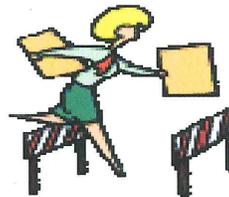




# CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479  
GENERAL INFORMATION: 408-586-3000, [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov)

City Council Meeting  
05/07/2013

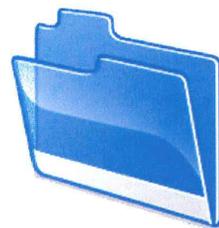


## Attachments Related to Agenda

### Item #2

Revised Attachment C – Errata Sheets

## After Agenda Packet Distribution



## Milpitas Climate Action Plan Staff-Proposed Changes and Errata to Draft CAP

### Preface:

In response to comments from the Bay Area Air Quality Management District (BAAQMD), the 2005 emissions inventory, 2020 forecasts, and 2020 emissions reduction target were revised to include direct wastewater emissions. These revisions appear in the CAP primarily in Tables 2-2, 2-3, 3-1, and 4-1. Each of these tables is included within this errata sheet as an example of the general changes that would occur to the CAP by including direct wastewater emissions. Since the 2020 forecast and reduction target are slightly higher than previously reported, each GHG reduction measure would have a minutely smaller effect on overall GHG reductions. Upon Council approval of the CAP, additional minor updates would be completed to tables, figures, and text throughout the document consistent with the updates shown in Tables 2-2, 2-3, 3-1, and 4-1. With these changes, the CAP still provides the mechanisms, reductions, and programs necessary to achieve a 16.1% reduction below 2005 levels by 2020, exceeding the 15% reduction target established within the CAP.

Page 1-4

### Relationship to the General Plan and California Environmental Quality Act

The City has developed the CAP to serve as a strategic planning document. While achieving GHG reductions, the CAP also implements objectives of numerous local planning documents and statewide regulations. The CAP is a stand-alone policy and implementation item coordinated with the adopted General Plan. The City will adaptively manage the CAP over time, maintaining flexibility to update the CAP as opportunities shift and new resources emerge.

#### Coordination with the General Plan

The Milpitas General Plan identifies energy efficiency, waste reduction, and efficient land use as priorities for the City. Numerous General Plan policies and recommendations in other planning documents would reduce GHG emissions. In turn, CAP measures, policies, and actions to reduce community-wide GHGs are aligned with General Plan goals and policies.

The CAP also supports Milpitas's specific and master plans. [Amendments to the General Plan in 2013 prioritize the residential development of the Midtown and Transit Area Specific Plan, presenting the City's policy to not consider the conversion to residential uses of other areas until achieving 80% buildout of the Midtown and Transit Area Specific Plans \(see Implementing Policy 2.a-1-2 of the General Plan\).](#) Through implementation of these plans, the City has already made significant progress to reduce future GHG emissions. The beneficial effects of these efforts are presented in both the City's emissions growth forecast in **Chapter 2** and in the existing measures section of **Chapter 4**.

Page 2-3

**Table 2-2: Jurisdictional Baseline Greenhouse Gas Emissions by Sector**

	2005 MTCO <sub>2</sub> e	Percentage of Total
Transportation	320,990	50%
Nonresidential Energy	183,800	29%
Residential Energy	64,230	10%
Solid Waste	54,410	8%
Off-Road Equipment	15,140	2%
Water and Wastewater	2,410	<1%

**Milpitas Climate Action Plan  
Staff-Proposed Changes and Errata to Draft CAP**

	2005 MTCO <sub>2</sub> e	Percentage of Total
Light Rail	1,070	<1%
<u>Direct Wastewater</u>	<u>620</u>	<u>&lt;1%</u>
<u>Total*</u>	<u>642,050-642,670</u>	<b>100%</b>

\* Due to rounding, the total may not equal the sum of component parts.

