Zhang Condominiums Project—1316 South Main Street
City of Milpitas

CEQA Analysis
Final

Lead Agency:
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA

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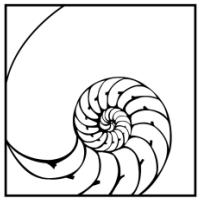

October 27, 2016

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General Project Information

1. **Project Title:** Zhang Condominiums

2. **Lead Agency Name and Address:** City of Milpitas
   Building & Safety Department
   455 East Calaveras Boulevard
   Milpitas, CA

3. **Contact Person and Phone Number:** Michael Fossati, Senior Planner
   408-586-3274

4. **Project Location:** 1316 South Main Street, Milpitas

5. **Assessor's Parcel Number**: 086-23-006

6. **Project Sponsor's Name and Address:** George Zhang
   641 Teresa Lane
   Los Altos, CA 94204

7. **Existing Zoning:** R4-TOD Multi-Family Very High Density Residential

8. **Requested Permits:** Site Development Permit
   Conditional Use Permit
   Building Permit
   Encroachment Permit
   Tree Removal Permit

Executive Summary

Background

The City of Milpitas ("City") is located at the northern edge of Santa Clara County, bounded by San Jose to the south and west, Fremont to the north, and unincorporated land to the east. The city is at the crossroads of I-880 and I-680, Highway 237, and the Montague Expressway. The Milpitas Transit Area lies between these major vehicular routes at the southern edge of the city.

In 2008, the City of Milpitas adopted the Transit Area Specific Plan (TASP) and certified the TASP EIR. The TASP proposes transit-oriented residential and commercial redevelopment on industrial land around existing light rail stations and a future BART station (under construction, expected to begin operations in Fall 2017) in the City of Milpitas.

The TASP Planning Area is also largely within the area of the Midtown Milpitas Specific Plan, adopted by the City in 2002. The Midtown Plan provides direction for southern areas of the city in terms of land use, circulation, community design, and utilities and services. Policy 7.5 of the Midtown Milpitas Plan requires the creation of a coordinated development plan for the parcels at and around the proposed BART station. The Milpitas Transit Area Specific Plan fulfills that requirement.

Project Summary

George Zhang ("Applicant") is planning to construct a four story building with three floors of residences and an occupied roof recreation deck over at-grade parking, consisting of 18 condominium units above the ground floor, and 31 covered parking spaces and 14 tandem spaces in an at-grade parking garage ("Project") in the City of Milpitas. There are also 7 surface parking stalls proposed to be located at the rear of the project, including 2 tandem spaces.

The Project consists of a Tentative Map, Site Development Permit, and Conditional Use Permit for the condominium development on an approximately 0.4-acre site. The project site is located within the Planning Area of the Milpitas Transit Area Specific Plan (TASP), at 1316 South Main Street in Milpitas, approximately 200 feet northeast of the intersection with South Abel Street. It is bounded by Lower Penitencia Creek to the east and South Main Street to the west. A spur of the Union Pacific Railroad Warm Springs Subdivision Main Line runs parallel to the eastern site boundary, between the property line and Lower Penitencia Creek. The tracks lie approximately 30' east of the rear property line. Up to three train pass-bys occur each day before 5pm.

The Site now contains two existing commercial structures and an associated parking lot. The Project proposes to develop the site into high-density residential housing, consistent with its zoning designation of R4-TOD in the TASP. The condominium units will be wood-framed construction on a raised podium deck. The roof is proposed to be utilized for outdoor recreation and stormwater mitigation.

The Applicant has requested exceptions to setback regulations included in the TASP: to reduce the rear yard setback of 30 feet, reduce the side yard setback of 15 feet, as well as use tandem parking. The Project also involves a below-base flood elevation elevator, which will need to be flood-proofed in conformance with FEMA technical standards.

The major construction-related elements include:

- Demolition of existing structures
- Site grading, including surface preparation and approximately 3' pad build-up, utility connections and limited excavations for the foundation, footings and utility services.
- Concrete masonry fences will be built at the rear of the property and on both sides (north and south) that adjoin neighboring properties.

CEQA Findings

Based on an examination of the analysis, findings, and conclusions of the TASP EIR as included in the CEQA Checklist for the Project, the TASP EIR, certified by the City in 2008, fully and adequately analyzed the potential environmental impacts associated with the proposed Project. Further, the Project complies with the policies included in the Specific Plan and the Bay Area's Sustainable Communities Strategy, such that CEQA streamlining and exemption provisions apply to the Project. Therefore, in accordance with CEQA Guidelines Sections 15183 and 15332 and California Public Resources Code Section 21155.4, the proposed Project is exempt from further CEQA review because the following findings can be made:

- **Project Consistent with a Community Plan or Zoning**: The Project is consistent with the City of Milpitas Transit Area Specific Plan and qualifies as a "Project Consistent with a Community Plan or Zoning" for which an EIR (the TASP EIR) was prepared. The Project will not result in significant impacts that were not previously identified as significant project-level, cumulative, or offsite effects in the TASP EIR. In accordance with CEQA Guidelines Section 15183, no further environmental review of the Project is required.
- **Urban In-Fill Development Project**: The Project is of a class of urban infill projects which have been determined by the State Secretary for Resources not to have a significant effect on the environment and which are therefore exempt from the provisions of CEQA. The Project does not have a reasonable probability of having a significant effect on the environment due to unusual circumstances that would pose any exceptions to this determination. In accordance with CEQA Guidelines Section 15332, the Project is exempt from further environmental review.
- **Project Consistent with a Sustainable Communities Strategy:** Public Resources Code 21155.4 provides that a residential project is exempt from CEQA requirements if it is: proposed within a transit priority area; undertaken to implement and is consistent with a specific plan for which an EIR has been certified; and consistent with the general use designation, building intensity and applicable policies in either a Sustainable Communities Strategy or an alternative planning strategy. The Transit Area of Milpitas is identified in Plan Bay Area 2020, the Bay Area's Sustainable Communities Strategy, as a Priority Development Area, and the proposed Project is within a Transit Priority Area, and is being undertaken to implement the City's TASP. For all these reasons, the Project is consistent with Plan Bay Area 2020 and is exempt from further CEQA review.

Each of the above findings provides a separate and independent basis for CEQA compliance.

CEQA Analysis

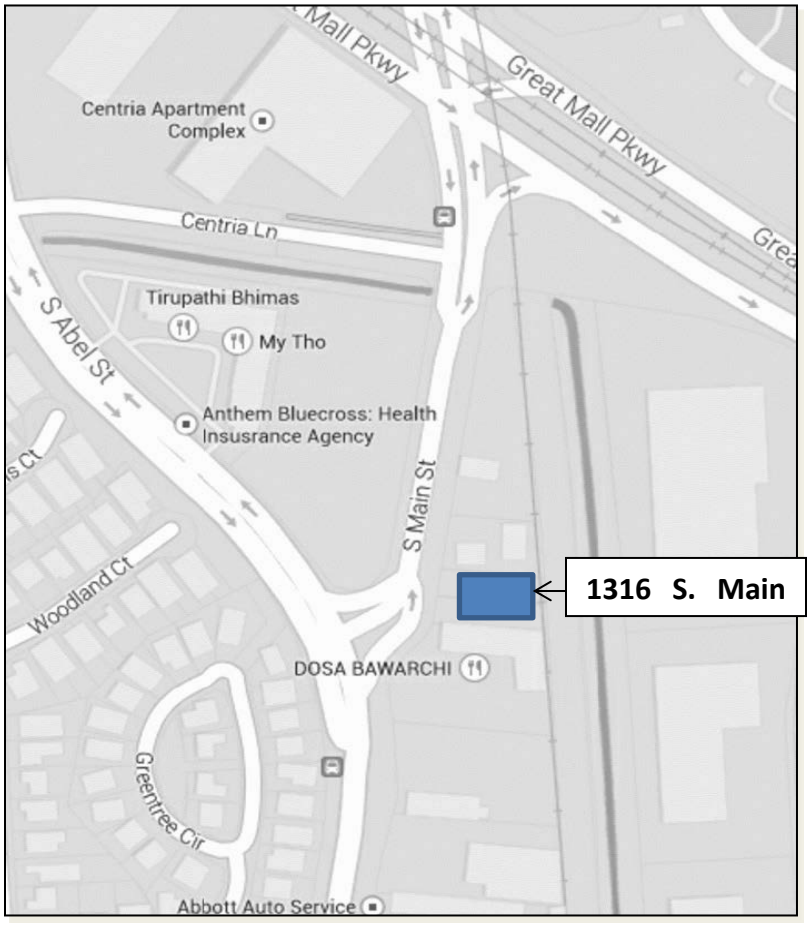
Project Description

Location and Site

The project site is located within the Planning Area of the Milpitas Transit Area Specific Plan (TASP), at 1316 South Main Street in Milpitas, approximately 200 feet northeast of the intersection with South Abel Street (Figure 1). It is bounded by Lower Penitencia Creek to the east and South Main Street to the west. A spur of the Union Pacific Railroad Warm Springs Subdivision Main Line runs parallel to the eastern site boundary, between the property line and Lower Penitencia Creek. The tracks lie approximately 30' east of the rear property line.

The Site now contains two existing commercial structures and an associated parking lot. The Project proposes to develop the site into high density residential housing, consistent with its zoning designation (R4-TOD) in the TASP.

Figure 1. Project Location

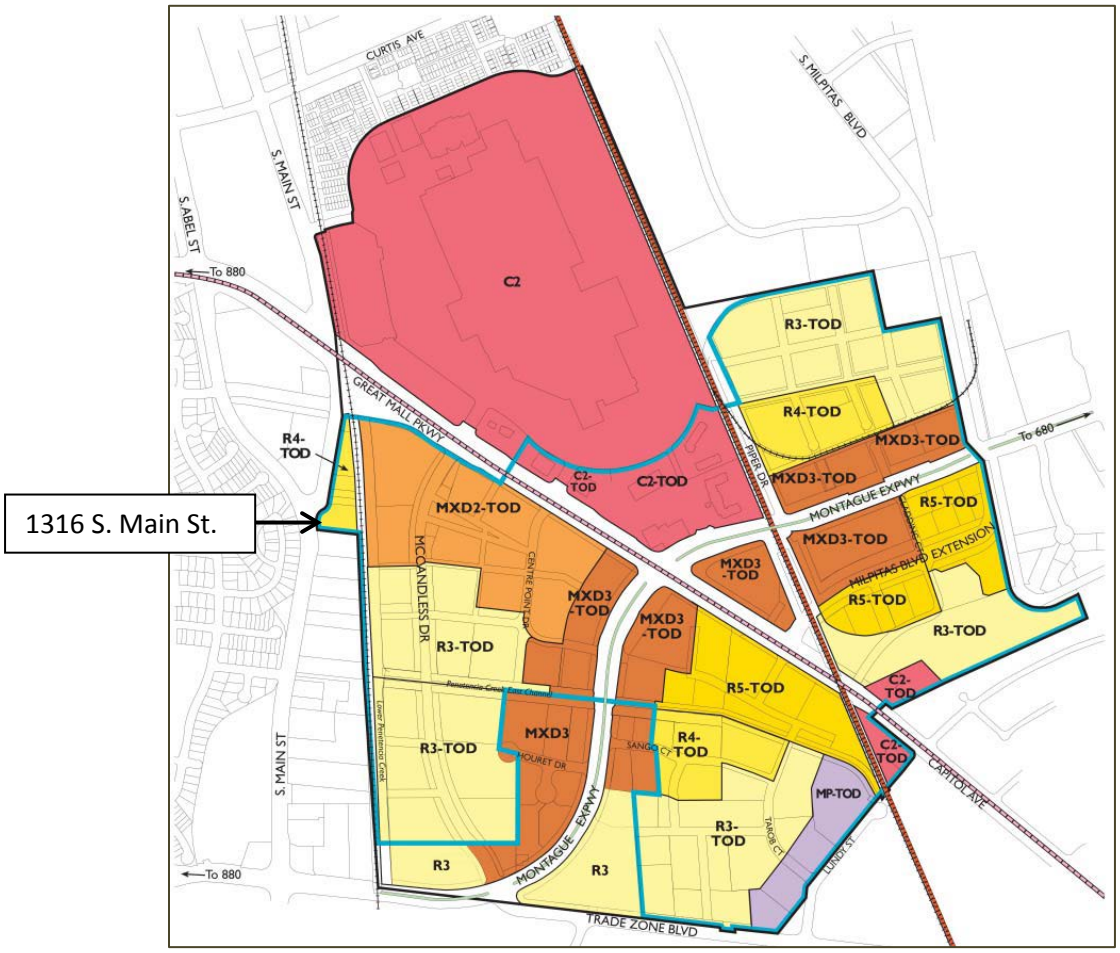


Milpitas Transit Area Specific Plan Context

The Milpitas Transit Area Specific Plan is a plan for the redevelopment of an approximately 437-acre area in the southern portion of the City that currently includes a number of industrial uses near the Great Mall shopping center. Based on City Council direction, the Draft Preferred Plan currently proposes redevelopment of this area with 7,109 dwelling units, 993,843 square feet of office space, 340 hotel rooms and 287,075 square feet of retail space centered around the proposed Milpitas BART station and the VTA Light Rail system. The TASP establishes a land use and development framework, identifies needed transportation and infrastructure improvements and recommends implementation strategies.

The Project is located within the McCandless-Centre Point sub-area of the TASP Planning Area (Figure 2). This Sub-Area is intended as a retail mixed use district, building on the established retail destination of the Great Mall and the visibility along Great Mall Parkway.

Figure 2. Zoning Designations for Transit Area



Zoning

The TASP designated the Project area R4—TOD, meaning very high density, transit-oriented development. The Project meets the requirements for height, density, and building intensity for this zone as detailed in the Development Standards and Design Guidelines of the TASP

Vehicular Access and Circulation

The primary access to the site is on South Main Street. The proposed 18-unit condominium building will include 31 covered parking spaces at grade. The closest intersection (South Abel Street) is less than 200 feet to the south; this intersection was determined in the TASP EIR to be an LOS of B/B+ (AM/PM). The project site is ~700 feet south of the intersection of South Main St. and Great Mall Parkway, which was determined in the TASP EIR to be an LOS of C+/D (AM/PM).

Ten (10) bike parking spaces will be provided.

Landscape

The existing property has 10 trees onsite, all of which are proposed for removal. One existing street tree, which straddles the property line at the southwest corner, will remain. Eight of the 10 trees proposed for removal meet the criterion for protection of City trees in Municipal Code X-2-7.01-1 (37" circumference at 4 ½ feet from the ground). This will require a Tree Removal Permit, issued by the City Public Works Department. The Public Works Department may determine that a tree authorized for removal be replaced by the permittee through the compensation methods further described in the Municipal Code (Section X-2-9.01, subsections (a), (b) or (c)).

New street trees (2) will be planted in front. The ground floor will be landscaped. Podium level 1 will have a planter in the area open to the roof. Two decorative planters will be placed on either side of the public entryway on the ground floor. The landscaping plan also includes additional shrubs, bushes and grasses around the perimeter of the building.

The roof will be landscaped with synthetic grass and decorative plantings.

Design

The proposed building will be type III-A and I-A construction, per the California Building Code, 2013 Ed. It will be a certified Greenpoint-rated building, meeting a minimum of 50 points, or LEED for Homes Certified, as required in Milpitas Municipal Code Section 11-20-3.01.

The project is 18 units of stick-framed condominiums, constructed on a raised podium deck. The exterior of the building will include both horizontal cement board siding and stucco. The roof will be utilized for outdoor recreation and stormwater mitigation.

Utilities

Onsite utilities include gas, energy, domestic water, wastewater and storm drainage. All on-site utilities would be designed in accordance with applicable codes and current engineering practices. The Project includes removal of the existing 12"storm drain pipe and replacement along South Main Street, with one or two new manholes created. The existing utility vaults will remain in place, using the existing 10' public utility easement.

For solid waste handling, the building will subscribe to dismount service, which will collect waste from bins pushed out to street.

Stormwater management is proposed through development of two Drainage Management Areas (DMA) on the site. DMA 1 would drain to a media filter installed in the entry driveway. DMA 2 would feed stormwater collected from the rooftop down to a flow-through biotreatment planter on the ground floor.

Project Construction

New development would include construction of a three story residential building with an occupied roof recreation deck over at-grade parking. The building footprint would be approximately 8,123 sq. feet Construction is expected to begin in the fourth quarter of 2017 and take 12 months to complete.

Construction would require removal of the existing structures and paved features at the Project site, and all demolition material would be disposed of off-site. Grading will include surface preparation and approximately 3' pad build-up, utility connections and limited excavations for the foundation, footings and utility services. Concrete masonry fences will be built at the rear of the property and on both sides (north and south) that adjoin neighboring properties. The rear wall will be a solid masonry wall, on top of the retaining wall, with an overall height from adjacent grade of about 8' of solid masonry.

In order to protect indoor air quality given the proximity of the Project to an active rail line, the Project will install HVAC equipment that meets acceptable filtration performance levels (MERV-13).

Equipment and Staging

Typical equipment that would be used during construction would include an extendable forklift, generators, excavator, loader, dump trucks, elevator man/material lift, and extendable lifts. There is a potential that pile drilling will be used for the foundation support. All construction equipment, employee vehicles, and import material would be staged on-site or nearby.

Applicable Previous CEQA Document

The Transit Area Specific Plan (TASP) EIR is the "applicable previous CEQA document" considered in the CEQA Checklist analysis. The TASP EIR is hereby incorporated by reference and may be obtained from the City of Milpitas Planning and Building Department, 455 East Calaveras Boulevard, Milpitas, CA. The TASP EIR may also be downloaded from the City of Milpitas website at: http://www.ci.milpitas.ca.gov/planning-documents/transit-area-specific-plan/.

The 2008 TASP EIR meets the requirements of a "Program EIR" under CEQA Guidelines Section 15168, and the requirements of a Community Plan under CEQA Guidelines Section 15183. As such, projects proposed under the TASP are subject to requirements under the aforementioned CEQA Sections.

Environmental Effects Summary

The TASP EIR determined that commercial development consistent with the TASP in the Plan Buildout area would result in the following **impacts reduced to a less-than-significant level** with the implementation of mitigation measures and policies adopted as part of the Plan:

- Land Use (changes to area land uses, amendments to Milpitas General Plan, Midtown Specific

Plan, and zoning ordinances);

- Visual resources (scenic views of the eastern foothills, light and glare);
- Air quality (consistency with 2005 Bay Area Ozone strategy from additional vehicle miles, fugitive dust, construction particulate emissions, emissions of ROG and NO_X, greenhouse gas emissions);
- Biological resources (effects on burrowing owls, riparian habitat, creek protection);
- Public services (fire, police, recreation);
- Cultural resources (listed State historical sites, unidentified or undiscovered archaeological resources;
- Safety and hazardous materials;
- Hydrology and water quality (erosion, sedimentation, water quality, volume and contamination of stormwater flows, flooding hazard);
- Utilities (water demand, waste disposal, energy demand);
- Geology, soils, and seismic hazards;
- Noise (construction activities, traffic); and
- Transportation/circulation (degradation of some intersection levels of services).

No impacts were identified for agricultural or forestry resources and mineral resources.

Significant unavoidable impacts were identified for the following environmental resources in the TASP EIR:

- **Transportation**
  - Implementation of the proposed Transit Plan would result in freeway speeds and delays on I-680, I-880, and the SR-237 segments that are below the Congestion Management Program LOS standards;
  - Implementation of the proposed Transit Plan would contribute to substandard roadway segment operations during the peak hours along numerous roads; and
  - Implementation of the proposed Transit Plan would contribute to substandard intersection operations during the peak hours along 15 key intersections.
  - However, the closest intersections to the proposed Project (Great Mall Parkway/S. Main St and S. Abel Street/S. Main Street) would not be significantly impacted by the Plan, as detailed in the traffic analysis conducted for the EIR, and confirmed in the subsequent project-specific traffic analysis.
- **Regional Air Quality**--Implementation of the proposed Plan would further contribute to the exceedance of regional air pollutant emissions for State and federal ambient air quality standards. Existing sensitive land uses near local roadways that experience increased levels of traffic resulting from buildout of the proposed Plan could be exposed to air pollutant emissions that exceed State and/or federal ambient air quality standards. While General Plan policies and

Transit Plan polices would reduce air quality impacts, regional air quality standards could still be exceeded, and thus this impact was still considered significant and unavoidable.

- **Schools--**When considered along with development within the Midtown Plan area -- which pre-dates the TASP -- and other new housing development in Milpitas, the TASP could contribute to an exceedance of school district capacity, and this impact is considered significant and unavoidable.

In addition, the Final EIR included discussion of potential air quality impacts from exposure of future new residents near active rail lines and high-volume roadways to Toxic Air Contaminants. The Final EIR included a new policy, Policy 5.25, which states:

> Policy 5.25: For new residential development that is proposed within 500 feet of active rail lines where vehicles emit diesel exhaust, or roadways where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles per day, will, as part of its CEQA review, include an analysis of toxic air contaminants (which includes primarily diesel particulate matter (DPM)). If the results show that the carcinogenic human health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents.

This policy was subsequently incorporated into the City of Milpitas Municipal Code in Section XI-10-11.06.B, which applies the Development Standards and Design Guidelines set forth in Chapter 5 of the TASP to new buildings constructed within the Transit Area.

For this project, the City will require that the Developer install upgraded ventilation systems with high efficiency filters, such that the Project will be in compliance with Policy 5.25. The filters will be rated at Minimum Efficiency Reporting Value (MERV)-13, which the City, after reviewing its own previous relevant studies, other literature, and in consultation with experts in the Bay Area, has determined are sufficient to mitigate the health and safety risks to less than significant (this is discussed in more detail in the CEQA Checklist for Air Quality, p.23).

Due to the potential for significant unavoidable impacts, a Statement of Overriding Considerations was adopted as part of the City's approvals of the TASP EIR.

CEQA Streamlining and Exemptions for the Project

CEQA exemptions and/or streamlining provisions that are applicable to the Zhang Condominiums Project are described below; each provides a separate and independent basis for the Project's CEQA compliance.

I. Project Consistent with a Community Plan or Zoning—Section 15183

CEQA Guidelines Section 15183 allows streamlined environmental review for projects that are "consistent with the development density established by existing zoning, community plan or general

plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site." Section 15183(c) specifies that an EIR does not need to be prepared for the project "if an impact is not peculiar to the parcel or to the proposed project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards." The TASP EIR was intended to expedite the processing of future projects that are consistent with the Plan.

Demonstration of Project's Consistency with TASP (Community Plan) and Zoning

1. The TASP established a zoning designation R4-TOD: very high-density residential use. The Project site is located within such a zone. The residential unit density associated with this designation is 41-60 units/acre; the proposed Project density is 45 units/acre. This designation allows building heights of 4-6 stories, up to 75 feet; the Project is within these limits: a 4-story building, 61 feet high.
2. The Project requests exceptions to otherwise applicable design guidelines, detailed in the TASP, Chapter 5 Design Guidelines. Specifically, the project requests to:
    - reduce the rear yard setback of 30 feet;
    - reduce the side yard setback of 15 feet;
    - construct parking below grade (Design Guidelines, #3c)
    - construct the parking podium lower than 5' above grade (Design Guidelines, #4c).
    - allow vehicle entry to parking garage from street frontage.
3. Each of these exceptions can be addressed in a Conditional Use Permit (CUP), pursuant to Chapter 57 of the Milpitas Municipal Code. This Conditional Use Permit will bring the project into compliance with the requirements of uniformly applied City design and development standards.

Based on the above, the Project is consistent with the development density established by existing zoning, Community Plan or General Plan policies for which an EIR was certified (i.e., the Transit Area Specific Plan and its associated EIR), and thus the project qualifies as a Project Consistent with a Community Plan or Zoning pursuant to CEQA Guidelines Section 15183.

The CEQA Checklist beginning on p. 16 analyzes the extent to which the environmental impacts of the project are "peculiar to the parcel or to the proposed project, [have] been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards"—these are the criteria from Section 15183 that provide for streamlined review of the Project.

II. Urban Infill Exemption—Section 15332

CEQA Guidelines Section 15332 provides for a categorical exemption from CEQA for projects that satisfy a number of specific conditions. Such projects must be consistent with the applicable General Plan designation and applicable General Plan policies, and applicable zoning designations and regulations. They must be located within city boundaries on a site of less than five acres and substantially

surrounded by urban development. They must also be located on a site that has no value as habitat for endangered, rare or threatened species; would not result in any significant effects related to traffic, air quality, noise, or water quality; and can be adequately served by all required utilities and public services.

Demonstration of Project's Consistency with Urban Infill Requirements

1. As described above, the Project is consistent with the applicable General Plan and Specific Plan (TASP) land use designation and applicable General Plan and Transit Area Specific Plan policies, as well as applicable zoning designations and regulations, pursuant to the Conditional Use Permit granted for the Project.
2. The Project is located within the City of Milpitas on a site of less than five acres (the site is approximately 0.4 acres in size) and is surrounded by urban development.
3. As indicated in the CEQA Checklist beginning on p. 16 and summarized below, the Project would not result in any significant effects related to traffic, air quality, noise or water quality, the Project site has no value as habitat for endangered, rare or threatened species, and it can be adequately served by all required utilities and public services:

Impacts to Key Environmental Resources Identified in CEQA Guidelines Section 15332

Air Quality

As demonstrated in the CEQA Checklist for Air Quality (p. 18), implementation of the Project would not result in new significant impacts related to construction-period or operational emissions that were not identified in the TASP EIR. With required implementation of BAAQMD Basic and Additional Construction Mitigation Measures, the potential impacts related to construction-period emissions would be less than significant.

In addition, implementation of the Project will not substantially increase the severity of impacts related to exposure of new sensitive receptors to TACs if the air filters installed as part of the HVAC system achieve MERV-13 rating performance.

Water Quality

As demonstrated in the CEQA Checklist for Water Quality (p.42), implementation of the Project would not substantially increase the severity of water quality and stormwater runoff impacts identified in the TASP EIR, or result in new significant impacts that were not identified in the TASP EIR. With required implementation of provisions in the Santa Clara County NPDES permit for stormwater discharges, impacts related to water quality and stormwater runoff would be less than significant.

In addition, the Project would not substantially increase the severity of hydrology impacts identified in the TASP EIR or result in new significant hydrology impacts that were not identified in the TASP EIR. With required implementation of FEMA Technical Guidelines in floodproofing the elevator and conformance with City development guidelines as mentioned above, impacts related to hydrology would be less than significant.

Traffic

As demonstrated in the CEQA Checklist for Traffic/Transportation (p. 52), implementation of the Project would not substantially increase any intersection Level of Service impact as identified in the TASP EIR, or result in new significant intersection Level of Service impacts that were not identified in the TASP EIR. Overall, the Project would add a maximum of 14 peak hour vehicle-trips to any intersection studied in the TASP EIR and would represent less than 0.3% percent of peak hour traffic volumes at the significantly impacted intersections identified in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review. Impacts related to intersections levels of service would be less than significant.

Noise

As demonstrated in the CEQA Checklist for Noise (p.51), implementation of the Project would not substantially increase the severity of construction-related noise impacts as identified in the TASP EIR, or result in new significant construction noise impacts that were not identified in the TASP EIR. With required implementation of applicable policies from the Noise Element of the General Plan, impacts from construction noise, traffic-driven noise, and the impacts from the nearby rail line would be less than significant.

Potential Exceptions to Identified CEQA Exemptions

The CEQA Checklist provides substantial evidence to support the conclusions that:

- The Project is not disqualified for a categorical exemption under Section 15332 by any of the exception criteria provided in CEQA Guidelines Section 15300.2. These include:
    - Cumulative impacts—All exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant
        - Project: There have not been multiple successive developments of the same type on the Project site over time. The site was a veterinary facility from 1993-2013, and there have been no environmental judgments or unregulated releases documented.
    - Significant effect—A categorical exemption shall not be used where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances
        - Project: The circumstances of the Project are essentially unchanged since the Transit Area Specific Plan was adopted in 2008. Development is being implemented pursuant to the Plan, including construction of a BART extension, expected to be operational in Fall 2017.
    - Scenic Highways—Categorical exemption shall not be used for a project that would damage scenic resources within a state scenic highway
        - Project: Neither I-880 or I-680 are designated as state scenic highways within the viewshed of the proposed Project.

