 (SB 375), also known as the Sustainable Communities and Climate Protection Act of 2008, requires regional transportation plans to include a Sustainable Communities Strategy (SCS) that links transportation and land use planning together into a more comprehensive, integrated process. The SCS is a mechanism for more effectively linking a land use pattern and a transportation system together to make travel more efficient and communities more livable. The intended result is reduced GHG emissions from passenger vehicles along with other benefits.

In 2010, CARB adopted GHG emissions reduction targets for regions across California as mandated by SB 375. The target for the Bay Area is a seven percent per capita reduction in GHG emissions attributable to automobiles and light trucks by 2020 and a 15 percent per capita reduction by 2035. The four major requirements of SB 375 are:

1. Metropolitan Planning Organizations (MPOs) must meet GHG emission reduction targets for automobiles and light trucks through land use and transportation strategies.
2. MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrate land use/transportation plan for meeting regional targets, consistent with the Regional Transportation Plan (RTP).
3. Regional housing elements and transportation plans must be synchronized on eight-year

⁹ Executive Order B-16-2012, issued by Governor Brown in March 2012, calls for expanded infrastructure to support zero emission vehicles and sets benchmarks for future state fleet vehicle purchases of zero emission vehicles. The executive order is available online at: <http://gov.ca.gov/news.php?id=17472>

schedules, with Regional Housing Needs Assessment (RHNA) allocation numbers conforming to the SCS.

4. MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission (CTC).

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), Bay Area Air Quality Management District (BAAQMD), and Bay Conservation and Development Commission (BCDC) to prepare the region's SCS as part of the RTP process.¹⁰ The SCS is referred to as *Plan Bay Area*.

MTC and ABAG adopted *Plan Bay Area* in July 2013. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions. The project site is not located in a PDA.

4.7.2.2 Regional and Local Plans

Bay Area 2010 Clean Air Plan

The Bay Area 2010 Clean Air Plan (CAP) is a multi-pollutant plan that addresses GHG emissions along with other air pollutant emissions in the San Francisco Bay Area Air Basin. The 2010 CAP includes emission control measures in five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures, Land Use and Local Impact Measures, and Energy and Climate Measures. Consistency of a project with current control measures is one measure of its consistency with the CAP. The current CAP also includes performance objectives, consistent with the State's climate protection goals under AB 32 and SB 375, designed to reduce GHG emissions to 1990 levels by 2020 and 40 percent below 1990 levels by 2035.

BAAQMD CEQA Air Quality Guidelines

BAAQMD identifies sources of information on potential thresholds of significance and mitigation strategies for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines. The BAAQMD CEQA Guidelines also outline a methodology for estimating GHGs.

City of Milpitas Climate Action Plan

In 2013, the City published its Climate Action Plan.¹¹ The Milpitas Climate Action Plan serves as a Qualified Greenhouse Gas Reduction Strategy or a community-wide plan to reduce greenhouse gas (GHG) emissions in accordance with AB 32 goals. Projects that are consistent with a Qualified GHG Reduction Strategy, such as the Milpitas Climate Action Plan, are considered to have an impact which, cumulatively, would be less than significant.

¹⁰ ABAG, BAAQMD, BCDC, and MTC. *One Bay Area Frequently Asked Questions*. Accessed July 23, 2013, Available at: http://onebayarea.org/about/faq.html#.UQceKR2_DAk

¹¹ City of Milpitas, *Climate Action Plan*. May 2013.

4.7.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9,12, 20
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9,12, 20

The thresholds of significance prepared and adopted by BAAQMD in May 2011 were the subject of a lawsuit by the California Building Industry Association (BIA) and a subsequent appeal by BAAQMD (*California Building Industry Association v. Bay Area Air Quality Management District*, Alameda County Superior Court Case No. RG10548693 and *California Building Industry Association v. Bay Area Air Quality Management District*, Cal. Ct. App. 1st, Case No. A135335, August 13, 2013). The Appellate Court ruled that the BAAQMD CEQA thresholds were adopted using a valid public review process and were supported by substantial evidence. On November 26, 2013, the California Supreme Court granted limited review of the case, and the matter is currently pending.

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data.

The first threshold is assessed using quantitative thresholds for GHG emissions first identified by BAAQMD in 2009. Using a methodology that models how new land use development in the San Francisco Bay area can meet Statewide AB 32 GHG reduction goals, BAAQMD identified a significance threshold of 1,100 metric tons of CO₂e per year. In addition to this bright-line threshold, an “efficiency” threshold was identified for urban high density, transit-oriented development projects that are intended to reduce vehicle trips but that may still result in overall emissions greater than 1,100 metric tons per year. This efficiency threshold is 4.6 metric tons of CO₂e per service population (e.g., residents and employees) per year.

The City of Milpitas has carefully considered the thresholds prepared by BAAQMD and regards the quantitative thresholds to be based on the best information available for development in the San Francisco Bay Area Air Basin. Evidence supporting these thresholds has been presented in the following documents:

- Bay Area Air Quality Management District (BAAQMD). 2009. *CEQA Thresholds Options and Justification Report*.
- BAAQMD. 2011. *California Environmental Quality Act Air Quality Guidelines*. (Appendix D).
- California Air Resources Board. 2008. *Climate Change Scoping Plan*. (Statewide GHG Emission Targets)

Given the overwhelming scope of global climate change, it is not anticipated that a single development project would have an individually discernable effect on global climate change. It is more appropriate to conclude that the greenhouse gas emissions generated by the proposed project would combine with emissions across the state, nation, and globe to cumulatively contribute to global climate change.

4.7.2.1 Project GHG Emissions

Construction Emissions

BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. GHG emissions associated with construction were computed to be 2,402 MT of CO_{2e}, anticipated to occur over the entire construction period, with a maximum of 1,529 MT of CO_{2e} in 2016. These are the emissions from onsite operation of construction equipment, vendor truck trips, and worker trips.

BAAQMD also encourages the incorporation of best management practices to reduce GHG emissions during construction where feasible and applicable. The following best management practices would be incorporated into construction of the proposed project:

- using local building materials of at least 10 percent, and
- recycling or reusing at least 50 percent of construction waste or demolition materials.

Operational Emissions

The CalEEMod model, along with the default vehicle trip generation rates, was used to predict daily emissions associated with operation of the fully-developed site under the proposed project. In 2019, net annual emissions resulting from operation of the proposed project are predicted to be 4,658 MT of CO_{2e}. Table 4.7-1 shows predicted project GHG emissions.

Table 4.7-1: Annual Project GHG Emissions in Metric Tons	
Source Category	2019 Project Emissions (MT CO₂e)
Area	27
Energy Consumption	1,102
Mobile	3,317
Solid Waste Generation	118
Water Usage	94
Total	4,658
Per Capita Emissions¹	2.7
¹ Service Population = 1,721	

Consistency with Adopted Climate Action Plan

The City of Milpitas Climate Action Plan¹² serves as a Qualified Greenhouse Gas Reduction Strategy or a community-wide plan approved by BAAQMD to reduce greenhouse gas (GHG) emissions in accordance with AB 32 goals. A Scoping Plan for AB 32 was adopted by CARB in December 2008. It contains the State of California’s main strategies to reduce GHGs from business-as-usual emissions projected in 2020 back down to 1990 levels. Business-as-usual (BAU) is the projected emissions in 2020, including increases in emissions caused by growth, without any GHG reduction measures. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system.

According to the City Climate Action Plan, the Milpitas community emitted approximately 744,150 metric tons of carbon dioxide equivalent (MT CO₂e) in the year 2005. Of that, 43 percent came from transportation, 25 percent from non-residential energy, 14 percent from stationary sources, nine percent from solid waste, two percent from off-road equipment, and less than one percent each from water and wastewater, and light rail.

One purpose of the Qualified Greenhouse Gas Reduction Strategy is to streamline the decision-making process regarding a proposed project’s impact on GHG emissions within the City. The project would not require a General Plan Amendment; therefore, project consistency with relevant Climate Action Plan measures and actions has been used to evaluate the significance of this impact.

The following emissions reduction measures and actions shown in Table 4.7-2 are relevant to the proposed project, with the project’s consistency evaluated below.

¹² City of Milpitas, 2013. *City of Milpitas Climate Action Plan: A Qualified Greenhouse Gas Reduction Strategy*. May.

Table 4.7-2: Climate Action Plan Consistency		
Mandatory/ Voluntary	Climate Action Plan Measures and Actions	Compliance
<i>Energy</i>		
Pending City action	<p>Measure 1.5: Urban Cooling</p> <p>Action A: Amend the Zoning Code to create tree planting standards for new and renovated development.</p> <p>Action E: Reduce heat gain from surface parking lots in new development for a minimum of 50% of the site’s hardscape. Develop standards to provide shade from the existing tree canopy or from appropriately selected new trees that complement site characteristics and maximize drought tolerance. Where feasible, use open-grid pavement systems (at least 50% pervious, which would also satisfy the stormwater Low Impact Development requirement).</p>	<p>Currently, there has been no City movement amending the zoning code to create tree planting or shading standards. The project description does not contain specifications for tree planting or pervious pavement design requirements. The project would, however, landscape using Grasscrete, where possible. Reclaimed water will be available for project irrigation.</p>
Pending City action	<p>Measure 1.6 : Smart Grid Integration</p> <p>Action A: Adopt new development standards to encourage the integration of smart-grid appliances.</p>	<p>Currently, there has been no City movement to adopt smart-grid standards. The project description does not contain plans to integrate the use of smart-grid appliances, such as refrigerators.</p>
Voluntary	<p>Measure 1.8: Online Energy Monitoring</p> <p>Action A: Encourage the use of smart-grid and Energy Star appliances.</p>	<p>The project description does not contain plans to integrate the use of smart-grid appliances and Energy Star appliances, such as refrigerators.</p>
Mandatory	<p>Measure 2.1: Energy Efficiency in New Development</p> <p>Action D: New nonresidential construction... greater than or equal to 50,000 gross square feet must be verified as LEED Silver (MMC 11-20-3.01(c))</p>	<p>Consistent – the project will meet LEED Silver standards.</p>

Table 4.7-2: Climate Action Plan Consistency		
Mandatory/ Voluntary	Climate Action Plan Measures and Actions	Compliance
Voluntary	<p>Measure 3.1: Renewable Energy in New Development</p> <p>Action A: Encourage through the discretionary process all new nonresidential development to meet energy needs with renewable energy sources.</p>	The project description does not contain renewable energy source commitments.
<i>Water</i>		
Mandatory	<p>Measure 4.1: Tiered Water Rates</p> <p>Action B: Encourage the installation and use of greywater and rainwater harvesting systems to reduce outdoor potable use.</p> <p>Action C: Implement the water-efficient landscaping ordinance and the water conservation ordinance.</p>	Consistent – the City’s requirements are included in the Water-Efficient Landscape Ordinance No. 238.3. The project would use reclaimed water for irrigation.
<i>Transportation and Land Use</i>		
Mandatory	<p>Measure 5.1: Increased Densities</p> <p>Action B: Ensure pedestrian accessibility for all new development.</p>	Consistent – the project is designed with pedestrian-friendly and handicap-accessible sidewalks.
Mandatory	<p>Measure 7.5: Bicycle Parking</p> <p>Action A: Create new development standards to support bicycle parking requirements.</p>	Consistent – the City’s requirements for off-street parking are included in Section 53 of the Municipal Code. The project anticipates 74 bicycle parking spaces.
Pending City Action	<p>Measure 8.1: Transportation Demand Management</p> <p>Action A: Expand existing rideshare programs to require mandatory inclusion of ridesharing in employer TDM programs and preferential parking for rideshare vehicles.</p>	If the planning staff report determines that a TDM would be necessary, the project shall require mandatory inclusion of ridesharing for employees.

Table 4.7-2: Climate Action Plan Consistency		
Mandatory/ Voluntary	Climate Action Plan Measures and Actions	Compliance
Voluntary	Measure 8.2: Car-Share Programs Action A: Work with City Car Share or other non-governmental organizations and/or businesses to provide car-sharing resources and information.	The project description does not contain plans to include car-sharing services on-site.
Pending City action	Measure 10.1: Parking for Low-Emissions Vehicles Action A: Revise development standards. Action D: Provide a parking reduction ratio of one-to-one for every percentage of total parking spots designated for low-emitting, fuel-efficient vehicles. Action E: Pre-wire stalls for electric vehicle charging stations for 2% of new parking capacity.	Currently, there has been no City movement to revise development standards regarding low-emissions vehicle parking. The project would include designated parking for clean air vehicles and an electric vehicle charging station.
<i>Solid Waste</i>		
Voluntary	Measure 11.1: Waste Diversion Action A: Support the expansion of existing food waste and composting collection routes in order to provide composting services for interested residents and businesses.	The project description does not contain plans to install on-site compost receptacles.
<i>Off-Road Equipment</i>		
Mandatory	Measure 12.1: Lawn and Garden Equipment Action C: Require new buildings to provide accessible exterior electrical outlets to charge electric-powered lawn and garden equipment.	Consistent – the project will provide accessible exterior electrical outlets.