Page 2-4

**Table 2-3: Business-as-Usual Emissions Forecast, 2020**

	2005 MTCO <sub>2</sub> e	2020 MTCO <sub>2</sub> e	Percentage Change
Transportation	320,990	383,630	20%
Nonresidential Energy	183,800	203,000	10%
Residential Energy	64,230	83,090	29%
Solid Waste	54,410	65,290	20%
Off-Road Equipment	15,140	15,460	2%
Water and Wastewater	2,410	2,890	20%
Light Rail	1,070	1,320	23%
<u>Direct Wastewater</u>	<u>620</u>	<u>740</u>	<u>20%</u>
<u>Total*</u>	<u>642,050-642,670</u>	<u>754,680-755,420</u>	<u>18%</u>

\* Due to rounding, the total may not equal the sum of component parts.

Page 3-2

**Table 3-1: Greenhouse Gas Emissions Target and Necessary Local Reduction**

	2020 MTCO <sub>2</sub> e
Reduction Target (15% below baseline)	<u>545,740-546,270</u>
Adjusted Business-as-Usual Forecast	<u>642,520-626,260</u>
Local Reduction Needed to Reach Target	<u>-79,780-79,990</u>

Page 4-2

**Table 4-1: Summary of Total Greenhouse Gas Reductions  
and Progress Toward Target**

	2020 MTCO <sub>2</sub> e
Local Reductions Needed to Achieve 15% Target	<u>-79,780-79,990</u>
Reductions Achieved (Existing + CAP Measures)	-87,450
Percentage Below Baseline	-16.12%

Page 4-11

## Milpitas Climate Action Plan Staff-Proposed Changes and Errata to Draft CAP

### MEASURE 2.1: ENERGY EFFICIENCY IN NEW DEVELOPMENT

ENCOURAGE NEW DEVELOPMENT AND REMODELS TO EXCEED MINIMUM BUILDING STANDARDS FOR ENERGY EFFICIENCY AND CONTINUE IMPLEMENTATION OF THE ADOPTED GREEN BUILDING ORDINANCE.

#### Actions

- A. Incentivize new development to exceed minimum building standards through permit fee reductions.
- B. Consider the development of an equipment lease-to-own program to offset the cost of energy-efficient equipment purchases.
- C. Continue to require new multi-family buildings to complete a LEED or Green Point Rated checklist [Milpitas Municipal Code (MMC) II-20-3.01(a)].
- D. ~~In addition to CALGreen Tier I energy efficiency requirements, n~~ New nonresidential construction between 25,000 and 49,999 gross square feet must still obtain LEED certification (with verification) (MMC II-20-3.01(b)). New nonresidential construction or renovations greater than or equal to 50,000 gross square feet must be verified as LEED silver (MMC II-20-3.01(c)). Construction or renovations of municipal buildings greater than or equal to 50,000 square feet must be LEED silver (MMC II-20-3.01(d)).

Page 4-24

### MEASURE 9.1: UNBUNDLED PARKING COSTS

UNBUNDLE PARKING COSTS FROM HOUSING AND NONRESIDENTIAL BUILDING COSTS.

#### Actions

- A. Revise development standards for ~~multi-family and mixed-uses~~ to separate parking costs from the cost to rent, purchase, or lease residential and nonresidential buildings to incentivize use of alternative transportation modes.

Page 4-25

### MEASURE 10.1: PARKING FOR LOW-EMISSIONS VEHICLES

REVISE PARKING STANDARDS FOR PUBLIC AND NONRESIDENTIAL DEVELOPMENT TO INCLUDE DESIGNATED STALLS FOR LOW-EMISSIONS, FUEL-EFFICIENT VEHICLES AND CARPOOL/VANPOOL VEHICLES ~~FOR A MINIMUM OF 10% OF NEW PARKING CAPACITY.~~

#### Actions

- A. Revise development standards.
- E. Provide materials to support developers in obtaining and providing charging stations.
- F. Investigate the possibility of facilitating a large-scale group buy of charging stations and other equipment on behalf of developers.