- Hazardous Waste Sites-- A categorical exemption shall not be used for a project located on a site included on any list compiled pursuant to Section 65962.5 of the Government Code.
    - Project: The Project site is not listed on the California Water Resources Control Board's "Geotracker" website or on the Department of Toxic Substances Control's Hazardous Waste and Substances Site List ("Cortese" List), nor is it on or proposed for the Federal National Priority List (CERCLA Superfund)
- Historical Resources-- A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource
    - Project: The Project site is not on the California or National Register of Historic Places (Resources). As detailed in the TASP EIR and the Checklist below, there is the potential to encounter unidentified fossils during construction of new development. Policies detailed in the Milpitas General Plan, the Midtown Plan and the TASP would render this impact less than significant.

Therefore, since it meets all the Section 15332 criteria above without invoking any of the listed exceptions, the Project qualifies as an Urban In-Fill Development Project in accordance with CEQA Guidelines Section 15332.

In addition, the Project will not:

- Result in impacts that are peculiar to the Project or the parcel; substantially increase the severity of any impacts as previously identified in the TASP EIR; or result in any new significant impacts that were not identified in the TASP EIR (pursuant to CEQA Guidelines Section 15183 (b and c), as demonstrated in the Checklist analysis below;
- Result in new specific effects, or more significant environmental effects related to infill development that were not addressed in the Transit Area Specific Plan EIR, as demonstrated in the Checklist analysis below;

Therefore, the Project also (and independently) meets the criteria for streamlined review under CEQA Guidelines Section 15183.

III. Exemption for Consistency with Sustainable Communities Strategy

In September 2013, the Governor signed Senate Bill 743, which made several changes to CEQA for projects located in areas served by transit (i.e., transit-oriented development or TOD). Specifically, Public Resources Code 21155.4 provides that a residential project is exempt from CEQA requirements if it is:

1. Proposed within a transit priority area, defined in Section 21099(a) as being within a half-mile of a major transit stop
    a. Project: the site is less than a half-mile from the Great Mall Transit Center, which serves as a transfer point between VTA's Alum Rock-Santa Teresa line and bus lines operated by VTA and AC Transit.

2. Undertaken to implement and is consistent with a specific plan for which an EIR has been certified.

    a. Project: the Project is being undertaken as part of, and is consistent with, the Milpitas TASP, for which an EIR was certified in 2008.

3. Consistent with the general use designation, building intensity and applicable policies in either a Sustainable Communities Strategy or an alternative planning strategy.

    a. Project: the Project is a high-density residential project in a Transit Priority Project (TPP) area as identified in the Bay Area's Sustainable Communities Strategy (Plan Bay Area 2020). In addition, the Transit Area in Milpitas is identified in Plan Bay Area as a Priorty Development Area. The Project site is within one-half mile from high quality transit--specifically, the Great Mall Transit Center, which serves as a transfer point between Santa Clara County Valley Transportation Authority's Alum Rock-Santa Teresa light-rail line and bus lines operated by VTA and AC Transit. The Project includes a housing density of 45 units/acre, well above the requirement for a TPP-eligible project.

City of Milpitas Applicable Policies, Development Standards, and Design Guidelines

The City of Milpitas's Transit Area Specific Plan includes Policies, Development Standards, and Design Guidelines that were adopted by the City in 2008. These are the regulations that govern new construction, as well as alterations and additions, in the Transit Area, which includes the Project. These regulations, codified in revisions to the Zoning Code of the City of Milpitas, form the basis for the standard conditions of approval for a Site Development Permit and Conditional Use Permit. Together, these standards incorporate development policies and standards from various adopted plans, policies and ordinances that have been found to mitigate environmental effects. These conditions are designed to address creek protection, stormwater management and discharge, tree protection, grading regulations, parking regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, historic/landmark status, California Building Code, and Uniform Fire Code, among others.

All projects proposed within the Transit Area Specific Plan are subject to a Site and Architectural Review, (S-Zone Review), in accordance with Chapter 42 of the City's Zoning Ordinance (Milpitas 2016a). In addition to the S-Zone process of reviewing projects for conformance to the City's General Plan and Zoning Ordinance, projects must demonstrate compliance with the Specific Plan, including the Development Standards and Design Guidelines. No S-Zone approval shall be issued by the City without the decision-making body making the following findings: "The proposed project conforms to the intent and the specific requirements of the Transit Area Specific Plan, including the Development Standards and Design Guidelines."

Exceptions to the standards may be approved by the Planning Commission upon review of a use permit, in accordance with the requirements of Chapter 57 of the Zoning Code. This process may not be used to vary from the density requirements, allowable uses, or public and private parkland requirements contained within the standards or the Zoning Code. In addition to the required finding under Chapter 57, the Planning Commission must be able to make the following two additional findings:

- The deviation from the Transit Area Specific Plan Standard meets the design intent identified

within the Specific Plan and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development.

- The deviation from the Transit Area Specific Plan Standard allows for a public benefit not otherwise obtainable through the strict application of the Zoning Standard.

As applicable, the required conditions of approval for an individual project are adopted when it is approved by the City regardless of the determination of the environmental impacts of a project. These conditions of approval are designed to avoid or substantially reduce identified impacts.

In reviewing project applications, the City determines which conditions of approval apply based on the zoning district, community plan, and the type of permits and approvals required for the project. Because these conditions of approval are mandatory City requirements imposed on a citywide basis, environmental analyses presume that these conditions will be imposed upon and implemented by the Project, and are not imposed as mitigation measures under CEQA. All Design Guidelines and requirements associated with the Project will be applied as Conditions of Approval in the Conditional Use Permit (CUP) issued to the Developer, except for those exceptions that have been specifically requested and granted in the CUP.

The conditions of approval applicable to the proposed Project are detailed in Appendix A.

These Project parameters demonstrate the Project's overall consistency with the applicable policies of the Bay Area's Sustainable Communities Strategy Plan Bay Area 2020, as well as the City of Milpitas's Transit Area Specific Plan. Therefore, as a residential project consistent with a Sustainable Community Strategy, pursuant to Public Resources Code 21155.4, further environmental review would be needed only if:

- Substantial changes are proposed in the project which will require major revisions to the environmental impact report.
- Substantial changes occur with respect to the circumstances under which the project is being undertaken, which will require major revisions to the environmental impact report.
- New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

There have been no substantial changes to the Project or the circumstances under which it is being proposed. No new information has become available that was not and could not have been known at the time.

Therefore, the Project satisfies the criteria of a residential project exempt from CEQA requirements under Public Resources Code 21155.4.

Project Approvals Required

Actions by the City of Milpitas

Environmental Review

The City has indicated that it intends to use the exemption and streamlining provisions of CEQA to the maximum feasible extent so that future environmental review of specific private development projects and public improvement projects carried out in furtherance of the TASP (such as the Project) are expeditiously undertaken, without the need for repetition and redundancy. To the extent possible, the City intends to rely on the TASP EIR and this CEQA Checklist for the Project's environmental review.

The CEQA Checklist below reviews this Project description against the Plan buildout analyzed in the TASP EIR to determine if the TASP EIR is adequate for environmental clearance of the Project, if any additional work may be required, and if there is anything unique about the Project and/or its location that would warrant further environmental review. Based on the conclusions of the CEQA Checklist, none of these conditions is present and no further CEQA review of the Project is required.

Subsequent Approvals

A number of City permits and approvals would be required before Project development could proceed. As Lead Agency, the City of Milpitas would be responsible for most of the approvals required for development. A list of required permits and approvals that may be required by the City for the Project includes:

- Tentative Parcel Map to remove one property line and merge the two lots into one lot
- Conditional Use Permit, pursuant to Section XI-10-57.04 of the Milpitas Planning Code—The Applicant has requested exceptions to applicable Design Guidelines:
    i. reduce the rear yard setback of 30 feet;
    ii. reduce the side yard setback of 15 feet;
    iii. construct parking below grade;
    iv. construct the parking podium lower than 5' above grade; and
    v. allow vehicle entry to parking garage from street frontage.
- Site Development Permit, pursuant to Section XI-10-57.03 of the Milpitas Planning Code
- Grading permits and building permits, including compliance with Sections XI-15-5.1(c)(1) and (c) (3) of the Milpitas Planning Code for construction in a flood zone designated AO
- Encroachment permit to allow reduced rear and side setbacks

Actions by Other Agencies

A number of other public agencies' approval and authorization will or may be required to implement the Project. These agencies and their approvals include:

- East Bay Municipal Utilities District (EBMUD) – Granting new water service connections and meters.

- Regional Water Quality Control Board (RWQCB) – Waste Discharge Requirements or NPDES permit
- Federal Emergency Management Agency (FEMA)—FEMA requires the lowest adjacent grade to a structure be higher than the base flood elevation to remove the building from the flood hazard area. A Conditional Letter of Map Revision Based on Fill (CLOMR-F) and Letter of Map Revision Based on Fill (LOMR-F) should be filed with FEMA during planning and after construction respectively to remove the proposed building from the floodplain.

CEQA Findings

Based on an examination of the analysis, findings, and conclusions of the TASP EIR as included in the CEQA Checklist below for the Project, the TASP EIR fully and adequately analyzed and covered the potential environmental impacts associated with the proposed Project. Therefore, in accordance with CEQA Guidelines Sections 15183 and 15332, and California Public Resources Code Section 21155.4, the proposed Project is exempt from further CEQA review because the following findings can be made:

- **Project Consistent with a Community Plan or Zoning**: The Project is consistent with the City of Milpitas Transit Area Specific Plan and qualifies as a "Project Consistent with a Community Plan or Zoning" for which an EIR (the TASP EIR) was prepared. The Project will not result in significant impacts that were not previously identified as significant project-level, cumulative, or offsite effects in the TASP EIR. In accordance with CEQA Guidelines Section 15183, no further environmental review of the Project is required.
- **Urban In-Fill Development Project**: The Project is of a class of urban infill projects which have been determined by the State Secretary for Resources not to have a significant effect on the environment and which are therefore exempt from the provisions of CEQA. The Project does not have a reasonable probability of having a significant effect on the environment due to unusual circumstances that would pose any exceptions to this determination. In accordance with CEQA Guidelines Section 15332, the Project is exempt from further environmental review.
- **Project Consistent with a Sustainable Communities Strategy:** Public Resources Code 21155.4 provides that a residential project is exempt from CEQA requirements if it is: proposed within a transit priority area; undertaken to implement and is consistent with a specific plan for which an EIR has been certified; and consistent with the general use designation, building intensity and applicable policies in either a Sustainable Communities Strategy or an alternative planning strategy. The proposed Project is within a transit priority area, is consistent with and undertaken to implement the City's TASP, and is consistent with Plan Bay Area 2020, the Bay Area's Sustainable Communities Strategy.

Each of the above findings provides a separate and independent basis for CEQA compliance.

_____ _____

Michael Fossati
Senior Planner

Date

CEQA Checklist

This CEQA Checklist provides a summary of the potential for new or more severe environmental impacts that may result from implementation of the Project, as compared to impacts identified in the TASP EIR. Potential environmental impacts of development under the TASP were analyzed and covered by the TASP EIR, and the TASP EIR identified mitigation measures and specific policies to address these potential environmental impacts.

This CEQA Checklist hereby incorporates by reference the TASP EIR discussion and analysis of all potential environmental impact topics. Environmental topics that could have a potential project-level environmental impact are included. The TASP EIR's significance criteria have been consolidated and abbreviated in certain portions of this CEQA Checklist for administrative purposes; a complete list of the significance criteria can be found in the TASP EIR.

This CEQA Checklist provides a determination of whether the proposed project would result in a(n):

- Equal or Less Severity of Impact as Previously Identified in the TASP EIR
- Substantial Increase in Severity of Previously Identified Significant Impact in TASP EIR
- New Significant Impact

Checkboxes are used to convey which of the above conclusions applies for each potential impact. If the box labeled "Substantial Increase in Severity of Previously Identified Significant Impact", or "New Significant Impact" is checked, it indicates that the Project would have impacts that are:

- Peculiar to the Project or project site (per CEQA Guidelines Section 15183);
- Not identified in the previous TASP EIR (per CEQA Guidelines Section 15183), including off-site or cumulative impacts (per CEQA Guidelines Section 15183);
- Due to substantial new information not known at the time the TASP EIR was certified (per CEQA Guidelines Sections 15162 or 15183).

The proposed Project is required to comply with City of Milpitas policies and mitigation measures identified in the TASP EIR where applicable. This CEQA Checklist includes references to the applicable policies and mitigation measures. If the CEQA Checklist inaccurately identifies or fails to list a policy or a mitigation measure, the applicability of that policy or mitigation measure to the proposed Project is not affected.

1. Air Quality

Would the Project:	Equal or Less Severity of Impact Identified in Previous CEQA Document	Substantial Increase in Severity of Identified Significant Impact in Previous CEQA Document	New Significant Impact
Conflict with or obstruct implementation of the applicable air quality plan?	☑	☐	☐
Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☑	☐	☐
Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☑	☐	☐
Expose sensitive receptors to substantial levels of pollutant concentrations?	☑	☐	☐

TASP EIR

Consistency with Applicable Air Quality Plan

The TASP EIR determined that new development under the Plan buildout could increase population and vehicle miles traveled (VMT) in the area at a rate greater than that assumed in regional air quality planning, and therefore could conflict with the implementation of the 2005 Bay Area Ozone Strategy. This impact was characterized as Significant and Unavoidable.

The BAAQMD has since adopted the 2010 Clean Air Plan, which is based on projections of populations and VMT in the Metropolitan Transportation Commission's Regional Transportation Plan 2035[1] (MTC 2016). This Plan projects Bay Area population growth of 26% from 2006-2035, and growth in Daily VMT of 33% over the same period. The ABAG projection for the City of Milpitas population in 2035 is 101,200, which represents a growth rate of 55% from the 2006 population of 65,276. Although there is no projection for the growth of VMT in the Transit Area from 2006-2035, it is reasonable to assume that the conclusion in the TASP EIR remains the same using updated population estimates: new development under the Plan buildout could increase population and vehicle miles traveled in the area at a rate

[1]MTC's 2035 Plan Population projections are based on ABAG 2007 projections; VMT are projected by MTC using their Transportation Demand Model.

greater than that assumed in regional air quality planning, and therefore could conflict with the implementation of 2010 Clean Air Plan.

Fugitive Dust

Construction activities would generate substantial amounts of dust (including PM_{10} and $PM_{2.5}$) primarily from "fugitive" sources (i.e., emissions released through means other than through a stack or tailpipe) and lesser amounts of other criteria air pollutants primarily from the operation of heavy equipment construction machinery (primarily diesel operated) and construction worker automobile trips (primarily gasoline operated). Sources of fugitive dust during construction would include vehicle movement over paved and unpaved surfaces, demolition, excavation, earth movement, grading, and wind erosion from exposed surfaces.

Construction-related fugitive dust emissions would vary from day to day depending on the level and type of activity, silt content of the soil, and the weather. However, fugitive dust would be effectively reduced to a level of less than significant with implementation of required City of Milpitas development policies and regulations, detailed in Appendix A.

In the absence of mitigation, dust from construction activities may result in degradation of local visibility and PM_{10} concentrations may increase on a temporary and intermittent basis during the construction period. In addition, the fugitive dust generated by construction would include not only PM_{10} but also larger particles, which would fall out of the atmosphere within several hundred feet of the site and could result in nuisance-type impacts.

Demolition of buildings constructed prior to 1980 often involved the use of hazardous materials such as asbestos in insulation, fire retardants, or building materials (floor tile, roofing, etc.) and lead-based paint. Airborne asbestos fibers and lead dust pose a serious health threat. The demolition, renovation and removal of asbestos-containing building materials would be subject to the requirements of BAAQMD Regulation 11, Rule 2.

Criteria Pollutants

Construction activities would also result in the emission of other criteria pollutants from equipment exhaust, construction-related vehicular activity and construction worker automobile trips. Emission levels for construction activities would vary depending on the number and type of equipment, duration of use, operation schedules, and the number of construction workers. Criteria pollutant emissions of ROG and NOx from these emission sources would incrementally add to the regional atmospheric loading of ozone precursors during project construction. While there are no policies in the General Plan that address this impact, the Transit Plan provides numerous policies that do. BAAQMD's approach to analysis of construction impacts is to emphasize implementation of effective and comprehensive control measures rather than detailed quantification of emissions. BAAQMD considers any project's construction-related impacts to be less than significant if the required dust-control measures are implemented. Without these measures, the impacts would be considered significant.

BAAQMD CEQA Air Quality Guidelines (BAAQMD 2012) recognize that construction equipment emits ozone precursors, but indicate that such emissions are included in the emissions inventory that is the basis for regional air quality plans. With implementation of BAAQMD dust control measures,

construction emissions would not be expected to impede attainment or maintenance of ozone standards in the Bay Area. Full compliance with BAAQMD's construction BMPs and Transit Plan policies detailed in Appendix A would reduce construction and demolition related air quality impacts to less than significant levels.

Toxic Air Contaminants

In addition to criteria pollutant emissions, a variety of pollutant or toxic air contaminant emissions (TACs), such as diesel exhaust, could also be released from various construction and operations activities associated with the proposed Plan. Sensitive receptors near these emissions could be subject to increased cancer risk, chronic health problems, and acute health risk. The TASP EIR concluded that potential health risks associated with an individual construction site would be dependent upon a number of factors, but that TAC emissions would be temporary and would be reduced to a level of less than significant through implementation of BAAQMD's construction BMPs and Policy 5.23, which requires new residential developers to inform future residents of TAC-related health effects and the potential for exposure.

Project Analysis

Fugitive Dust

Project construction activities include site preparation and earthmoving that will generate short-term emissions of fugitive dust. The Project will be required to implement effective and comprehensive dust control measures intended to be protective of the health of nearby residences, and that reduce dust emissions that could affect regional air quality through required implementation of BAAQMD's Basic and Additional Construction Mitigation Measures, detailed in its CEQA Air Quality Guidelines.

Implementation of these measures would ensure that the impacts of construction-period fugitive dust remain at a less than significant level.

Criteria Pollutants

Project construction activities will generate short-term emissions of criteria pollutants. However, at a size of 18 residential units, the Project would not exceed the screening level sizes indicated in Table 3-1 of the BAAQMD CEQA Guidelines (> 240 dwelling units), and thus its emissions of construction-period criteria pollutants would be less than significant. The Project will be subject to basic construction control measures through implementation of BAAQMD Construction Mitigation Measures, which will further reduce construction-period criteria pollutant emissions.

Toxic Air Contaminants

Construction activities associated with the Project will generate temporary construction-related TAC emissions from fuel-combusting construction equipment (e.g., diesel PM and $PM_{2.5}$), and these emissions could result in elevated concentrations of diesel PM and $PM_{2.5}$ at nearby receptors. Project TAC emissions would be temporary and would be reduced to a level of less than significant through implementation of BAAQMD's Construction BMPs and Policy 5.23, which requires new residential developers to inform future residents of TAC-related health effects, and the potential for exposure.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project will not substantially increase the severity of construction-period emissions as identified in the TASP EIR, or result in new significant impacts related to construction-period emissions that were not identified in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review. With required implementation of BAAQMD Basic and Additional Construction Mitigation Measures, the potential impacts related to construction-period emissions would be less than significant. There were no further mitigation measures in the TASP EIR pertaining to construction-period emissions that would apply to the Project.

Operational Emissions

TASP EIR

Criteria Pollutants

As the Bay Area is currently designated "non-attainment" for State and national (1-hour and 8-hour) ozone standards and for the State PM_{10} and $PM_{2.5}$ standards, development of projects per the provisions of the Plan could further contribute to non-attainment of air quality standards. Additionally, buildout of the proposed Plan could place sensitive land uses near local intersections or roadways associated with air pollutant emissions that exceed State or federal ambient air quality standards. Similarly, existing sensitive land uses near local roadways that experience increased levels of traffic resulting from buildout of the proposed Plan could be exposed to air pollutant emissions that exceed State and/or federal ambient air quality standards.

The General Plan policies and Transit Plan polices identified in the EIR would reduce air quality impacts; however, even with implementation of these policies standards could still be exceeded, and thus the TASP EIR concluded these impacts would still be considered significant and unavoidable.

Carbon Monoxide

The TASP EIR found that new development within the Planning Area would not expose sensitive uses and would not generate emissions leading to significant concentrations of carbon monoxide (CO) that would violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation.

Toxic Air Contaminants

In addition to criteria pollutant emissions, a variety of pollutants or toxic air contaminants (TACs), such as those from dry cleaning facilities, could also be released from various construction and operations associated with the proposed Plan. Sensitive receptors near these emissions could be subject to increased cancer risk, chronic health problems, and acute health risk. The TASP EIR concluded that potential health risks associated with each construction site would be dependent upon a number of factors, but that TAC emissions would be temporary and would be reduced to a level of less than significant through implementation of BAAQMD's construction BMPs and Policy 5.23, which requires

new residential developers to inform future residents of TAC-related health effects, and the potential for exposure.

Project Analysis

Criteria Pollutants

At a size of 18 residential units, the Project does not exceed the screening level sizes indicated in Table 3-1 of the BAAQMD CEQA Guidelines (> 78 dwelling units), and thus its emissions of operational criteria pollutants would be less than significant.

Carbon Monoxide

Traffic modeling conducted for the TASP EIR indicates there are no intersections near the Project that would exceed thresholds for CO concentrations. Because traffic levels would fall below screening levels, and because the Project would emphasize the use of local transit opportunities (BART and VTA), the Project will not generate or contribute to significant concentrations of CO emissions.

Toxic Air Contaminants

With full implementation of BAAQMD's Construction BMPs and Policy 5.23, which requires new residential developers to inform future residents of TAC-related health effects and the potential for exposure, impacts would be less than significant.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project will not substantially increase the severity of operational air quality emissions as identified in the TASP EIR, nor would it result in new significant impacts related to operational air quality emissions that were not identified in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review.

Expose New Sensitive Receptors to Substantial Levels of Toxic Air Contaminants

In a recent California Supreme Court case, *California Building Industry Association v Bay Area Air Quality Management District* (Case No. S213478, December 17, 2015), the Court ruled that "agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents.". However, because comments submitted to the Draft EIR for the TASP led to development of a new City policy regarding analysis of exposure to TACs from development, the issue is discussed here.

In response to public comments from BAAQMD on the TASP Draft EIR, the City included a new policy 5.25 in the TASP Final EIR, and adopted it as part of its Development Standards and Guidelines (Municipal Code Section XI-10-11.06.B). The policy states:

- **Policy 5.25**: [Any] new residential development that is proposed within 500 feet of active rail lines where vehicles emit diesel exhaust, or roadways where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles per day, will, as

part of its CEQA review, include an analysis of toxic air contaminants (which includes primarily diesel particulate matter (DPM)). If the results show that the carcinogenic human health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents.

The rear boundary of the Project site is ~30 feet from the railroad tracks of the Union Pacific Railroad Warm Springs Subdivision Main Line. As such, it is subject to this Policy.

In January, 2106, the BAAQMD issued a draft report entitled "Planning Healthy Places", which states in part,

> Studies conducted in California (Bhangar et al 2011, Less et al., 2015) have shown that particulate levels in homes with high efficiency filtration systems were 50% to 74% lower than those without filtration systems. Modeling simulations (Brown et al 2014) showed similar findings. The effectiveness of air filters in reducing health risks depends heavily on properly sealed ducting and maintenance. Higher MERV rated filters also require increased air pressure, which requires more energy use and can cause ducts to fail if not properly installed and sealed. An ongoing maintenance plan for a building's HVAC air filtration system should therefore be included in any air filtration best practice adopted by a local government (BAAQMD 2016).

In addition, the report states, "The Air District recommends requiring the installation and implementation of an air filtration system in sensitive land uses (minimum of MERV 13) along with a maintenance plan detailing how the filtration system will be maintained."

The City has decided to achieve the goal of Policy 5.25 by requiring that new residential projects within the Transit Area to which the policy applies include the use of high efficiency filters, at the efficiency rating of MERV-13, using the recommendation from BAAQMD that these filters are sufficient to lessen the health risk of carcinogenic and non-carcinogenic health effects to less than significant. In its approval of the mixed use McCandless Project at 1315-1600 McCandless (February 22, 2012) and multi-family Anton Project at 730-750 E. Capital Avenue (June 21, 2016), the City required similar mitigation to bring the potential impacts of TAC emissions below significance (Milpitas 2012, 2016). The Developer has agreed to install MERV-13-rated filters in the residential units, which in the City's view satisfies the level of protection from health risk intended by the Policy without the necessity of conducting a site-specific study of the exposure levels and attendant risk at the site.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project will not substantially increase the severity of impacts related to exposure of new sensitive receptors to TACs from railroad exhaust if the air filters installed as part of the HVAC system achieve MERV-13 rating performance. There is nothing unique or peculiar about the Project that would warrant further environmental review. There were no additional mitigation measures in the TASP EIR that would apply to the Project.

Would the Project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?	☑	☐	☐
Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☑	☐	☐

2. Greenhouse Gas Emissions and Climate Change

TASP EIR

Implementation of the proposed Plan is projected to result in a substantial increase in total Vehicle Miles Traveled (VMT), based on the population and jobs increases projected in the EIR. The EIR notes that proposed changes in land use designations that allow for this additional growth also encourage new development in proximity to transit stations and employment centers, thereby potentially reducing the travel distance of future residents to employment and other areas. Therefore, the rate of increase in VMT would be less than the rate of increase in population. This is due to the mixed-use and transit-oriented nature of development proposed under the Specific Plan: though the population would increase significantly, a large percentage of that population would use transit options made available to them and reduce vehicle use. Also, much of the traffic created by new retail and residential uses is offset by the elimination of almost 30 percent of existing traffic volume, which is generated by industrial uses which are being redeveloped.

Therefore, the impact of increased total VMT will not prevent the reduction of statewide greenhouse gas emissions to 1990 levels in conformance with the California Scoping Plan, which implements The Global Warming Solutions Act of 2006 (AB 32). There the impact of increased VMT is less than significant.

Proposed Specific Plan Policies that Reduce the Impact

Implementation of the following proposed Specific Plan policies, which encourage and support walking, bicycling and transit usage, would reduce this impact to a level that is less than significant:

Policy 3.16: Establish and implement a travel demand management (TDM) program in order to encourage alternate modes of travel and thereby reduce automobile trips. Establish a funding mechanism to pay for the costs of the program, including the cost of a transportation coordinator to

administer the program. The program would include a ride-matching program, coordination with regional ride-sharing organizations, and provision of transit information; and could also include sale of discounted transit passes and provision of shuttle service to major destinations.

Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects.

Policy 3.22: Private development shall provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.

Policy 3.23: Encourage children to walk or bike to school by expanding existing safe walking and bicycling routes to schools into the Transit Area. Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes.

Policy 3.31: Require provision of bicycle and pedestrian facilities such as weather protected bicycle parking, direct and safe access for pedestrians and bicyclists to adjacent bicycle routes and transit stations, showers and lockers for employees at the worksite, secure short-term parking for bicycles, etc.

Policy 3.33: Require new development within the Transit Area to facilitate the use of alternative modes of transportation through programs such as carpool parking, the VTA's EcoPass Program, shuttles to transit stations and lunchtime destinations, assistance to regional and local ridesharing organizations, alternative work schedules, telecommuting, etc. Establish a Transportation Demand Management (TDM) program for this purpose, as described in Policy 3.16.

Policy 3.34: Encourage preferential parking measures for carpool and vanpool vehicles, guaranteed ride home services and other incentives to employees choosing transportation modes other than driving. Provide preferential parking for low-emission vehicles.

Project Analysis

As indicated in the TASP EIR, proposed projects that exceed pertinent screening criteria are required to undergo project-specific GHG emissions forecasts, but projects that do not exceed screening level criteria do not need to prepare project-specific GHG emissions forecasts, and are assumed to result in less than significant GHG emissions. The applicable screening level for operational greenhouse gas emissions for a general condominium is 78 dwelling units. Since the Project includes 18 units, no modeling of emissions is required, because greenhouse gas emissions are assumed within the BAAQMD guidelines to be less than significant.