As shown in Table 4.7-1, the project GHG emissions are below the significance threshold of 4.6 MT CO₂e per year per capita and, therefore, would not be considered significant. Furthermore, the City has a Climate Action Plan that includes measures to further reduce GHG emissions. As shown in Table 4.7-2, the proposed project is consistent with the mandatory requirements of the City Climate

Action Plan. Because project GHG emissions are below the significance threshold, and the project would implement applicable measures contained in the City’s Climate Action Plan (a qualified GHG reduction plan), project GHG emissions would not result in a significant impact on the environment and the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.7.3 Conclusion

Project GHG emissions are below the significance threshold of 4.6 metric tons of CO₂e per service population (e.g., residents and employees) per year, and the project would implement applicable measures contained in the City of Milpitas Climate Action Plan (a qualified GHG reduction plan). For these reasons, project GHG emissions would not result in a significant impact on the environment and the project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The proposed project would not result in any new GHG emissions impacts or substantially increase the severity of the GHG emissions impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based upon a Phase I Environmental Site Assessment completed for the project site by *Odic Environmental* in March 2014. This report is included as Appendix D of this Addendum.

4.8.1 Regulatory Setting

Hazardous materials encompass a wide range of naturally-occurring and man-made substances. Examples include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in various manufacturing processes. Determining if such substances are present on or near project sites is important because exposure to hazardous materials can result in adverse health effects on humans and the ecosystem.

Because hazardous materials are toxic to humans and/or the ecosystem, there are multiple regulatory agencies and programs in place that are designed to minimize the chance for accidental release and/or exposure to occur. Other programs identify remediation requirements at sites where contamination has occurred. Table 4.8-1 summarizes the responsibilities of some of these agencies.

Table 4.8-1: Regulation of Hazardous Materials	
Agency	Responsibilities
U.S. Environmental Protection Agency (EPA)	Oversees Superfund sites; evaluates remediation technologies; develops standards for hazardous material disposal and contamination cleanup.
U.S. Department of Transportation (DOT)	Regulates and oversees the transportation of hazardous materials.
U.S. Occupational Safety & Health Administration (OSHA)	Implements federal regulations and develops programs and procedures regarding the handling of hazmat for the protection of workers.
CA Department of Toxic Substances Control (DTSC)	Implements and enforces federal and state hazardous material laws and regulations; oversees remediation of contamination at various sites.
CA Occupational Safety & Health (Cal-OSHA)	Implements state regulations and develops programs and procedures regarding the handling of hazmat for the protection of workers.
CA Air Resources Board/Bay Area Air Quality Management District (BAAQMD)	Regulates emissions of toxic air contaminants and requires information regarding the risk of such emissions to be available to the public.
CA Water Resources Control Board/Regional Water Quality Control Board (RWQCB)	Regulates the discharge of hazardous materials to surface and ground waters; oversees remediation of contamination at various sites.
Santa Clara County Department of Environmental Health (SCCDEH)	Oversees and enforces state and local laws and regulations pertaining to hazardous waste generation and risk management, including the California Accidental Release Program.
City of Milpitas Fire Department (MFD)	Implements City’s hazardous material ordinances; requires businesses that use or store hazardous material to prepare a management plan; reviews plans for compliance with hazardous material codes and regulations

4.9.2 Existing Setting

The three-acre project site is currently developed with an auto showroom building that is surrounded by a parking lot. The auto showroom building is currently vacant.

A review of relevant records, maps, and historical aerial photographs indicate that the project site was agriculturally cultivated with row crops until at least the mid-1980s. The current on-site building appears to have been constructed in 1992 or 1993. It was occupied by a vehicle sales and repair facility until 2005. Because of its recent construction date, the building is not expected to contain asbestos, lead-based paint, or other hazardous building materials.

A review of published agency documents, agency files, and other pertinent documents was performed for the project site and surrounding area. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List). Based on information regarding the type of release, current case status, and distance and direction from the site, there are no reported hazardous materials spills or releases in the project area that could substantially affect the site.

4.9.2.1 *Pesticides*

Organochloride pesticides (e.g., DDT and DDE) and associated heavy metals (e.g., arsenic and lead) are known to persist in soil long after their application has ceased. Because the project site was used for agricultural purposes in the past, there is a possibility that soil on the project site may be contaminated with organochloride pesticides and/or associated heavy metals.

4.9.2.2 *On-site Chemical Storage and Use*

The project site was previously used as a vehicle sales and repair facility. Automotive repair activities requiring the use of hazardous materials took place on-site. Gasoline, motor oil, automatic transmission fluid, coolant, part cleaning solvent, and other chemicals were stored on-site in above-grade containers. In 2005, the vehicle sales and repair facility was closed and the hazardous materials were removed. The closure of the vehicle sales and repair facility was documented and deemed complete by the Milpitas Fire Department in May 2005.

4.8.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,24
2. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,24
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,24
4. 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, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,24
5. 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, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,26
6. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
7. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
8. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12

4.8.2.1 Pesticides

The project site was used for agricultural purposes in the past. Because organochloride pesticides and associated heavy metals are known to persist in soil long after their use has ceased, there is a possibility that soil on the project site may be contaminated with organochloride pesticides and/or heavy metals. If soils are contaminated with agricultural chemicals, construction personnel working on the proposed project would be exposed to these chemicals.

Impact HAZ-1: If on-site soils are contaminated with agricultural chemicals, construction personnel working on the proposed project would be exposed to these chemicals. **[Same Impact as Approved Project (Significant Impact)]**

MM HAZ-1: Prior to the issuance of a Grading Permit, the developer shall implement the following measures, which would reduce potential impacts related to pesticide contaminated soil to a less than significant level. These measures shall be printed on all construction documents, contracts, and project plans:

- Soil on the site will be sampled and tested for organochloride pesticides and associated heavy metals.
 - If the results of the soil sampling/testing indicate that the soil on the project site is contaminated with agricultural pesticides and/or heavy metals above regulatory agency thresholds, a Soil Management Plan (SMP) will be prepared for the proposed project. The SMP would detail the handling/disposal of the contaminated soil in a manner that ensures workers, adjacent uses, and the environment are protected. The main objective of the SMP is to establish protocols (e.g.,

preparation of a Health and Safety Plan) for the contractor in handling on-site soil during redevelopment of the site.

- If the results of the soil sampling/testing indicate that the soil on the project site is contaminated with agricultural pesticides and/or heavy metals above regulatory agency thresholds, all soil off-hauled from the project site will be disposed at an appropriate facility that is designed and operated to accept and dispose of hazardous materials safely.

The proposed project would require substantial excavation and disposal of on-site soil. If the soil is contaminated with agricultural chemicals and the soil is not disposed at a facility designed and operated to accept contaminated soil, then disposal of the soil could contaminate the environment.

Impact HAZ-2: If on-site soils are contaminated with agricultural chemicals, improper disposal of soil could contaminate the environment. [**Same Impact as Approved Project (Significant Impact)**]

MM HAZ-2: Prior to the issuance of a Grading Permit, the developer shall implement MM HAZ-1, which would reduce potential impacts related to pesticide contaminated soil to a less than significant level. These measures shall be printed on all construction documents, contracts, and project plans.

The proposed project would be built above below-grade parking, and all other areas on the project site would be paved or landscaped. For these reasons, residents, employees, and visitors of the proposed mixed-use development would not come in contact with the native soils on the project site that are possibly contaminated with agricultural chemicals. [**Same Impact as Approved Project (Less than Significant Impact)**]

4.8.2.2 *Other Hazard and Hazardous Material Concerns*

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List) and is not affected by any known hazardous material releases in the project area. The project site is not located within two miles of a public or private airport. San Jose Airport is located approximately three miles southwest of the project site. The project site is not located within the San Jose International Airport Land Use Plan. Development of the proposed project will not affect an emergency response plan or emergency evacuation plan. The site is not located within an area subject to wildfires. The project does not propose any on-site use of hazardous materials other than those commonly used by residential, commercial, and retail uses. The use, storage, and transportation of these materials would be managed in accordance with federal, state, and local laws and regulations. The implementation of the proposed project in accordance with federal, state, and local laws and regulations would ensure that the on-site use of chemicals does not result in a significant hazardous materials impact. [**Same Impact as Approved Project (Less than Significant Impact)**]

4.8.3 Conclusion

If soil on the project site is contaminated with agricultural chemicals, construction personnel could be exposed to the chemicals, and the improper disposal of the soil could contaminate the environment. Implementation of mitigation measure MM HAZ-1 requires that soil on the site is tested prior to the issuance of a grading permit and, if it is contaminated, properly handled. The proposed project, including the mitigation measure identified above, would not result in significant hazards and hazardous materials impacts. The proposed project would not result in any new hazardous materials impacts or substantially increase the severity of the hazardous materials impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

4.9 HYDROLOGY AND WATER QUALITY

The analysis in this section is based, in part, on a Stormwater Control Plan prepared for the proposed project by *Mark Thomas & Company, Inc.* in July 2015. The report is included as Appendix E of this Addendum.

4.9.1 Regulatory Setting

The federal Clean Water Act and California’s Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards, which for the project area is the San Francisco Regional Water Quality Control Board (RWQCB).

4.9.1.1 *Basin Plan*

The San Francisco Bay RWQCB regulates water quality in the Bay Area in accordance with the Water Quality Control Plan or “Basin Plan”. The Basin Plan lists the beneficial uses that the RWQCB has identified for local aquifers, streams, marshes, rivers, and the Bay, as well as the water quality objectives, and criteria that must be met to protect these uses. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for “non-point sources” such as the urban runoff discharged by a City’s stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

4.9.1.2 *Statewide Construction General Permit*

The SWRCB has implemented an NPDES Construction General Permit (CGP) for the State. Projects disturbing one acre or more of soil must obtain permit coverage under the CGP by filing a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with the SWRCB prior to commencement of construction. The CGP, which took effect July 1, 2010, includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The proposed project disturbs more than one acre of soil and would, therefore, require permit coverage under the CGP.

4.9.1.3 *Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirements*

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of Milpitas. Under provisions of the NPDES Municipal Permit, redevelopment projects that add and/or replace more than 10,000 square feet of impervious surface, or 5,000 square feet of uncovered

parking area, are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as stormwater harvesting, infiltration, and bioretention. The proposed project would replace more than 10,000 square feet of impervious surface and would, therefore, require permit coverage under the MRP.

4.9.1.4 *Hydromodification Management Plan*

In addition to water quality controls, the MRP has hydromodification controls, which are defined in the Hydromodification Management Plan (HMP). Hydromodification is a change in watershed stormwater runoff characteristics caused by changes in land use conditions (i.e. urbanization) that alter the natural cycling of water. Changes in land use conditions can cause runoff volumes and velocity to increase, which can decrease natural vegetation, change river/creek bank grades, compact soil, and create new drainages. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, or if they drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds that are 65 percent or more impervious based on the HMP Applicability Map (November 2010). The project site is located in a subwatershed that is 65 percent or more impervious; therefore, the proposed project is not subject to the requirements of the HMP.¹³

4.9.2 Existing Setting

4.9.2.1 *Drainage and Flooding*

The existing three-acre project site is developed with a building and paved parking. The topography of the site is generally flat. Approximately 89 percent of the existing site is covered with impervious surface (i.e. pavement and building). Pervious surfaces on the existing site consist of landscaping. Stormwater runoff is collected on-site by an underground storm drain system and discharged to the existing 42-inch stormwater main in Barber Lane. The site is not located in a 100-year floodplain.¹⁴ The project area is protected by a levee that contains 100-year flows within the San Francisco Bay. The project area is not subject to inundation from a seiche, tsunami, mudflow, or dam failure.

4.9.2.2 *Water Quality*

Urban runoff is a significant source of water pollution in the San Francisco Bay Area. Runoff from most developed areas flows untreated to local creeks and rivers, and the Bay, carrying pollutants that are detrimental to the beneficial uses of these water bodies. Examples of pollutants commonly generated in the San Francisco Bay Area include: sediment from construction sites; products of internal combustion engine operation such as hydrocarbons from automobiles; metals, such as copper

¹³ Santa Clara Valley Urban Runoff Pollution Prevention Program. *Hydromodification Management (HM) Applicability Map City of Milpitas*. November 2010. Available at: <http://www.scvurppp-w2k.com/HMP_app_maps/Milpitas_HMP_Map.pdf>

¹⁴ Flood Insurance Rate Map, City of Milpitas California Santa Clara County Community-Panel Number 060344 0003 G, June 22, 1998

from automobile brake pad wear and zinc from tire wear; dioxin as a product of combustion; mercury from atmospheric deposition; and naturally-occurring minerals from local geology.