## Milpitas Climate Action Plan Staff-Proposed Changes and Errata to Draft CAP

- G. Provide a parking reduction ratio of one-to-one for every percentage of total parking spots designated for low-emitting, fuel-efficient vehicles.
- H. Pre-wire stalls for electric vehicle charging stations for 2% of new parking capacity

Page 4-26

### ~~MEASURE 10.5: GAS TAX~~

~~INVESTIGATE ADOPTION OF A LOCAL GAS TAX TO CREATE FUNDING TO PROVIDE REBATES FOR CLEAN FUEL INFRASTRUCTURE AND/OR VEHICLES IN MILPITAS.~~

#### ~~Actions~~

- ~~A. Work with regional partners to identify opportunities to create a model ordinance and rate structure.~~
- ~~B. Monitor regional and state efforts to implement similar programs.~~

Page 4-27

### MEASURE 10.65: BART STATION PEDESTRIAN CIRCULATOR

INVESTIGATE THE FEASIBILITY OF A PEDESTRIAN CIRCULATOR AROUND THE BART STATION.

#### ACTIONS

- A. Study the feasibility of a pedestrian circulator around the BART station.
- B. Pursue funding sources from BART, VTA and/or Metropolitan Transportation Commission.

Page 5-1

## APPLICABILITY

For discretionary projects seeking to use CEQA streamlining provisions, the City may require measures in this CAP as mandatory conditions of approval or as mitigation identified in a mitigated negative declaration or in an environmental impact report, as **feasible appropriate**, on a project-by-project basis. This approach allows the City to ensure that new development can benefit from CEQA streamlining provisions while also ensuring that the City can achieve the reduction targets outlined in this plan.

Furthermore, as a programmatic tiering document under CEQA, the CAP will be the City's one-stop shop for greenhouse gas analysis and mitigation under CEQA. This CAP does not identify measures as mandatory or voluntary. Rather, the City will ensure appropriate use of the CAP for CEQA streamlining by maintaining the prerogative to identify appropriate mandatory and voluntary measures to integrate

**Milpitas Climate Action Plan  
Staff-Proposed Changes and Errata to Draft CAP**

into project design or mitigation on-a-project-by-project-basis. The City will recommend inclusion of all feasible and applicable measures on a project-by-project basis. The City will use the development checklist described below to identify appropriate measures. City staff will also and work with project applicants to determine the appropriate use of the CEQA benefits of the Climate Action Plan.

Page 6-10

**Table 6-1: Implementation Plan**

Measure		Time Frame	Responsible Department	Existing City Policies	Potential Regional Programs, Example Partners	Resources
<del>10.5</del>	<del>Gas Tax</del>	<del>Mid-Term</del>	<del>Planning &amp; Neighborhood Services</del>	<del>None</del>		
10.6 5	BART Station Pedestrian Circulator	Long-Term	Planning & Neighborhood Services	CE 3.d-G-7	BART, VTA, MTC	

Page B-1

**Supportive Measures**

Not all measures presented in **Chapter 4** will result in direct GHG emissions reductions. However, the implementation of these measures, commonly referred to as supportive measures, are essential to achieve the reported GHG reductions for quantified measures. For these reasons, the following measures are those with no reportable methods, metrics, and sources.

- Measure 1.3: Discretionary Project Review
- Measure 1.8: Online Energy Monitoring
- Measure 3.4: Municipal Best Practices in Renewable Energy
- Measure 4.1: Tiered Water Rates
- Measure 4.2: Recycled Water
- Measure 5.1: Increased Densities
- Measure 5.2: Urban Plazas
- Measure 5.3: Open Space
- Measure 6.2: BART-Friendly Environment
- Measure 6.3: Dense and Centralized Development
- Measure 7.1: Expanded City Parks
- Measure 7.2: Complete Streets
- Measure 7.3: Bikeways Master Plan Infrastructure
- Measure 7.4: Bikeways Master Plan Outreach
- Measure 7.5: Bicycle Parking
- Measure 8.3: Transit Education and Outreach
- Measure 8.4: Regional Transit Use
- Measure 9.1: Unbundled Parking Costs
- Measure 9.2: Nonresidential Parking Requirements
- Measure 10.2: Alternative Fueling Stations
- Measure 10.3: Electric Vehicle Partnerships
- ~~Measure 10.5: Gas Tax~~
- Measure 10.65: BART Pedestrian