Further, the Project would comply with the policies identified above in the TASP EIR to minimize impacts of greenhouse gas emissions.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project would not substantially increase the severity of any impacts related to GHG emissions as identified in the TASP EIR, nor would it result in any new significant impacts that were not identified in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review. The Project's impacts related to GHG emissions would be less than significant. No

mitigation measures were identified in the TASP EIR related to GHG emissions that would apply to the Project.

3. Biological Resources

Would the Project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
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 U.S. Fish and Wildlife Service;	☑	☐	☐
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 U.S. Fish and Wildlife Service;	☑	☐	☐
Have a substantial adverse effect on federally protected wetlands (as defined by section 404 of the Clean Water Act) or state protected wetlands, through direct removal, filling, hydrological interruption, or other means;	☑	☐	☐
Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites;	☑	☐	☐
Cause a fish or wildlife population to drop below self-sustaining levels, a substantial reduction in the habitat of a fish or wildlife species, the threatened elimination of a plant or animal community, or the reduction in number or restriction of range of an endangered, rare or threatened species;	☑	☐	☐
Fundamentally conflict with an adopted habitat conservation plan, natural community	☑	☐	☐

conservation plan, or other approved local regional, or State habitat conservation plan;	
Fundamentally conflict with the any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or	

TASP EIR

The Milpitas Transit Area Plan encompasses existing developed areas. There are no identified sensitive habitats, and records of special status species occurring in the area are historic, with species except the burrowing owl believed extirpated. Nesting habitat for non-listed special-status raptor species occurs on and near the Planning Area. Proposed development in the Planning Area would result in the removal of landscaping and disturbance to habitat, which could affect wildlife including burrowing owl, nesting birds and common wildlife species.

Development activities under the proposed Plan near jurisdictional hydrologic features such as Lower Penitencia Creek and Berryessa Creek could result in significant impacts. For example, development of ruderal or barren vacant lots within the Planning Area or disturbance to adjacent suitable habitat could result in the direct loss of burrowing owls or active nests. Implementation of existing policies and regulations in the General Plan, as well as proposed Plan policies, would reduce potential impacts to biological resources to a less than significant level.

General Plan Policies that Reduce the Impact

- Policy 4.b-I-4: Require a biological assessment of any project site where sensitive species are present, or where habitats that support known sensitive species are present.
- Policy 4.b-I-5: Utilize sensitive species information acquired through biological assessments, project land use, planning and design.

Specific Plan Policies that Reduce the Impact

- Policy 5.26: For any project sites that are either undeveloped or vacant and support vegetation, or project sites which are adjacent to such land, a pre-construction survey shall be conducted by a qualified biologist within 30 days of the onset of construction. This survey shall include two early morning surveys and two evening surveys to ensure that all owl pairs have been located. If preconstruction surveys undertaken during the breeding season (February 1st through July 31st) locate active nest burrows, an appropriate buffer around them (as determined by the project biologist) shall remain excluded from construction activities until the breeding season is over. During the non-breeding season (August 15th through January 31st), resident owls may be relocated to alternative habitat. The relocation of resident owls shall be according to a relocation plan prepared by a qualified biologist in consultation with the California Department of Fish and Game (CDFG). This plan shall provide for the owl's relocation to nearby lands possessing available nesting habitat. Suitable development-free buffers shall be maintained between replacement nest burrows

and the nearest building, pathway, parking lot, or landscaping. The relocation of resident owls shall be in conformance with all necessary state and federal permits.

- Policy 5.27: To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground-disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Service (USFWS) and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required.

Project Analysis

The Project site is a previously developed lot and is within an urbanized area. At present, the Project site has two vacant buildings. There are no natural features, wetlands, riparian habitat or sensitive natural communities on the site. The site is not within an area covered by a habitat conservation plan (HCP) or natural community conservation plan. The closest area covered by an HCP is the Santa Clara Valley HCP, but that plan does not include downtown Milpitas or the Project site.

There are 10 existing trees on-site; for all of these, the suitability for preservation is rated by the Project arborist as "Fair" or "Poor" (HMH 2015). All 10 Trees on the site are proposed to be removed. The Tree and Planting Ordinance of the City of Milpitas protects significant trees, as defined by the Ordinance, including heritage trees, throughout the city. A tree removal permit is required to remove any protected tree and compensation for lost trees may be requested by the City (Ord. 201.1, 3/1/88). Two Peruvian pepper trees on site (*Schinus molle*) satisfy the DBH requirements for protection; therefore, a removal permit may be required.

All trees to be removed will have their stumps ground down to a minimum depth of 24". All large roots within planting areas a minimum distance of 5' beyond the drip line of the tree will be removed. The landscaping plan includes a planter on the ground floor in the area open to the roof, two decorative planters on either side of the public entryway on the ground floor and additional shrubs, bushes and grasses around the perimeter of the building. The roof will be landscaped with synthetic grass and decorative plantings. These landscaping features will not impact biological resources at or near the site.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project would not have substantially increase any adverse effect, either directly or indirectly, on sensitive biological resources as identified in the TASP EIR, nor would it result in any new significant biological resource impacts that were not identified in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review. The site has no value as habitat for endangered, rare, or threatened species. With required implementation of Policy 5.27 to avoid potential bird nest disturbance, impacts of the Project on biological resources would be less than significant. There were no mitigation measures in the TASP EIR pertaining to biological resources that would apply to the Project.

4. Historic Resources

Would the Project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines section 15064.5;	☑	☐	☐
Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines section 15064.5;	☑	☐	☐
Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;	☑	☐	☐
Disturb any human remains, including those interred outside of formal cemeteries	☑	☐	☐

TASP EIR

The City's Historic Sites Inventory (published in 1990) identifies historic resources that may be eligible for the California Register of Historic Resources, or could be eligible in the future. The only site within the Transit Area Plan boundary that is included in the Inventory is the Great Mall. The TASP does not propose any development or redevelopment activities for the Great Mall, and no zoning or FAR changes are proposed, and as such, no direct impacts to the Great Mall are anticipated. Moreover, current federal, state and local laws as well as the policies summarized below reduce potential impacts on historic resources to less than significant levels.

A records search revealed no known recorded archaeological sites occur within the Planning Area. Even though no known sites are documented to occur in the Planning Area, there is a reasonable possibility of uncovering and identifying additional archaeological resources in the Planning Area. New development or redevelopment activities may adversely affect these archaeological resources during ground disturbance activities.

Pursuant to CEQA Guidelines 15064.5 (f), if potentially significant cultural resources are discovered during ground-disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with Santa Clara County and other appropriate agencies and interested parties.

All future development in the Planning Area will be in accordance with State laws pertaining to the discovery of human remains. Accordingly, if human remains of Native American origin are discovered

during project construction, the developer and/or the Planning Department would be required to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (PRC Sec. 5097).

In addition, TASP Policy 5.34 states: "Any future ground disturbing activities, including grading, in the Transit Area shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to CEQA Guidelines § 15064.5 regarding discovery of archeological sites and burial sites, and Guidelines §15126.4(b) identifying mitigation measures for impacts on historic and cultural resources. In the event that buried cultural remains are encountered, construction will be temporarily halted until a mitigation plan can be developed. In the event that human remains are encountered, the developer shall halt work in the immediate area and contact the Santa Clara County coroner and the City of Milpitas. The coroner will then contact the Native American Heritage Commission (NAHC) which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will then have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods."

There is the potential to encounter unidentified fossils during construction of new development. Since fossils are considered to be nonrenewable resources, such impacts would be considered significant. Adverse impacts on paleontological resources could occur when earthwork activities such as mass excavation cut into geological formations, or depths below the soil layer, which is generally six feet deep. These impacts are in the form of physical destruction of fossil remains. Project specific evaluation, monitoring during construction, and possible fossil recovery in the event fossils are discovered, would reduce the potential of adverse impacts to paleontological resources.

Project Analysis

The Project site is not on or near any identified historic resources. Should any archeological resources, human remains or paleontological resources be discovered during construction, the Project will follow current federal, state, and local laws as well as the policies mentioned above to reduce any potential impacts to less than significant.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project would not substantially increase the severity of impacts to historic resources as identified in the TASP EIR; and would not result in a new significant impact to historic resources that was not identified in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review. Impacts related to historic resources would be less than significant. There were no mitigation measures in the TASP EIR that would apply to the Project.

5. Geology and Soils

Would the Project:	Equal or Less Severity of Impact Previously Identified in	Substantial Increase in Severity of Previously	New Significant Impact

	Previous CEQA Documents	Identified Significant Impact in Previous CEQA Documents	
Expose people or structures to substantial risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse, or landslides?	☑	☐	☐
Result in substantial soil erosion or loss of topsoil, creating substantial risks to life, property, or creeks/waterways?	☑	☐	☐
Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse; or	☑	☐	☐
Be located on expansive soil, as defined in section 1802.3.2 of the California Building Code (2007, as it may be revised), creating substantial risks to life or property?	☑	☐	☐

TASP EIR

Ground shaking generated during an earthquake could result in structural damage to project components and project-related infrastructure. Seismic-related ground shaking is an unavoidable hazard in the San Francisco Bay Area. Structures and associated infrastructure proposed under the Milpitas Transit Area Specific Plan would likely experience at least one major earthquake (greater than Richter magnitude 6.7) during their functional lifetime. The degree of hazard depends on the geologic condition of the site, construction materials, and construction quality. The intensity of such an event would depend on the causative fault and the distance to the epicenter, the moment magnitude, and the duration of shaking. Redevelopment projects in the planning area may also be susceptible to secondary seismic hazards such as liquefaction. Alluvial deposits in the Project Area may contain localized sand and silt lenses that are potentially liquefiable. Liquefaction can result in damage to underground utilities, shallow foundations, and paved areas.

In accordance with City Code, building permit applications for subdivisions must be accompanied by a preliminary soils report that indicates the presence of soil problems which, if not corrected, could lead to structural defects and include recommended corrective actions to prevent structural damage where such soil problems, such as liquefaction, exist. Also, the Seismic Hazards Mapping Act requires that before a development permit is granted for a site within a seismic hazard zone, a geotechnical investigation of the site has to be conducted and appropriate mitigation measures incorporated. Recommendations included in the preliminary soils report and geotechnical investigation would help to reduce potential liquefaction hazards to less than significant levels.

General Plan Policy that Reduces the Impact of Seismic Hazards

Seismic hazards such as ground shaking and liquefaction are further addressed in the City of Milpitas General Plan as follows:

- Policy 5.a-I-3: Require projects to comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual. Mandatory compliance with building codes and construction standards established in the California Building Code, the requirements of the Seismic Hazards Mapping Act and the City of Milpitas Municipal Code, and policies contained in the City of Milpitas General Plan would reduce seismic-related ground shaking and liquefaction to less than significant levels.

Sediments underlying the Planning Area are Quaternary alluvial soils that consist of interlayered, poorly-sorted gravel, sand, silt, and clay. The composition of these alluvial soils varies over distance and depth. Due to the variability of soils on the Planning Area, it is possible that proposed structures could be subject to soil expansion and settlement. Soils containing a high percentage of clays are generally most susceptible to expansion. Expansive soils can damage foundations of above-ground structures, paved roads and streets, and concrete slabs. If not properly engineered, loose, soft soils composed of sand, silt, and clay have the potential to settle after a building or other load is placed on the surface.

Construction activities are likely to include demolition of existing structures, the stripping of surface vegetation, grading, excavation of soils, and possibly the placement of imported engineered soils. Existing impervious surfaces and established ground cover that serves to stabilize site soils would be removed during construction, potentially exposing soils to the erosional forces of wind, rain, and runoff. Mandatory compliance with the City of Milpitas policy identified above would reduce impacts to geologic hazards, such as expansive soils, differential settlement, and erosion to less than significant levels.

Project Analysis

The site is located within the Coast Range geomorphic province at the northern extent of the Santa Clara Valley and the southern portion of San Francisco Bay. The ground surface is relatively flat, with a gentle slope toward the northwest. According to the *City of Milpitas Soil Map*, the site is underlain by silty clay loam with occasional thin sandy lenses, having a hydrologic group classification of C. These sandy lenses, encountered in borings between depths of approximately 5 and 25 feet, comprise the A-level aquifer. Clayey to silty sands comprising the B-level aquifer underlie the near-surface clay section. The hydrogeologic data from monitoring wells indicated northwesterly flow of the groundwater in both the A- and B-level aquifers (RWQCB 2007). The depth to first groundwater is estimated to be less than 10 feet below the ground surface, based on the *City of Milpitas Groundwater Elevation Map.*

The Project site is within a seismic hazard zone and would be subject to strong seismic groundshaking in the event of an earthquake. Structures in the City of Milpitas are designated Seismic Design Category D in the International Code Council classification system (Milpitas, 2016b). This designation corresponds to buildings and structures in areas expected to experience severe and destructive ground shaking but not located close to a major fault. USGS has characterized the risk of liquefaction during an earthquake of 7.8 along the San Andreas fault as between 0-5% (USGS 2016).

The Project is subject to City Policy 5.a-I-3, which requires projects to comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual. Mandatory compliance with building codes and construction standards established in the California Building Code, the requirements of the Seismic Hazards Mapping Act and the City of Milpitas Municipal Code, and policies contained in the City of Milpitas General Plan would reduce seismic-related ground shaking and liquefaction to less than significant levels.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project would not substantially increase the severity of impacts related to geologic or soils hazards as identified in the TASP EIR, or result in any new significant geology or soils impacts that were not identified in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review. With required implementation of all applicable City of Milpitas policies, as well as compliance with Seismic Hazards Mapping Act, California Building Code, and seismic requirements of the City of Milpitas Building Code, impacts related to geologic and soils hazards would be less than significant. There were no mitigation measures in the TASP EIR that would apply to the Project.

6. Hazards and Hazardous Materials

Would the Project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☑	☐	☐
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?	☑	☐	☐
Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☑	☐	☐
Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?	☑	☐	☐

TASP EIR

Due to historical land uses and reported hazardous material releases and spills, potential impacts associated with existing soil and groundwater contamination in portions of the Transit Area could occur. These potential impacts include risk of upset during demolition and construction activities and potential risks to human health and the environment. Future land uses would be subject to existing hazardous materials regulations for the use, transport, and disposal of hazardous materials. Full compliance with proposed policies in the Specific Plan and with hazardous materials regulations would ensure that schools are not exposed to hazardous emissions or materials associated with development under the Specific Plan.

Specific Plan Policies that Reduce the Impact

- Policy 5.20: Property owners shall work with the City of Milpitas Fire Department, the Santa Clara County Department of Environmental Health (SCCDEH), the California Department of Toxic Substances Control (DTSC), and/or the State Water Resources Control Board (SWRCB), whichever has jurisdiction, to resolve issues related to contamination that could potentially impact future land uses in the project area. The lateral and vertical extent of contamination

shall be determined, remediation activities completed, and land use restrictions implemented, as necessary, prior to the issuance of development permits on parcels with known contamination. For parcels with known contamination, appropriate human health risk assessments (HHRAs) shall be conducted based on proposed land uses by a qualified environmental professional. The HHRAs shall compare maximum soil, soil gas, and groundwater concentrations to relevant environmental screening levels (ESLs) and evaluate all potential exposure pathways from contaminated groundwater and soil. Based on the findings of the HHRAs, if appropriate, engineering controls and design measures shall be implemented to mitigate the potential risk of post-development vapor intrusion into buildings. For parcels with no identified contamination, a Phase I study shall be completed to review potential for ground water, soil, or other contamination related to previous land uses. If any potential for contamination is determined to exist that could adversely affect human health for residential uses, a Phase II level analysis shall be conducted per City, State, and Federal requirements. If contamination is found to exist, procedures for contaminated sites as described in the paragraph above shall be followed.

- Policy 5.21: Project applicants shall submit information to the City regarding the presence of asbestos-containing building materials, PCBs, and lead-based paint in existing buildings proposed for demolition, additions, or alterations. The information shall be verified prior to the issuance of demolition permits by the City of Milpitas Building Inspection Division for any

Project Analysis

Criterion 15300.2(e) of the CEQA Guidelines precludes CEQA exemptions for projects that are on sites included on any list compiled pursuant to Section 65962.5 of the Government Code identifying prior releases of hazardous materials that, because of such a listing, would create a significant hazard to the public or the environment. The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Geotracker 2016).

The Project will be required to implement all applicable City of Milpitas policies to ensure there are no as-yet unknown releases of hazardous substances, and to reduce the risks associated with any identified hazardous materials, including Policy 5.20, detailed above.

Because the Project does not already have a Phase I Environmental Site Assessment (ESA), one will be required in order to comply with the City's Policy 5.20 for projects within the Transit Area. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.

A Radius Map Report was prepared by EDR for the site; this report would be a primary data source for a required Phase I ESA. It showed the following:

- No evidence of current or historic environmental contamination onsite is noted in federal , state, local, or tribal database records.
- The property is listed on the following databases:

- FINDS - Facility Index System/Facility Registry System – Facility Index System (Federal). FINDS contains both facility information and 'pointers' to other sources that contain more detail. For the target property, it only points to ECHO (below)
- ECHO (Federal)—EPA's Enforcement and Compliance History Online—the site has a Facility ID, but no information is included in the site record. Therefore, listing on this database does not indicate presence or likely presence of hazardous substance.
- HAZNET - Facility and Manifest Data – Facility and Manifest Data (State)--The data is extracted from the copies of hazardous waste manifests received each year by the Department of Toxic Substances Control. The previous property occupant was a veterinary facility, which filed annual manifests with CalEPA for disposal of photochemicals/photo processing waste from 1996-2013, in quantities ranging from ~5-9 kilograms per month. Listing on this database for the small quantities of waste disposed of does not indicate presence or likely presence of hazardous substance.

- The site is within 35 feet of an active railroad alignment. Adjacent railroad tracks are often considered a "recognized environmental condition."[2] Herbicides containing heavy metals are commonly applied to railroad alignments, which can result in elevated concentrations of heavy metals in surrounding soil.

It is assumed that the Environmental Assessment conducted by the Applicant for the Project site will provide further analysis as to whether or not the presence of nearby historical auto and dry cleaning businesses (6 locations within ¼-mile of the property) constitute recognized environmental conditions, which might require a Phase II investigation involving subsurface soil and vapor analysis. From available information, it does not appear that any of these sites has been associated with an unauthorized release of hazardous substances, or any open enforcement actions.

Construction activities associated with the Project could result in the accidental release of hazardous materials into the environment. Implementation of construction-period BMPs required pursuant to Policy 5.20, will minimize the potential adverse effects to groundwater and soils such that the threat of exposure to the public or contamination to soil and groundwater from construction-related hazardous materials would be less than significant.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project will not substantially increase the severity of hazardous material impacts as identified in the TASP EIR, nor would it result in any new significant impacts related to hazardous materials not identified

[2] "Recognized environmental conditions" is defined by ASTM as "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property". ASTM Standard Practice E 1527-05. http://www.astm.org/DATABASE.CART/HISTORICAL/E1527-05.htm.

in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review. With required implementation of City guidelines and policies, and required compliance with federal, state, and local regulations for treatment, remediation, or disposal of contaminated soil or groundwater, impacts related to hazardous materials would be less than significant. No additional mitigation measures from the TASP EIR related to hazardous materials would apply to the Project.

7. Hydrology and Water Quality

Would the Project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
Violate any water quality standards or waste discharge requirements?	☑	☐	☐
Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or proposed uses for which permits have been granted)?	☑	☐	☐
Substantially alter the existing drainage pattern of the site or area, including through alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☑	☐	☐
Create or contribute substantial runoff that would exceed the capacity of existing or planned stormwater drainage systems?	☑	☐	☐
Otherwise substantially degrade water quality?	☑	☐	☐
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 that would impede or redirect flood flows?	☑	☐	☐
Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☑	☐	☐

Expose people or structures to a substantial risk of loss, injury or death involving flooding?	☑	☐	☐
Expose people or structures to a substantial risk of loss, injury, or death as a result in inundation by tsunami?	☑	☐	☐

Water Quality / Stormwater Runoff

TASP EIR

The Specific Plan buildout is not expected to substantially affect groundwater levels 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. The City is served by a municipal water system which does not depend on local groundwater. Due to that fact and because the Planning Area is almost fully developed, significant impacts to groundwater systems are not expected to occur. The Plan will not substantially alter the course of a stream or river in a manner that would result in substantial erosion or siltation on- or off-site. The Plan will maintain approximately the same drainage pattern, utilizing street gutters and storm drains that will remain in the same place as they are currently. In addition, the Planning Area is not subject to inundation by seiche, tsunami, or mudflow.

Construction

Construction and grading within the Planning Area would require temporary disturbance of surface soils. During the construction period, grading and excavation activities would result in exposure of soil to runoff, potentially causing erosion and entrainment of sediment in runoff. Soil stockpiles and excavated areas would be exposed to runoff and, if not managed properly, the runoff could cause erosion and increased sedimentation in storm drains or water courses within or adjacent to the Planning Area. The accumulation of sediment could result in blockage of flows, potentially resulting in temporarily-increased localized ponding or flooding. There is a potential for release of chemicals such as fuels, oils, paints, and solvents from construction sites. These chemicals could be transported to nearby surface waterways and/or groundwater in stormwater runoff, wash water, and dust control water, potentially reducing the quality of receiving waters.

General Plan Policies that Reduce the Impact

- 4.d-G-1: Protect and enhance the quality of water resources in the Planning Area. 4.d-I-1: Continue implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board – this is implemented through Chapter 16 of the City's Zoning Ordinance.

Specific Plan Policies that Reduce the Impact

- Policy 5.34: Require construction projects that disturb one or more acres to prepare a Stormwater Control Plan, as stipulated in Provision C.3 of the Santa Clara County National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges.

The City of Milpitas is included in the Santa Clara County NPDES permit for stormwater discharges. The permit requires that redevelopment projects 10,000 square feet or more in size develop a Stormwater Control Plan, as stipulated in Provision C.3 of the permit. The Stormwater Control Plan requires the implementation of BMPs to control both stormwater peak flows and pollutant levels. BMPs for flow control can include a decrease in impervious area (as will occur in the Planning Area) or construction of flow detention ponds and/or mechanical filtration. The City of Milpitas provides the Stormwater C.3 Guidebook (2005) to developers for assistance in developing a Stormwater Control Plan. The State of California periodically amends the City's NPDES Permit; projects seeking approval will be required to meet all requirements in place at the time of project application.

Implementation of existing General Plan policies, 4.d-G-1 and 4.d-I-1, and Transit Plan policies 5-33 and 5-34 would help to reduce construction related water quality impacts to less than significant levels.

Post-Construction

The TASP EIR also found that the change in land use from primarily industrial to residential and commercial uses will result in increased impacts from residents and associated traffic increases. The influx of a larger number of residents to the area, as well as new customers to the proposed retail areas may result in increased discharge of pollutants in stormwater runoff after partial or full build-out of the proposed plan. Automobile and other vehicle traffic can contribute pollutants such as fuels, oils, and heavy metals, and the expected increase in traffic will increase the probability of these pollutants to be found in runoff.

However, due to the change in land use, stormwater runoff will actually decrease from current amounts. The addition of more landscaped areas and parks will allow more precipitation to infiltrate into the ground compared with the current condition of nearly complete coverage of impervious pavement.

Specific Plan Policies that Reduce the Impact

- Policy 6.5: Ensure that runoff in storm drains does not lower water quality within or outside of the Transit Area by implementing Best Management Practices (BMPs) in new developments within the Transit Area.
- Policy 6.7: Prepare Master Grading and Storm Drainage Plans for each subdistrict of the Transit Area prior to approval of Zoning Permits for new buildings in that subdistrict.

The site's location within a FEMA-designated floodplain means that areawide planning is required, and special construction methods must be applied to development within much of the planning area. Regional flooding mitigation will be handled by the Santa Clara Valley Water District and the US Army Corp of Engineers for creek improvements. However, localized flooding mitigations will be handled by individual developers for necessary on-site and off-site improvements.

Project Analysis

Construction

Grading activity for the Project could result in siltation and downstream sedimentation of stormwater runoff, and construction activities could result in pollutants entering stormwater runoff and downstream receiving waters. However, the Project's total site area disturbed would be less than 1 acre; therefore, the Applicant does not need coverage under the State Construction General Permit, and the potential for impacts to water quality from construction are considered less than significant. Because the Project creates more than 10,000 sq.ft of impervious surface, however, it is subject to Provision C.3 of the Bay Area Municipal Regional Stormwater Permit, issued under the NPDES program. These provisions require the use of source control, site design, and stormwater treatment measures.

In addition, the project site is mapped as being within the category of "Catchments and Subwatersheds Greater Than or Equal to 65% Impervious" on the Santa Clara Valley Urban Runoff Pollution Prevention Program's map entitled Classification of Subwatersheds and Catchment Areas for Determining Applicability of Hydromodification Management (HM) Requirements (Municipal Regional Stormwater Permit, Attachment M). The Hydromodification Standard and associated requirements do not apply to projects within this category, therefore the project is exempt from these requirements.

Post-Construction

The operation of the Project will have the potential to introduce pollutants into stormwater runoff that could result in degradation of downstream water quality, but is not expected to contribute a substantial volume of surface runoff volume that would exceed the capacity of existing or planned stormwater drainage systems. None of the creeks that drain the Planning Area (Lower Penitencia, Wrigley, and Berryessa drain to Coyote Creek) are on the State's list of impaired waterbodies pursuant to the Clean Water Act, Section 303(d).

As required by the Santa Clara County NPDES permit for stormwater discharges, the Project has prepared a Stormwater Control Plan, which contains Best Management Practices to control both stormwater peak flows and pollutant levels. The Project proposes to maximize the utilization of perimeter landscaping for bio-treatment of runoff from impervious surfaces, with the incorporation of under-drains to reduce the potential for contact between the treated runoff and the surrounding subgrade. The Project also includes measures to limit imperviousness by making development more compact (by locating parking under the building and employing tandem parking) and limiting overall impervious surface area on the site (by maximizing the use of landscaping in open space areas and around the site perimeter)

Proper operation and maintenance of stormwater management facilities will be the responsibility of the property owner or homeowners association in perpetuity. The property owner or homeowners association will be subject to an annual fee (set by the City's standard fee schedule) to offset the cost of inspecting the site or verifying that stormwater management facilities are being maintained.

With implementation of these City requirements, potential post-construction water quality impacts will be reduced to a level of less than significant.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project would not substantially increase the severity of water quality and stormwater runoff impacts identified in the TASP EIR, nor would it result in new significant impacts that were not identified in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review. With required implementation of provisions in the County NPDES permit for stormwater discharges, impacts related to water quality and stormwater runoff would be less than significant. No additional mitigation measures from the TASP EIR related to water quality would apply to the Project.

Hydrology (Changes to the Drainage Pattern and Capacity, Groundwater Recharge, Flooding and Creeks)

TASP EIR

Areas of special flood hazard are subject to a number of standards as specified in the City of Milpitas Municipal Code. All new construction (residential and non-residential) with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Within Zone AH or AO, improvements shall be constructed so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

Further details of these provisions can be found in the following sections of the City of Milpitas Municipal Code:

- Standards of Construction (Section XI-15-5.1) – specify requirements for anchoring, construction materials and methods, and elevation and flood-proofing
- Standards for Utilities (Section XI-15-5.2) – specify requirements for new and replacement water supply and sanitary sewage systems, and on-site waste disposal systems
- Standards for Subdivisions (Section XI-15-5.3)
- Floodways (Section XI-15-5.6) – specify requirements and constraints for encroachments, and other flood hazard reduction provisions.

In addition, while regional flooding mitigation will be handled by the Santa Clara Valley Water District and the US Army Corp of Engineers for creek improvements, localized flooding mitigations will be handled by individual developers in accordance with a developer-funded and City-approved Storm Drainage Plan for each subdistrict.

Full compliance with the abovementioned municipal code, the City's development standards, and the following Transit Plan policies would help reduce flooding impacts to less than significant levels:

- Policy 6.1: Minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program.

- Policy 6.2: New development within a FEMA-designated flood hazard zone must follow the City's construction standards for such areas, as currently laid out in Section XI-15 'Floodplain Management Regulations' of the Milpitas Municipal Code.
- Policy 6.3: New development must maintain the Transit Area's urban design standards. In particular, first floor commercial space must be within two feet of the elevation of the public sidewalk.