In addition to the pollution issue, the increased peak flows and volumes of stormwater associated with existing urbanization have led to adverse impacts such as bank erosion, channel widening, flooding, channel modification and loss of the natural floodplain. This occurs because development typically increases the amount of impervious surface area within a watershed by converting natural ground cover to impervious surfaces such as paved highways, streets, rooftops, and parking lots, thereby diminishing the stormwater retention, detention and purification characteristics provided by the vegetated soils.

Approximately 89 percent of the existing project site is impervious area (i.e., paving and building). The only existing pervious areas on the project site are located at the landscape buffer along the property boundary.

4.9.3 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
1. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,22
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will 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 will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which will result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
4. 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 will result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
5. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,22
6. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
7. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,17
8. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,17
9. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
10. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12

4.9.3.1 Long-Term Water Quality Impacts

There are two components of development that can result in long-term water quality degradation. These are stormwater volume and the pollutant load of stormwater runoff. Increased stormwater volume can result in erosion and/or the need to channelize waterways. Erosion and/or channelization degrades water quality.

Because the project will replace more than 10,000 square feet of impervious surface area on the project site, the project must comply with the City of Milpitas Stormwater C.3 requirements and the MRP. In conformance with the City’s Stormwater C.3 Guidebook, a Stormwater Control Plan was prepared for the project (refer to Appendix E). Compared to existing conditions, the proposed project will increase the amount of pervious surfaces on the project site, reducing the volume of stormwater runoff generated by the project site. The stormwater runoff generated by the proposed project will be treated using bioretention areas, raised flow-through planters, and media filtration vaults (refer to Appendix E). The increase of pervious surfaces and the on-site treatment of stormwater runoff would reduce both the rate and amount of stormwater runoff from the project site. Therefore, the volume of post-project stormwater discharges will not increase erosion or cause other adverse effects in local streams. **[Same Impact as Approved Project (Less than Significant Impact)]**

Pollutants in post-project stormwater will result from activities associated with the residential, commercial, and office development proposed by the project. Hydrocarbons, grease, oil, and metals from automobiles are typical runoff pollutants generated from impervious road, driveway and parking lot surfaces. Building roofs also generate hydrocarbons from atmospheric deposition, and metals from roofing materials. In addition, pesticides, and nutrients (from fertilizers and other landscape maintenance products) detergents, coliform bacteria (from pet waste), and trash are all common stormwater pollutants that can be expected from the proposed development. In conformance with the City’s Stormwater C.3 Guidebook, a Stormwater Control Plan was prepared for the project (refer to Appendix E). Compared to existing conditions, the proposed project will reduce the amount of impervious surfaces. Pollutants will be removed from the stormwater runoff generated by the proposed project using bioretention areas, raised flow-through planters, and media filtration vaults (refer to Appendix E). Through these features, the operation of the project will not result in long-term significant water quality impacts. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.9.3.2 *Short-Term Water Quality Impacts during Construction*

Soil Erosion

Construction activities including excavation and grading will result in piles of loose soil and will increase the potential for erosion and sedimentation until paving and planting are completed. Once construction is complete and all disturbed soil surfaces have been planted, onsite erosion and associated sedimentation downstream of the site will be minimal. Because the proposed project would disturb more than one acre of soil, the project must obtain permit coverage under the CGP by filing a NOI with the SWRCB and preparing a SWPPP prior to commencement of construction.

Impact HYD-1: Construction activities will increase the potential for wind and water erosion, which could degrade water quality downstream of the project site. **[Same Impact as Approved Project (Significant Impact)]**

MM HYD-1: The following measures, which are based on Regional Water Quality Control Board Best Management Practices and were required under the approved project, shall be implemented by the developer to reduce construction-related water quality impacts to a less than significant level. These measures shall be printed on all construction documents, contracts, and project plans:

- Burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities would be suspended during periods of high winds.
- All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
- All trucks hauling soil, sand, and other loose materials would be covered and all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers). In addition, a tire wash system may be required.
- Vegetation in disturbed areas would be replanted as quickly as possible.
- All unpaved entrances to the site would be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.

Dewatering

Groundwater levels in the project vicinity range from five to ten feet below the ground surface (bgs). Fluctuations in the level of groundwater may occur due to variations in rainfall and local underground drainage patterns. The proposed project, which includes up to two levels of below-grade parking, would require dewatering during construction. Groundwater pumped from below the project has the potential to pollute surface water with sediment or hazardous materials, if the groundwater is contaminated. Dewatering may also be necessary throughout the life of the project, if groundwater enters the below grade parking.

Impact HYD-2: Dewatering during project construction and, if needed, after construction, could pollute surface water with sediment or hazardous materials. [**Same Impact as Approved Project (Significant Impact)**]

MM HYD-2: The following measures were required under the approved project shall be implemented by the developer to reduce water quality impacts that could result during dewatering to a less than significant level. All mitigation shall be implemented prior to the start of earthmoving activities on-site and will continue until dewatering is complete (i.e., during project construction and, if necessary, during the life of the project). These measures shall be printed on all construction documents, contracts, and project plans:

- Groundwater below the project site shall be sampled and tested for contaminants.
- If groundwater contaminant levels are below RWQCB discharge thresholds, the project shall obtain a permit from the City of Milpitas to discharge the groundwater pumped from below the site into the City’s stormdrain system. This permit will specify the sediment removal measures to be implemented during dewatering (e.g., settling tank, particulate filters, etc.) and the frequency of ongoing water quality testing.
- If groundwater contaminant levels are above RWQCB discharge thresholds, the project shall obtain an NPDES permit from the RWQCB prior to discharging the water into the stormdrain system. This permit will specify the groundwater treatment measures and the water quality treatment standards that shall be achieved prior to discharge into the stormdrain system, the sediment removal measures to be implemented during dewatering (e.g., settling tank, particulate filters, etc.), and the frequency of ongoing water quality testing.

4.9.3.3 *Other Hydrology and Water Quality Issues*

Although dewatering could be necessary during project construction and possibly operation, dewatering would not substantially deplete groundwater supplies such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level. The project site is not in a floodplain and, therefore, would not expose people or structures to flood hazards. The project would not affect drainage patterns on or off the site or exceed the capacity of the existing storm drainage system, because the amount of stormwater runoff generated by the project site would be less under project conditions. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.9.3 Conclusion

Although dewatering could be necessary during project construction and possibly operation, dewatering would not substantially deplete groundwater supplies such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level. The project site is not in a floodplain and, therefore, would not expose people or structures to flood hazards. The project would not affect drainage patterns on or off the site or exceed the capacity of the existing storm drainage system, because the amount of stormwater runoff generated by the project site would be less under project conditions. The proposed project would not result in any new hydrology and water quality

impacts or substantially increase the severity of the hydrology and water quality impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

Impact HYD-1: Construction activities will increase the potential for wind and water erosion, which could degrade water quality downstream of the project site. Implementation of mitigation measure MM HYD-1 and compliance with all applicable requirements of the City of Milpitas, CGP, and MRP will reduce construction and post-construction water quality impacts to a less than significant level. The proposed project would not result in any new construction-related hydrology and water quality impacts or substantially increase the severity of the construction-related hydrology and water quality impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

Impact HYD-2: Dewatering during project construction and, if needed, after construction, could pollute surface water with sediment or hazardous materials. Implementation of mitigation measure MM HYD-2 will reduce water quality impacts that could occur during dewatering to a less than significant level. Dewatering during project construction and, if needed, after construction would not result in any new hydrology and water quality impacts or substantially increase the severity of the hydrology and water quality impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

4.10 LAND USE

4.10.1 Regulatory Setting

4.10.1.1 *City of Milpitas General Plan and Zoning Ordinance*

The City of Milpitas General Plan is an adopted statement of goals and policies for the future character and quality of development of the community. The Zoning Ordinance establishes various districts within the City and specifies the lawful and unlawful uses within the districts to encourage the most appropriate use of land within the City.

4.10.2 Existing Conditions

The following discussion identifies the existing conditions on and surrounding the project site in terms of land uses. An aerial photograph of the project site and surrounding land uses is shown on Figure 4.10-1.

4.10.2.1 *Land Uses on the Project Site*

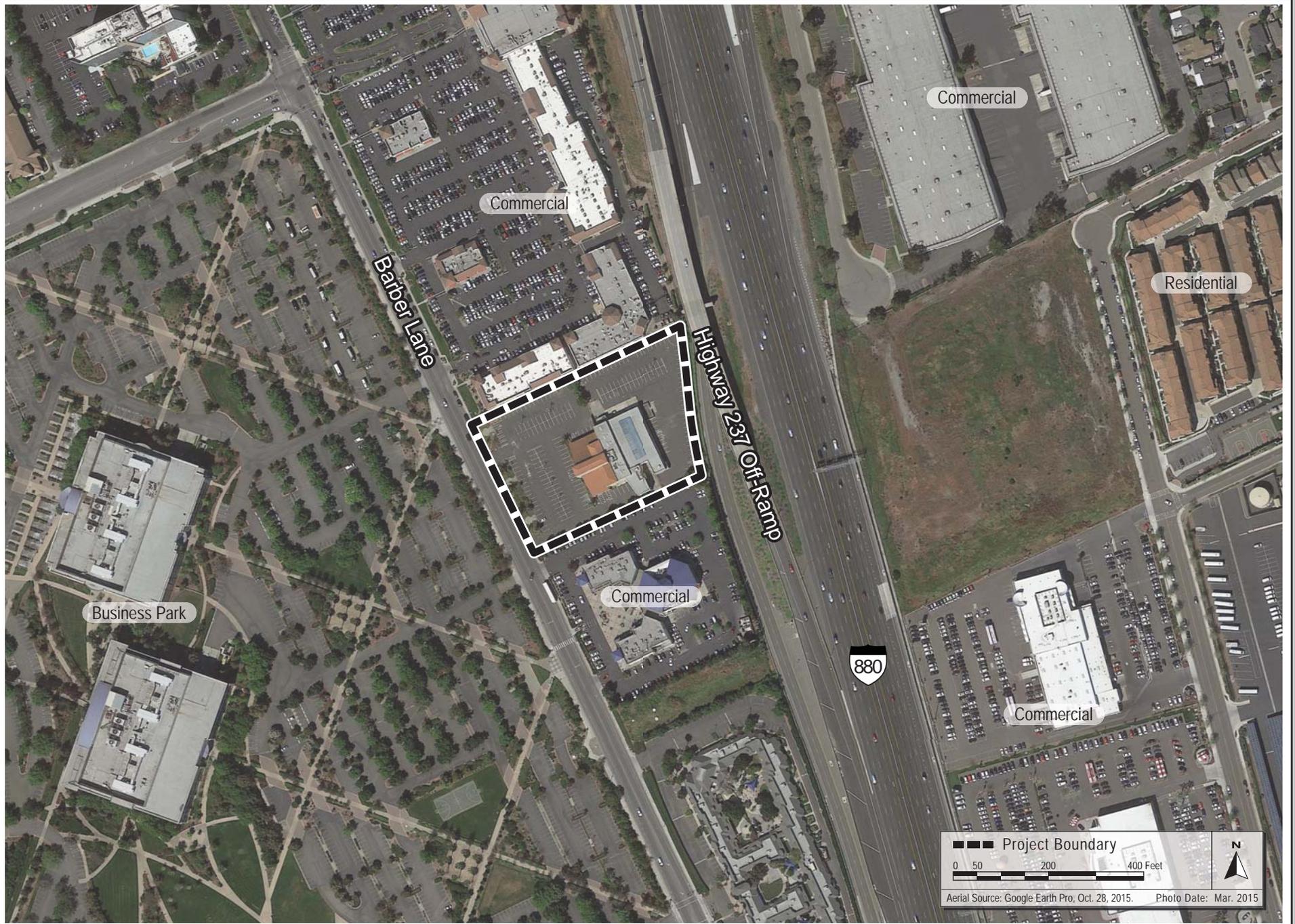
The three-acre project site is located immediately west of I-880 at 600 Barber Lane in the City of Milpitas (see Figures 2.1-1 and 2.1-2). The project site is the former location of Billing's Chevrolet, and is currently developed with a two-story auto showroom building that is surrounded by a parking lot. The auto showroom building is currently vacant. A water line easement is located along the east and north boundaries of the project site.

4.10.2.2 *Land Uses Surrounding the Project Site*

The project site is bounded on the west by Barber Lane; across Barber Lane is a business park developed with a large, landscaped parking lot and five office buildings reaching up to three-stories in height. Immediately north of the project site is a shopping center with one-story buildings and a surface parking lot. Immediately east of the project site is I-880, including an elevated on-ramp from westbound Highway 237 to southbound I-880. Immediately south of the project site is a shopping center with two-story buildings and a surface parking lot.

4.10.2.3 *Land Use Plans, Policies, and Regulations*

The project site's existing General Plan land use designation is *Very High Density Mixed Use (with High Rise [HR] Overlay)*. The *Very High Density Mixed-Use (with HR Overlay)* allows between 60-150 dwelling units per gross acre and a floor area ratio (FAR) of up to 2.0.