**Milpitas Climate Action Plan  
Staff-Proposed Changes and Errata to Draft CAP**

Circulator

Page C-2

**~~Estimated GHG Emissions~~**

~~If a GHG emissions analysis has been prepared for the proposed project, please provide the estimated GHG emissions for the project below or as an attachment to this worksheet.~~

~~Annual Construction Emissions: \_\_\_\_\_ MTCO<sub>2</sub>e~~

~~Annual Operational Emissions: \_ MTCO<sub>2</sub>~~



# *Sierra Club Loma Prieta Chapter*

*Celebrating 80 years of protecting the planet*

3921 East Bayshore Road, Suite 204, Palo Alto, CA  
94303 | loma.prieta.chapter@sierraclub.org  
TELEPHONE: (650) 390-8411 | FAX: (650) 390-  
8497

City of Milpitas  
455 E. Calaveras Boulevard  
Milpitas, CA 95035

## **Re: Comments on the Draft Climate Action Plan (CAP) for Milpitas**

Honorable Mayor and City Council, Planning Commission, and Mr. Sheldon Ah Sing,

The Sierra Club Loma Prieta Chapter appreciates the substantial effort and clear purpose evident in the proposed Climate Action Plan (CAP). Given our present circumstances – global warming accelerating faster than scientists predicted – the Sierra Club supports your efforts at emission reductions by offering three categories of comments: 1) Outstanding Policies, 2) Supported Policies and Suggestions, and 3) Areas of Concern with Recommendations.

Thank you for considering our recommendations. We hope that by working together, Milpitas can meet, and even exceed, its goals.

### **1. Outstanding Policies**

- a. We are happy to see that the City of Milpitas is promoting **distributed, renewable energy generation** specifically, “through Goal 3, the City will reduce GHG emissions from traditional electricity production and natural gas by promoting the production of local, on-site renewable energy for both residential and nonresidential uses.”
- b. Studies have found that **unbundling parking costs** makes a big difference in people's transportation choices. So, we are pleased to see MEASURE 9.1: Unbundle Parking Costs with the following language: “Revise development standards to separate parking costs from the cost to rent, purchase, or lease residential and nonresidential buildings to incentivize use of alternative transportation modes.”
- c. Achieving the necessary CO<sub>2</sub> reductions by 2035 will require a dramatic shift away from fossil-fueled vehicles to clean vehicles. So, we applaud GOAL 10: **Provide and Support expansion of infrastructure for low-emitting and fuel-efficient vehicles.**
- d. We applaud MEASURE 10.5: **Gas Tax** and encourage the City of Milpitas to implement this promptly without awaiting regional and state efforts. A one- or two-percent carbon tax could be implemented without significantly affecting local gasoline sales, but it would send a pricing signal to consumers that a long-delayed carbon tax had arrived. Such a carbon tax could be extended to natural gas used in homes and businesses. We fully concur with the proposal to use the tax “to create funding to provide rebates for clean fuel infrastructure and/or vehicles in Milpitas.”