  The design and development standards in Chapter 5 [of the TASP] must be followed, as well as the FEMA construction standards. This policy is particularly important regarding the location and appearance of on-site parking and the accessibility of ground floor retail from sidewalks. FEMA's construction standards require a building's floor plate to be one foot above flood level. Rather than elevate a building on stilts and require store access via stairs or ramps, the ground floor should be accessible via a sloping sidewalk. On streets fronted by ground floor commercial, no sidewalk shall be more than two feet above or below the floor level of adjacent commercial space, as specified in Chapter 5. The sidewalk needs to be designed so that the grade of its slope complies with federal, state, and local standards for disabled access.
- Policy 6.4: Provide storm drain infrastructure to adequately serve new development and meet City standards.
- Policy 6.6: Construct the improvements within the Transit Area that were identified in the 2001 Storm Drainage Master Plan, and any other improvements identified in updates to the Master Plan.

Project Analysis

A 100-yr Floodplain Analysis was conducted for the Project Applicant by Schaaf & Wheeler, dated April 13, 2016 (Schaaf & Wheeler) (Appendix B). According to Flood Insurance Rate Map (FIRM) panel 06085C0067J, the majority of the Project site is located in a FEMA special flood hazard area AO (1FT) indicating an average flood depth of 1 FT throughout the flood hazard zone.

During a 100-year storm event, water approaches the site from the southeast as a result of spills from Upper Penitencia Creek and East Penitencia Creek. After travelling along McCandless Drive, flow attempts to re-enter Lower Penitencia Creek, but due to capacity restrictions, it spills overland through the Project site towards South Main and South Abel Streets towards Great Mall Parkway.

Under existing conditions, water moves through the site conveying flows generally west via the onsite parking lot and drive aisles. Flow which exits the site travels westerly across South Main Street to the northwest.

The City of Milpitas floodplain ordinance, Municipal Code Section XI-15-5.1(c)(1) requires that finish floor elevations (FFE) be 1 foot above the base flood elevation (BFE) and 1 foot above the highest adjacent grade elevation plus the depth of flooding (HAG+2') within an AO (1) Zone. Floodflow modeling was conducted for the site by Schaaf & Wheeler, based on a combined HEC-RAS and FLO-2D model for the Berryessa Creek and Upper Penitencia Creek systems.

The pre-Project base flood elevation ranges from approximately 35.8 feet at the upstream end of the property to 35.4 feet at the downstream. The post-Project base flood elevation ranges from 36.1 to 35.4 feet. See Table 1 for detailed study BFE at the proposed structure (36.1'). Table 1 also shows that the finished floor elevation of the project (37.1') complies with the HAB+2' requirement in the City's floodplain ordinance.

Overall, the modeling showed that Project would result in a decrease in the 100-year water surface elevation at many points downstream of the site and has no more than 0.3 feet of impact at any neighboring privately-owned property. Since the 1316 S. Main Street development has impacts of less than 0.36 feet, and neighboring projects do not adversely impact one another, cumulative impacts will be less than 1 foot and therefore in compliance with the City of Milpitas floodplain ordinance section XI-15-4.3(a)(4).

In addition, FEMA requires the lowest adjacent grade to a structure be higher than the base flood elevation to remove the building from the flood hazard area. A Conditional Letter of Map Revision Based on Fill (CLOMR-F) and Letter of Map Revision Based on Fill (LOMR-F should be filed with FEMA during planning and after construction respectively to remove the proposed building from the floodplain.

Table 1: 1316 S. Main Street Base Flood Elevation (NAVD, ft)

Building #	Avg Grade	BFE[1] Zone AO(1)	TOC[2]	HAG+2'[3]	Creek Profile	FEMA BFE	Detailed Study BFE	FFE[4]
1	33.9	34.9	34.8	36.4	35.5	35.5	36.1	37.1

1. BFE= base flood elevation
2. TOC=top of curb elevation
3. HAB+2'=highest adjacent grade elevation plus 2 feet
4. FFE=finish floor elevation

Source: Schaaf & Wheeler, 1316 S. Main St. Floodplain Analysis, April 13, 2016.

The project proposes an elevator for the residential structure. Since the pit of the elevator will be below the BFE, this will result in a basement/enclosure type of construction where the bottom floor is below grade on all sides. FEMA Region IX and Headquarters, through meetings held with the City of Milpitas in January 2016, have determined that the elevator pit is a basement/enclosure per the NFIP Guidance Manual. Thus, the elevator must be designed and installed per FEMA technical bulletins TB-4 and TB-10.

The floodplain analysis conducted for the site recommends the following guidelines be followed for elevator design and construction:

- Most of the components (the elevator utilities and utility equipment) that could be damaged by the 100-yr floodwaters should be located above the BFE.
- The elevator components that are located below the BFE should be designed to be watertight and to resist physical damage during flooding.

- The elevator should be located so that it is reasonably safe from the 100-yr floodwaters; i.e. so that flood waters could not enter or accumulate within the components during conditions of flooding.
- To receive a floodproofing certification per the requirements of the City and FEMA, the project must comply with FEMA technical bulletins TB-4, and TB-10.

The Project will not result in substantial flooding on- or off-site; will not expose people or structures to a substantial risk of loss, injury or death involving flooding; and will not impede or redirect flood flows. Given the rare occurrence of tsunamis and the emergency alert system enabling evacuation of people, the potential risk to the Project related to tsunami inundation would be low.

The Project would also not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project would not substantially increase the severity of hydrology impacts identified in the TASP EIR, nor would it result in new significant hydrology impacts that were not identified in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review. With required implementation of FEMA Technical Guidelines in floodproofing the elevator, and conformance with City development guidelines as mentioned above, impacts related to hydrology would be less than significant.

8. Land Use

Would the Project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
Physically divide an established community?	☑	☐	☐
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 and actually result in a physical change in the environment?	☑	☐	☐
Conflict with any applicable habitat conservation plan or natural community conservation plan?	☑	☐	☐

TASP EIR

The proposed Plan will not divide an established community, since only one residential neighborhood exists within the Planning Area. In fact, the Plan will create street and trail connections and pedestrian bridges across major thoroughfares, thereby better connecting the area's existing residents and employees with jobs, services, parks, and transit. In addition, there are no habitat conservation plans or natural community conservation plans within the Planning Area, therefore the proposed Plan will not conflict with any.

Project Analysis

The Project site is a previously developed lot in an urbanized area which is no longer occupied. Implementation of the Project would result in the development of this vacant commercial property with a residential use. Similar to the TASP, the development of the Project would help improve existing conditions and contribute to the existing community and would not physically divide an established community. The Project would be consistent with the TASP land use designation.

The TASP identifies the Project site as being in the Multi-Family Very High Density zoning area of the Plan. In addition, the site is within a "Transit-Oriented Development" (TOD) area. This translates to a zoning designation R4-TOD, which represents the addition of the transit area overlay to the existing residential R4 district. This overlay was adopted by the City subsequent to the adoption of the TASP as part of the amendments to the Zoning Ordinance, codified in Section XI-10-12.06. The Project would improve land use compatibility by redeveloping a vacant site with a new residential development as was envisioned under the TASP EIR. The Project's proposed land uses are generally consistent with the existing land use designation and zoning for this site. The Applicant has requested a Conditional Use Permit, with the following specific exceptions to TASP Design Guidelines:

i. reduce the rear yard setback of 30 feet;

ii. reduce the side yard setback of 15 feet;

iv. construct parking below grade;

v. construct the parking podium lower than 5' above grade; and

vi. allow vehicle entry to parking garage from street frontage.

The issuance of a CUP would bring the Project into conformance with applicable zoning and land use policies of the City Municipal Code.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project would not substantially increase the severity of any land use impacts as identified in the TASP EIR, nor would it result in new significant land use impacts that were not identified in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review. There would be no impact. There were no mitigation measures in the TASP EIR related to land use issues that would apply to the Project.

9. Noise

Would the Project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☑	☐	☐
Expose persons to or generate excessive groundborne vibration or groundborne noise levels?	☑	☐	☐
Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☑	☐	☐
Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☑	☐	☐
Be located within an airport land use plan and would expose people residing or working in the project area to excessive noise levels?	☑	☐	☐
Be located within the vicinity of a private airstrip, and would expose people residing or working in the project area to excessive noise levels?	☑	☐	☐

TASP EIR

Construction Noise

Construction impacts due to development pursuant to the Specific Plan were assessed qualitatively in the TASP EIR, while operational impacts upon implementation of the Specific Plan were quantified. For the assessment of traffic noise impacts due to the increase in vehicular traffic, the Federal Highway Administrations' Noise Modeling Protocol was used. Analysis was conducted for existing, future no project (2030), and future with project (2030) conditions.

Impacts from the implementation of the proposed Specific Plan would result in temporary and intermittent construction impacts as well as long-term operational impacts from the increase in roadside noise levels and the exposure of sensitive receptors to noise levels above the standards. Due to the transit-oriented and mixed-use nature of development proposed under the Specific Plan, receptors could also be exposed to groundborne noise and vibration from train and future BART activity.

The addition of buildout Plan traffic would increase noise levels on local roadways by greater than 3 dBA, the significance threshold for this impact, in 10 locations. The proposed Plan buildout would cause significant noise impacts along segments of Centre Point Drive, Great Mall Parkway, and McCandless Drive. Noise levels will increase by more than 3 dBA in seven additional locations, but those increases will be caused by the background conditions with no additional noise created by the proposed Plan. The Project site is not included in any of the roadway segments impacted by more than 3 dBA.

None of the future noise levels along the analyzed roadway segments (including Great Mall Parkway, east and west of S. Main St) would exceed the “conditionally acceptable” standards established the Noise Element of the City’s General Plan.

General Plan Policies that Reduce the Impact

Implementation of the following policies in the Milpitas General Plan would reduce potential traffic-related noise impacts:

- Policy 6-G-1: Maintain land use compatibility with noise levels similar to those set by State guidelines.
- Policy 6-I-2: Require an acoustical analysis for projects located within a "conditionally acceptable" or "normally unacceptable" exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.
- Policy 6-I-3: Prohibit new construction where the exterior noise exposure is considered "clearly unacceptable" for the use proposed.
- Policy 6-I-4: Where actual or projected rear yard and exterior common open space noise exposure exceeds the “normally acceptable” levels for new single family and multi-family residential projects, use mitigation measures to reduce sound levels in those areas to acceptable levels.
- Policy 6-I-5: All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB day-night average sound level (DNL) or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels.
- Policy 6-I-6: Assist in enforcing compliance with noise emissions standards for all types of vehicles, established by the California Vehicle Code and by federal regulations, through coordination with the Milpitas Police Department, Santa Clara County Sheriff's Department, and the California Highway Patrol.
- Policy 6-I-10: Reduce the noise impact in existing residential areas where feasible. Noise mitigation measures should be implemented with the cost shared by public and private agencies and individuals.
- Policy 6-I-14: City streets will be designed to reduce noise levels to adjacent areas. This is most effectively implemented through traffic engineering to prevent residential streets from becoming rush-hour thoroughfares, and through enforcement of speed limits. Physical mitigation measures, such as sound walls, will also be considered, where appropriate.

- Policy 6-I-15: Promote installation of noise barriers along highways and the railroad corridor where substantial land uses of high sensitivity are impacted by unacceptable noise levels.
- Policy 6-I-16: Work with Caltrans and other agencies on traffic and railroad noise issues and participate in appropriate noise mitigation programs.

Specific Plan Policies that Reduce the Impact

- Policy 5.12: The City shall offer to pay for sound walls, sound absorptive material, and additional sound insulation for residential uses located along Great Mall Parkway, between South Main and Abel streets, if interior noise levels rise above permitted levels by the year 2030.
- Policy 5.11: Construct masonry walls to buffer residential uses from BART and UPRR train tracks. These walls will be constructed by residential developers. They may be located within the landscaped buffer along the tracks.
- Policy 5.17: In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses and the permanent rights of existing industrial uses to remain. This notification must be made prior to the sale or rental of building space, and provide information about the extent of industrial uses throughout the Transit Area and specific information about each industrial use that is immediately adjacent to the property.
- Policy 5.18: Day care facilities, schools, nursing homes, and other similar sensitive receptors shall be located away from sites which store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks, and additional exit routes over and above minimum code requirements.
- Policy 5.19: Require the installation of temporary buffers—fences, walls, or vegetation—when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when an adjacent site is redeveloped as a non-industrial use.

Vibration

Ground vibration from passing trains consists of rapidly fluctuating motions or waves, which are also measured in decibels (measured in "VdB" for vibration decibels to reduce confusion with sound decibels). Construction activities, train operations, and street traffic are some of the most common external sources of vibration that can be perceptible inside residences.

Transit systems, including light and heavy rail, are potential sources of substantial ground vibration depending on distance, the type and speed of trains, and the type of track. The Federal Transit Administration (FTA) of the U.S Department of Transportation has developed vibration impact assessment criteria for evaluating vibration impacts associated with rapid transit projects. For Category 2 (residences and buildings where people normally sleep), the Vibration Impact Limits are 80 VdB for Infrequent Events such as a train with fewer than 30 vibration events of the same kind per day.

Specific Policies to Reduce Impact

- Policy 5.13: Apply the FTA groundborne vibration criteria (presented in Table 5-5 of the Transit Area Specific Plan) as review criteria for development projects in the vicinity of vibration sources such as BART trains and heavy rail trains.
- Policy 5.14: Project applicants shall conduct a vibration impact analysis for any sites adjacent to or within 300 feet of active UPRR and BART alignments to demonstrate that interior vibration levels within all new residential development (single family and multifamily) and lodging facilities would be at acceptable levels. If needed, require mitigation measures to reduce vibration to acceptable levels.

Project Analysis

Construction of the Project will generate noise from activities such as site grading, foundation work, framing, and construction of the new building. The Project will not include any pile driving or other extreme noise-generating construction activities. In addition, new residents will be anywhere from 50-170 feet from an active rail line.

Because of the Project site's proximity to the Union Pacific Railroad Warm Springs Subdivision Main Line (UPRR), whose tracks are 30 feet from the eastern boundary of the property), a Noise and Vibration Assessment study was conducted for the Project Developer by Edward L. Pack and Associates in 2015 (Pack 2015) (Appendix C).

Noise & Vibration Study Methodology

To determine the existing noise environment at the site, continuous recordings of the sound levels were made at two locations, as shown in Figure 3, next page. Location #1 was 58 feet from the centerline of South Main Street, corresponding to the planned minimum setback of the building from the roadway. Location #2 was along the easterly property line closest to the UPRR tracks, 32 feet from the centerline of the tracks. The measurements at Locations 1 and 2 were made for continuous 72-hour periods. The measurements were made on April 15-18, 2015, and included representative hours during the daytime and nighttime periods of the DNL index.

Rail passbys occurred from 1-3 times a day. Over the course of three days, all passbys but one were between the hours of 9am-12pm; the other was at 5pm.

Results

The noise assessment results presented in the findings were evaluated against the standards of the City of Milpitas Noise Element of the General Plan, which utilizes the Day-Night Level (DNL) descriptor. The standards specify a limit of 65 decibels (dB) DNL at multi-family common areas, such as the courtyards and large decks. The noise standards are not applied to small, limited use private areas such as balconies. Interior living spaces are limited to 45 dB DNL.

Figure 3. Noise Measurement Locations—1316 S. Main St.

Source: Edward L. Pack & Associates

California Code of Regulations Title 24 includes noise standards that also use the DNL descriptor and specify a limit of 45 dB DNL or lower for interior living spaces from exterior noise sources.

The Title 24 standards also specify minimum sound insulation ratings for common partitions separating different dwelling units and dwelling units from interior common spaces.

Exterior Noise Exposure

The Noise Element of the City's General Plan establishes that "Normally Acceptable" noise limit for multi-family land use is 65 dB DNL.

The results of the noise calculations indicate that the total exterior noise exposure at measurement Location 1, 58 feet from the centerline of South Main Street, were 62 dB DNL on each of the three days of measurements under existing conditions. Under future traffic conditions, the noise exposure is expected to increase to 63 dB DNL.

The noise exposures at measurement Location 2, 32 feet from the centerline of the railroad tracks, were calculated to be 55, 56 and 53 dB DNL on each of the three days of measurements. At the planned minimum setback of 51 feet from the tracks, the noise exposures reduce to 55, 56 and 52 dB DNL. The UPRR contribution to these noise exposures was 39, 44 and 45 dB DNL, respectively.

The exterior noise exposures in the planned podium courtyard/common area were calculated to be 33 to 40 dB DNL with the higher noise levels on the easterly end of the courtyard. Thus, the noise exposures will be within the 65 dB DNL limit of the City of Milpitas Noise Element standards.

The exterior noise exposure on the roof deck was calculated to be up to 53 dB DNL throughout the deck area under existing and future conditions. Thus, the noise exposures will be within the 65 dB DNL limit of the City of Milpitas Noise Element standards. The exterior noise exposures will be within the limits of the standards. Mitigation measures for the exterior living areas will not be required.

Interior Noise Exposure

The Noise Element of the City's General Plan and Title 24 of the California Code of Regulations both establish that interior noise exposures in all residences are limited to 45 dB DNL.

To evaluate the interior noise exposures in project living spaces, a 15 dB reduction was applied to the exterior noise exposure to represent the attenuation provided by the building shell under *annual-average* conditions. The *annual-average* condition assumes that windows have standard dual-pane thermal insulating glass and are kept open up to 50 % of the time for natural ventilation. Thus, the interior noise exposures in living spaces closest to South Main Street will be up to 47 and 48 dB DNL under existing and future traffic conditions, respectively. Thus, the noise exposures will be up to 3 dB in excess of the City of Milpitas Noise Element and Title 24 standards.

The interior noise exposures in the most impacted living spaces closest to the UPRR tracks will range from 37-41 dB DNL. Thus, noise exposures will be within the 45 dB DNL limits of the of the City of Milpitas Noise Element and Title 24 standards.

To meet the City's development standards for noise levels in General Plan Policies 6-I-4 and 6-I-5, the Project would need to implement the recommendations included in the acoustical analysis conducted pursuant to Policy 6-I-2, including:

- All windows and glass balcony doors of all living spaces within 100 feet of the centerline of South Main Street and with a direct or side view of the roadway should remain closed at all times.
- Install windows and glass doors rated minimum Sound Transmission Class (STC) 26. Standard dual-pane windows and doors will typically meet this criterion.
- When windows are maintained closed for noise control, some type of mechanical ventilation to assure a habitable environment must be provided, per the Mechanical Code. The windows specified to be maintained closed are to be operable, as the requirement does not imply a "fixed" condition. All other windows of the project and all bathroom windows may have any type of glazing and may be kept opened as desired unless the bathroom is an integral part of a living space without a closeable door.
- In addition to the required STC ratings, the windows and doors shall be installed in an acoustically-effective manner. To achieve an acoustically-effective window construction, the sliding window panels must form an air-tight seal when in the closed position and the window frames must be caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration. Exterior doors must seal air-tight around the full perimeter when in the closed position.

In addition, TASP Policy 5.11 requires that developers construct masonry walls to buffer residents from UPRR train tracks.

The implementation of the above recommended measures will reduce excess noise exposures and bring the Project into compliance with the 45 dB DNL interior noise exposure standards of the City of Milpitas Noise Element of the General Plan and Title 24.

Based on the traffic analysis conducted for the Project, the Project would be expected to result in a net increase of approximately 132 daily vehicle trips if fully sold. These trips would be distributed over the street network in and around the Project area and would affect noise levels along those streets to a less than significant degree.

Vibration

The railroad-induced ground-borne vibration levels at the most impacted planned building setback, 51 feet from the centerline of the railroad tracks, range from 63 to 66 VdB. The FTA guidelines provide methodologies to adjust vacant site vibration levels to determine the approximate vibration levels in various floor elevations of residential structures. Using these FTA adjustment methodologies, the vibration levels in the ground floor garage were calculated to range from 68 to 71 VdB.

Vibration levels diminish with elevation. At the residential floors of the project, the vibration levels were calculated to range from 53-56 VdB at the 1st residential floor, 51-54 VdB at the 2nd residential floor and 49-52 VdB at the third residential floor. Thus, the vibration levels will be within the 80 VdB criterion established by the FTA for infrequent rail operations, and the impacts would be less than significant.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR and the site-specific noise and vibration study, implementation of the Project would not substantially increase the severity of construction-related noise impacts as identified in the TASP EIR, or result in new significant construction noise impacts that were not identified in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review. With required implementation of applicable policies from the Noise Element of the General Plan and the specific mitigation identified in the site-specific study for interior noise, impacts from construction noise, traffic-driven noise, and the impacts from the nearby rail line would be less than significant.

10. Traffic and Transportation

Would the Project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, specifically at study are intersections?	☑	☐	☐

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?	☑	☐	☐
Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	☑	☐	☐
Directly or indirectly, result in hazards to pedestrian, bicyclist, or bus rider safety?	☑	☐	☐
Result in inadequate emergency access?	☑	☐	☐
Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities adopted for the purpose of avoiding or mitigating an environmental effect and result in a physical change in the environment?	☑	☐	☐
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?	☑	☐	☐

TASP EIR

Impacts to Intersections and Roadways

In addition to the CEQA Guidelines considerations, Santa Clara Valley Transportation Authority (VTA) has established its own thresholds of significance for impacts to traffic intersections, as have the cities of Milpitas and San Jose as well.

The intersections most affected by the Project operate under the City's standards, so only the City's standards of significance are presented here. Significant impacts at signalized Milpitas City intersections are defined to occur when the addition of project traffic causes:

- Intersection operations to degrade from an acceptable level (Level of Service (LOS) D or better) under Background Conditions to an unacceptable level (LOS E or F) under Project Conditions; or
- Exacerbation of unacceptable operations (LOS E or F) by increasing the critical delay by more than 4 seconds and increasing the volume-to-capacity (V/C) ratio by 0.01 or more; or
- An increase in the V/C ratio of 0.01 or more at an intersection with unacceptable operations (LOS E or F) when the change in critical delay is negative (i.e., decreases). This can occur if the critical movements change.

Significant impacts at City of Milpitas roadway segments are defined to occur when the addition of project traffic causes:

- A degradation in operations under the current General Plan from an acceptable (LOS D or better) to an unacceptable level (LOS E or F); or
- An increase of more than one percent of the segment's capacity to a segment already operating at LOS F.

The TASP EIR analyzed a set of 52 intersections and 18 roadway and freeway mainline segments, based on the volume and distributional patterns of TASP-generated traffic and known locations of operational difficulty. Level of service calculations were conducted for the key intersections to evaluate their operations under Background conditions with approved project traffic and anticipated intersection modifications.

The amount of traffic added to the roadway system by the proposed Plan buildout is estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. The first step estimates the amount of added traffic to the roadway network. The second step estimates the direction of travel to and from the Planning Area. The trips are assigned to specific street segments and intersection turning movements during the third step.

According to VTA guidelines (Transportation Impact Analysis Guidelines, updated October 2014), reductions may be applied to the trip estimates for mixed-use projects and for sites that are located in close proximity to transit facilities. The Great Mall/Main and Montague light rail stations are located within the TASP area. To be conservative in estimating impacts, the BART station (expected to begin operations in 2017) was not included in the 20-year Plan buildout model, it was only included in the Year 2030 conditions.

The TASP EIR concluded that implementation of the proposed Plan was estimated to have a significant near-term impact to 15 key intersections, four freeway segments, and to existing bicycle, pedestrian, and transit facilities. Year 2030 impacts were identified for a majority of the roadway segments within the Planning Area. Transit Area Plan policies were developed to reduce impacts to less-than-significant level. However, there are significant and unavoidable impacts for key intersection, freeway, and roadway segments. However, neither of the two intersections near the proposed Project—Great Mall Parkway/S. Main St and S. Abel St/S. Main St—showed significant impacts to LOS or V/C ratio under Plan buildout conditions and under Year 2030 cumulative conditions with Plan Buildout.

Specific Plan Policies that Reduce the Impact

- Policy 6.32: The City shall establish and assess a transportation impact fee program, known as the Regional Traffic Fee, to contribute toward traffic improvements to be undertaken in whole or in part by the County of Santa Clara or City of San Jose. This fee will go toward the East/West Corridor Study, Montague Expressway Widening project, and Calaveras Boulevard (SR 237) Overpass Widening project, as well as other local and regional improvements. Individual developments within the Transit Area are required to prepare a traffic impact analysis to identify their fair share contribution toward the impacts and

mitigation measures covered by the fee (Note: this fee was subsequently adopted in 2014 and communicated to the Applicant[3]).

- Policy 6.33: The City shall establish and assess a transportation impact fee program, known as the Transit Area Plan Traffic Fee, to provide improvements to mitigate future traffic operations on the roadway segments within the City of Milpitas. All projects within the Transit Area Plan will be required to pay this fee.

Pedestrian, Bicycle, and Transit Demand

The TASP EIR concluded that the existing sidewalk network within the Planning Area was deficient and will not meet future demand generated by new and higher intensity land uses. The current bicycle network within the Planning Area will not meet future demand.

Specific Plan Policies that Reduce the Impact

- Policy 3.15: Review individual development applications to ensure that adequate street right-of-way, bicycle facilities, pedestrian facilities and landscaping are provided and are consistent with the Transit Area Plan circulation policies and street design standards in Chapter 5.
- Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes.

Implementation of these policies will avoid creating unsatisfied demand for pedestrian and bike access.

The new Plan uses will generate new transit trips in addition to the project trips that were reduced during the AM or PM peak hours for the traffic analysis. These transit trips can be accommodated by the numerous transit lines (bus, light rail and BART in the future). The increased transit demand will occur over several years because full development of the entire Planning Area will not occur immediately. VTA would likely adjust the transit schedule and frequency to accommodate future demand.

Project Analysis

Trip Generation

A Trip Generation estimate for the Project was prepared by Fehr & Peers, dated July 7, 2016 (Fehr & Peers 2016) (Appendix D). The trip generation estimates were developed for the Project based on the trip rates provided in the *Institute of Transportation Engineer's* (ITE) *Trip Generation Manual, 9th Edition*

[3] In a letter "Re: 1316 South Main Street - Major Tentative Map, Site Development Permit, and Conditional Use Permit for Proposed 18 Condos", dated March 4, 2016, sent to the Applicant, the City stated, "In order to pay for the capital improvements or Basic Infrastructure Program (BIP) that will be generated by the new development in the TASP area, in February 2014, the Milpitas City Council adopted a Transit Area Development Impact Fee (TADIF). This fee for new multi-family units, whether for-sale or rental housing, is $32,781 per unit. For the 18 - unit project that is proposed, $590,058 is due at the time when a building permit is issued."

and applying trip reduction credits for proximity to transit consistent with VTA's *Transportation Impact Analysis Guidelines* (TIA, 2014).

The proposed project is approximately 850 feet away from the Great Mall Station, which provides VTA light rail service. According to the *TIA,* the standard trip reduction for housing developments where the walking distance from the unit to the station is 2,000 feet or less is nine (9) percent.

The trip generation comparisons for the daily, weekday AM peak hour and weekday PM peak hour are provided in Table 2, following page. The project would generate a net of 12 new AM peak hour vehicle

Table 2: Project Vehicle Trip Estimates

Land Use	Quantity	Unit	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Residential Condominium/Townhouse[1,2]	18	Dwelling Units	145	2	11	13	10	5	15
Transit Proximity Reduction (9% trip reduction)[3]			*-13*	*0*	*-1*	*-1*	*-1*	*0*	*-1*
Total Net New External Vehicle Trips			**132**	**2**	**10**	**12**	**9**	**5**	**14**

Notes:

[1] Source: Daily trip rates, peak hour rates, and in/out percentage splits were obtained from the Institute of Transportation Engineers (ITE) *Trip Generation, 9th Edition* (ITE,

2012).

[2] Daily trips and peak hour trips were estimated using the following fitted curve equations presented in the ITE *Trip Generation* for land use category 230 - Residential

Condominium/Townhouse (Adjacent Street Traffic, 7-9 AM, 4-6 PM): Daily: LN(T) = 0.87 * LN(X) + 2.46 , X = Number of Dwelling Units

AM Peak Hour: LN(T) = 0.80 * LN(X) + 0.26 , X = Number of Dwelling Units; 17% inbound, 83% outbound

PM Peak Hour: LN(T) = 0.82 * LN(X) + 0.32 , X = Number of Dwelling Units; 67% inbound, 33% outbound

[3] Using the VTA's standard reduction approach, a 9% reduction was applied to the daily and peak hour residential condominium trips to account for the close proximity of the project to light rail transit.