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 4.10-1

Consistent with the General Plan, the existing project site is zoned *Very High Density Mixed-Use (MXD3) with an HR Overlay*. The *MXD3* zoning district allows for commercial offices, retail and personal service, high density residential and public and quasi-public uses with a density between 40-60 dwelling units per gross-acre and an FAR of up to 1.5. When overlaid with *MXD3*, the *High-Rise Overlay District* allows densities between 60-150 dwelling units per gross acre and an FAR of up to 2.0.

The project site is not the subject of any other land use plans, policies, or regulations.

4.10.3 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
1. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
2. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
3. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12

4.10.3.1 Land Use Conflicts

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the proposed project. Both of these circumstances are aspects of land use compatibility. Incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project’s design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisance to potentially significant effects on human health and safety. The discussion below distinguishes between potential impacts *from* the project *upon* persons and the physical environment and potential impacts *from* the project’s surroundings *upon* the project itself.

Land Use Impacts from the Project

The proposed project is generally compatible with the existing commercial and office uses and the existing freeway located adjacent to the project site. The surrounding uses could be affected during project construction, including noise and air quality impacts. Construction noise and air quality impacts upon the surrounding uses are discussed in *Section 4.12, Noise* and *Section 4.3, Air Quality* of this Addendum. The existing water line easement along the east and west boundaries of the project site will remain accessible with the proposed project. The proposed building will be located outside the easement, and the contractor will protect the existing water line within the easement from excess loads during project construction. For these reasons, the project is not expected to result in land use impacts upon these surrounding uses. **[Same Impact as Approved Project (Less than Significant Impact)]**

Land Use Impacts to the Project

The proposed residences would be affected by noise and air pollutant emissions from the adjacent freeway. The noise and air quality impacts upon the proposed project from the adjacent freeway are discussed in *Section 4.12, Noise* and *Section 4.3, Air Quality*, respectively. The adjacent commercial and office uses that surround the project site do not have outdoor operations or storage areas that generate noise or dust or would otherwise adversely affect the proposed project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.10.3.2 California Fire Code

The California Fire Code section 1001.12 (as amended by the Milpitas Municipal Code, Title V, Chapter 300-2.39) requires buildings greater than 150 feet in height (above the lowest level of Fire Department access) to provide a helicopter pad meeting the requirements of the Fire Department. The proposed project would have a maximum height of approximately 277 feet, and includes helicopter pads on each tower. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.10.3.3 Other Land Use Impacts

The existing project site is developed and located within an urbanized commercial/industrial area. The site is not within the boundaries of a habitat conservation plan (HCP) or natural community conservation plan (NCCP). The project will not create a physical barrier within an established community. For these reasons, the proposed project would not conflict with a conservation plan or divide an established community. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.10.4 Conclusion

The proposed project, including the condition of project approval requiring the construction of a helicopter pad, would not result in land use conflicts upon the surrounding land uses and vice-versa, or any other land use impacts. The proposed project would not result in any new land use impacts or substantially increase the severity of the land use impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.11 MINERAL RESOURCES

4.11.1 Setting

The existing project site is developed and located within an urbanized commercial/industrial area. The site is designated by the California Resources Agency as MRZ-1. Areas designated MRZ-1, which are defined as areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.¹⁵

4.11.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
1. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,6,12
2. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,6,12

The project site does not contain mineral resources.

4.11.3 Conclusion

The project site is developed and located within an urbanized area. The project site does not contain mineral resources. For these reasons, the proposed project will not result in the loss of availability of known mineral resources. The proposed project would not result in any new mineral resource impacts compared to the approved project. **(No Impact)**

¹⁵ California Department of Conservation. Revised Mineral Land Classification Map, Aggregate Resources Only, South San Francisco Bay Production-Consumption Region, Milpitas Quadrangle. 1996

4.12 NOISE

This section is based upon an Environmental Noise Assessment prepared for the proposed project by *Illingworth & Rodkin* in May 2015. The report is included as Appendix F of this Addendum.

4.3.1 Regulatory Setting

4.3.1.1 *California Administrative Code*

Title 25 of the California Administrative Code, which is applicable to multi-family and attached dwellings, specifies that interior noise levels attributable to exterior noise sources shall not exceed 45 dB CNEL in any habitable room.

4.3.1.2 *City of Milpitas General Plan*

The Noise Element of the City of Milpitas' General Plan identifies noise and land use compatibility standards for various land uses. The City's goal is to, "maintain land use compatibility with noise levels similar to those set by State guidelines" and to "minimize unnecessary, annoying, or injurious noise."

4.3.1.3 *City of Milpitas Municipal Code*

The Public Health, Safety, and Welfare Chapter of the City of Milpitas Municipal Code states that 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.

4.3.1.4 *California Department of Transportation (Caltrans)*

Caltrans uses a vibration limit of 12.7 mm/sec (0.5 inches/sec), ppv for buildings structurally sound and designed to modern engineering standards. A conservative vibration limit of five mm/sec (0.2 inches/sec), ppv has been used for buildings that are found to be structurally sound but structural damage is a major concern. For historic buildings or buildings that are documented to be structurally weakened, a conservative limit of two mm/sec (0.08 inches/sec), ppv is often used to provide the highest level of protection. All of these limits have been used successfully and compliance to these limits has not been known to result in appreciable structural damage. All vibration limits referred to herein apply on the ground level and take into account the response of structural elements (i.e. walls and floors) to ground-borne excitation.

4.3.2 Existing Setting

4.3.2.1 *Fundamentals of Noise*

Noise is defined as unwanted sound. Airborne sound is a rapid fluctuation of air pressure above and below atmospheric pressure. Sound levels are usually measured and expressed in decibels (dB) with 0 dB corresponding roughly to the threshold of hearing.

Most sounds heard in the environment do not consist of a single frequency, but rather a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. The method commonly used to quantify environmental sounds consists of evaluating all of the frequencies of a sound and weighting those to which the human ear is most sensitive (i.e., mid-range frequencies). This is called “A” weighting, and the decibel level measured is called the A-weighted sound level (dBA).

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously and, therefore, need to be averaged. In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. Because it is quieter and most people sleep at night, people are more sensitive to nighttime noise intrusion. The DNL (day/night average sound level) descriptor accounts for this sensitivity by weighing nighttime (10:00 PM to 7:00 AM) noise 10 dB higher than the daytime noise level.

A single number descriptor called the Leq is also widely used. The Leq is the average A-weighted noise level during a stated period of time.

4.3.2.2 *Fundamentals of Groundborne Vibration*

Ground vibration consists of rapidly fluctuating motions or waves. Several different methods are typically used to quantify vibration velocity, including peak particle velocity (ppv), which is used in this section. The disturbance created by vibration depends on the individual and/or the type of activity. For example, certain manufacturing processes necessitate a vibration-free environment. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors or stacked dishes.

4.3.2.3 *Existing Noise Sources and Levels*

The project site is bounded by Barber Lane to the west and I-880 to the east. Commercial uses bound the project site to the north and south. Vehicular noise from I-880 dominates the noise environment at the project site. Two long-term and six short-term noise measurements were completed at the project site to measure the noise levels during the daytime and nighttime hours. The noise measurement locations are shown in Appendix F. Based on the noise measurements, noise levels on the project site are projected to range from 80 dBA DNL adjacent to I-880 to 65 dBA DNL adjacent to Barber Lane.

4.12.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project result in:						
1. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,21
2. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,21
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,21
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,21
5. 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, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,21
6. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12,21

While CEQA does not specifically define what amount of noise level increase is considered significant, generally in high noise environments a project is considered by the City to have a significant impact if the project would: 1) substantially and permanently increase existing noise

levels by more than three dBA DNL (three decibels is the minimum increase generally perceptible to the human ear); or 2) would cause ambient noise levels to exceed General Plan guidelines.

4.3.3.2 *Short-Term Construction Noise and Vibration Impacts*

Construction Noise Impacts

Construction of the project would involve site improvements such as the establishment of utilities, removal of existing pavement, substantial excavation to create the underground parking garage and to lay foundations, building erection, paving, and landscaping. Pile driving could be used to construct the foundation. Noise impacts from construction activities depend on the various pieces of construction equipment, the timing and length of noise generating activities, the distance between the noise generating construction activities and receptors that would be affected by the noise, and shielding. Construction activities for individual projects are typically carried out in stages. During each stage of construction, there would be a different mix of equipment operating. Construction noise levels would vary by stage and vary within stages based on the amount of equipment in operation and location where the equipment is operating. Most demolition and construction noise is in the range of 80 to 90 dBA at a distance of 50 feet from the source.

The highest noise levels would be generated during grading, excavation, and foundation construction. The erection of large buildings from steel structures can also cause considerable noise for fairly long durations and would not typically be shielded by the surrounding structures. Jackhammers typically generate maximum noise levels of 85 dBA at a distance of 50 feet. Large pieces of earth-moving equipment, such as graders, scrapers, and bulldozers, generate maximum noise levels of 85 to 90 dBA at a distance of 50 feet. Pile driving can produce very high noise levels of about 105 dBA at 100 feet. Mat slab construction would generate lower noise levels than pile driving activities, but would introduce a large number of trucks into the construction area.

Commercial uses are located to the north, west, and south of the project area. During construction, noise levels would be elevated at these nearby businesses. Due to the proximity of the site to I-880, existing ambient noise levels at the site are high. Daytime noise levels at adjacent uses are estimated to range from 74 to 77 dBA Leq in areas adjacent to and in line-of-sight with I-880 to about 62 dBA Leq in areas that are well shielded and located west of the freeway. There are no noise sensitive exterior uses in the vicinity of the project site. Noise levels are typically about 30 dBA lower inside commercial structures, which are anticipated to be fully ventilated with windows normally closed. Average exterior noise levels at a distance of 100 feet from typical construction activities at the project site would range from 70 to 80 dBA. These noise levels drop off at a rate of about six dBA per doubling of distance between the noise source and receptor. Noise levels inside adjacent commercial structures could reach 40 to 50 dBA during busy construction periods and could reach 75 dBA during pile driving activities. Most construction activities would typically be similar to or below noise levels generated by activities within these uses (i.e., conversations, ambient music, etc.). Pile-driving activities would generate noise levels that would be anticipated to disturb occupants, but activities would be intermittent over a short duration within the overall construction schedule.

Impact NOI-1: During project construction, businesses in the vicinity of the site would be intermittently exposed to high noise levels. **[Same Impact as Approved Project (Significant Impact)]**

MM NOI-1.: The developer shall implement the following measures, which would reduce short-term construction noise impacts to a less than significant level. These measures shall be printed on all construction documents, contracts, and project plans:

- Construction equipment shall be well maintained and used judiciously to be as quiet as practical.
- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists.
- Prohibit all unnecessary idling of internal combustion engines and equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from businesses or noise-sensitive land uses.
- Notify all adjacent land uses of the construction schedule in writing.
- Designate a disturbance coordinator, responsible for responding to complaints about construction noise. The name and telephone number of the disturbance coordinator shall be posted at the construction site and made available to businesses, residences or noise-sensitive land uses adjacent to the construction site.
- If pile driving is necessary, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- If pile driving is necessary, when possible, the project shall work with the owners and managers of adjacent commercial uses to select days and times to conduct pile-driving activities that would minimize the impact on these uses.

Construction Vibration Impacts

Commercial uses adjoin the project site to the north and south. The commercial structure to the north is located less than 20 feet from the project site, and the commercial structure to the south is located about 75 feet from the project site. Pile driving may be required to construct the building foundation of the proposed project. The vibration from pile driving on the project site has the potential to cause structural and/or architectural damage to the commercial structure to the north of the project site and/or architectural damage to the commercial structure to the south of the project site. Other project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (e.g., tracked vehicles, compactors, etc.) would also

generate vibration in the immediate vicinity, but is not anticipated to cause structural or architectural damage to adjacent structures.

Impact NOI-2: Commercial uses north and south of the project site would be exposed to vibration during construction of the project foundation, particularly if pile driving is used as a construction method. **[Same Impact as Approved Project (Significant Impact)]**

MM NOI-2: The developer shall implement the following measures, which in addition to those measures listed above for short-term construction noise impacts, would reduce short-term construction vibration impacts to a less than significant level. These measures shall be printed on all construction documents, contracts, and project plans:

- Avoid impact pile driving where possible. Drilled piles or construction of slab mat foundation cause lower vibration levels where geological conditions permit their use.
- Identify any highly vibration sensitive uses located on the adjoining properties to the north and south of the site.
- If impact pile driving is proposed within 50 feet of adjacent structures or within 200 feet of any highly sensitive uses identified in the adjoining buildings, a construction vibration-monitoring plan would need to be implemented to document conditions prior to, during and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and in accordance with industry accepted standard methods. The construction vibration monitoring plan shall include the following tasks:
 - Schedule pile driving so that piles furthest from adjacent structures are driven first, and only after vibration levels are found to be within the limits is pile driving be allowed at closer distances.
 - Performance of a photo survey, elevation survey, and crack monitoring survey for each impacted structure. Surveys shall be performed prior to any construction activity, in regular interval during construction and after project completion and shall include internal and external crack monitoring in structures, settlement, distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of the structures.
 - Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be completed, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to complete photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies would be identified for when vibration levels approached the limits.