- e. **BART Station Pedestrian Circulator.** With the highly successful demonstrations of Personal Rapid Transit (PRT) at Heathrow Airport, Masdar in Abu Dhabi, and in Sweden, now is the time to consider use of the technology in the United States. Therefore, we urge Milpitas to accelerate MEASURE 10.6: BART STATION PEDESTRIAN CIRCULATOR with an emphasis on using advanced transit technology when staff studies “the feasibility of a pedestrian circulator around the BART station.” The financial argument for PRT is strong. According to the Bikeway Master Plan Update (page vi) and Bicycle Master Plan (page 8-8), the four recommended bicycle/pedestrian overcrossings in the Transit Area are estimated to cost \$20 million. Since the 2009 publication of those documents, estimated costs of the four POCs has risen 40% to \$28M (\$9M + \$9M + \$5M + \$5M). Before spending \$28M on bicycle/pedestrian improvements in the TASP area, fiscal prudence would ask what value to the area could be provided by 3 linear miles and 6 stations of PRT for the same price.
- f. **Implementation Metrics.** We applaud the City's aggressive implementation metrics. Such willingness to set high goals will serve Milpitas well as further changes are needed in the years after 2020. In particular, we cite for special recognition Measures 1.1, 1.2, 1.4, 1.7, 3.1, 3.2, 3.3, 3.5, 6.1, 8.1, 8.2, 10.1, 10.4, 11.1, 12.1, and 12.2 of the Climate Action Plan. During review, some questions arose.
  - i. In regards to, “Measure 1.1: Residential energy audits in older homes facilitate energy audits of 40% of the city’s existing housing stock by 2015 and 60% through city-supported incentives.”
    - 1. Question: Does “by 2015” means 1/1/2015 or 12/31/2015?
  - ii. In regards to, “Measure 6.1: Implementation Metrics: Participation Metrics: 8,000 single-occupant commuters working and/or living in Milpitas become new transit riders.”
    - 1. Question: What is the total number of single-occupant commuters currently working and/or living in Milpitas?
  - iii. Although Measure 10.1 supports developers in obtaining and providing charging stations for new parking locations for electric cars, no provision is made for the growing number of electric bikes and scooters. On the other hand, Measure 12.1, Action C could serve that transportation segment in addition to its intended use. “Require new buildings to provide accessible exterior electrical outlets to charge electric-powered lawn and garden equipment.”
    - 1. Question: Is it appropriate to refer to electric bikes in this or any other section of the CAP?
- g. **Sustainability Manager.** We also commend staff for noting the need for someone to drive the programs outlined in the CAP. This individual will be helpful, if not essential, to the other six implementation programs. One example is Implementation Program 6: Development Checklist. The Development Checklist (CAP Appendix C) is an innovation that we are pleased to see implemented. Even better is your commitment to “Create and distribute to regional partners a case study highlighting the benefits, lessons learned, and customer feedback discovered through implementation of the development checklist.”
- h. Finally, we applaud your commitment to **monitoring efforts**: “This plan identifies the responsible department for each measure and offers time frames for implementing each strategy.”

## 2. Supported Policies and Suggestions

There are several measures and actions that were not mentioned in the Milpitas Climate Action Plan that we hope you will consider including:

- a. Measure 10.3: Electric Vehicle Partnerships, Action A states: “Work with partner agencies to seek grant funding through state and regional partnerships to fund fleet conversions to electric vehicles.” We’d like the City to consider funding light electric vehicles (LEV), like electric bikes

and scooters, as well. Due to their low cost and ready availability, LEVs could easily be incorporated as part of the City's fleet. Good quality electric bikes and scooters can be purchased for less than \$2500 each. In addition to reducing CO<sub>2</sub> emissions each time an LEV is used rather than an automobile, City staff will be promoting the use of LEVs in the community simply by riding instead of driving.

- b. Page 4-5 briefly describes various programs, including the Bikeways Master Plan. The second sentence cites commuter mode shifts from personal vehicles to bicycles. As many cyclists consider their bikes to be "personal vehicles," we suggest a minor edit to the sentence to distinguish between bicycles and personal vehicles that generate carbon emissions: "The reductions are associated with commuter mode shifts from personal fossil-fueled vehicles to bicycles."

### 3. Areas of Concern with Recommendations

Clearly, the CAP does well within the scope set for itself, i.e. through the year 2020. However, areas of concern still exist. The Sierra Club Loma Prieta Chapter has the same aim as the Milpitas Climate Action Plan, to significantly reduce greenhouse gas emissions in order to reduce the impacts of the climate crisis on our planet and for future generations. We hope you will seriously consider our recommendations for improvement:

- a. We applaud staff's recognition that not all measures will be achieved in a timely way. We agree with the precaution of including a buffer, but we feel the buffer is too small. If all implementation metrics were achieved but not exceeded, a 16.2% reduction in CO<sub>2</sub> emissions would ensue, a 1.2% buffer over the 15% minimum required under AB32. **Given the challenge of achieving many aggressive implementation metrics, and how rapidly climate change is accelerating into crisis conditions, we see a 5% buffer as being more appropriate.** And we acknowledge that some reductions are not included (such as from the existing green building program) "because the information needed to quantify the program is unavailable." Regardless, exceeding the standards of AB 32 helps California attain its goals.
- b. Although we totally support "GOAL 7: Increase use of non-motorized transportation throughout the community," we find that "Action A, Implement the Bikeway Master Plan," is deficient. The Plan is out of date due to rapid changes since its 2009 publication. Although Milpitas has a good record at painting stripes for bicycle lanes, it lags other cities in building large infrastructure projects that support cyclists, pedestrians and public transit. For example:
  - i. The Bikeway Master Plan fails to support a keystone project that has been identified over the years in various City plans. Recently the City Council again indicated its interest in a bike/pedestrian crossing of the railroad tracks to connect Yosemite Drive with Curtis Avenue.
  - ii. The Bikeway Master Plan also makes no mention of two other bicycle/pedestrian connections with the potential to substantially increase use of transportation alternatives in Milpitas: 1) an east-west crossing of I-880 near the Calaveras Boulevard interchange, and 2) a north-south crossing of Scott Boulevard for users of the Hetch-Hetchy right-of-way.
- c. Although the CAP well addresses steps to meet the 2020 goal of reducing emissions by 15%, there is no information about the years after 2020. Rather than delay implementation of this CAP by extending its time frame to 2035, **we recommend that the CAP be updated in 2015 to include measures needed to attain the 2035 goal** of reducing emissions by 52% as required by AB 32. Two areas with above-average potential for emission reductions are transportation and population.
  - i. Transportation and land use measures comprise 23% of the anticipated reductions in 2020. However, transportation contributes 50% of total emissions. Innovative strategies in transportation may hold unforeseen potential.

- ii. IMPACT OF STATE REDUCTION PROGRAMS (page A-8) mentions that “Emissions in 2035 are 3% above baseline ...” [emphasis added] That portends a failure to reduce emissions by 52% in 2035 as required by AB 32. The unstated primary driver of this failure is population growth as shown in Table A-3: BAU Forecast Indicators. The number of residents is expected to grow from 64,800 in 2005 to 106,000 in 2035, a 63% increase. **Policies and programs to reduce fertility rates** should be investigated for their potential effects on emissions.
- d. Explore the potential of an **Automated Transit Network (ATN)** for reducing CO<sub>2</sub> emissions in Milpitas as recommended at the August 24, 2011 CAP Planning Commission Workshop and public comment meeting. For additional background, see Sierra Club comments to the recent Circulation Element update. If such a citywide ATN system were operating and captured 10% of the driving in Milpitas, it would reduce emissions approximately 29,683 MTCO<sub>2</sub>e in 2020 – a reduction that dwarfs any other implementation measure in the CAP.<sup>1</sup>
- e. The monitoring provisions of the CAP will inform us how our plan is working, but **consequences and accountability** are needed to ensure we meet the reductions that are critical to the future of Milpitas and human life.

### Conclusion

Again, we commend staff on the excellent work involved in creating the CAP and appreciate the opportunity to provide our input. We hope that our comments combined with the wisdom of the entire community elevates the Milpitas CAP to an award-winning and exemplary model that shines a light for other communities.

Respectfully Submitted,

Robert Means  
Co- Chair, Milpitas Cool Cities Team

Gita Dev  
Sustainable Land Use Committee Member

Megan Fluke Medeiros  
Conservation and Development Manager

---

<sup>1</sup> According to Table A-3: BAU Forecast Indicators, annual VMT by Milpitas residents in 2005 was 697,265,000. Using a fleet average mileage for passenger vehicles of 21 miles per gallon (Page 3 of Climate Change Draft Scoping Plan: Measure Documentation Supplement ([http://www.arb.ca.gov/cc/scopingplan/document/measure\\_documentation.pdf](http://www.arb.ca.gov/cc/scopingplan/document/measure_documentation.pdf)) yields a baseline consumption of 33,203,095 gallons of gasoline annually. Using a conversion factor from the Scoping Plan (0.00894 MTCO<sub>2</sub>e /gallon of gasoline), that number of gallons generates 296,835 MTCO<sub>2</sub>e annually. If 10% of VMT by Milpitas residents was captured by renewably-powered ATN, a reduction of 29,683 MTCO<sub>2</sub>e can be expected.