Source: Fehr & Peers, July 2016.

trips, 14 new PM peak hour trips and a net total of 132 vehicle trips daily. Thus, new vehicle trips generated by the Project represent only approximately 0.30% of the total trips estimated to be generated by buildout of the TASP (12 of the 3,416 new AM peak hour trips generated by TASP, and 14 of the 4,926 new PM peak hour trips generated by TASP).

Trip Distribution

A geographic distribution of the project trips was developed, based on locations of nearby land uses (e.g. office buildings), characteristics of the street system serving the site, existing travel patterns in the area, and patterns used in other studies such as the traffic study developed for the TASP EIR (Table 3).

Table 3. Trip Distribution

Direction	Percentage
Great Mall Parkway east	20%
Great Mall Parkway west	30%
South Main Street north	10%
South Main Street south	35%
South Abel Street	5%

Source: Fehr & Peers, July 2016.

Project Impacts

In determining whether the trip volume generated for this study is within the envelope of the traffic analysis in the TASP EIR, Fehr & Peers confirmed that the land use assumption for the Zhang Condos site is residential in the TASP and that the proposed density is consistent with the TASP zoning. The proposed Project reflects a residential density of 45 units per acre. Because this is within the specified density range given by the TASP, the project is consistent; therefore, the TASP EIR already considers the development of this parcel. Because the parcel was designated in the TASP as residential and the project conforms to the residential zoning prescribed by the TASP, the project trips generated by the proposed project are included in the traffic analysis prepared for the TASP EIR. Developments that are consistent with the parcel's TASP classification are accounted for by the TASP EIR and would not cause new or greater impacts compared to those analyzed in the EIR, and do not require further mitigation.

The TASP also projects level of service (LOS) at major intersections within and adjacent to the TASP planning boundary. Table 3.3-10 of the TASP shows the projected LOS after development of all parcels in the study area. The resulting Background plus Project LOS for the adjacent intersections (i.e. South Main Street/Great Mall Parkway and South Abel Street/South Main Street) were reported to result in LOS D or better during the weekday AM and PM peak hours. Because no impacts were identified in the Plan buildout traffic analysis prepared for the TASP, it is reasonable to conclude that no impacts at adjacent intersections will be caused by the proposed Zhang Condos development, which conforms to the land use and density assumptions in the TASP. It can also be inferred that intersection operations would

not degrade due to the implementation of this project, which generates minimal trips in the peak hours.

The VTA requires a full Transportation Impact Analysis (TIA) for any project expected to generate 100 or more net new weekday (AM or PM peak hour) or weekend peak hour trips, including both inbound and outbound trips. The proposed project is expected to generate 12 net new AM peak hour trips and 14 net new PM peak hour trips. With this number of project-generated trips, a full TIA is not necessary per VTA minimum requirements.

The VTA also requires a Congestion Management Program (CMP) for any intersection where the proposed development project is expected to add 10 or more peak hour vehicles per lane to any intersection movement. At most, the proposed development could add six (6) vehicles per lane in the AM peak hour and seven (7) vehicles per lane in the PM peak hour. Due to the small amount of project-generated trips there would be no need to study any nearby intersection operations per the VTA's 10 vehicles per lane per peak hour criteria.

Additionally, the project is consistent with the TASP; therefore, the project was considered in the TASP EIR and no future transportation analysis is necessary.

Cumulative Intersection Impacts

The Project would also contribute less than significant numbers of new trips (i.e., less than 50 vehicles during any peak hour) to those intersections previously found in the TASP EIR to be adversely affected by Cumulative plus Plan buildout conditions.

Conclusion

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project would not substantially increase any intersection Level of Service impact as identified in the TASP EIR, nor would it result in new significant intersection Level of Service impacts that were not identified in the TASP EIR. Overall, the Project would add a maximum of 14 peak hour vehicle-trips to any intersection studied in the TASP EIR and would represent less than 0.3% percent of peak hour traffic volumes at the significantly impacted intersections identified in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review. Impacts related to intersections levels of service would be less than significant. There were no mitigation measures in the TASP EIR that would specifically apply to the Project as necessary to reduce the intersection Level of Service impacts of the Project.

Congestion Management Program Network

Project Analysis

The small increment of traffic associated with the Project would not result in a unique or peculiar impact to the CMP Network. The Project will not generate more than 100 peak hour trips, the threshold at which CMP analysis is required.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project would have no impact on the CMP network, nor would it result in any new impacts that were not identified in the TASP EIR.

Transportation Hazards

Project Analysis

The Project would not directly or indirectly cause or expose roadway users (e.g., motorists, pedestrians, bus riders, bicyclists) to a permanent and substantial transportation hazard. All Project designs will conform to City standards via the City review and conformance process.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project would not substantially increase the severity of transportation safety hazards identified in the TASP EIR, nor would it result in new significant impacts that were not identified in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review. Transportation safety hazards impacts would be less than significant. There were no mitigation measures in the TASP EIR pertaining to transportation safety hazards that would apply to the Project.

11. Public Services & Utilities

Would the Project:	Equal or Less Severity of Impact Previously Identified in Previous CEQA Documents	Substantial Increase in Severity of Previously Identified Significant Impact in Previous CEQA Documents	New Significant Impact
Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☑	☐	☐
Exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board?	☑	☐	☐
Result in a determination by the wastewater treatment provider that serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the providers' existing commitments and require or result in construction of new wastewater treatment facilities or expansion of	☑	☐	☐

existing facilities, construction of which could cause significant environmental effects?			
Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☑	☐	☐
Require or result in construction of new stormwater drainage facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☑	☐	☐
Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and require or result in construction of landfill facilities or expansion of existing facilities, construction of which could cause significant environmental effects?	☑	☐	☐
Violate applicable federal, state, and local statutes and regulations related to solid waste?	☑	☐	☐
Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☑	☐	☐
Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☑	☐	☐
Significantly reduce the provision or effectiveness of public services because of an increase in population, traffic, or physical development that is not offset with a compensatory increase in staffing, facilities, or equipment?	☑	☐	☐

TASP EIR

Utilities

Water Supply

The City of Milpitas buys domestic water from two sources: the San Francisco Public Utilities Commission (SFPUC), delivered through the Hetch Hetchy Water system, and Santa Clara Valley Water District (SCVWD), delivered through the South Bay Aqueduct. The City's emergency supply consists of one local groundwater well—with a second one under construction—and three emergency interties, one with the San Jose Water Company and two with the Alameda County Water District.

A model analysis using H2OMap software of the water system serving the Transit Area was completed using the same methodology as the City's 2002 Water Master Plan and the expected buildout demands for the Transit Area with the proposed Plan. Demands were calculated from the changing land use designations listed in the proposed Plan. The analysis shows that the proposed Plan will increase average water demand at build-out by 1.1 mgd over a No Project scenario. The No Project Scenario includes the previous build-out plans developed as part of the Midtown Milpitas Specific Plan (2002). This substantial increase in water demand requires some improvements to the existing water infrastructure both within the Transit Area and in the affected pressure zones.

Implementation of planned water distribution improvements and the additional improvements identified in the 2007 Water Master Plan update (construct an additional 20-inch turnout along the SCVWD supply pipeline within the Transit Area, and construct 2.8 MG tank and pump station within the SCVWD system) would ensure that less than significant impacts would occur.

In addition, plans for the Transit Area require that all landscape irrigation, including parks, trails, and landscaped buffer areas, be irrigated with recycled water. There will also be opportunities for users within the Transit Area to install dual plumbing and use recycled water for non-potable use. Only non-residential buildings would be allowed to use recycled water for indoor water use.

Wastewater

The increase in wastewater flow as a result of implementation of the Plan requires several improvement projects to the sewer pipelines within the Transit Area. The 2004 Sewer Master Plan called for several capital improvement projects within the Midtown Milpitas Specific Plan area, and consequently the Transit Area. However, more extensive projects will be required by the increase in residential development expected with the Transit Area. Specific improvements are identified in Policies 6.8 and Policy 6.9 of the TASP.

When added to existing wastewater flows from elsewhere in Milpitas, the total 'existing plus [Plan buildout]' flows would be approximately 10.5 million gallons per day (mgd), well below the City's current 13.5 mgd inflow limit at the WPCP. This impact would be considered less than significant.

The City is reviewing the projections in the 2004 Sewer Master Plan, and the need and timing for the purchase of an additional 1.0 mgd capacity at the Water Pollution Control Plant. Current flows are 8 to 9 mgd, far below the City's current capacity of 13.5 mgd. The City may or may not need to purchase additional capacity during the 20-year timeframe of the proposed Plan, depending on the pace of growth, and whether full buildout allowed under the General Plan occurs.

Specific Plan Policies that Reduce the Impact

- Policy 6.16: Reduce water consumption through a program of water conservation measures, such as use of recycled water, water-saving features, and drought-tolerant landscaping.
- Policy 6.17: The City of Milpitas will require that water saving devices, as required by the California Plumbing Code, be installed in all residential, commercial, industrial and institutional facilities within the Transit Area. Such devices are capable of reducing the amount of water used indoors, resulting in substantial wastewater flow reductions.

- Policy 6.20: The City of Milpitas will require that recycled water be used to irrigate all parks, plazas, community facilities, linear parks, landscaped front yards and buffer zones. Recycled water may also be used for landscape irrigation on vegetated setbacks and private common areas.

Solid Waste

The additional waste generated in the Transit Area due to the change in land use will be approximately 7,400 pounds per day over the existing build-out land use designations. Given that AB 939 calls for at least 50 percent of waste to be recycled or composted, the additional waste sent to landfill may be no more than 3,700 pounds per year. While it is anticipated that the Newby landfill will close in 2023 and the destination of Project-generated solid waste after that date is unclear as of this writing, assurances were provided by BFI in the TASP EIR that this additional amount will not cause an appreciable change to the filling rate of the Landfill. Further, compliance with the City's Source Reduction and Recycling (SRR) Program, and the Midtown Specific Plan policies identified in the TASP would further ensure that less-than-significant impacts on landfill capacity would occur.

Public Services

TASP EIR

Fire Protection

The TASP EIR found that with the proposed development of the Transit Area, the fire department would need to expand an existing fire station or build a new one, as well as provide new staff and equipment.

Police Protection

The TASP EIR found that implementation of the proposed Plan would increase the long-term demand for police assistance and new staff and equipment would be required; however, a new police station would not be warranted.

Schools

The TASP EIR found that the number of new students generated by buildout of the proposed Plan will require at least one new elementary school and expansions of existing facilities. Since the provision of public school facilities is outside the control of the City, this is a significant and unavoidable impact, although one that can be mitigated by action from the Milpitas Unified School District.

Parks and Recreation

The TASP EIR found that the combination of Parks/Plazas and Linear Parks meets the expected park requirements for the Planning Area given the anticipated population at buildout. All land shown in the Plan as parks or landscape buffers with trails must be dedicated as public parks to meet the requirements (or an equivalent amount of land if park locations are adjusted).

Project Analysis

Utilities

With 18 units and assuming fewer than 50 residents, the demands on utility systems, including potable water supply, wastewater discharge, and solid waste disposal, are well within the capacity ranges assumed in the Transit Area Plan, especially given the required improvements recommended in the Plan. Thus, impacts would be less than significant.

Public Services

Fire Protection

Development of the Project will slightly increase the demand for local fire service and result in an associated increase in service calls, but not to an extent that would trigger the need for new or physically altered fire protection facilities. The Project would be subject to the policies, regulations, and standards of the City, including appropriate standards for emergency access roads, emergency water supply, and fire preparedness, capacity, and response.

Police Protection

Development of the Project will slightly increase the demand for local police service, but not to an extent that would result in the need for new or physically altered police protection facilities. The Project will generate a small amount of additional annual revenue to the City in the form of increased local property taxes that would help offset the increased demand for police service.

Schools

Development of the Project may slightly increase the enrollment in local Milpitas Unified School District schools; however, the District has capacity within its existing facilities to accommodate the new students generated by the Project.

Parks and Recreation

Development of the Project will slightly increase the demand for local parks and recreation facilities, but not to an extent that would result in a substantial physical deterioration of existing facilities and would not accelerate the need for new facilities. The Project would bring additional annual revenue to the City in the form of increased local property taxes that would help fund new or expanded parks and recreational facilities.

Conclusions

Based on an examination of the analysis, findings, and conclusions of the TASP EIR, implementation of the Project would not substantially increase the severity of impacts related to the provision of utilities or public services as identified in the TASP EIR, nor would it result in new significant impacts related to utilities or public services that were not identified in the TASP EIR. There is nothing unique or peculiar about the Project that would warrant further environmental review. With required implementation of City of Milpitas development policies and guidelines, impacts related to public services and utilities would be less than significant. There were no mitigation measures in the TASP EIR that would apply to the Project.

References

(BAAQMD 2016). Bay Area Air Quality Management District, Draft Report, "Planning Healthy Places: A Guidebook for Addressing Local Sources of Air Pollutants in Community Planning", January 2016. Accessed at: http://www.baaqmd.gov/~/media/files/planning-and-research/planning-healthy-places/draft_planninghealthyplaces_marchworkshop-pdf.pdf?la=en. Accessed on 30-June 2016.

(BAAQMD 2012). Bay Area Air Quality Management District, CEQA Guidelines, May 2012. http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/baaqmd-ceqa-guidelines_final_may-2012.pdf?la=en

(EDR 2016). EDR Radius Map™ Report with Geo-Check, 1316 South Main Street. June 29, 2016.

(Fehr & Peers 2016). Fehr & Peers Transportation Consultants, Zhang Condos Trip Generation Assessment, July 7, 2016.

(Geotracker 2016). California State Water Resources Control Board GeoTracker Database, website accessed July 5, 2016 at http://geotracker.waterboards.ca.gov/; Department of Toxic Substances Control EnviroStor Database, website accessed July 5, 2016 at http://www.envirostor.dtsc.ca.gov/public/.

(HMH 2016). HMH Engineers, Stormwater Control Plan, 1316 S. Main St, February 2016.

(HMH 2015). HMH Engineering, Arborist report for 1416 S. Main, prepared by Lisa Harris, April 1, 2015.

(Milpitas 2016a). City of Milpitas Transit Area Specific Plan & EIR, http://www.ci.milpitas.ca.gov/planning-documents/transit-area-specific-plan/.

(Milpitas 2016b). City of Milpitas Building and Structural Design Criteria, http://www.ci.milpitas.ca.gov/_pdfs/bld_BuildingAndStructuralDesignCriteria.pdf. Accessed 1-July-2016.

(Milpitas 2012). City of Milpitas Planning Commission Agenda Report, Site Development Permit No. SD11-0001, Conditional Use Permit No. UP11-0037, and Tentative Map Amendment No. TM11-0002, McCandless Mixed Use Project. February 22, 2012. http://www.ci.milpitas.ca.gov/_pdfs/council/2012/032012/item_02e.pdf

(Pack 2015). Edward L. Pack Associates, Noise and Vibration Assessment Study for the Planned Condominium Development, 1316 South Main Street, Milpitas, May 7, 2015.

(MTC 2016). Metropolitan Transportation Commission, Plan Bay Area 2020. http://mtc.ca.gov/our-work/plans-projects/plan-bay-area-2040/plan-bay-area

(RWQCB 1997). California Regional Water Quality Control Board, Order 97-039 Rescinding Site Cleanup Requirements Order for Ford Motor Company, Milpitas Facility 90-063. Accessed July 6, 2016 at http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/1997/R2-1997-0039.pdf

(Schaaf & Wheeler, 2016). Schaaf & Wheeler, Civil Engineers, 1316 S. Main St 100-year Floodplain Analysis, April 13, 2016.

(USGS 2016). U.S. Geological Survey, Liquefaction Probability Map for M7.8 San Andreas Fault Earthquake. Map by Thomas L. Holzer, Thomas E. Noce, and Michael J. Bennett. Open File 2008-1270. Accessed at http://pubs.usgs.gov/of/2008/1270/of2008-1270_San_Andreas_scenario.pdf. Accessed 1-July-2016.

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City of Milpitas

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Acronyms and Terms

BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BMP	best management practice
CALGreen	California Green Building Standards Code
CEQA	California Environmental Quality Act
City	City of Milpitas
CNEL	community noise equivalent level
CUP	Conditional Use Permit
dBA	A-weighted decibel
EBMUD	East Bay Municipal Utility District
EIR	Environmental Impact Report
GHG	greenhouse gas
Local Register	Local Register of Historical Resources
LOS	level of service
µg/m3	micrograms per cubic meter
MTCO2e	metric tons carbon dioxide equivalent
NOx	nitrogen oxides
NPDES	National Pollution Discharge Elimination System
PM2.5	particulate matter, 2.5 micrometers or less
PM10	particulate matter, 10 micrometers or less
ROG	reactive organic gas
RWQCB	Regional Water Quality Control Board
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
Title 24	California's Energy Efficiency Standards for Residential and Nonresidential Buildings
TASP	Transit Area Specific Plan (Milpitas)

Appendix A-Policies & Development Standards to Reduce Impacts

Visual Resources

- Lighting shall be designed and placed to direct lighting to appropriate surfaces and minimize glare onto adjacent areas. All external signs and lighting should be lit from the top and shine downward except where up-lighting is required for safety or security purposes. The lighting should be shielded to prevent direct glare and/or light trespass and directed to the focus area.
- The light source used in outdoor lighting should provide a white light for better color representation and to create a more pedestrian-friendly environment.
- Low pressure sodium lamps are prohibited.
- To reinforce the pedestrian character of the area, light standards along sidewalks should be approximately 12 to 16 feet in height.
- The use of up lighting to accent interesting architectural features or landscaping is encouraged.

Air Quality

General Plan Policies that reduce the impacts include:

- 3.b-G-1: Develop a street network integrated with the pattern of living, working and shopping areas, and which provides for safe, convenient, and efficient vehicular movement within the City and to other parts of the region.
- 3.c-G-1: Promote measures that increase transit use and lead to improved utilization of the existing transportation system.
- 3.c-G-2: Cooperate with other agencies to promote local and regional transit serving Milpitas.
- 3.c-I-1: Actively support regional planning efforts for the development of mass transit facilities generally along either the Union Pacific or Southern Pacific Railroad corridors.
- 3.d-G-1: Promote walking and bicycling for transportation and recreation purposes by providing a comprehensive system of sidewalks, bicycle lanes and routes and off-street trails that connects all parts of the City.
- 3.d-G-2: Provide adequate bicycle parking and end-of trip support facilities for bicyclists at centers of public and private activity.
- 3.d-G-3: Promote intermodal commuting options.
- 3.d-G-4: Encourage a mode shift to non-motorized transportation by expanding current pedestrian and bicycle facilities.
- 3.d-I-1: Complete the on-street bicycle and the off-street circulation systems as depicted and described in the Bikeways and Trails Master Plans.

- 3.d-I-2: Develop connections between the off-street trail system and on-street bicycle system to integrate these facilities. Maximize linkages to other trail and bikeway systems to provide alternative transportation routes for pedestrians and bicyclists.
- 3.d-I-3: View all public capital improvement projects as opportunities to enhance the bicycle and pedestrian systems, and incorporate bicycle and pedestrian facilities into the design of such projects wherever feasible.
- 3.d-I-4: Encourage walking, biking and transit use by improving bicycle and pedestrian connections to transit centers, specifically the Great Mall and Main/Weller bus transit centers and light rail stations and the proposed commuter/passenger rail stations.
- 3.d-I-5: Distribute the Milpitas Bicycle Map, Trail Map, bicycle safety information and other related materials at City buildings and schools, and special events.
- 3.d-I-6: Use funds from the Streets budget for bicycle and pedestrian projects as appropriate.
- 3.d-I-7: Actively pursue external grant funds for bicycle and pedestrian capital improvement projects.
- 3.d-I-8: Consider developing additional local sources of funding for trails and bikeways such as special assessment districts, nonprofit corporations and ballot initiatives.
- 3.d-I-9: Require developers to make new projects as bicycle and pedestrian "friendly" as feasible, especially through facilitating pedestrian and bicycle movements within sites and between surrounding activity centers.
- 3.d-I-10: Encourage developer contributions toward pedestrian and bicycle capital improvement projects and end-of-trip support facilities.
- 3.d-I-11: Make improvements to roads, signs, and traffic signals as needed to improve bicycle travel.
- 3.d-I-12: Discourage speed bumps and other street features that hinder bicycling on public streets and private parking lots.
- 3.d-I-13: Where appropriate, install bicycle lockers and/or racks at public parks, civic buildings and other community facilities.
- 3.d-I-14: Include evaluation of bicycle facility needs in all planning applications for new developments and major remodeling or improvement projects.
- 3.d-I-15: Encourage new and existing developments to provide end-of-trip facilities such as secure bicycle parking, on-site showers and clothing storage lockers, etc.
- 3.d-I-16: Support bicycle education programs.
- 3.d-I-18: Provide and accommodate recreational and transportation use of the trail system.
- 3.d-I-21: Consider building bridges or undercrossings across creek channels, railroad lines and roadways to facilitate bicycling and walking.

- 3.d-I-26: Require sidewalks on both sides of the street as a condition of development approval, where appropriate with local conditions.
- 3.d-I-27: Review City street improvement standards to see if there are ways to increase walking enjoyment and safety, particularly with regards to increased sidewalk width, landscape buffers between sidewalks and streets and pedestrian lighting.
- 3.d-I-28: Develop a Streetscape Master Plan that identifies goals and policies for improving the appearance and enjoyment of public streets and sidewalks in Milpitas, particularly with regards to landscaping, street furniture and the identification of significant entryways and corridors.
- 2.a-G-6: Implement the Midtown Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community 'gathering place' while maintaining needed industrial, service and commercial uses.
- 2.a-I-2: Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.
- 2.a-I-22: Develop the Midtown area, as shown on the Midtown Specific Plan, as an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/bicycle linkages.
- 2.b-G-1: Support jobs/housing balance programs at the local and regional scale intended to reduce the distance needed to commute.
- 2.b-I-2: Consider locating housing in close proximity to industrial developments where they can be served by existing city services and facilities.

Specific Plan policies that reduce air quality impacts

- Policy 3.16: Establish and implement a travel demand management (TDM) program. Establish a funding mechanism to pay for the costs of the program, including the cost of a transportation coordinator to administer the program. The program would include a ride-matching program, coordination with regional ride-sharing organizations, and provision of transit information; and could also include sale of discounted transit passes and provision of shuttle service to major destinations.
- Policy 3.19: In future decisions regarding street layout, street design, and allocation of public right-of-way, balance the needs of cars with those of pedestrians, bicyclists, and transit. Changes to the circulation system must continue the Transit Area's emphasis on balancing auto traffic with bike and pedestrian connectivity.
- Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects. New development shall install sidewalks per the street design standards in Chapter 5 of the proposed Plan. The City and/or private property owner shall install sidewalks in areas where they currently do not exist, and

where new development is not anticipated during the Plan timeframe. City staff will review individual development applications to ensure that adequate pedestrian facilities are provided and are consistent with the Transit Area Plan's pedestrian improvements.

- Policy 3.22: Private development shall be encouraged to provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.
- Policy 3.23: Encourage children to walk or bike to school by expanding existing safe walking and bicycling routes to schools into the Transit Area.
- Policy 3.24: Design local streets for slow speeds (25 – 35 miles per hour) to improve pedestrian safety and comfort.
- Policy 3.25: Improve pedestrian crossings at major intersections on Great Mall Parkway. These intersections are extremely wide and thus discouraging for pedestrians. These crosswalks should be designed to be highly visible and to provide safe spots for pedestrian as they cross the street.
- Add date palms to punctuate the major intersection and give a spot of refuge for pedestrians.
- Add pedestrian-scale street lights to demarcate pedestrian islands and crosswalks.
- Use ornamental paving to differentiate crosswalks from adjacent paving material.
- Policy 3.26: Construct pedestrian/bicycle bridges over Montague Expressway to allow safe crossings of this regional roadway with heavy traffic volumes: (1) near Piper Drive, to connect the Light Rail station, BART station, and development sites on the south side with the Great Mall and the neighborhoods north of Montague Expressway; and (2) near the Penitencia Creek East channel to connect schools and neighborhoods north and south of Montague Expressway.
- Policy 3.27: Every resident of the Transit Area shall be able to safely walk and bike to the BART and VTA light rail stations. As projects are constructed, make sure that all the routes described below are continuous and designed to be attractive and safe for pedestrians.
- Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes.
- Policy 3.29: A Class III bicycle route shall be created on the internal roadways (from the Milpitas Boulevard Extension/Capitol Avenue intersection to Tarob Court) to provide a continuous bicycle connection between Milpitas Boulevard and the existing bicycle lanes on Lundy Street.
- Policy 3.30: Maintain pedestrian and biking facilities. Pedestrian facilities and amenities shall be routinely maintained as funding and priorities allow. The highest priority shall be given to facilities that are used to provide access to transit, public facilities, senior facilities, and schools.

- Policy 3.31: Require provision of bicycle and pedestrian facilities such as weather protected bicycle parking, direct and safe access for pedestrians and bicyclists to adjacent bicycle routes and transit stations, showers and lockers for employees at the worksite, secure short-term parking for bicycles, etc.
- Policy 3.32: Coordinate with VTA to provide sufficient amenities (such as transit shelters) at all transit stops within the Transit Area.
- Policy 3.33: Require new development within the Transit Area to facilitate the use of alternative modes of transportation through programs such as carpool parking, the VTA's EcoPass Program, shuttles to transit stations and lunchtime destinations, assistance to regional and local ridesharing organizations, alternative work schedules, telecommuting, etc. Establish a Transportation Demand Management (TDM) program for this purpose, as described in Policy 3.16.
- Policy 3.34: Encourage preferential parking measures for carpool and vanpool vehicles, guaranteed ride home services and other incentives to employees choosing transportation modes other than driving. Provide preferential parking for low-emission vehicles.
- Policy 4.20: A small amount of neighborhood-serving retail shall be located in the Piper/Montague subdistrict to serve its residents as well as other users of the area.
- Policy 4.37: Provide a small amount of neighborhood commercial use that also serves BART patrons, located adjacent or across the street from the BART station.
- Policy 5.23: Require project sponsors to inform future and/or existing sensitive receptors (such as hospitals, schools, residential uses, and nursing homes) of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot reduce these impacts.
- Policy.5.24: Allow only natural gas fireplaces, pellet stoves or EPA-Certified wood-burning fireplaces or stoves. Conventional open-hearth fireplaces shall not be permitted.
- Policy 5.16: During review of specific development proposals made to the City, sponsors of individual development projects under the Specific Plan shall implement the BAAQMD's approach to dust abatement.

Geologic & Seismic Risk

General Plan Policy that Reduces the Impact

- Policy 5.a-I-3: Require projects to comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual. Mandatory compliance with building codes and construction standards established in the California Building Code, the requirements of the Seismic Hazards Mapping Act and the City of Milpitas Municipal Code, and policies contained in the City of Milpitas General Plan would reduce seismic-related ground shaking and liquefaction to less than significant levels.

Greenhouse Gases & Climate Change

Implementation of the following proposed Specific Plan policies which encourage and support walking, bicycling and transit usage would reduce impacts to a level that is less than significant:

- Policy 3.16: Establish and implement a travel demand management (TDM) program in order to encourage alternate modes of travel and thereby reduce automobile trips. Establish a funding mechanism to pay for the costs of the program, including the cost of a transportation coordinator to administer the program. The program would include a ride-matching program, coordination with regional ride-sharing organizations, and provision of transit information; and could also include sale of discounted transit passes and provision of shuttle service to major destinations.
- Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects.
- Policy 3.22: Private development shall provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.
- Policy 3.23: Encourage children to walk or bike to school by expanding existing safe walking and bicycling routes to schools into the Transit Area. Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes.
- Policy 3.31: Require provision of bicycle and pedestrian facilities such as weather protected bicycle parking, direct and safe access for pedestrians and bicyclists to adjacent bicycle routes and transit stations, showers and lockers for employees at the worksite, secure short-term parking for bicycles, etc.
- Policy 3.33: Require new development within the Transit Area to facilitate the use of alternative modes of transportation through programs such as carpool parking, the VTA's EcoPass Program, shuttles to transit stations and lunchtime destinations, assistance to regional and local ridesharing organizations, alternative work schedules, telecommuting, etc. Establish a Transportation Demand Management (TDM) program for this purpose, as described in Policy 3.16.
- Policy 3.34: Encourage preferential parking measures for carpool and vanpool vehicles, guaranteed ride home services and other incentives to employees choosing transportation modes other than driving. Provide preferential parking for low-emission vehicles.