- At a minimum, vibration monitoring shall be completed during pavement demolition, excavation, and pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
- If vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of the contact person shall be clearly posted on the construction site.
- Complete a post-construction survey on structures where either monitoring has indicated high levels or complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.
- The results of all vibration monitoring shall be summarized and submitted in a report shortly after substantial completion of each phase identified in the project schedule. The report shall include a description of measurement methods, equipment used, calibration certificates and any required graphics to clearly identify vibration-monitoring locations. An explanation of all events that exceeded vibration limits will be included together with proper supporting documentation.

4.3.3.3 *Long-Term Noise Impacts*

Outdoor Use Areas

The City of Milpitas General Plan requires noise levels at common outdoor areas for residential uses to be 65 dBA DNL or less. The proposed project includes five outdoor use areas. These include: 1) a 4th floor rooftop pool to serve gym members; 2) a 9th floor private rooftop pool for the residents of the development; 3) a ground level courtyard area, a 9th floor rooftop garden, and a 4th floor dog park.

Exterior noise levels would be below 65 dBA DNL throughout the ground level courtyard area, which is well shielded from I-880 by the project structure. The majority of the 9th floor rooftop garden and portions of the 4th floor gym podium pool would also meet the 65 dBA DNL criteria. Noise levels in the dog park, eastern portions of the 4th floor gym pool area, and western and central portions of the 9th floor rooftop residential pool area would range from 65 to 70 dBA DNL. Noise levels in the eastern portion of the 9th floor residential pool area would exceed 70 dBA DNL. These noise levels take into account the noise attenuation provided by the 3.5-foot high parapet walls that would be constructed along the boundary of all rooftop use areas.

The results of the noise barrier modeling completed for the outdoor rooftop areas show that noise barriers would not reduce noise levels to a less than significant level. A six-foot high barrier was found to reduce noise levels by about one dBA, and a 12-foot high barrier was found to reduce noise levels by about two dBA. Noise levels would continue to exceed 65 dBA DNL throughout the residential pool area, even with the construction of a 12-foot high barrier around the perimeter of the roof.

Because residents of the proposed project would have access outdoor areas that meet the City's 65 dBA DNL criteria, including the 9th floor rooftop garden and the ground level courtyard, the exposure of portions of the outdoor common open-space areas to noise levels above the 65 dBA DNL criteria is less than significant. The portions of the rooftop outdoor areas that do not meet the 65 dBA DNL criteria, however, will not count towards the project's park land dedication requirement (refer to Section 4.15, Recreation). **[Same Impact as Approved Project (Less than Significant Impact)]**

Interior Noise Levels

The City of Milpitas and State standards require interior noise levels of residential units to be 45 dBA DNL or lower. The proposed residences would be exposed to exterior noise levels of up to 77 dBA DNL. Where exterior noise levels are less than 65 to 70 dBA DNL, interior noise levels can typically be maintained below 45 dBA DNL with the incorporation of forced air mechanical ventilation systems, which allow the windows to remain closed. Where noise levels exceed 65 to 70 dBA DNL, forced-air mechanical ventilation systems and sound-rated construction would be required.

Impact NOI-3: Without the provision of forced-air mechanical ventilation systems and/or implementation of sound-rated construction methods, the interior noise levels of the proposed residences would be above the City and State standard of 45 dBA DNL. **[Same Impact as Approved Project (Significant Impact)]**

MM NOI-3: The developer shall implement the following measures, which would reduce the interior noise levels of the proposed residences to a less than significant level (i.e., 45 dBA DNL or lower). These measures shall be printed on all construction documents, contracts, and project plans:

- Building design and treatments will be incorporated into the project to ensure interior noise levels would be 45 dBA DNL or lower and in compliance with State and City noise standards. A project-specific acoustical analysis shall be prepared to ensure that interior noise levels will be reduced to 45 dBA DNL or lower.
- A qualified acoustical consultant shall review final site plans, building elevations, and floor plans prior to the issuance of a building permit to calculate expected interior and exterior noise levels and ensure compliance with City policies and State noise regulations.

Project-Generated Traffic

The nearest noise sensitive uses, in the form of single-family residences, are located to the east of I-880 and about 1,300 feet from the project site. Residences are also located east of I-880, both to the north across E. Calaveras Boulevard (about 3,000 feet from the site) and to the south across Great Mall Parkway (about 2,500 feet from the site). The development of the project would result in increased traffic on the roadway network. Traffic data prepared for this Addendum was reviewed to determine whether or not there would be significant localized or area-wide increases in vehicular traffic noise as a result of project-generated traffic. A comparison of future traffic volumes with the proposed project to the traffic volumes that would occur without the proposed project shows that traffic noise levels would increase by less than one dBA DNL for the roadway segments most affected by project-generated traffic. This increase is not considered substantial because it would be less than a three dBA increase in noise, which is not perceptible. Therefore, the noise level increase resulting from project-generated vehicular traffic would not result in a significant noise impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.3.4 Conclusion

Incorporation of the mitigation and avoidance measures described above would reduce or avoid all significant noise and vibration impacts to a less than significant level.

Impact NOI-1: Short-term noise impacts during project construction are usually the result of construction during the early morning or late evening, improperly maintained equipment, and the general lack of consideration of noise generation at construction sites. Implementation of mitigation and avoidance measures MM NOI-1 would reduce construction noise impacts to a less than significant level by limiting hours of construction and holding the developer responsible for implementing feasible construction noise mitigation measures. The proposed project would not result in any new construction-noise impacts or substantially increase the severity of the construction-noise impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

Impact NOI-1: The vibration resulting from pile driving on the project site has the potential to cause structural and/or architectural damage to the commercial structure to the north of the project site and/or architectural damage to the commercial structure to the south of the project site. Implementation of mitigation and avoidance measures MM NOI-2 would reduce construction vibration impacts to a less than significant level by holding the developer responsible for completing structural and/or architectural surveys before and after pile driving to document any damage that may have occurred and monitoring vibration during pile driving. The proposed project would not result in any new construction-vibration impacts or substantially increase the severity of the construction-vibration impacts previously identified in the EIR certified

for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

Impact NOI-3: Without the provision of forced-air mechanical ventilation systems and/or implementation of sound-rated construction methods, the interior noise levels of the proposed residential units would be above the City and State standard of 45 dBA DNL. Implementation of mitigation and avoidance measures MM NOI-3 would reduce interior noise levels to a less than significant level by holding the developer responsible for submitting a project-specific acoustical analysis prepared by a qualified acoustical consultant that includes the provision of forced-air mechanical ventilation and all necessary sound-rated construction methods. The proposed project would not result in any new operational noise impacts or substantially increase the severity of the operational noise impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

Because residents of the proposed project would have access outdoor areas that meet the City's 65 dBA DNL criteria, including the 9th floor rooftop garden and the ground level courtyard, the exposure of portions of the outdoor common open-space areas to noise levels above the 65 dBA DNL criteria is less than significant. The portions of the rooftop outdoor areas that do not meet the 65 dBA DNL criteria, however, will not count towards the project's park land dedication requirement (refer to Section 4.15, Recreation). The proposed project would not result in any new exterior noise level impacts or substantially increase the severity of the exterior noise level impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

A comparison of future traffic volumes with the proposed project to the traffic volumes that would occur without the proposed project shows that traffic noise levels would increase by less than one dBA DNL for the roadway segments most affected by project-generated traffic. This increase is not considered substantial because it would be less than a three dBA increase in noise, which is not perceptible. Therefore, the noise level increase resulting from project-generated vehicular traffic would not result in a significant noise impact. Traffic generated by the proposed project would not result in any new noise impacts or substantially increase the severity of the traffic-generated noise impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.13 POPULATION AND HOUSING

4.13.1 Setting

The jobs/housing ratio quantifies the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/housing ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed locally.

According to the Association of Bay Area Governments (ABAG) Census, in the year 2010, the City of Milpitas had a total population of 66,790 with 19,184 households. For 2020, the projected population is 79,600 with 23,330 households.¹⁶

The City of Milpitas is a job-rich city, and one of the fastest growing employment centers in Santa Clara County. Although Milpitas had a deficiency of jobs per employed resident in 1980, the City achieved a ratio of 1.8 jobs per employed resident in 2005. This is projected to decline to 1.5 jobs per employed resident by 2015. Despite this increase in jobs, only 21% of the workers in Milpitas actually live in the City.¹⁷

The project site is the former location of the Billing’s Chevrolet auto dealership. The site is currently designated *General Commercial* on the City of Milpitas General Plan Map and is zoned *Commercial*, which allows for a wide range of retail sales, and personal and business services accessed primarily by the automobile. The designation does not allow residential uses. The existing auto showroom building on the project site is currently vacant.

4.13.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
1. 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12

¹⁶ Association of Bay Area Governments. Bay Area Plan Projections. 2013

¹⁷ City of Milpitas. General Plan. October 2010 Update.

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12

The proposed project would construct up to 450 residences, 42,000 square feet of retail uses, and 8,000 square feet of office uses. Based on an average of 2.7 residents per unit, 500 square feet per retail employee, and 375 square feet of office space per employee,¹⁸ the proposed project is expected to provide housing for approximately 1,215 residents, 84 retail jobs, and 21 office jobs.

The additional 1,215 residents would increase the City’s population by approximately two percent, which is approximately one twelfth of the 15,610 new residents predicted to live in the City of Milpitas by the year 2020. The incremental population increase that would result from the proposed project is not considered substantial.

The 450 residences that would be constructed under the proposed project, which is partially offset by the approximately 105 jobs that would be created by the project, would improve the jobs/housing balance in the City of Milpitas.¹⁹ Providing housing for more of the City’s workers would help reduce traffic congestion, commute times, energy consumption, and regional air pollution levels. The population increase from the proposed project represents a less than significant impact.

Because the existing project site does not provide housing, the proposed project will not displace existing housing or people.

4.13.3 Conclusion

The proposed project would not conflict with the City’s policies regarding an overall jobs/housing balance. The proposed project would not result in any new population and housing impacts or substantially increase the severity of the population and housing impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

¹⁸ City of Milpitas. General Plan. March 19, 2002.

¹⁹ Santa Clara County has an average of 1.23 employed residents per household. Therefore, the proposed project would provide housing for approximately 554 employees. This is housing for 449 more employees than the number of jobs created under the proposed project (i.e., 105).

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 *Fire Protection*

Fire protection on the project site is provided by the City of Milpitas Fire Department, which has four fire stations and an administration facility. The Milpitas Fire Department (Department) is responsible for emergency medical services, rescue services, hazardous and toxic materials emergency response, coordination of City-wide disaster response efforts, enforcement of fire and life safety codes, enforcement of state hazardous materials regulations, and investigation of fire cause, arson and other emergency events for cause and origin. The City participates in a Statewide Mutual Aid Agreement and Auto Aid & Mutual Aid with surrounding cities, including the Santa Clara County Mutual Aid Plan and Bay Area Intercounty Fire Mutual Aid Plan for Local Resources. The San José Fire Department and/or the Fremont Fire Department provide mutual aid to Milpitas in emergencies.

The nearest fire station to the project site is Station No. 4, located at 775 Barber Lane, approximately 0.2 miles to the northwest of the project site. Station No. 4 is typically staffed with three personnel with paramedic capability. The station is equipped with a combined engine/ladder company and a Hazardous Materials response team. Fire Station No. 1 is located at 25 West Curtis Avenue, and the Department's headquarters is located next to this station at 777 South Main Street, approximately 1.5 miles from the project site. Fire Station No. 3 is located at 45 Midwick Drive, approximately 3.3 miles from the site.

The Department emergency response time goal is to deploy one engine to the scene of an emergency within four minutes. The response time from Station No. 4 to the project site would be two minutes.²⁰

4.14.1.2 *Police Protection*

Police protection services are provided to the project site by the City of Milpitas Police Department (MPD). Services are provided from one central station, located at 1275 North Milpitas Boulevard. The Department employs 95 sworn officers and operates 26 marked patrol cars. The City is divided into six geographical beats and on most shifts and most days each beat is filled.

The average response time within the City is approximately four minutes and 40 seconds. Highest priority is assigned to emergency calls where life-threatening conditions exist. The target response time for emergency calls is three minutes.

²⁰ Albert C. Zamora, PE, Deputy Fire Chief, Fire Prevention Division. Email Communication. November 3, 2015.

4.14.1.3 Schools

The project site is located within the Milpitas Unified School District (District). The District has over 450 teachers serving 10,420 students (PK-12). Milpitas Unified comprises 13 schools (one high school, one continuation high school, two middle schools, and nine elementary schools) in addition to an adult education school.²¹ In total, the schools within the District have capacity for 11,466 students.

The nearest elementary school to the project site is Anthony Spangler Elementary School, located at 140 North Abbott Avenue, approximately 0.8 miles north of the project site. The nearest middle school serving the project site is Thomas Russell Middle School, located at 1500 Escuela Parkway, approximately 3.5 miles north of the project site. The nearest high school is Milpitas High School, located at 1285 Escuela Parkway, approximately 1.8 miles northeast of the project site. Calaveras Hills Continuation High School, an alternative high school, is located 2.3 miles east of the site.

4.14.1.4 Parks

The City of Milpitas owns over 200 acres of park and recreation facilities.²² In addition, Ed Levin County Park is within the City boundary and provides 1,544 acres of regional parkland. The nearest park to the project site is Cerano Park, located off of Murphy Ranch Road, approximately 0.6 miles southwest of the project site as the crow flies. Cerano Park is a neighborhood park adjacent Coyote Creek Trail and contains four picnic tables, two barbeque pits, one tennis court, a half basketball court, children's play structure, and an open grass area.²³ The Milpitas Community Center is located approximately 2.2 miles northeast of the project site and provides many of the City's recreation classes and activities.

4.14.1.5 Libraries

The Santa Clara County Library System consists of eight libraries and one bookmobile. The Santa Clara County Libraries are governed by the Joint Powers Authority, which is comprised of one City Council member from each of the eight member City jurisdictions and two members from the Santa Clara County Board of Supervisors. Property taxes pay for more than half the cost of operating the Library System. In addition to the property tax, property within the district is also assessed for enhanced service through a County Service Area.

The project site is served by the Milpitas Library, located at 160 North Main Street. The Milpitas Library provides programs and services for adults, teens, and children, an online public access catalog, CD-ROM and online data bases, Internet access, over 200,000 volumes, audio and video cassettes, DVDs and magazines. The Milpitas Library has approximately 50,000 visitors per month and circulates approximately 116,000 items a month.

²¹ Milpitas Unified School District. About MUSD. Accessed October 29, 2015 <http://www.musd.org/about.html>

²² City of Milpitas. General Plan. October 2010 Update

²³ City of Milpitas. Parks. Accessed October 26, 2015. Available at: <http://www.ci.milpitas.ca.gov/government/recreation/parks.asp>.

4.14.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,10,11,12
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12,13
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12

4.14.3 Fire Protection

The existing use on the site creates a relatively low demand for fire services. The commercial, office, and residential uses proposed by the project would change the type of services requested and increase the amount of requests received. Although the project would incrementally increase demand for fire protection as a result of increased density of development on the site, Fire Station No. 4 is less than a mile from the project site and its response time to the project site is within the Fire Department’s goal of four minutes. The proposed project will be reviewed by the Fire Department to ensure it is built to current Fire Code standards, which include features to reduce fire hazards (e.g., sprinklers and smoke detectors). Access to the site for emergency vehicles will be provided from all three driveways, which will be built to Fire Department specifications. In addition, the Fire Department may require one or more of the following be performed at the developer's expense to insure adequate communications between emergency responders inside buildings and the public safety dispatch facility: (1) pre-construction design review by a professional engineering firm specializing in radio frequency systems, (2) post-construction radio coverage testing by a technician employed by the City, and (3) installation of equipment to mitigate in-building radio coverage problems and its maintenance, and periodic re-testing. The Fire Department may also require the project to implement a Community Warning System, and equipment access easements may be required to be granted to the City of Milpitas.

Although the proposed project would increase demand for fire services, construction of new fire service facilities is not necessary to serve the proposed project or meet the Department response time goal. For these reasons, the proposed project will not result in a significant physical impact on the environment resulting from the construction of new fire protection facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.14.4 Police Protection

Although development of the proposed project would increase demand for police services, the construction of new police facilities would not be required to provide adequate police services. The proposed project would be constructed in conformance with current codes and reviewed by the Police Department to ensure appropriate safety features that minimize criminal activity are included in the site design. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.14.5 Schools

The MUSD student generation rate for attached housing is 0.12 students per unit.²⁴ The proposed project would construct up to 450 residences. Using the District’s student generation rate of 0.12 students per residence, the proposed project could generate a total of approximately 54 students that would attend MUSD schools.

There are a number of methods that can be used to accommodate the students generated by the proposed project that do not require constructing new schools. These methods include measures such as: 1) the provision of portable or relocatable classrooms, 2) expansion of existing schools, 3) the opening of existing schools previously considered surplus, 4) adjustment of school attendance boundaries, 5) the busing of students to schools with surplus capacity, or 6) the conversion to year-round schools with a four-track schedule.

State law (Government Code Section 65996) specifies an acceptable method of offsetting a project’s effect on the adequacy of school facilities as the payment of a school impact fee prior to issuance of a building permit. California Government Code Sections 65995-65998, sets forth provisions for the payment of school impact fees by new development as the exclusive means of “considering and mitigating impacts on school facilities that occur or might occur as a result of any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property.” [§65996(a)]. The legislation goes on to say that the payment of school impact fees “are hereby deemed to provide full and complete school facilities mitigation” under CEQA. [§65996(b)]. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code. The school impact fees and the school districts’ methods of implementing measures specified by Government Code 65996 would offset project-related increases in student enrollment.

²⁴ City of Milpitas. General Plan. October 2010 Update

The proposed project would increase the number of students attending public schools in the Milpitas Unified School District. The approximately 54 students generated by the project, however, would not require the construction of a new school. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.14.6 Parks

The General Plan sets standards for park and recreation facilities within the City. For new developments such as the proposed project, five acres of neighborhood/community parks are required per 1,000 residents. This requirement can be fulfilled through land dedication or through equivalent in-lieu fees. Up to 2.0 acres per 1,000 residents can be developed as usable on-site common or private open-space within new residential developments, and the remaining three acres must be developed as public parkland.²⁵

Using the City’s standard rate of 2.7 residents per household, development of the proposed project would provide housing for approximately 1,215 residents and, therefore, would be required to provide approximately 2.43-acres of neighborhood/community parks.

The proposed project includes five open-space areas. These include: 1) a 4th floor rooftop pool to serve gym members; 2) a 9th floor private rooftop pool for the residents of the development; 3) a ground level courtyard area, a 9th floor rooftop garden, and a 4th floor dog park. In addition, each of the proposed units include a private balcony. As discussed in Section 4.12, Noise, portions of the proposed common open-space areas and many of the balconies do not meet the City’s 65 dBA DNL noise standard and, therefore, are not considered usable open-space areas and do not count towards the project’s parkland requirement.

In accordance with the General Plan, a maximum of two acres of the common and private open-space areas proposed by the project that meet the City’s usable open-space standards would be counted towards the project’s five-acre parkland requirement. The remainder of the parkland requirement would be fulfilled through land dedication or equivalent in-lieu fees. For this reason, the increased demand upon existing parks and increased need for new parks resulting from the proposed project would not result in a significant impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.14.7 Libraries

Using the City’s standard rate of 2.7 residents per household, development of the proposed project would provide housing for approximately 1,215 City of Milpitas residents.²⁶ The population increase resulting from the proposed project would incrementally increase demand for library services. The proposed project, however, would not require the construction of a new library facility, in addition to the new library currently planned for by the City. **[Same Impact as Approved Project (Less than Significant Impact)]**

²⁵City of Milpitas. General Plan. March 19, 2002.

²⁶City of Milpitas. General Plan. March 19, 2002.

4.14.8 Conclusion

The proposed project would incrementally increase demand upon public services provided by the City of Milpitas, including fire and police protection, schools, parks, and libraries. With the payment of school impact fees per Government Code 65996 and the land dedication or equivalent in-lieu fees, the increased demand would not require the construction of new public service facilities or otherwise result in significant public services impacts. The proposed project would not result in any new public services impacts or substantially increase the severity of the public services impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.15 RECREATION

4.15.1 Setting

The City of Milpitas owns over 200 acres of park and recreation facilities.²⁷ In addition, Ed Levin County Park is within the City boundary and provides 1,544 acres of regional parkland. The nearest park to the project site is Cerano Park, located off of Murphy Ranch Road, approximately 0.6 miles southwest of the project site as the crow flies. Cerano Park is a neighborhood park adjacent Coyote Creek Trail and contains four picnic tables, two barbeque pits, one tennis court, a half basketball court, children’s play structure, and an open grass area.²⁸ The Milpitas Community Center is located approximately 2.2 miles northeast of the project site and provides many of the City’s recreation classes and activities.

4.15.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12, 13
2. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12, 13

Using the City’s standard rate of 2.7 residents per household, development of the proposed project would provide housing for approximately 1,215 residents. These residents would incrementally increase the use of existing neighborhood and regional parks. As discussed in Section 4.14, Public Services, the proposed project includes onsite common and private open-space areas, and the proposed project would meet the City’s usable open-space standards set forth in the General Plan. For this reason, the incremental increase in demand upon existing parks resulting from the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of a facility would occur or be accelerated.

²⁷ City of Milpitas. *General Plan*. October 2010 Update

²⁸ City of Milpitas. “Parks”. Accessed October 26, 2015. Available at: <http://www.ci.milpitas.ca.gov/government/recreation/parks.asp>.

Meeting the City’s usable open-space standards set forth in the General Plan also ensures the project would not require the construction or expansion of recreational facilities currently planned for in the General Plan. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.15.3 Conclusion

The proposed project, by adhering to the City’s usable open-space standards set forth in the General Plan, would not result in significant impacts resulting from the deterioration of existing recreational facilities or the construction of new or expanded recreational facilities. The proposed project would not result in any new recreation impacts or substantially increase the severity of recreation impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.16 TRANSPORTATION

This section is based, in part, upon a Traffic Operations Study prepared for the proposed project by *Hexagon Transportation Associates, Inc.* in May 2015. The purpose of this analysis was to determine if the proposed project, compared to the approved project, would result in greater impacts to traffic operations. The Traffic Operations Study is included as Appendix G of this Addendum.

4.16.1 Regulatory Setting

4.16.1.1 *Santa Clara Valley Transportation Authority*

The Santa Clara Valley Transportation Authority (VTA) is the Congestion Management Agency (CMA) for Santa Clara County and oversees the Santa Clara County *Congestion Management Program* (CMP). The CMP identifies regional intersections in the county that are under the control of the CMA. The CMA requires a Transportation Impact Analysis if 100 or more peak hour vehicle trips are generated by the project. CMA's traffic level of service standard for CMA intersections in the county is LOS E.

4.16.1.2 *City of Milpitas Level of Service Policies*

The City of Milpitas General Plan states that the level of service goal for the local roadway system is LOS D for City intersections and LOS E for regional CMA intersections.

4.16.2 Existing Setting

4.16.2.1 *Transportation System*

The transportation system includes the roadway network, pedestrian and bicycle facilities, and public transit. These components of the transportation system as they related to the project site are discussed in further detail below.

Roadway Network

Regional access to the project site is provided by I-880, Interstate 680 (I-680), SR 237, Montague Expressway, and Tasman Drive/Great Mall Parkway. Local access to the site is provided by McCarthy Boulevard, Barber Lane, and Alder Drive. The roadway network is shown on Figure 4.16-1 and described in further detail below.

I-880 is a north-south freeway east of the project site ending in the City of San Jose to the south and the City of Oakland to the north. In the vicinity of the project site, the freeway includes eight and six lanes to the north and south of SR 237/Calaveras Boulevard, respectively. Regional access to the project site is provided via the interchange at Tasman Drive/Great Mall Parkway. Although both travel directions are congested during the PM peak hour, the peak direction of travel is southbound during the AM peak hour and northbound during the PM peak hour.



KEY:
 ① = Study Intersections

N
 Not to Scale

I-680 is a north-south freeway east of the project site ending in the City of San Jose to the south and Solano County to the north. In the vicinity of the project site, the freeway includes six mixed-flow lanes plus a southbound HOV lane and eight mixed-flow lanes to the north and south of Calaveras Boulevard (SR 237), respectively. Access to the site is provided via an interchange at Calaveras Boulevard. Southbound I-680 is the commute direction during the AM peak hour, and northbound I-680 is the commute direction during the PM peak hour.

SR 237 is an east-west roadway that includes two distinct facilities: a six-lane freeway extending from I-880 west to US 101, and a four- to six-lane arterial roadway between I-880 and I-680 with an elevated section over the Union Pacific Railroad tracks and Main Street. The arterial section is locally designated as Calaveras Boulevard and is six lanes, except on the bridge over the Union Pacific railroad tracks and Main Street, where it is four lanes. Calaveras Boulevard serves as a major commute route with heavy directional travel during the peak hours (westbound in the morning and eastbound in the afternoon). Regional access to the project site is provided via the interchange at McCarthy Boulevard.