Noise

General Plan Policies that Reduce the Impact

Implementation of the following policies in the Milpitas General Plan would reduce potential traffic-related noise impacts:

- Policy 6-G-1: Maintain land use compatibility with noise levels similar to those set by State guidelines. Policy 6-G-2: Minimize unnecessary, annoying, or injurious noise.
- Policy 6-I-2: Require an acoustical analysis for projects located within a "conditionally acceptable" or "normally unacceptable" exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.
- Policy 6-I-3: Prohibit new construction where the exterior noise exposure is considered "clearly unacceptable" for the use proposed.
- Policy 6-I-4: Where actual or projected rear yard and exterior common open space noise exposure exceeds the “normally acceptable” levels for new single family and multi-family residential projects, use mitigation measures to reduce sound levels in those areas to acceptable levels.
- Policy 6-I-5: All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB DNL or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels.
- Policy 6-I-6: Assist in enforcing compliance with noise emissions standards for all types of vehicles, established by the California Vehicle Code and by federal regulations, through coordination with the Milpitas Police Department, Santa Clara County Sheriff's Department, and the California Highway Patrol.
- Policy 6-I-9: Enforce the provisions of the City of Milpitas Noise Ordinance and the use of established truck routes. P
- Policy 6-I-10: Reduce the noise impact in existing residential areas where feasible. Noise mitigation measures should be implemented with the cost shared by public and private agencies and individuals.
- Policy 6-I-14: City streets will be designed to reduce noise levels to adjacent areas. This is most effectively implemented through traffic engineering to prevent residential streets from becoming rush-hour thoroughfares, and through enforcement of speed limits. Physical mitigation measures, such as sound walls, will also be considered, where appropriate.
- Policy 6-I-15: Promote installation of noise barriers along highways and the railroad corridor where substantial land uses of high sensitivity are impacted by unacceptable noise levels.
- Policy 6-I-16: Work with Caltrans and other agencies on traffic and railroad noise issues and participate in appropriate noise mitigation programs.

Specific Plan Policies that Reduce the Impact

- Policy 5.12: The City shall offer to pay for sound walls, sound absorptive material, and additional sound insulation for residential uses located along Great Mall Parkway, between South Main and Abel streets, if interior noise levels rise above permitted levels by the year 2030.

- Policy 5.11: Construct masonry walls to buffer residential uses from BART and UPRR train tracks. These walls will be constructed by residential developers. They may be located within the landscaped buffer along the tracks.
- Policy 5.17: In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses and the permanent rights of existing industrial uses to remain. This notification must be made prior to the sale or rental of building space, and provide information about the extent of industrial uses throughout the Transit Area and specific information about each industrial use that is immediately adjacent to the property.
- Policy 5.18: Day care facilities, schools, nursing homes, and other similar sensitive receptors shall be located away from sites which store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks, and additional exit routes over and above minimum code requirements.
- Policy 5.19: Require the installation of temporary buffers—fences, walls, or vegetation—when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when an adjacent site is redeveloped as a non-industrial use.

Vibration

- Policy 5.13: Apply the FTA groundborne vibration criteria (presented in Table 5-5 of the Transit Area Specific Plan) as review criteria for development projects in the vicinity of vibration sources such as BART trains and heavy rail trains.
- Policy 5.14: Project applicants shall conduct a vibration impact analysis for any sites adjacent to or within 300 feet of active UPRR and BART alignments to demonstrate that interior vibration levels within all new residential development (single family and multifamily) and lodging facilities would be at acceptable levels. If needed, require mitigation measures to reduce vibration to acceptable levels.

Water Quality/Hydrology/Flooding

General Plan Policies that Reduce the Impact

- 4.d-G-1: Protect and enhance the quality of water resources in the Planning Area. 4.d-I-1: Continue implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board – this is implemented through Chapter 16 of the City's Zoning Ordinance.

Specific Plan Policies that Reduce the Impact

- Policy 6.1: Minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program.

- Policy 6.2: New development within a FEMA-designated flood hazard zone must follow the City's construction standards for such areas, as currently laid out in Section XI-15 'Floodplain Management Regulations' of the Milpitas Municipal Code.
- Policy 6.3: New development must maintain the Transit Area's urban design standards. In particular, first floor commercial space must be within two feet of the elevation of the public sidewalk.

  The design and development standards in Chapter 5 of the proposed Plan]must be followed, as well as the FEMA construction standards. This policy is particularly important regarding the location and appearance of on-site parking and the accessibility of ground floor retail from sidewalks. FEMA's construction standards require a building's floor plate to be one foot above flood level. Rather than elevate a building on stilts and require store access via stairs or ramps, the ground floor should be accessible via a sloping sidewalk. On streets fronted by ground floor commercial, no sidewalk shall be more than two feet above or below the floor level of adjacent commercial space, as specified in Chapter 5. The sidewalk needs to be designed so that the grade of its slope complies with federal, state, and local standards for disabled access.

  Policy 6.4: Provide storm drain infrastructure to adequately serve new development and meet City standards.

  Policy 6.6: Construct the improvements within the Transit Area that were identified in the 2001 Storm Drainage Master Plan, and any other improvements identified in updates to the Master Plan.

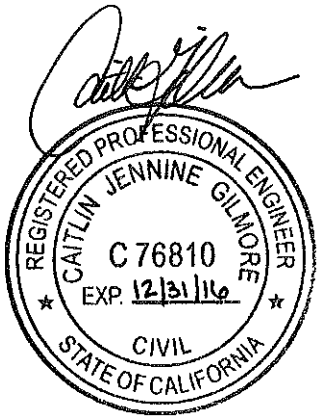
Utilities and Public Services

Specific Plan Policies that Reduce the Impact

- Policy 6.16: Reduce water consumption through a program of water conservation measures, such as use of recycled water, water-saving features, and drought-tolerant landscaping.
- Policy 6.17: The City of Milpitas will require that water saving devices, as required by the California Plumbing Code, be installed in all residential, commercial, industrial and institutional facilities within the Transit Area. Such devices are capable of reducing the amount of water used indoors, resulting in substantial wastewater flow reductions.
- Policy 6.20: The City of Milpitas will require that recycled water be used to irrigate all parks, plazas, community facilities, linear parks, landscaped front yards and buffer zones. Recycled water may also be used for landscape irrigation on vegetated setbacks and private common areas.

Appendix B-Floodplain Analysis

Schaaf & Wheeler
Consulting Civil Engineers



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FINAL MEMO

TO:	George Zhang	DATE:	April 13, 2016
FROM:	Caitlin J. Gilmore, PE	JOB #:	ZHNG.01.14
SUBJECT:	**1316 S Main Street 100-year Floodplain Analysis**		

Introduction

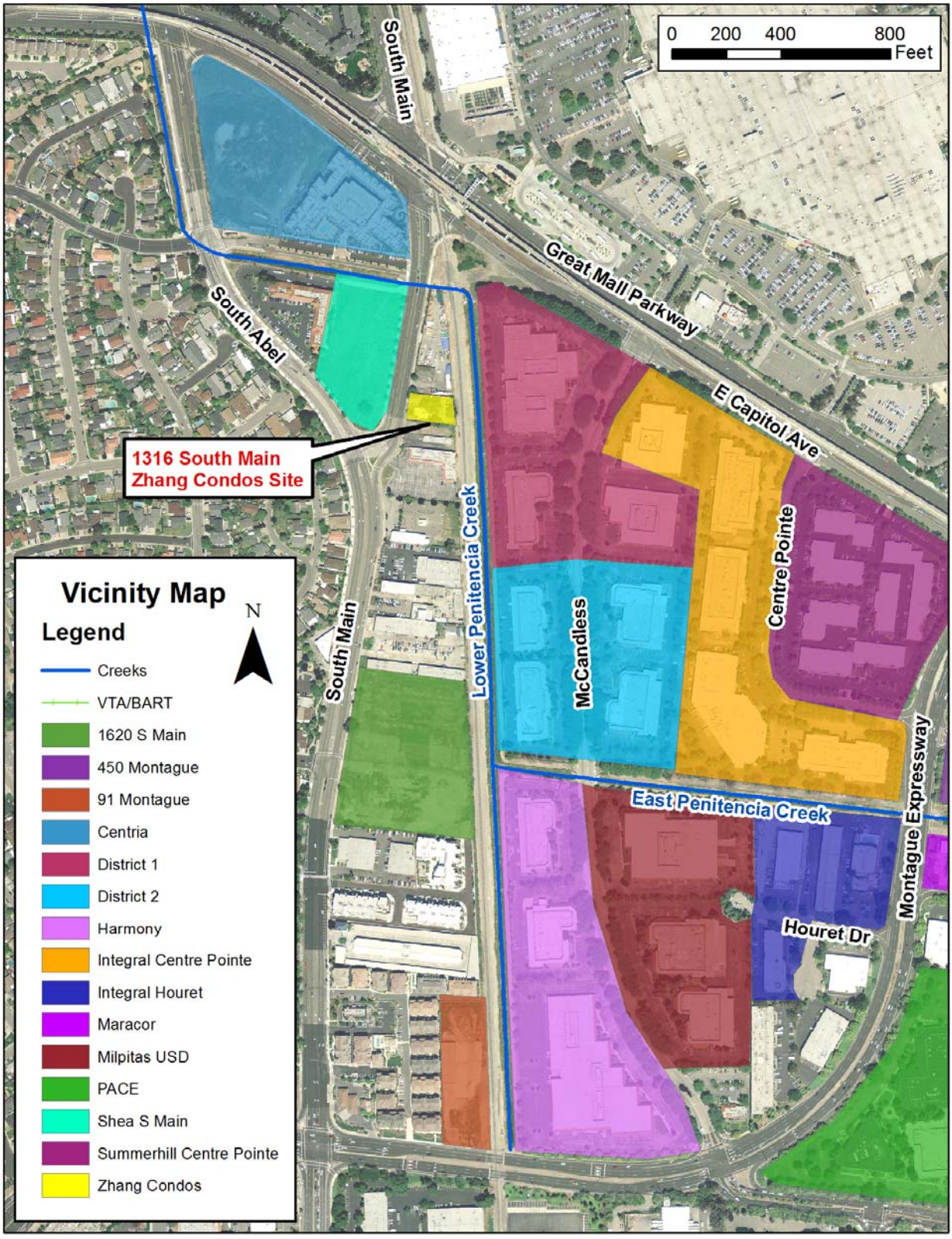
Schaaf & Wheeler has been working with MBA Architects and HMH Engineers on behalf of George Zhang in the analysis of the 100-year hydraulic conditions at 1316 S Main Street in Milpitas, California. The Site is bounded by Lower Penitencia Creek to the east and South Main Street to the west (see Figure 1). In the pre-project condition, the Site is covered by two existing commercial structures and an associated parking lot. The Project proposes to develop the approximately 0.4 acre Site into high density residential land use.

Model Basis

This impacts analysis memo is based on combined HEC-RAS and FLO-2D model for the Berryessa Creek and Upper Penitencia Creek systems recently completed by Schaaf & Wheeler. It represents the best available floodplain information but may not be the same as the effective FEMA FIRM in the area, which while dated February 19, 2014, relies on outdated data from the 1970s. The updated hydrology and hydraulics that form the basis for the 2D model have not yet been approved or adopted by FEMA; however, they have been submitted to the City of Milpitas and reviewed by the Santa Clara Valley Water District (SCVWD).

Note that all elevations within this memorandum and FEMA applications will be presented on the NAVD88 datum.

Figure 1: Vicinity Map



Detailed Study

Existing Conditions

During a 100-year storm event, water approaches the Site from the southeast as a result of spills from Upper Penitencia Creek and East Penitencia Creek. After travelling along McCandless Drive, flow attempts to re-enter Lower Penitencia Creek, but due to capacity restrictions, spills overland through the project Site towards South Main and South Abel Streets towards Great Mall Parkway.

In existing conditions, water moves through the site conveying flows generally west via the onsite parking lot and drive aisles. Flow which exits the site travels westerly across South Main Street toward the northwest.

Model Description

Both the existing and proposed project scenarios assume that the Bart-VTA project has been constructed. This includes all mitigation measures which were built as part of the project, including cross culverts beneath the tracks from East Capitol Avenue to Trade Zone Boulevard. Schaaf & Wheeler used the mitigated post-BART project FLO-2D model as the basis for analysis of the 1316 S. Main Street project. This model also incorporates the Berryessa Park Levee Failure case on the south side of Upper Berryessa Creek as this levee failure case yields the max water surface elevations in the project vicinity.

The detailed site topography and proposed grading were provided to Schaaf & Wheeler by HMH and entered into the larger model. The grading plans were received March 22, 2016.

The basis for the FLO-2D model is a combination of County LiDAR data and detailed drawings for improvements and mitigation measures, all on the NAVD88 vertical datum. A Manning's value of 0.075 was assigned to areas of overland flow in commercial area due to the presence of buildings and other obstructions such as parked cars and street furniture. Where the detailed Site information was used, a Manning's value of 0.025 was used for the flow paths and the structures were blocked out from the model; thereby not allowing flow to pass through them. A square grid cell size of 50 feet was used for the model. This cell size was chosen because it allowed for enough detail to encompass flow paths such as roadways, but was large enough to allow for reasonable computation times.

Figures 2 through 5 show the results of this analysis. Figure 5 provides a comparison of post-project base flood elevations to pre-project base flood elevations in the site vicinity. Green shading indicates either a decrease in BFEs or an increase of less than 0.1 feet, which can be considered insignificant.

Figure 2: Existing Conditions

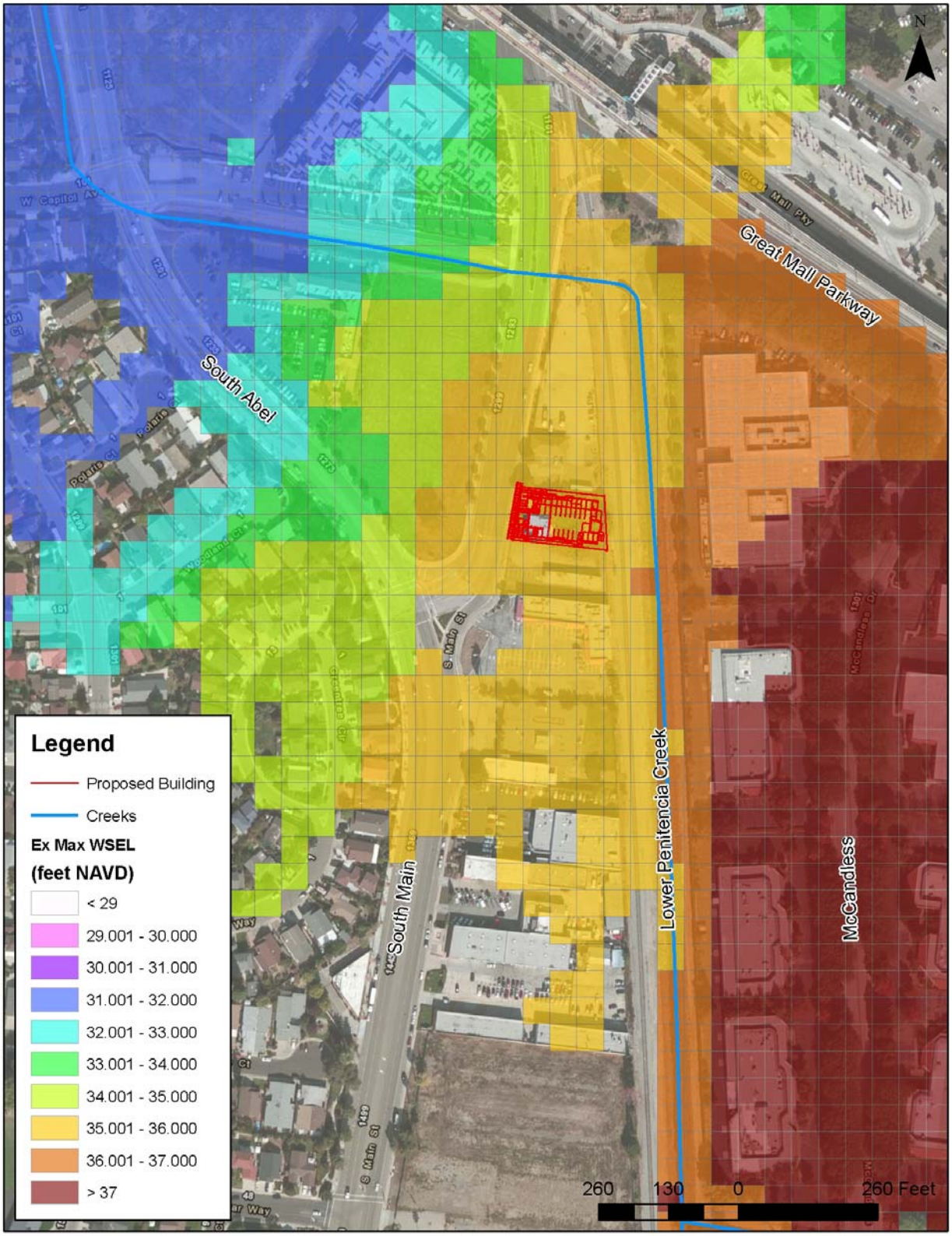


Figure 3: Post Project Conditions

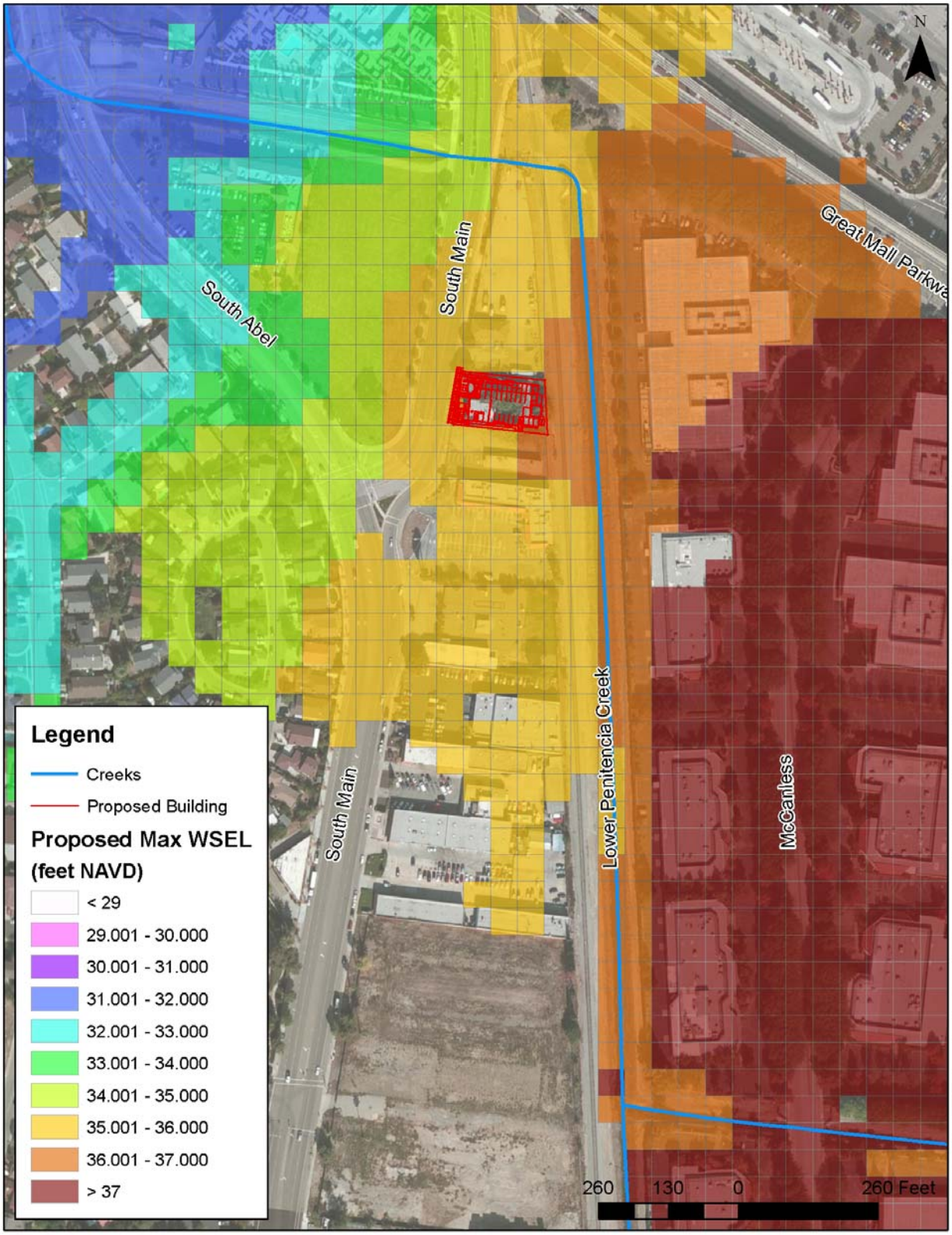


Figure 4: 100-Year Post-Project Flow Depths

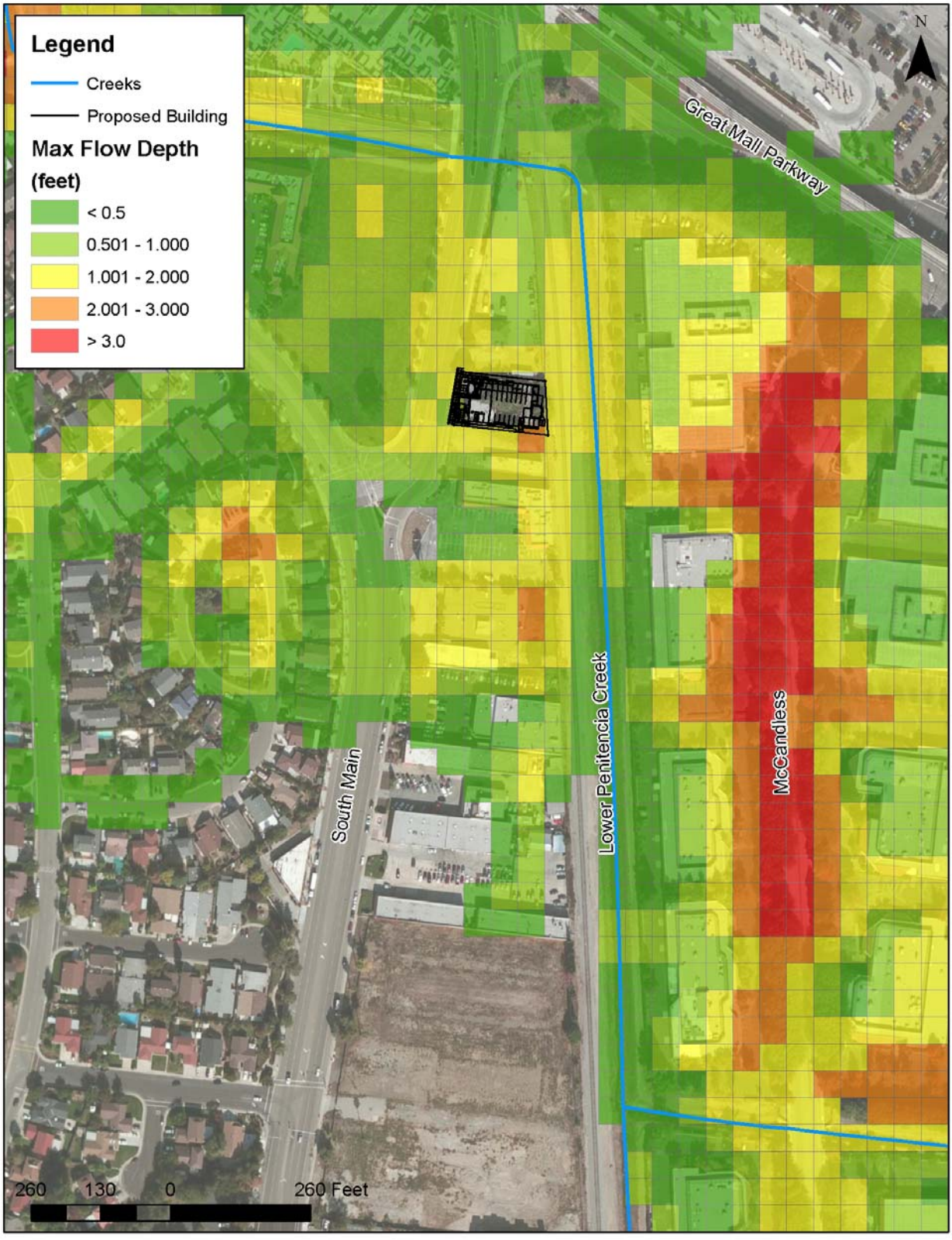
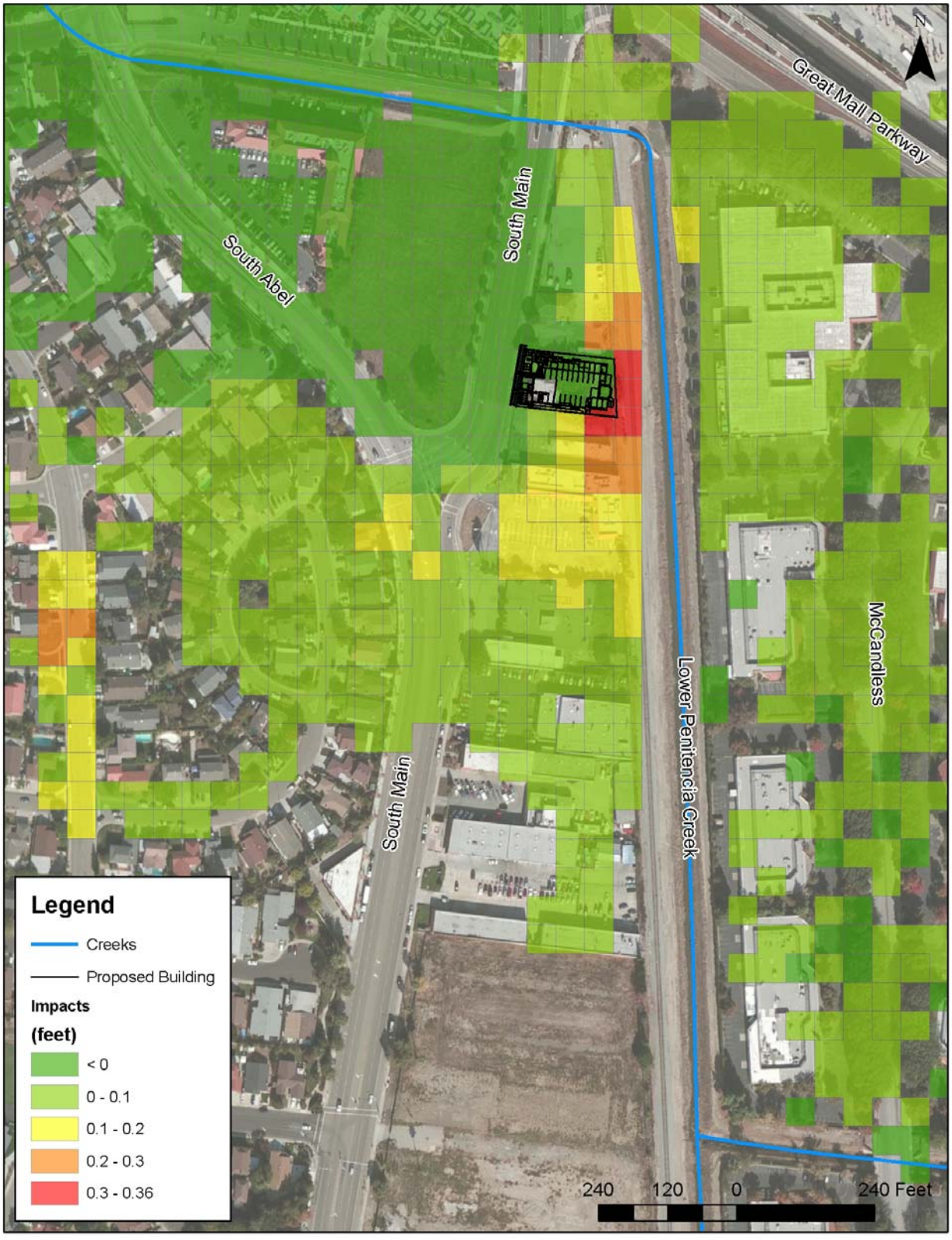


Figure 5: 100-Year Hydraulic Impacts



Detailed Study Results

As shown in Figure 5, the post project condition lowers the 100-year water surface elevations at many grid cells downstream of the project site, and increases the waster surface elevation by up to 0.3 feet at some cells along Fallen Leaf drive and near Lower Penitencia Creek on the east side of the project site. Note that due to the level of accuracy of the FLO-2D model, impacts of less than 0.1 foot can be considered insignificant. Impacts greater than 0.2 feet occur adjacent to public streets as well as within the project boundary. No cells show impacts of greater than 1 foot. Localized impacts of less than one foot to the Public Street do not conflict with the City ordinance. The pre-project base flood elevation ranges from approximately 35.8 feet at the upstream end of the property to 35.4 feet at the downstream. The post-project base flood elevation ranges from 36.1 to 35.4 feet. See Table 1 for detailed study BFE at the proposed structure. The overall impact of the proposed development is to increase onsite BFEs by up to 0.36 foot. The post-project condition has impacts of less than 0.3 feet to neighboring properties.