Montague Expressway is an east-west, six- to eight-lane divided arterial roadway extending from US 101 east to I-680. This facility is designated San Tomas Expressway west of US 101 and Landess Avenue east of I-680. Montague Expressway includes directional HOV lanes during peak periods (westbound during the morning and eastbound during the afternoon commute hours). Montague Expressway connects with I-880 via a full cloverleaf interchange.

Tasman Drive is an east-west, six-lane divided arterial roadway extending from I-880 west into the Cities of San Jose, Santa Clara, and Sunnyvale. Great Mall Parkway is an east-west, six-lane divided arterial roadway extending from I-880 east to Montague Expressway. Tasman Drive is designated Great Mall Parkway east of I-880 and extends to Montague Expressway. Great Mall Parkway becomes Capitol Avenue east of Montague Expressway and continues south through the City of San Jose. VTA operates light-rail transit (LRT) service along the median of Tasman Drive/Great Mall Parkway/Capitol Avenue.

McCarthy Boulevard is a north-south, four- to six-lane arterial roadway extending from Dixon Landing Road (north of Ranch Drive) south to Montague Expressway. McCarthy Boulevard is designated as O'Toole Avenue south of Montague Expressway.

Barber Lane is a north-south, two-lane collector roadway extending from Bellew Drive south to McCarthy Boulevard (near Montague Expressway). Barber Lane runs parallel to and between McCarthy Boulevard and I-880. Barber Lane crosses under Tasman Drive, which is accessed via Alder Drive.

Alder Drive is an east-west, four-lane collector roadway extending from McCarthy Boulevard east to Barber Lane. Alder Drive serves as the connection between Barber Lane and Tasman Drive.

Pedestrian Facilities

Pedestrian facilities are comprised of sidewalks, crosswalks, and off-street paths. In the project area, sidewalks are provided on both sides of Barber Lane, Bellew Drive, and Tasman Drive. A pedestrian path, parallel to Tasman Drive, provides a connection from Alder Drive to the sidewalk on the west side of Barber Lane. There are no sidewalks on Barber Lane south of the Tasman Drive overpass. Sidewalks are also provided on one or both sides of Alder Drive, and McCarthy Boulevard near the site. Crosswalks are located at all signalized intersections in the project area and a crosswalk across Barber Lane is located approximately 500 feet south of the project site.

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III). Bicycle paths are paved trails that are separate from roadways. Bicycle lanes are lanes on roadways designated for bicycle use by striping, pavement legends, and signs. Bicycle routes are roadways designated for bicycle use only by signs.

Class I bicycle paths are located on both sides of SR 237 west of McCarthy Boulevard and on the east side of Coyote Creek north of SR 237. Class II bicycle lanes are located on both sides of Barber Lane, Alder Drive, and Tasman Drive/Great Mall Parkway. Class III bicycle routes are located on McCarthy Boulevard and Ranch Drive.

Public Transit

Public transit in the immediate project area includes bus and light rail service operated by the Santa Clara Valley Transportation Authority (VTA).

Bus Service

The Altamont Commuter Express (ACE) Purple Shuttle (Bus Route 825) and ACE Violet Shuttle (Bus Route 831) operate on portions of McCarthy Ranch Boulevard with stops located at Bellew Drive for both routes. Bus routes 140 and 330 operate on Tasman Drive with stops located at Alder Drive. Bus route 180 and 181 pass through the I-880/Tasman Drive interchange without making stops in the project area. Bus routes 104 and 120 operate along SR 237 without making stops in the project area.

Light Rail Service

The Santa Teresa-Alum Rock light rail line operates on Tasman Drive with stops located at Alder Drive, approximately 2,200 feet southwest of the project site.

4.16.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
1. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12, 18
2. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12, 18
3. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12, 18
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12, 18
5. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12, 18
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12, 18

4.16.2.1 *Trip Generation*

The number of vehicle trips generated by the proposed project was calculated to determine if the proposed project would generate more or less trips than the approved project. The assumptions used to calculate the trip generation for the approved project were used to estimate the trip generation for the proposed project. A detailed breakdown of the trips generated by the proposed project is provided in Appendix G. Overall, the proposed project would generate substantially fewer trips than the approved project. The proposed project would generate 3,843 fewer total daily trips, with 119 and 284 fewer AM and PM peak hour trips, respectively. During the AM peak hour, the proposed project would generate 133 fewer inbound trips and 14 additional outbound trips. The increase in AM peak hour outbound trips is the result of the additional 150 residences proposed by the project. During the PM peak hour, the proposed project would generate fewer trips in both the inbound and outbound directions.

4.16.2.2 *Trip Assignment*

Residential, office, and retail land uses have slightly different directional distributions. The trip distribution used to evaluate the approved project was used to evaluate the proposed project. The traffic generated by the proposed project was assigned to the roadway network to determine whether the proposed project would increase traffic upon specific roadways or intersections in the project area. At each intersection movement, the traffic generated by the proposed project was subtracted from or added to the traffic generated by the approved project.

Under the proposed project, some intersection movements would experience small traffic increases during the AM and PM commute periods, but most of the intersection movements would experience considerably lower traffic volumes (i.e. negative trips). The largest traffic increases would occur at the northbound and southbound through movements at the intersection of McCarthy Boulevard & Bellew Drive/Technology Drive. Overall, none of the traffic increases created by the proposed project would be large enough to result in significant traffic impacts.

4.16.2.3 *Level of Service Analysis*

Level of Service Methodology

The operations of roadway facilities are described with the term Level of Service. Level of Service (LOS) is a measure of traffic flow based on such factors as speed, travel time, delay, and freedom to maneuver. Six levels are defined from LOS A, as the best operating conditions, to LOS F, or the worst operating conditions. LOS E represents operations with high delay values indicating poor progression, long cycle lengths, and high volume to capacity (V/C) ratios. When volumes exceed capacity, stop-and-go conditions result, and operations are designated as LOS F.

In order to verify that the proposed project would not create new traffic impacts or substantially increase the severity of traffic impacts identified to occur as a result of the proposed project, a level of service analysis was completed for the following three most congested intersections in the project vicinity:

- McCarthy Boulevard & SR 237 westbound ramps
- McCarthy Boulevard & SR 237 eastbound ramps
- McCarthy Boulevard & Bellew Drive/Technology Drive

New AM (7-9) and PM (4-6) peak hour intersection turn movement counts were conducted at these intersections on Thursday, April 30, 2015. Field observations were conducted at these intersections on April 28 and 29, 2015. The observations revealed the following operational issues:

- During the AM peak hour, vehicles from the SR 237 westbound ramp meter queued back to McCarthy Boulevard. This resulted in a southbound right turn queue on McCarthy Boulevard that extended from the SR 237 westbound ramp to Ranch Drive (S). The problem was caused by insufficient green time at the ramp meter and a lack of capacity of SR 237 westbound during the AM commute period. The ramp meter is operated by Caltrans.
- During the PM peak hour, eastbound vehicle queues on Technology Drive spilled out of the existing left turn pocket and extended more than 500 feet from McCarthy Boulevard. For approximately 30 minutes during the PM commute period, this movement did not clear the intersection in a single signal cycle. The proposed project would not add any trips to this movement. All other movements generally cleared the McCarthy Boulevard & Bellew Drive/Technology Drive intersection in a single signal cycle. Occasionally, northbound vehicle queues on McCarthy Boulevard from the SR 237 eastbound ramps intersection spilled back to Technology Drive, blocking traffic on eastbound Technology Drive from making a left turn onto northbound McCarthy Boulevard.

Level of service calculations were conducted in accordance with City of Milpitas and VTA CMP level of service guidelines. The level of service results were compared for the following scenarios:

- Existing (from new traffic counts)
- Existing plus Approved Project
- Existing plus Proposed Project

The results of the analysis show that intersection delays during the AM and PM peak hours under the proposed project would be the same or lower than those of the approved project. The intersection LOS calculations are summarized in Appendix G. Therefore, the proposed project would result in lower overall delays for motorists traveling through the corridor. As with the approved project, the proposed project would result in significant and unavoidable traffic impacts. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

4.16.3 Conclusion

A level of service comparison was conducted for the approved project and the proposed project. The analysis showed that, relative to the approved project, the proposed project would generally reduce delays for motorists at the study intersections. None of the traffic increases created by the proposed project at specific intersection movements would result in new or substantially greater traffic impacts. As with the approved project, the proposed project would result in significant and

unavoidable traffic impacts. The proposed project would not result in any new transportation impacts or substantially increase the severity of the transportation impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

The project site and surrounding area is a developed urban environment and is currently served by existing utility and service systems.

4.17.1.1 *Water Service*

The City of Milpitas provides water to the project site. Currently, the source of the domestic water used in Milpitas includes the San Francisco Public Utility Commission (SFPUC) and the Santa Clara Valley Water District (SCVWD). The SFPUC and the SCVWD will continue to supply all potable water to the City for the next 30 years. No new water sources will be added. The project site is within the SCVWD wholesale distribution area.

A 14-inch water main located in Barber Lane serves the project site. According to the build-out scenario of the 2009 Water Master Plan Update, the existing three-acre project site developed with commercial uses is projected to use up to 7,200 gallons of water per day and the approved project is projected to use up to 116,815.²⁹

Recycled Water

The City of Milpitas purchases water from the South Bay Water Recycling program. The South Bay Water Recycling Program (SBWRP) is an on-going, multi-year effort to use high quality recycled water from the San José-Santa Clara Regional Wastewater Facility for irrigation, industrial, and other purposes. Phase 1 consists of approximately 60 miles of distribution pipeline to serve 240 customers in Milpitas, San Jose, and Santa Clara. Construction on the Milpitas Pipeline segment began in winter of 1997 and provides recycled water to business/retail areas surrounding McCarthy Ranch and Oak Creek Industrial Park. There is an existing four-inch recycled water main located in Barber Lane that would serve the project site.

4.17.1.2 *Sanitary Sewer/Wastewater Treatment System*

The City's sanitary sewer/wastewater treatment system has two distinct components: 1) a network of sewer mains/pipes that collects and conveys effluent from its source to the treatment plant, and 2) the water pollution control plant that treats the effluent, including a system of mains/pipes that transports a portion of the treated wastewater for non-potable uses (e.g., irrigation of landscaping, agricultural irrigation, dust suppression during construction, etc.).

Sanitary Sewer Mains

The Milpitas Sanitary Sewer Collection System is owned and maintained by the City of Milpitas. There is an existing 27-inch sanitary sewer main in Barber Lane. The City of Milpitas Sewer Master

²⁹ City of Milpitas. Water Master Plan Update. December 2009

Plan shows that the site zoned *General Commercial*, which projects a generation of 1,000 gallons of sewage per day per acre. Therefore, the three-acre project site is projected to discharge up to 3,000 gallons of sewage per day.

San José-Santa Clara Regional Wastewater Facility

The San José-Santa Clara Regional Wastewater Facility, which is located at the northerly end of San José, cleans the wastewater of over 1,500,000 people that live and work in the 300-square mile area encompassing San Jose, Santa Clara, Milpitas, Campbell, Cupertino, Los Gatos, Saratoga, and Monte Sereno. The facility has existing capacity to treat 167 million gallons of effluent per day (mgd). Of this total amount, the capacity allocated to the City of Milpitas is roughly 13.5 mgd.

While the capacity of the facility is 167 mgd, the amount of treated wastewater that can be discharged to San Francisco Bay by the facility is limited to 120 mgd (dry weather peak). This limitation is based upon the concerns of the State Water Resources Control Board and the Regional Water Quality Control Board over the effects of additional freshwater discharges from the facility on saltwater marsh habitat, as well as pollutant loading to the Bay from the facility. This limitation has led to the development of programs to reduce the volume of wastewater generated at the source, as well as a system that recycles some of the wastewater for non-potable uses.

4.17.1.3 Storm Drain System

The City of Milpitas owns and maintains the storm drainage system which serves the project site. An existing 42-inch stormwater main in Barber Lane currently serves the project site. Except for minimal landscaping, the project site is covered with impermeable surfaces. Therefore, the existing rate of stormwater runoff from the project site is high.

4.17.1.4 Solid Waste Disposal System

Republic Services (formerly Allied Waste Services) of Santa Clara County provides residential solid waste and recycling collection services for the City of Milpitas. Republic Services owns and operates Newby Island Landfill. As of May 2014, the remaining capacity at the landfill was 20.1 million cubic yards.³⁰

³⁰ McGourty, Scott. Personal communications with Republic Services, Inc. Environmental Manager at NISL. May 19, 2014.

4.17.2 Environmental Checklist and Discussion of Impacts

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
Would the project:						
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
2. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
3. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12, 14
5. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12
6. Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12, 23
7. Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11,12, 23

4.17.2.1 *Water Demand*

The water demand rates in the City’s Water Master Plan for the proposed uses are 0.15 gpd per gross square foot of retail development, 0.16 gpd per gross square foot of office development, and 243 gpd per dwelling unit. Using these rates, the project would generate a total base water demand of 116,930 gpd.³¹

The project site will be supplied with water purchased from the SCVWD, which receives its water supply for this area primarily from imported surface water. While the proposed project would result in a substantial net increase in water demand compared to the existing use (a net increase of approximately 109,730 gpd), the City of Milpitas has determined that there is sufficient water supply available to serve the proposed project. To reduce potable water demand, the project will incorporate water conservation practices to the maximum extent practicable (e.g., water efficient fixtures, appliances, and landscaping) in accordance with City policies and utilize recycled water to the maximum extent practicable (e.g., irrigation).³² City development policies require the developer to design and install all water mains in accordance with the City’s Water Master Plan. In addition, the developer is required to pay all water related fees including connection fees and water treatment plant fees.

The existing 14-inch water main located in Barber Lane has sufficient capacity to serve the proposed project (including fire flow). No new or extended entitlements will be required to supply water to the project.

Impact UTIL-1: The proposed project would substantially increase water demand compared to the existing use. **[Same Impact as Approved Project (Significant Impact)]**

MM UTIL-1: The proposed project would substantially increase water demand at the site compared to the existing commercial use and zoning designation. Prior to issuance of an occupancy permit, the developer shall implement the following measures, which would reduce impacts to the water system to a less than significant level. These measures shall be printed on all construction documents, contracts, and project plans:

- The developer shall design and install all water lines necessary to serve the development (including fire flow), sized in accordance with the City’s Water Master Plan and Guidelines.
- The developer shall purchase adequate public system water capacities for the project, including costs for capacity and storage needs above the master plan capacities, as determined by the City.

³¹ 6,300 (0.15 gpd x 42,000 gross square feet retail) + 1,280 (0.16 gpd x 8,000) gross square feet office + 109,350 (243 gpd x 450 residences) = 116,930 gpd

³² Recycled water is permitted for external perimeter irrigation only (i.e., not in the atrium).

- Prior to receiving recycled water, the site shall be permitted by South Bay Water Recycling (SBWR). In general, a permit will be granted after the following steps have been completed:
 - Plan Submittal and Approval
 - Inspection
 - Retailer Service Meter
 - Customer Training

4.17.2.2 *Sanitary Sewer/Wastewater Impacts*

Per the City of Milpitas Sewer Master Plan, the existing project site is projected to discharge 3,000 gallons of wastewater per day. The wastewater generation rates for the proposed uses are 0.10 gpd per gross square foot of retail and office development and 243 gpd per dwelling unit. Using these rates, the total wastewater generation for the project is 114,350 gpd³³, which is 111,350 gpd of wastewater generated above the existing condition.

The Milpitas Main Sewer Pump Station was recently replaced. This station lifts flows from local sewer mains to the San José-Santa Clara Regional Wastewater Facility. The pump station can pump from 39 to 44 million gallons per day (MGD) and can accommodate flows from this project.

San José-Santa Clara Regional Wastewater Facility

The San José-Santa Clara Regional Wastewater Facility provides wastewater treatment for the City of Milpitas. The facility has existing capacity to treat 167 million gallons of effluent per day (mgd). Effective July 1, 2006, the City of Milpitas' facility allocation was increased from 12.5 mgd to 13.5 million gallons per day (mgd). It is anticipated that the citywide demand will exceed the existing 13.5 mgd facility allocation upon General Plan build-out. The project will increase the flow of wastewater to the City's wastewater collection system and the regional treatment plant. Project permits are contingent upon the City determining adequate collection system and treatment plant capacity are available.

Impact UTIL-2: The project will reduce the available limited capacity at the San José-Santa Clara Regional Wastewater Facility. **[Same Impact as Approved Project (Significant Impact)]**

MM UTIL-2: The project will reduce the City's available limited treatment capacity at the San José-Santa Clara Regional Wastewater Facility. Prior to issuance of an occupancy permit, the developer shall implement the following measures, which would reduce impacts to the sanitary sewer system to a less than significant level. These measures shall be printed on all construction documents, contracts, and project plans:

³³ 4,200 (0.10 gpd x 42,000 gross square feet retail) + 800 (0.10 gpd x 8,000 gross square feet office) + 109,350 (243 gpd x 450 residences) = 114,350 gpd

- The developer shall purchase adequate public sewage system capacities for the respective development. Fees shall consist of connection fees, treatment plant fees up to the build-out master plan levels, plus additional fees for costs of sewage collection and regional plant capacity needs above the build-out master plan capacities, and proportional replacement costs for a new Main sewage pump station above the existing 2001 Master Plan capacities, as determined by the City.
- As a condition of project approval by the City of Milpitas, the developer will design and construct all sanitary sewer connections in accordance with the City’s Sewer Master Plan and City Engineering Standards and Guidelines. In addition, the developer will purchase adequate public system sewage capacity. Fees shall consist of treatment plant fees up to the levels established in the current Sewer Master Plan and, if necessary, proportional costs for additional sewage capacity purchased by the City of Milpitas, as determined by the City.

4.17.2.3 *Storm Drainage Impacts*

Compared to existing conditions, the proposed project would increase permeable surfaces on the project site, which would reduce both the amount and rate of stormwater runoff from the site. Based on the City of Milpitas Stormwater Master Plan, the existing 42-inch stormwater main in Barber Lane serving the project site has capacity to carry anticipated project storm drainage flows. The developer shall design and construct all necessary storm drains and appurtenances to serve the project, in accordance with the City’s Storm Drain Master Plan and City Engineering Standards and Guidelines. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.17.2.4 *Solid Waste Impacts*

The proposed project would dispose of approximately 839 tons of solid waste per year.³⁴ The Newby Island landfill has capacity to handle the additional solid waste that would be disposed by the proposed project. The City of Milpitas administers a commercial and residential recycling program that complies with state-mandated waste reduction goals specified in the Public Resources Code Section 40500. The proposed project will recycle demolition/construction materials to the maximum extent practicable and will participate in the commercial and residential recycling program and the City’s solid waste program, which will reduce the total amount of garbage taken to the landfill. The developer will coordinate with the City to ensure sufficient on-site space and access is allocated for commercial and residential recycling facilities in accordance with State law. **[Same Impact as Approved Project (Less than Significant Impact)]**

³⁴ Based on the following waste disposal rates: 0.42 tons per multi-family residence per year, 13 pounds per 1,000 square feet commercial (office and retail) space per day, and 10.8 tons per year per 1,000 square feet automobile dealership/repair facility. $0.42 \times 450 + 13 \times 50 =$ Source: California Integrated Waste Management Board, <http://www.calrecycle.ca.gov/wastechar/wastegenrates/> October 26, 2015.

4.17.4 Conclusions

Compared to existing conditions, the proposed project would reduce both the volume and rate of stormwater runoff generated by the project site. Therefore, the existing stormwater facilities serving the project site have capacity to serve the reduced demand of the proposed project. The proposed project would not result in any new stormwater facility impacts or substantially increase the severity of the stormwater facility impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

The Newby Island landfill has capacity to handle the solid waste that would be disposed by the proposed project. The project would participate in the City of Milpitas commercial and residential recycling program and the City’s solid waste program. Commercial and residential recycling facilities will be provided onsite in accordance with State law. The proposed project would not result in any new solid waste impacts or substantially increase the severity of the solid waste impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact)]**

Impact UTIL-1: The proposed project would substantially increase water demand compared to the existing use. Prior to issuance of an occupancy permit, the developer shall implement mitigation measure MM UTIL-1, which would reduce impacts to the water system to a less than significant level. The proposed project would not result in any new water system impacts or substantially increase the severity of the water system impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

Impact UTIL-2: The proposed project will reduce the City’s available limited treatment capacity at the facility. Prior to issuance of an occupancy permit, the developer shall implement mitigation measure MM UTIL-2, which would reduce impacts to the sanitary sewer system to a less than significant level. The acquisition of additional plant capacity will not require the expansion of the existing wastewater treatment facility or construction of a new facility. The proposed project will not cause the wastewater treatment facility to exceed its existing capacity. The proposed project would not result in any new sanitary sewer system impacts or substantially increase the severity of the sanitary sewer system impacts previously identified in the EIR certified for the approved project. **[Same Impact as Approved Project (Less than Significant Impact with Mitigation)]**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

	New Potentially Significant Impact	New Less Than Significant With Mitigation Incorporated	New Less Than Significant Impact	Same Impact as “Approved Project”	Less Impact than “Approved Project”	Checklist Source(s)
1. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-27
2. 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-27
3. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-27
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-27

4.18.1 Project Impacts

As discussed in Sections 4.1 through 4.17 of this Addendum, the proposed project has the potential to result in air quality, biological resource, cultural resource, geology and soils, hazardous materials,

hydrology and water quality, noise and vibration, transportation, and utility and service systems impacts. These are the same impacts that would occur under the approved project. As stated in the project description (refer to Section 3.0 of this Addendum), the proposed project includes all the mitigation measures described in the certified EIR and required as conditions of approval for the approved project. For these reasons, the proposed project would not result in new or greater impacts than those that would occur under the approved project. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

4.18.2 Short-term Environmental Goals vs. Long-term Environmental Goals

The proposed project would not advance short-term environmental goals to the disadvantage of long-term environmental goals. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.18.3 Cumulative Impacts

The approved project would result in cumulative traffic and energy impacts. As discussed in Section 4.16 of this Addendum, the proposed project would not result in new or greater traffic impacts than those that would occur under the approved project. The approved project and the proposed project are mixed-use, infill developments that are proximate to public transit, employment, and retail uses and that would improve the jobs/housing balance in the City of Milpitas. These features would reduce vehicle use to and from the project site and, therefore, reduce energy consumption. For these reasons, the proposed project would not result in a new cumulative impact or increase the severity of a cumulative impact identified to occur under the proposed project. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

4.18.4 Direct or Indirect Adverse Effects on Human Beings

The proposed project would not result in new or greater impacts than those that would occur under the approved project and, therefore, would not result in new or greater adverse effects on human beings. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.18.5 Conclusion

The proposed project would result in the impacts identified to occur under the approved project. As stated in the project description (refer to Section 3.0 of this Addendum), the proposed project includes all the mitigation measures described in the certified EIR and required as conditions of approval for the approved project. For these reasons, the proposed project would not result in new or greater impacts than those that would occur under the approved project. **[Same Impact as Approved Project (Significant Unavoidable Impact)]**

Checklist Sources

1. CEQA Guidelines – Environmental Thresholds (Professional Judgement and expertise and review of project plans).
2. Association of Bay Area Governments, Bay Area Plan Projections, 2013
3. Bay Area Air Quality Management District, Bay Area 2010 Clean Air Plan, September 2010
4. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, May 2011
5. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, 2012
6. California Department of Conservation. Revised Mineral Land Classification Map, Aggregate Resources Only, South San Francisco Bay Production-Consumption Region, Milpitas Quadrangle, 1996
7. California Department of Conservation, Santa Clara County Important Farmland Map 2012, August 2014
8. California Department of Transportation, California Scenic Highway Mapping System.
9. City of Milpitas, Climate Action Plan, May 2013
10. City of Milpitas Fire Department, Firefighter Sanders, personal communication, August 9, 2006
11. City of Milpitas, General Plan, March 2002 (and 2010 updates)
12. City of Milpitas, Environmental Impact Report for the Landmark Tower Mixed Use Development, April 2008
13. City of Milpitas, “Parks”, Accessed October 26, 2015, Available at: <http://www.ci.milpitas.ca.gov/government/recreation/parks.asp>
14. City of Milpitas, Water Master Plan Update, December 2009
15. County of Santa Clara, County Geologic Hazard Zones, February 26, 2002
16. *David J. Powers and Associates, Inc.*, Landmark Tree Survey, September 2007
17. Federal Emergency Management Agency, Flood Insurance Rate Map: City of Milpitas California Santa Clara County Community-Panel Number 0603440003 G., June 22, 1998

18. *Hexagon Transportation Associates, Inc.*, Traffic Operations Study, May 2015
19. *Holman & Associates*, Archaeological Literature Review, 600 Barber Lane, Milpitas, Santa Clara County, September 2006.
20. *Illingworth & Rodkin, Inc.*, Air Quality and Greenhouse Gas Emissions Assessment, July 2015
21. *Illingworth & Rodkin, Inc.*, Environmental Noise Assessment, May 2015
22. *Mark Thomas & Company, Inc.* Stormwater Control Plan, July 2015
23. McGourty, Scott. Personal communications with Republic Services, Inc. Environmental Manager at NISL, May 19, 2014
24. *Odic Environmental*, Phase I Environmental Site Assessment, March 2014
25. Santa Clara Valley Urban Runoff Pollution Prevention Program, Hydromodification Management (HM) Applicability Map City of Milpitas. November 2010
26. Santa Clara County Airport Land Use Commission. Comprehensive Land Use Plan, Norman Y. Mineta San Jose International Airport, May 25, 2011
27. *TRC Lowney*, Geotechnical Feasibility Investigation, July 2006

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