Cumulative Impacts

The Integral Site at Centre Pointe Drive and McCandless Drive (District 1 and 2) projects are upstream (east) of the proposed 1316 S. Main St Site, between Montague Expressway and Lower Penitencia Creek. The Centre Pointe Project plans to grade the site in order to mimic pre-project conditions. Impacts from that project are limited to the Centre Pointe site and do not extend downstream. Impacts from the Zhang Condos Site do not extend east of Lower Penitencia Creek. The District 1 and District 2 projects (McCandless Business Park) were designed based on the old FEMA methodology which resulted in a reduction of WSEL on the downstream edge of the property. Given these conditions, the McCandless, Center Pointe and 1316 S. Main Street projects do not adversely impact each other.

Upstream projects can impact the 1316 S. Main Street site only by significantly altering the existing hydrologic (i.e. flow path) conditions. Based on a review of the information currently available, the end result of the upstream projects currently underway will be a decrease in the anticipated flood risk at the 1316 S. Main Street Property.

Known downstream projects include the Centria development and the South Main Shea Property. The Centria development was planned and constructed without a detailed hydraulic analysis. Therefore it is not possible to know the impacts of the project to the WSEL at the Zhang Condos Site. However, the Centria development is located north of Lower Penitencia Creek, and is therefore hydraulically separated from the Zhang Condos Site. The South Main Shea property had a detailed analysis performed based on the old, outdated FEMA backup data which resulted in an upstream WSEL impact of 0.6 feet on the west side of the Zhang Condos Development. If you disregard the difference in methodologies, cumulative impacts of the two projects are 0.7 feet and comply with the City's municipal code. It is assumed that future potential projects located downstream of the Site will be required to comply with the City of Milpitas floodplain ordinance which require no adverse impact to upstream properties.

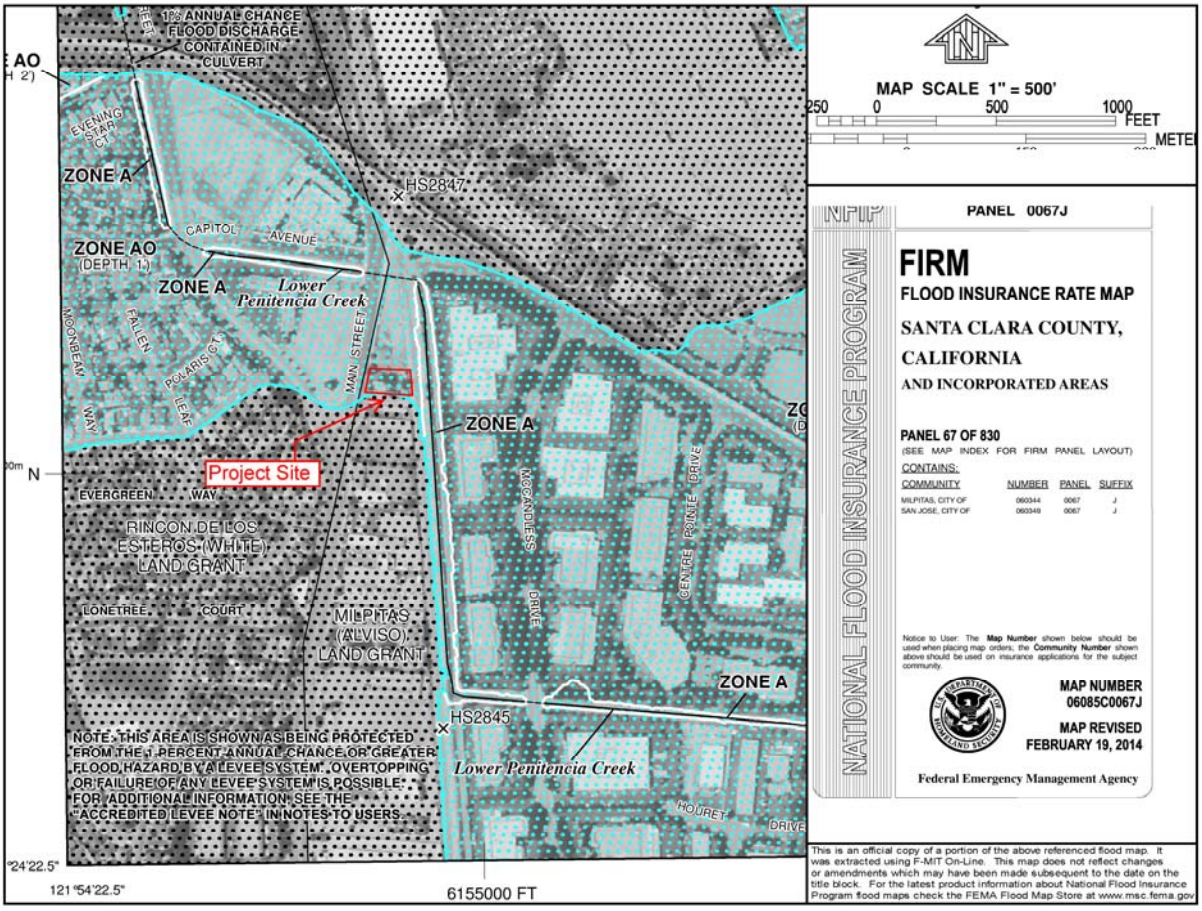
The South Main Senior Housing project is located south of the Zhang Condos project. This development is not located within the 100-year floodplain and can thereby have no impact on the 100-year WSEL at the project Site. Similarly, the Zhang project does not impact the 100-year WSEL at the Senior Housing Project, as shown on Figure 5.

The Trumark at Trade Zone, Traverse at Trade Zone, Integral Houret and Harmony Projects are located southeast of the 1316 S. Main Street site, east of Lower Penitencia creek and south of East Penitencia creek. These sites are hydraulically separated from the project by both east Penitencia creek and Lower Penitencia creek and will have no impacts to the project site.

FEMA Base Flood Elevations

According to Flood Insurance Rate Map (FIRM) panel 06085C0067J, the Site is located in a FEMA special flood hazard area AO (1FT) indicating an average flood depth of 1 FT throughout the flood hazard zone. The methodology that FEMA applies to determine base flood elevations in AO Zones is different than that used for this detailed hydraulic analysis. Specifically, for an area that is entirely inundated by the Zone AO Special Flood Hazard Area, FEMA methodology dictates that the average existing ground elevation be added to the flood depth to establish the FEMA Base Flood Elevation[1].

Figure 6: Effective FEMA Firm



The majority of the 1316 S. Main Street Project is currently a designated Zone AO (depth 1), as shown in Figure 6. In addition to analyzing the existing ground elevation, the top of curb elevation (in order to maintain flood waters on S. Main) and the profile of the adjacent Lower Penitencia Creek provided in the FEMA Flood Insurance Study were also analyzed to determine the worst case BFE per FEMA guidelines and effective data. The City of Milpitas floodplain ordinance section XI-15-5.1(c)(1) requires that finish floor elevations be 1 foot above the base flood elevation and 1 foot above the highest adjacent grade elevation plus the depth of

[1] FEMA Instructions MT-1 Forms (086-0-26, 086-0-26A, 086-0-26B) FEB 11, Basis of Determination

flooding (HAG+2')within an AO(1) Zone. The results of the FEMA BFE analysis are presented in Table 1. In addition to FEMA BFE, the detailed study BFE has been included as it results in a higher water surface elevation.

Table 1: 1316 S. Main Street Base Flood Elevation (NAVD, ft)

Building #	Avg Grade	BFE AO(1)	TOC	HAG+2'	Creek Profile	FEMA BFE	Detailed Study BFE	FFE
1	33.9	34.9	34.8	36.4	35.5	**35.5**	**36.1**	**37.1**

The project proposes an elevator for the residential structure. Since the pit of the elevator will be below the BFE, this will result in a basement/enclosure type of construction where the bottom floor is below grade on all sides. FEMA Region IX and Headquarters, through meetings held with the City of Milpitas in January 2016 have resulted in a determination that the elevator pit is a basement/enclosure per the NFIP Guidance Manual. Thus, the elevator must be designed and installed per FEMA technical bulletins TB-4 and TB-10. Most of the components (the elevator utilities and utility equipment) that could be damaged by the 100-yr floodwaters should be located above the BFE. The elevator components that are located below the BFE should be designed to be watertight and to resist physical damage during flooding. Furthermore, the elevator should be located so that it is reasonable safe from the 100-yr floodwaters; i.e. so that flood waters could not enter or accumulate within the components during conditions of flooding. To receive a floodproofing certification per the requirements of the City and FEMA, the project must comply with FEMA technical bulletins TB-4, and TB-10.

Conclusion

The project results in a decrease in the 100-year water surface elevation at many points downstream of the Site and has no more than 0.3 feet of impact at any neighboring privately owned property. Since the 1316 S. Main Street development has impacts of less than 0.36 feet, and neighboring projects do not adversely impact one another, cumulative impacts will be less than 1 foot and therefore complies with the City of Milpitas floodplain ordinance section XI-15-4.3(a)(4).

The project must also comply with the following requirements from FEMA and the City of Milpitas to be removed from the floodplain:

- The City of Milpitas floodplain ordinance section XI-15-5.1(c)(1) requires that finish floor elevations be 1 foot above the base flood elevation and one foot above the highest adjacent natural grade plus the depth of flooding. Since it results in a more conservative value, the detailed hydraulic analysis governs. The project is in compliance with the ordinance for finish floor elevation.
- FEMA requires the lowest adjacent grade to a structure be higher than the base flood elevation to remove the building from the flood hazard area. A CLOMR-F and LOMR-F should be filed with FEMA during planning and after construction respectively to remove the proposed building from the floodplain.
- The City of Milpitas will require that the elevator structure that is located below the BFE complete a floodproofing certificate prior to occupancy per sections XI-15-5.1(c)(2)& XI-15-5.1(c)(3) to ensure the structure is reasonably safe from flooding based on the effective FEMA map. To receive a floodproofing certification, the elevator must comply with FEMA technical bulletins TB-4 and TB-10.

Appendix C--Noise and Vibration Assessment Study

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May 7, 2015
Project No. 47-027

Mr. George Zhang
641 Teresi Lane
Los Altos, CA 94024

Subject: Noise and Vibration Assessment Study for the Planned Condominium Development, 1316 South Main Street, Milpitas

Dear Mr. Zhang:

This report presents the results of a noise and vibration assessment study for the planned mixed-use development a 1316 South Main Street in Milpitas, as shown on the Site Plan, Ref. (a). The noise exposures at the site were evaluated against the standards of the City of Milpitas Noise Element, Ref. (b), and the State of California Code of Regulations, Title 24, Ref. (c), which applies to all new multi-family housing. The railroad induced ground vibration levels were evaluated against guidelines established by the Federal Transit Administration (FTA), Ref. (d). The analysis of the on-site sound level measurements indicates that the existing noise environment at the site is due primarily to traffic sources on South Main Street and operations on the Santa Clara VTA Light Rail Trains with a minor contribution from the Union Pacific Railroad (UPRR) line. The results of the study indicate that the exterior exposures are within the limits of the standards. However, interior noise exposure excesses will occur and mitigation measures will be required. The study also revealed that ground-borne vibration levels within the planned structures due to UPRR operations will be within the criteria established by the FTA.

Sections I and II of this report contain a summary of our findings and recommendations, respectively. Subsequent sections contain the site, traffic, rail and project descriptions, analyses, and evaluations. Attached hereto are Appendices A, B, and C, which include the list of references, descriptions of the applicable standards, definitions of the terminology, descriptions of the acoustical instrumentation used for the field survey, general building shell controls, and the on-site noise measurement data and calculation tables.

I. Summary of Findings

The noise assessment results presented in the findings were evaluated against the standards of the City of Milpitas Noise Element, which utilizes the Day-Night Level (DNL) descriptor. The standards specify a limit of 65 decibels (dB) DNL at multi-family common areas, such as the courtyards and large decks. The noise standards are not applied to small, limited use private areas such as balconies. Interior living spaces are limited to 45 dB DNL.

The Title 24 standards also use the DNL descriptor and specify a limit of 45 dB DNL or lower for interior living spaces from exterior noise sources.

The Title 24 standards also specify minimum sound insulation ratings for common partitions separating different dwelling units and dwelling units from interior common spaces. The standards specify that common walls and floor/ceiling assemblies must have a design Sound Transmission Class (STC) rating of 50 or higher. In addition, the floor/ceiling assemblies must achieve a minimum Impact Insulation Class (IIC) rating of 50 or higher. As design details for the interior partitions of the project were not available at the time of this study, an evaluation of the interior partitions has not been made.

The vibration levels shown in the findings are expressed in units of dB re: 1×10^{-6} in/sec (peak velocity). The human response to vibration can vary within wide limits, as it depends on the position and inherent motion of the person perceiving the vibration, as well as the physical and psychological makeup of the particular person.

The City of Milpitas Noise Element currently does not contain quantifiable standards for vibration in residential areas. The vibration analysis presented in this report uses the criteria established by the Federal Transit Administration (FTA). For residences near rail lines that carry fewer than 70 trains per day, which is considered infrequent, the FTA recommends a limit of 80 decibels of vibration (VdB) inside the dwelling. The FTA guidelines provide adjustment methodologies to vacant site vibration levels to determine the approximate vibration levels in various floor elevations of residential structures.

The noise and vibration levels shown below are without the application of mitigation measures and represent the noise and vibration environment for existing site and project conditions.

A. Exterior Noise Exposures

- The existing exterior noise exposure at the most impacted building setback from South Main Street, 58 ft. from the centerline of the road, is 62 dB DNL. Under future traffic conditions, the noise exposure is estimated to increase to 63 dB DNL.

- The existing exterior noise exposures at the most impacted building setback from the UPRR tracks, 51 ft. from the centerline of the tracks, are up to 56 dB DNL. Of this 56 dB, 45 dB is due to freight traffic and 56 dB is due to LRT operations. Under future traffic conditions, the noise exposure is estimated to remain at 56 dB DNL.

- The exterior noise exposure at the planned podium courtyard/exterior common area will be 33-40 dB DNL under existing and future conditions. Thus, the exterior noise exposures will be within the 65 dB DNL limit of the City of Milpitas Noise Element standards.

- The exterior noise exposure at the planned roof deck will be 53 dB DNL under existing and future conditions. Thus, the exterior noise exposures will be within the 65 dB DNL limit of the City of Milpitas Noise Element standards.

- Noise from the adjacent Stuart Party Rentals facility and children playing at the Stepping Stone World Preschool is included in the noise measurement data and does not significantly impact the site.

B. Interior Noise Exposures

- The interior noise exposures at the most impacted planned living spaces closest to South Main Street will be up to 47 and 48 dB DNL under existing and future conditions, respectively. Thus, the noise exposures will be up to 3 dB in excess of the 45 dB DNL limits of the City of Milpitas Noise Element and Title 24 standards.

- The interior noise exposures at the most impacted planned living spaces closest to the UPRR tracks will be up to 41 dB DNL under existing and future conditions. Thus, the noise exposures will be within the 45 dB DNL limits of the City of Milpitas Noise Element and Title 24 standards.

C. Ground-Borne Vibration

- The railroad induced ground-borne vibration levels at the most impacted planned building setback, 51 ft. from the centerline of the railroad tracks, range from 63 to 66 VdB. Using the adjustment methodologies of the FTA, the vibration levels in the ground floor garage were calculated to range from 68 to 71 VdB. Vibration levels diminish with elevation. At the residential floors of the project, the vibration levels were calculated to range from 53-56 VdB at the 1st residential floor, 51-54 VdB at the 2nd residential floor and 49-52 VdB at the third residential floor. Thus, the vibration levels will be within the 80 VdB criterion established by the FTA for infrequent rail operations.

II. Recommendations

A. Exterior Noise Control

None required.

B. Interior Noise Control

To achieve compliance with the 45 dB DNL interior standards of the City of Milpitas Noise Element and Title 24, the following mitigation measures are recommended:

- Maintain closed at all times all windows and glass balcony doors of all living spaces within 100 ft. of the centerline of South Main Street and with a direct or side view of the roadway. Install windows and glass doors rated minimum Sound Transmission Class (STC) 26. Standard dual-pane windows and doors will typically meet this criterion.

When windows are maintained closed for noise control, some type of mechanical ventilation to assure a habitable environment must be provided, per the Mechanical Code. The windows specified to be maintained closed are to be operable, as the requirement does not imply a "fixed" condition. All other windows of the project and all bathroom windows may have any type of glazing and may be kept opened as desired unless the bathroom is an integral part of a living space without a closeable door.

In addition to the required STC ratings, the windows and doors shall be installed in an acoustically-effective manner. To achieve an acoustically-effective window construction, the sliding window panels must form an air-tight seal when in the closed position and the window frames must be caulked to the wall opening around their entire perimeter with a non-hardening caulking compound to prevent sound infiltration. Exterior doors must seal air-tight around the full perimeter when in the closed position.

Please be aware that many dual-pane window and glass door assemblies have inherent noise reduction problems in the traffic and rail noise frequency spectra due to resonance that occurs within the air space between the window lites, and the noise reduction capabilities vary from manufacturer to manufacturer. Therefore, the acoustical test report of all sound rated windows and doors should be reviewed by a qualified acoustician to ensure that the chosen windows and doors will adequately reduce traffic and rail noise to acceptable levels.

The implementation of the above recommended measures will reduce excess noise exposures for compliance with the 45 dB DNL interior noise exposure standards of the City of Milpitas Noise Element and Title 24.

III. Site, Traffic, Railroad and Project Descriptions

The planned project site is located along South Main Street between Montague Expressway and Great Mall Parkway in Milpitas and is relatively flat and at-grade with South Main Street and the Union Pacific Railroad property. The track bed is approximately 35 ft. above the road grade. The site currently contains two vacant buildings. Surrounding land uses include the Stuart Party Rentals company adjacent to the north, the UPRR tracks adjacent to the east, the Stepping Stone World Preschool adjacent to the south and the Ilara Apartments across South Main Street to the west.

The primary sources of noise in the site vicinity are traffic on South Main Street and activity on the Santa Clara Valley Transportation Agency Light Rail line. Union Pacific Railroad operations occur from one to three times per day. Intermittent noise are also noticeable at the site from activities at the Stuart Party Rentals company and from children playing at the Stepping Stone World Preschool. Traffic volume data for South Main Street are not available from the City of Milpitas. The noise survey data reveal that the Average Daily Traffic (ADT) volume for Capitol Avenue is approximately 9,500 vehicles.

The planned project includes the construction of one podium style building with three floors of dwelling units over one level of at-grade parking. The project is planned for 18 units. Ingress and egress to the project are by way of a driveway off of South Main Street. The Site Plan is shown below.

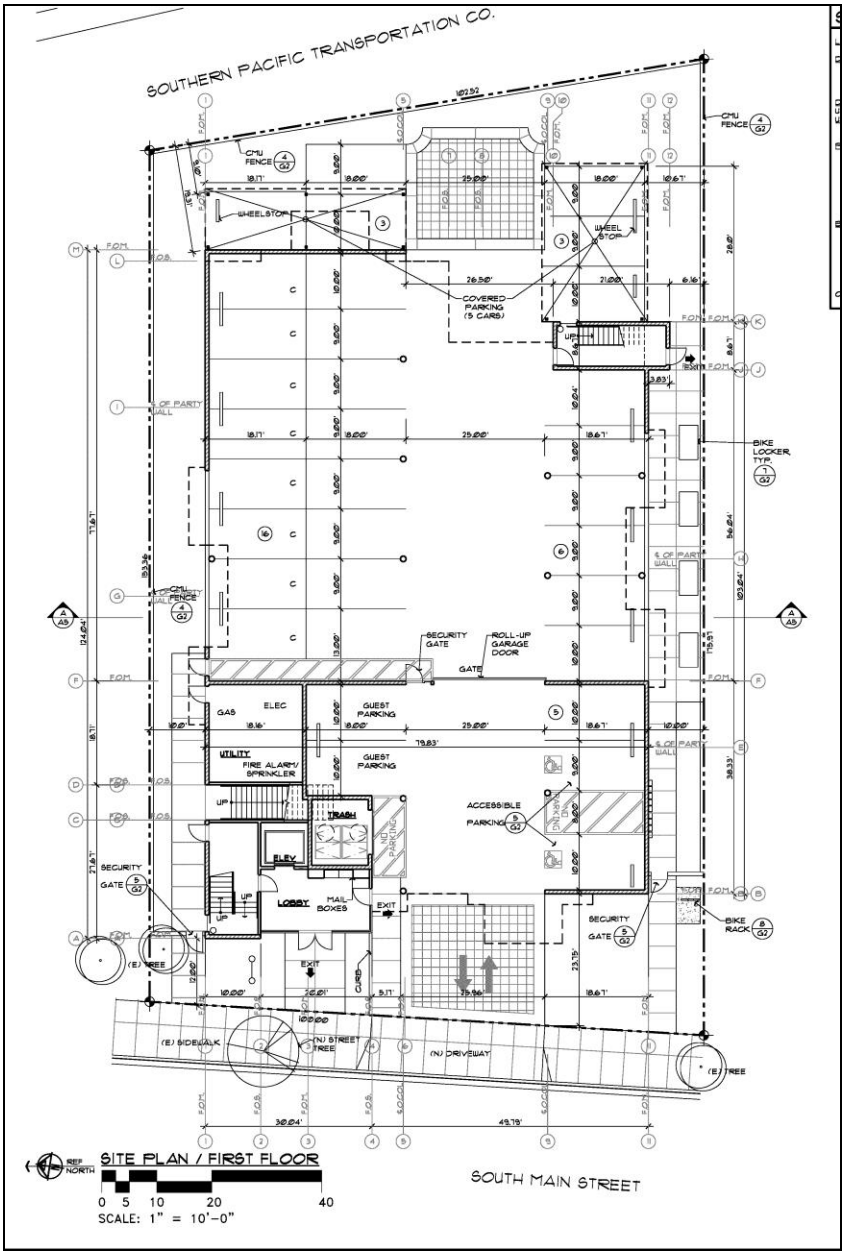

FIGURE 1 – Site Plan

IV. Analysis of the Noise Levels

A. Existing Noise Levels

To determine the existing noise environment at the site, continuous recordings of the sound levels were made at two locations, as shown on Figure 2. Location 1 was 58 ft. from the centerline of South Main Street, corresponding to the planned minimum setback of the building from the roadway. Location 2 was along the easterly property line closest to the UPRR tracks, 32 ft. from the centerline of the tracks. The measurements at Locations 1 and 2 were made for continuous 72 hour periods and are shown on Figure 2 on the following page. The measurements were made on April 15-18, 2015, and included representative hours during the daytime and nighttime periods of the DNL index.

The noise level data were acquired using Larson-Davis Model 812 Precision Integrating Sound Level Meters. The meters yield, by direct readout, a series of descriptors of the sound levels versus time. These descriptors are commonly used to describe community noise, as defined in Appendix B. The measured descriptors include the L_1, L_{10}, L_{50}, and L_{90}, i.e., those levels exceeded 1%, 10%, 50% and 90% of the time. Also measured were the maximum and minimum levels and the continuous equivalent-energy levels (L_{eq}), which are used to calculate the DNL's. The results of the measurements are shown in the data table in Appendix C.

The results of the field survey reveal that the L_{eq}'s at Location 1 on the first day of measurements, 58 ft. from the centerline of South Main Street, ranged from 56.5 to 62.6 dBA during the daytime and from 45.5 to 58.1 dBA at night. On Day 2, the L_{eq}'s ranged from 56.6 to 62.9 dBA during the daytime and from 46.6 to 59.1 dBA at night. On Day 3, the L_{eq}'s ranged from 57.5 to 63.4 dBA during the daytime and from 45.7 to 57.4 dBA at night.

The L_{eq}'s at Location 2, 32 ft. from the UPRR tracks, ranged from 45.7 to 55.4 dBA during the daytime and from 42.1 to 53.3 dBA at night. On Day 2, the L_{eq}'s ranged from 48.7 to 57.4 dBA during the daytime and from 43.3 to 53.0 dBA at night. On Day 3, the L_{eq}'s ranged from 47.8 to 55.9 dBA during the daytime and from 38.5 to 49.0 dBA at night.

Rail passbys occurred during the 9:00 AM hour on the first day, during the 9:00 AM and 11:00 AM hours on Day 2 and during the 9:00 AM, 12:00 PM and 5:00 PM hours on Day 3.

FIGURE 2 – Noise Measurement Locations

Traffic and rail noise dissipate at the rate of 3 to 6 dB for each doubling of the distance from the source (centerline of the roadway/tracks) to the receiver. Therefore, other locations on the site at greater distances from the roadway or railroad tracks will have lower noise levels.

Vehicular traffic and railroad noise contain wide spectra of frequency components (from 63 to 10,000 Hertz), which are associated with engine, tire, drive train, wheel/rail interaction, exhaust and other sources. The frequency components are centered primarily in the 100, 250 and 500 Hz octave bands and were used in determining the noise control measures recommended for this project.

B. Future Noise Levels

Future traffic volume data for South Main Street are not available. Therefore, we are estimating that the average annual growth rate for South Main Street traffic is approximately 1% per year. Over a 20 year horizon, a 1% per year growth is equivalent to a 22% increase in the traffic volumes. Thus, the future traffic volume is estimated to be approximately 11,590 vehicles ADT. This increase in traffic volume yields a 1 dB increase in the traffic noise levels.

There are no data for future operations for the Union Pacific Railroad. Therefore, we are assuming that the future operations will be similar to present levels.

C. Ground-Borne Vibration

To determine the levels of railroad induced ground vibration, on site vibration level measurements were made at the planned minimum setback of the planned building at 51 ft. from the centerline of the railroad tracks. The measurements were made on April 27 and on April 29, 2015 using a PCB Piezotronics 393A03 accelerometer and a Larson Davis 2900 Dual Channel Real Time analyzer. The analyzer measured real time 1/3-octave band vibration levels, in dB re: 1 x 10^{-6} in./sec. over the frequency range of 0.8 to 10 kHz. The vibration levels from 8 Hz to 80 Hz were used to assess the impact of ground borne vibration on homes of the project. Table I on the following page provides the measured vibration levels for each BART train passby.

TABLE I

Measured Ground Vibration Levels, VdB @ 51 ft. From The Track Centerline

Freq. (Hz)	8	10	12.5	16	20	25	31.5	40	50	63	80	Total
Freight	33.8	41.8	46.2	51.7	54.9	58.3	58.7	59.9	54.2	59.6	46.9	66
Freight	32.4	39.0	44.7	50.1	53.0	55.6	55.9	55.8	52.3	60.6	47.1	63

V. Evaluations of the Noise Exposures and Vibration Levels

A. Exterior Noise Exposures

To evaluate the on-site noise exposures against the City of Milpitas standards and the Title 24 criterion, the DNL's for the survey locations were calculated by decibel averaging of the L_{eq}'s as they apply to the daily time periods of the DNL index. The DNL is a 24-hour noise descriptor that uses the measured L_{eq} values to calculate a 24-hour time-weighted average noise exposure. The formula used to calculate the DNL is described in Appendix B. Adjustments were made to the measured noise levels at Location 2 to account for the difference in the distance between the measurement location and the building setback using methods established by Wyle Laboratories, Ref. (e). The noise exposure calculations are shown in greater detail in Appendix C.

The results of the calculations indicate that the total exterior noise exposure at measurement Location 1, 58 ft. from the centerline of South Main Street, were 62 dB DNL on each of the three days of measurements under existing conditions. Under future traffic conditions, the noise exposure is expected to increase to 63 dB DNL.

The noise exposures at measurement location 2, 32 ft. from the centerline of the railroad tracks, were calculated to be 55, 56 and 53 dB DNL on each of the three days of measurements.

At the planned minimum setback of 51 ft. from the tracks, the noise exposures reduce to 55, 56 and 52 dB DNL. The UPRR contribution to these noise exposures was 39, 44 and 45 dB DNL, respectively.

The exterior noise exposures in the planned podium courtyard/common area were calculated to be 33 to 40 dB DNL with the higher noise levels on the easterly end of the courtyard. Thus, the noise exposures will be within the 65 dB DNL limit of the City of Milpitas Noise Element standards.

The exterior noise exposure on the roof deck was calculated to be up to 53 dB DNL throughout the deck area under existing and future conditions. Thus, the noise exposures will be within the 65 dB DNL limit of the City of Milpitas Noise Element standards. The exterior noise exposures will be within the limits of the standards. Mitigation measures for the exterior living areas will not be required.

B. Interior Noise Exposures

To evaluate the interior noise exposures in project living spaces, a 15 dB reduction was applied to the exterior noise exposure to represent the attenuation provided by the building shell under *annual-average* conditions. The *annual-average* condition assumes that windows have standard dual-pane thermal insulating glass and are kept open up to 50 % of the time for natural ventilation. Thus, the interior noise exposures in living spaces closest to South Main Street will be up to 47 and 48 dB DNL under existing and future traffic conditions, respectively. Thus, the noise exposures will be up to 3 dB in excess of the City of Milpitas Noise Element and Title 24 standards.

The interior noise exposures in the most impacted living spaces closest to the UPRR tracks will range from 37-41 dB DNL. Thus, noise exposures will be within the 45 dB DNL limits of the of the City of Milpitas Noise Element and Title 24 standards.

As the interior noise exposures will exceed the limits of the standards, mitigation measures will be required. The recommended measures are described in Section II of this report.

C. Vibration Levels

To determine the levels of vibration in the project structures, the FTA methodologies uses factors for coupling loss or the way the house or structure is tied to the ground, how the floors resonate and the small amounts of vibrational energy that are lost as it travels through the building.

- Heavy concrete structures have a 12 VdB downward adjustment for coupling loss. A 6 VdB increase is added for floor resonances and a 2 VdB reduction per floor elevation is subtracted. Therefore, under the highest ground vibration level caused by BART passbys of up to 66 VdB on the bare ground, the vibration levels in the most impacted dwelling units be up to 56 VdB at the 2nd floor, 54 VdB at the 3rd floor and 52 VdB at the 4th floor. Thus, the vibration levels in dwelling units will be within the 80 VdB criterion established by the FTA for infrequent rail operations.

The vibration levels will be within the limits established by the Federal Transit Administration. Thus, vibration mitigation measures will not be required.

This report presents the results of a noise and vibration assessment study for the planned multi-family development at 1316 South Main Street in Milpitas. The study findings and recommendations are based on field measurements and other data and are correct to the best of our knowledge. However, significant changes in the predicted traffic volumes, UPRR or VTA operations, speed limits, motor vehicle or rail technology, noise regulations, or other future changes beyond our control may produce long-range noise results different from our estimates.

If you have any questions or would like an elaboration on this report, please call me.

Sincerely,

EDWARD L. PACK ASSOC., INC.

Jeffrey K. Pack
President

Attachments: Appendices A, B, and C

APPENDIX A

References

(a) Proposed Site/Ground Floor Plan, Zhang Condos, by MBA Architecture, October 21, 2014

(b) Noise Element of the General Plan, City of Milpitas, March 2002

(c) California Code of Regulations, Title 24, Chapter 2, Section 1207 “Sound Transmission”, Subsection 1207.4 (Allowable Interior Noise Levels), Revised 2013

(d) Federal Transit Administration, “Transit Noise and Vibration Impact Assessment”, FTA-VA-90-1003-06, Chapter 11 – Detailed Vibration Analysis, Prepared by Harris, Miller, Miller & Hanson, Inc., May 2006

(e) Wyle Laboratories Report WCR 73-5, "Assessment of Noise Environments Around Railroad Operations", July, 1973

APPENDIX B

Noise Standards, Terminology, Instrumentation and Building Shell Controls

1. Noise Standards

A. City of Milpitas Noise Element Standards

The noise standards of the City of Milpitas Noise Element of the General Plan, updated March 19, 2002, employ the Day-Night Level (DNL) noise descriptor, which is a 24-hour average noise descriptor that penalizes noise created between 10:00 p.m. and 7:00 a.m. by 10 decibels. The "Normally Acceptable" noise exposure for single-family land-use is 60 dB DNL. For multi-family land-use, the "Normally Acceptable" limit is 65 dB DNL. Schools, libraries, churches, nursing homes, hospitals, playgrounds, parks, auditoriums, amphitheaters, office buildings, and other commercial or professional business uses are acceptable up to 70 dB DNL. Sports arenas, industrial, manufacturing, golf courses, riding stables, water recreation and cemeteries are acceptable up to 75 dB DNL.

Interior noise exposures in all residences are limited to 45 dB DNL.

B. Title 24 Noise Standards

The California Code of Regulations, l, Title 24, Chapter 2, Section 1207, "Sound Transmission", applies to all new multi-family dwellings including condominiums, apartments, hotels, motels and dormitories. The standards, which utilize either the Day-Night Level (DNL) descriptor or the Community Noise Equivalent Level (CNEL), whichever is consistent with the local jurisdictional standards, specify that interior noise exposures from exterior sources shall not exceed 45 dB DNL/CNEL in any habitable room.

The Title 24 standards also establish minimum sound insulation requirements for interior partitions separating different dwelling units from each other and dwelling units from common spaces such as garages, corridors, equipment rooms, etc. The common interior walls and floor/ceiling assemblies regulated by the California Building Code (apartments, condominiums, hotels, etc.) must achieve a minimum Sound Transmission Class (STC) rating of 50 for airborne noise. Common floor/ceiling assemblies must achieve an Impact Insulation Class (IIC) rating of 50 for impact noise. These ratings are based on laboratory tested partitions. Field tested partitions must achieve ratings of NIC and FIIC 45. Attached dwellings regulated by the California Residential Code (townhouses under 3 stories in height) must achieve minimum STC 45 for the common partition.

2. Terminology

A. Statistical Noise Levels

Due to the fluctuating character of urban traffic noise, statistical procedures are needed to provide an adequate description of the environment. A series of statistical descriptors have been developed which represent the noise levels exceeded a given percentage of the time. These descriptors are obtained by direct readout of the Community Noise Analyzer. Some of the statistical levels used to describe community noise are defined as follows:

L_1 - A noise level exceeded for 1% of the time.

L_{10} - A noise level exceeded for 10% of the time, considered to be an "intrusive" level.

L_{50} - The noise level exceeded 50% of the time representing an "average" sound level.

L_{90} - The noise level exceeded 90 % of the time, designated as a "background" noise level.

L_{eq} - The continuous equivalent-energy level is that level of a steady-state noise having the same sound energy as a given time-varying noise. The L_{eq} represents the decibel level of the time-averaged value of sound energy or sound pressure squared and is used to calculate the DNL and CNEL.

B. Day-Night Level (DNL)

Noise levels utilized in the standards are described in terms of the Day-Night Level (DNL). The DNL rating is determined by the cumulative noise exposures occurring over a 24-hour day in terms of A-Weighted sound energy. The 24-hour day is divided into two subperiods for the DNL index, i.e., the daytime period from 7:00 a.m. to 10:00 p.m., and the nighttime period from 10:00 p.m. to 7:00 a.m. A 10 dB weighting factor is applied (added) to the noise levels occurring during the nighttime period to account for the greater sensitivity of people to noise during these hours. The DNL is calculated from the measured L_{eq} in accordance with the following mathematical formula:

$$DNL = [(L_d+10\log_{10}15) \,\&\, (L_n+10+10\log_{10}9)] - 10\log_{10}24$$

Where:

L_d = L_{eq} for the daytime (7:00 a.m. to 10:00 p.m.)

L_n = L_{eq} for the nighttime (10:00 p.m. to 7:00 a.m.)

24 - indicates the 24-hour period

& - denotes decibel addition.

C. A-Weighted Sound Level

The decibel measure of the sound level utilizing the "A" weighted network of a sound level meter is referred to as "dBA". The "A" weighting is the accepted standard weighting system used when noise is measured and recorded for the purpose of determining total noise levels and conducting statistical analyses of the environment so that the output correlates well with the response of the human ear.

3. Instrumentation

The on-site field measurement data were acquired by the use of one or more of the precision acoustical instruments shown below. The acoustical instrumentation provides a direct readout of the L exceedance statistical levels including the equivalent-energy level (L_{eq}). Input to the meters was provided by a microphone extended to a height of 5 ft. above the ground. The meter conforms to ANSI S1.4 for Type 1 instruments. The "A" weighting network and the "Fast" response setting of the meter were used in conformance with the applicable ISO and IEC standards. All instrumentation was acoustically calibrated before and after field tests to assure accuracy.

Bruel & Kjaer 2231 Precision Integrating Sound Level Meter
Larson Davis LDL 812 Precision Integrating Sound Level Meter
Larson Davis 2900 Real Time Analyzer

4. Building Shell Controls

The following additional precautionary measures are required to assure the greatest potential for exterior-to-interior noise attenuation by the recommended mitigation measures. These measures apply at those units where closed windows are required:

- Unshielded entry doors having a direct or side orientation toward the primary noise source must be 1-5/8" or 1-3/4" thick, insulated metal or solid-core wood construction with effective weather seals around the full perimeter.

- If any penetrations in the building shell are required for vents, piping, conduit, etc., sound leakage around these penetrations can be controlled by sealing all cracks and clearance spaces with a non-hardening caulking compound.

- Ventilation openings shall not compromise the acoustical integrity of the building shell.

APPENDIX C

Noise and Vibration Measurement Data and Calculation Tables

DNL CALCULATIONS

CLIENT: GEORGE ZHANG
FILE: 47-027
PROJECT: MAIN ST. CONDOS
DATE: 4/15-18/2015
SOURCE: S. MAIN ST., UPRR

LOCATION 1	S. Main St.			
Dist. To Source	58 ft.			
TIME	Leq	10^Leq/10		
7:00 AM	60.9	1230268.8		
8:00 AM	61.0	1258925.4		
9:00 AM	60.0	1000000.0		
10:00 AM	58.5	707945.8		
11:00 AM	59.9	977237.2		
12:00 PM	61.5	1412537.5		
1:00 PM	62.6	1819700.9		
2:00 PM	60.3	1071519.3		
3:00 PM	60.1	1023293.0		
4:00 PM	61.6	1445439.8		
5:00 PM	61.8	1513561.2		
6:00 PM	60.8	1202264.4		
7:00 PM	62.0	1584893.2		
8:00 PM	57.9	616595.0		
9:00 PM	56.5	446683.6	SUM=	17310865
10:00 PM	54.0	251188.6	Ld=	72.4
11:00 PM	52.4	173780.1		
12:00 AM	51.6	144544.0		
1:00 AM	48.1	64565.4		
2:00 AM	45.5	35481.3		
3:00 AM	47.6	57544.0		
4:00 AM	51.0	125892.5		
5:00 AM	55.2	331131.1		
6:00 AM	58.1	645654.2	SUM=	1829781
			Ln=	62.6
	Daytime Level=	72.4		
	Nighttime Level=	72.6		
	DNL=	**61.7**		
	24-Hour Leq=	59.0		

LOCATION 1	S. Main St.			
Dist. To Source	58 ft.			
TIME	Leq	10^Leq/10		
7:00 AM	62.9	1949844.6		
8:00 AM	60.8	1202264.4		
9:00 AM	62.2	1659586.9		
10:00 AM	59.2	831763.8		
11:00 AM	60.5	1122018.5		
12:00 PM	61.0	1258925.4		
1:00 PM	61.2	1318256.7		
2:00 PM	60.2	1047128.5		
3:00 PM	60.0	1000000.0		
4:00 PM	59.8	954992.6		
5:00 PM	62.0	1584893.2		
6:00 PM	61.0	1258925.4		
7:00 PM	59.7	933254.3		
8:00 PM	57.4	549540.9		
9:00 PM	56.6	457088.2	SUM=	17128483
10:00 PM	55.9	389045.1	Ld=	72.3
11:00 PM	55.3	338844.2		
12:00 AM	50.0	100000.0		
1:00 AM	49.1	81283.1		
2:00 AM	46.6	45708.8		
3:00 AM	47.5	56234.1		
4:00 AM	52.6	181970.1		
5:00 AM	55.2	331131.1		
6:00 AM	59.1	812830.5	SUM=	2337047
			Ln=	63.7
	Daytime Level=	72.3		
	Nighttime Level=	73.7		
	DNL=	**62**		
	24-Hour Leq=	59.1		

LOCATION 1	S. Main St.			
Dist. To Source	58 ft.			
TIME	Leq	10^Leq/10		
7:00 AM	57.5	562341.3		
8:00 AM	57.7	588843.7		
9:00 AM	60.2	1047128.5		
10:00 AM	62.0	1584893.2		
11:00 AM	60.1	1023293.0		
12:00 PM	63.4	2187761.6		
1:00 PM	60.5	1122018.5		
2:00 PM	59.5	891250.9		
3:00 PM	60.2	1047128.5		
4:00 PM	60.6	1148153.6		
5:00 PM	62.2	1659586.9		
6:00 PM	60.7	1174897.6		
7:00 PM	59.8	954992.6		
8:00 PM	58.6	724436.0		
9:00 PM	57.4	549540.9	SUM=	16266267
10:00 PM	56.2	416869.4	Ld=	72.1
11:00 PM	57.4	549540.9		
12:00 AM	52.7	186208.7		
1:00 AM	50.2	104712.9		
2:00 AM	52.5	177827.9		
3:00 AM	46.1	40738.0		
4:00 AM	45.7	37153.5		
5:00 AM	52.0	158489.3		
6:00 AM	54.3	269153.5	SUM=	1940694
			Ln=	62.9
	Daytime Level=	72.1		
	Nighttime Level=	72.9		
	DNL=	**62**		
	24-Hour Leq=	58.8		

DNL CALCULATIONS

CLIENT: GEORGE ZHANG
FILE: 47-027
PROJECT: MAIN ST. CONDOS
DATE: 4/15-18/2015
SOURCE: S. MAIN ST., UPRR

LOCATION 2	UPRR			
Dist. To Source	32 ft.			
TIME	Leq	10^Leq/10		
7:00 AM	55.2	331131.1		
8:00 AM	53.3	213796.2		
9:00 AM	55.4	346736.9		
10:00 AM	51.7	147910.8		
11:00 AM	50.0	100000.0		
12:00 PM	52.3	169824.4		
1:00 PM	53.3	213796.2		
2:00 PM	51.0	125892.5		
3:00 PM	50.1	102329.3		
4:00 PM	51.2	131825.7		
5:00 PM	52.1	162181.0		
6:00 PM	51.2	131825.7		
7:00 PM	50.3	107151.9		
8:00 PM	49.3	85113.8		
9:00 PM	45.7	37153.5	SUM=	2406669
10:00 PM	45.6	36307.8	Ld=	63.8
11:00 PM	45.5	35481.3		
12:00 AM	43.7	23442.3		
1:00 AM	42.1	16218.1		
2:00 AM	42.1	16218.1		
3:00 AM	43.3	21379.6		
4:00 AM	47.5	56234.1		
5:00 AM	51.2	131825.7		
6:00 AM	53.3	213796.2	SUM=	550903
			Ln=	57.4
	Daytime Level=	63.8		
	Nighttime Level=	67.4		
	DNL=	**55**		
	24-Hour Leq=	50.9		

LOCATION 2	UPRR			
Dist. To Source	32 ft.			
TIME	Leq	10^Leq/10		
7:00 AM	52.1	162181.0		
8:00 AM	52.2	165958.7		
9:00 AM	57.4	549540.9		
10:00 AM	53.8	239883.3		
11:00 AM	56.4	436515.8		
12:00 PM	52.1	162181.0		
1:00 PM	50.9	123026.9		
2:00 PM	50.0	100000.0		
3:00 PM	50.5	112201.8		
4:00 PM	50.1	102329.3		
5:00 PM	50.4	109647.8		
6:00 PM	51.6	144544.0		
7:00 PM	50.2	104712.9		
8:00 PM	48.9	77624.7		
9:00 PM	48.7	74131.0	SUM=	2664479
10:00 PM	46.9	48977.9	Ld=	64.3
11:00 PM	50.5	112201.8		
12:00 AM	47.0	50118.7		
1:00 AM	44.5	28183.8		
2:00 AM	43.3	21379.6		
3:00 AM	45.0	31622.8		
4:00 AM	47.4	54954.1		
5:00 AM	49.6	91201.1		
6:00 AM	53.0	199526.2	SUM=	638166
			Ln=	58.0
	Daytime Level=	64.3		
	Nighttime Level=	68.0		
	DNL=	**56**		
	24-Hour Leq=	51.4		

LOCATION 2	UPRR			
Dist. To Source	32 ft.			
TIME	Leq	10^Leq/10		
7:00 AM	52.0	158489.3		
8:00 AM	51.6	144544.0		
9:00 AM	55.3	338844.2		
10:00 AM	49.8	95499.3		
11:00 AM	49.9	97723.7		
12:00 PM	54.7	295120.9		
1:00 PM	52.5	177827.9		
2:00 PM	48.6	72443.6		
3:00 PM	48.5	70794.6		
4:00 PM	50.3	107151.9		
5:00 PM	55.9	389045.1		
6:00 PM	49.1	81283.1		
7:00 PM	48.5	70794.6		
8:00 PM	48.8	75857.8		
9:00 PM	47.8	60256.0	SUM=	2235676
10:00 PM	47.6	57544.0	Ld=	63.5
11:00 PM	43.2	20893.0		
12:00 AM	42.7	18620.9		
1:00 AM	40.1	10232.9		
2:00 AM	39.0	7943.3		
3:00 AM	38.5	7079.5		
4:00 AM	39.6	9120.1		
5:00 AM	42.7	18620.9		
6:00 AM	49.0	79432.8	SUM=	229487
			Ln=	53.6
	Daytime Level=	63.5		
	Nighttime Level=	63.6		
	DNL=	**53**		
	24-Hour Leq=	50.1		

Values shown in RED include rail passbys

Appendix D-Trip Generation Assessment

FEHR PEERS

MEMORANDUM

Date: July 7, 2016

To: Bruce Kaplan, Lamphier-Gregory

From: Katy Cole, Christine Mercado, & Ryan Caldera

Subject: Zhang Condos Trip Generation Assessment

SD16-0218

This memorandum presents vehicle trip estimates and trip distribution for the proposed Zhang Condos development at 1316 South Main Street located in Milpitas, California. It also compares the proposed project to the zoning designated in the Milpitas Transit Area Specific Plan (TASP) to confirm that the project is consistent and that the project traffic was accounted for in the TASP EIR.

PROJECT DESCRIPTION

The approximately 0.4-acre project site is located about 200 feet northeast of the intersection of South Main Street and South Abel Street and falls within the TASP boundaries. The project site is generally bound by industrial uses to the north, South Main Street to the west, a preschool and daycare facility to the south, and railroad tracks to the east. As proposed, the project would construct an 18-unit condominium complex with approximately 39 private residential parking spaces.

PROJECT TRIP GENERATION

Fehr & Peers developed vehicle trip estimates for the Zhang Condos project using trip rate and distributional split information published in the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 9th Edition (2012). Specifically, the trip generation estimates were derived using the regression equations for the "Residential Condominium/Townhouse" (ITE Land Use 230) land use with "dwelling units" as the trip generating independent variable.

TRIP REDUCTIONS

Existing Use on Site

Providing credit for an existing use on site is a common practice in the traffic engineering field and often applied in traffic studies. A primary reason for including traffic from existing development as a form of reduction credit is because traffic from the existing use is included in the traffic counts and/or future traffic projections. In this case though, the current site is vacant and not generating vehicle trips. Therefore, no "existing uses for removal" credit was applied to the project's trip generation.

Proximity to Transit

The proposed project is approximately 850 feet away from the Great Mall Station, which provides VTA light rail service. According to the *Santa Clara Valley Transportation Authority (VTA) Transportation Impact Analysis (TIA) Guidelines*, the standard trip reduction for housing developments where the walking distance from the unit to the station is 2,000 feet or less is nine (9) percent (VTA, 2014).

The proposed project is also near a major bus stop, which could incur a trip reduction of two (2) percent. However, the *Santa Clara VTA TIA Guidelines* state that a reduction can only be taken for either the major bus stop or the rail station, and not a combination of the two facilities. Given the project use and setting, we found it reasonable to use the nine (9) percent reduction due to the rail station. This trip reduction is applied to the proposed project's raw trip generation estimates.

TRIP GENERATION ESTIMATE

Applying the ITE trip generation data and incorporating the VTA's proximity to transit trip reduction, the proposed project is estimated to generate 132 net new daily trips, including 12 net new AM peak hour trips (2 inbound and 10 outbound), and 14 net new PM peak hour trips (9 inbound and 5 outbound). **Table 1** provides the detailed trip generation estimates for the project.

TABLE 1: ZHANG CONDOS TRIP GENERATION

VEHICLE TRIP ESTIMATES									
Land Use	**Quantity**	**Unit**	**Daily**	**AM Peak Hour**			**PM Peak Hour**		
				In	**Out**	**Total**	**In**	**Out**	**Total**
Residential Condominium/Townhouse[1,2]	18	Dwelling Units	145	2	11	13	10	5	15
Transit Proximity Reduction (9% trip reduction)[3]			*-13*	*0*	*-1*	*-1*	*-1*	*0*	*-1*
Total Net New External Vehicle Trips			**132**	**2**	**10**	**12**	**9**	**5**	**14**

Notes:

[1] Source: Daily trip rates, peak hour rates, and in/out percentage splits were obtained from the Institute of Transportation Engineers (ITE) *Trip Generation, 9th Edition* (ITE, 2012).

[2] Daily trips and peak hour trips were estimated using the following fitted curve equations presented in the ITE *Trip Generation* for land use category 230 - Residential Condominium/Townhouse (Adjacent Street Traffic, 7-9 AM, 4-6 PM):

Daily: LN(T) = 0.87 * LN(X) + 2.46 , X = Number of Dwelling Units
AM Peak Hour: LN(T) = 0.80 * LN(X) + 0.26 , X = Number of Dwelling Units; 17% inbound, 83% outbound
PM Peak Hour: LN(T) = 0.82 * LN(X) + 0.32 , X = Number of Dwelling Units; 67% inbound, 33% outbound

[3] Using the VTA's standard reduction approach, a 9% reduction was applied to the daily and peak hour residential condominium trips to account for the close proximity of the project to light rail transit.

Source: Fehr & Peers, July 2016.

PROJECT TRIP DISTRIBUTION

The geographic distribution of the project trips was based on locations of complementary land uses (e.g. office buildings), characteristics of the street system serving the site, existing travel patterns in the area, and patterns used in other studies such as the traffic study developed for the TASP EIR.

The resulting overall trip distribution pattern estimates for the project-generated traffic are outlined in **Table 2** and illustrated in **Figure 1.** It should also be noted that with the raised median in place along South Main Street, the project driveway will operate as right-in and right-out only, which is reflected in the project driveway trip distribution also depicted in Figure 1. Additionally, residents and visitors leaving Zhang Condos and desiring to travel southbound will need to make a U-turn at the mid-block left-turn pocket along South Main Street just north of the site. For residents and visitors coming from areas to the north or traveling southbound along South Main Street, they will need use south Abel Street and turn left onto South Main Street to access the project site since southbound U-turns are restricted at the intersection of Abel Street and South Main Street.

TABLE 2: ZHANG CONDOS TRIP DISTRIBUTION

Direction	Percentage
Great Mall Parkway east	20%
Great Mall Parkway west	30%
South Main Street north	10%
South Main Street south	35%
South Abel Street	5%

Source: Fehr & Peers, July 2016.

The site-generated traffic in **Table 1** is assigned to the roadway system based on the directions of approach and departure discussed above.

FIGURE 1

PROJECT TRIP DISTRIBUTION

COMPARISON TO TRANSIT AREA SPECIFIC PLAN

The TASP's project trips were generated by the land use types that encompass the overall specific plan area rather than by individual developments or parcels. Table 3.3-8 of the TASP shows the total trips generated by each general land use (e.g. regional shopping center, office park, and multi-family residential). Since the TASP does not detail the trips being generated at parcel level, we confirmed whether the land use assumption for the Zhang Condos site is residential in the TASP and that the proposed density is consistent with the TASP zoning. As long as the parcel was designated in the TASP as residential and the project conforms to the residential zoning prescribed by the TASP, then the project trips generated by the proposed project are included in the traffic analysis prepared for the TASP EIR. Developments that are consistent with the parcel's TASP classification are accounted for by the TASP EIR and do not require further mitigation.

Figure 5-21 of the TASP indicates that the project location is zoned as "Very High Density Transit-Oriented Residential." Properties designated as "Very High Density Transit-Oriented Residential" must have between 41 units per acre and 60 units per acre, with no commercial land uses on the property. The proposed has a residential density of 45 units per acre. Because this is within the specified density range given by the TASP, the project is consistent; therefore, the TASP EIR already considers the development of this parcel.

The TASP also projects level of service (LOS) at major intersections within and adjacent to the TASP planning boundary. Table 3.3-10 of the TASP shows the projected LOS after development of all parcels in the study area. The resulting Background plus Project LOS for the adjacent intersections (i.e. South Main Street/Great Mall Parkway and South Abel Street/South Main Street) were reported to result in LOS D or better during the weekday AM and PM peak hours. Because no impacts were identified in the traffic analysis prepared for the TASP, we expect no impact at adjacent intersections will be caused by the proposed Zhang Condos development. It can also be inferred that intersection operations would not degrade due to the implementation of this project, which generates minimal trips in the peak hours. Therefore, no further transportation analysis or mitigation is necessary.

SUMMARY OF FINDINGS

The VTA requires a full Transportation Impact Analysis (TIA) for any project expected to generate 100 or more net new weekday (AM or PM peak hour) or weekend peak hour trips, including both inbound and outbound trips. The proposed project is expected to generate 12 net new AM peak hour trips and 14 net new PM peak hour trips. With the insignificant number of project-generated trips, a full TIA is not necessary per VTA minimum requirements.

The VTA also requires a Congestion Management Program (CMP) for any intersection where the proposed development project is expected to add 10 or more peak hour vehicles per lane to any intersection movement. This rule of thumb has also been used in determining study intersections for a traffic study. At most, the proposed development could add six (6) vehicles per lane in the AM peak hour and seven (7) vehicles per lane in the PM peak hour. Due to the small amount of project-generated trips there would be no need to study any nearby intersection operations per the VTA's 10 vehicles per lane per peak hour criteria.

Additionally, the project is consistent with the TASP; therefore, the project was considered in the TASP EIR and no future transportation analysis is necessary.

Based on the trip generation assessment performed, we find that the proposed Zhang Condos project does not require any additional transportation studies since the project-generated traffic will have negligible effect on the surrounding transportation system.

Appendix E—Site Photos

1316 S. Main, seen from Main St.

UPRR tracks

Seen from behind property (rear of Project site is marked by trees, mid-ground R.)

Adjacent property north (1300 S. Main)

Stuart Party & Tent Rentals permanent storage yard

Adjacent property south (1362 S. Main St)—pre-school (ages 2-6)