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Initial Study/Addendum
Transit Area Specific Plan EIR
City of Milpitas, California

State Clearinghouse No. 2006032091

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SECTION 1: INTRODUCTION

This Addendum, checklist, and attached supporting documents have been prepared to determine whether and to what extent the Transit Area Specific Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2006032091) is sufficient to address the potential impacts of the proposed Lower/East Penitencia Creek Pedestrian Bridge Project (project), or whether additional documentation is required under the California Environmental Quality Act (CEQA) (Pub. Resources Code, Section 21000, et seq.).

1.1 - Initial Study/Environmental Checklist

Pursuant to Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164, subdivision (a), the attached initial study/checklist has been prepared to evaluate the project. The attached initial study/checklist uses the standard environmental checklist categories provided in Appendix G of the CEQA Guidelines, but provides answer columns for evaluation consistent with the considerations listed under CEQA Guidelines Section 15162, subdivision (a).

1.2 - Environmental Analysis and Conclusions

CEQA Guidelines Section 15164, [1] subdivision (a), provides that the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR or ND if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR or ND have occurred (CEQA Guidelines, Section 15164, subd. (a)).

An addendum need not be circulated for public review but can be included in or attached to the Final EIR or ND (CEQA Guidelines Section 15164, subd. (c)). The decision-making body shall consider the addendum with the Final EIR prior to making a decision on the project (CEQA Guidelines Section 15164, subd. (d)). An agency must also include a brief explanation of the decision not to prepare a subsequent EIR or ND pursuant to section 15162 (CEQA Guidelines Section 15164, subd. (e)).

Consequently, once an EIR or ND has been certified for a project, no subsequent EIR or ND is required under CEQA unless, based on substantial evidence:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; [2]

[1] Note that CEQA Guidelines Section 15164 is titled "Addendum to an EIR or Negative Declaration" but references only "EIR" in the various sub-sections. However, the intent is clear that Addendums can be prepared pursuant to Negative Declarations.

[2] CEQA Guidelines Section 15382 defines "significant effect on the environment" as " . . . a substantial, or potentially substantial adverse change in any of the physical conditions within the area affected by the project, including land, air,

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR [or ND] . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR [or ND] was certified as complete . . . shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR [or ND] or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR [or ND];

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR [or ND] would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative (CEQA Guidelines, Section 15162, subd. (a); see also Pub. Resources Code, Section 21166).

This addendum, checklist and attached documents constitute substantial evidence supporting the conclusion that preparation of a supplemental or subsequent EIR or ND is not required prior to approval of the above-referenced permits by responsible and trustee agencies, and provides the required documentation under CEQA.

1.2.1 - Findings

There are no substantial changes proposed by the revised project or in the circumstances in which the project will be undertaken that require major revisions of the existing EIR, or preparation of a new subsequent or supplemental EIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As illustrated herein, the project is consistent with the EIR and would involve only minor changes to the previously approved project (CEQA Guidelines, Section 15162, subd. (a)).

1.2.2 - Conclusion

The Milpitas City Council or Planning Commission may approve the revised project based on this Addendum. The impacts of the proposed project remain within the impacts previously analyzed in the EIR (CEQA Guidelines Section 15061, subd. (b)(3)).

water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance . . .” (see also Public Resources Code, Section 21068).

The current proposed project does not require major revisions to the EIR. No new significant information or changes in circumstances surrounding the project have occurred since the certification of the EIR. The previous analysis completed for the Transit Area Specific Plan under CEQA and included in the EIR therefore remains adequate under CEQA. The City will, however, remain obligated to comply with all applicable mitigation measures and conditions of approval contained within the EIR.

SECTION 2: PROJECT DESCRIPTION

2.1 - Location and Setting

The project site is located in the City of Milpitas, Santa Clara County, California (**Figure 1**). The proposed pedestrian bridge would cross East Penitencia Creek near the confluence with Lower Penitencia Creek. The site is located approximately 275 feet west of McCandless Drive, between Great Mall Parkway and Montague Expressway, near Canal Street to the north and Lee Way to the south (**Figure 2**). The site is generally bordered by McCandless Drive to the east (approximately 275 feet to the east) and the Lower Penitencia Creek and East Penitencia Creek confluence (approximately 44 feet to the west of the bridge site),

The land to the north and south is currently under construction to build multifamily housing. The development to the north of East Penitencia Creek is the McCandless Mixed Use Project and the development to the south is the Harmony development project. Information on these development projects is provided in Section 2.2 below.

Land to the west of the project site is a Union Pacific Railroad (UPRR) track and a fallow field.

The project site straddles East Penitencia Creek, which is a flood control channel maintained by the Santa Clara Valley Water District (SCVWD). East Penitencia Creek and Lower Penitencia Creek in the project area are earthen banks with ruderal vegetation and no trees or shrubs. Existing bank protection at the site includes sakrete on both banks at the downstream (east) end of East Penitencia Creek. Both channels were constructed by the SCVWD in the early 1980's.

Unpaved access roads are located on the east side of Lower Penitencia Creek and on both sides of East Penitencia Creek from McCandless Drive to Lower Penitencia Creek. These roads currently provide SCVWD maintenance and inspection access to the creek channels. Vehicular access is controlled by locked gates at Great Mall Parkway, Montague Expressway, and McCandless Drive.

2.2 - Project Background

The City of Milpitas initiated the Transit Area Specific Plan in 2004 to guide the redevelopment of the area surrounding the future Milpitas Bay Area Rapid Transit (BART) station with transit-oriented uses. The Specific Plan area encompasses 437 acres bounded by South Main Street (west), the northern property line of The Great Mall of the Bay Area (north), Piper Drive and Milpitas Boulevard (east), and Trade Zone Boulevard and Montague Expressway (south). The Specific Plan has a buildout potential of 7,109 dwelling units, 993,843 square feet of office uses, 287,075 square feet of retail uses, and 175,500 square feet of hotel uses. Additionally, the Specific Plan contemplated a network of pedestrian and bicycle facilities within the plan area, including trails along Lower

Penitencia Creek and East Penitencia Creek. The Milpitas City Council adopted the Transit Area Specific Plan and certified the associated EIR in 2008.

In 2011, the City of Milpitas approved three residential projects adjacent to the Lower Penitencia Creek corridor: Harmony development project, Integral Communities, and McCandless Mixed Use Development Project. Collectively, the three projects span the reach of Lower Penitencia Creek between Great Mall Parkway and Montague Expressway. As previously mentioned, the McCandless Mixed Use Development Project and the Harmony development project are located immediately north and south, respectively, to the project site. The McCandless Mixed Use Development Project includes construction of three mixed use buildings and five residential buildings, including improvements to the existing adjacent roads, construction of a new local street, and development of 1,328 dwellings and 92,000 square feet of commercial uses within 23 acres. The City completed CEQA documentation and approved this project in 2010 (City of Milpitas 2010[3]). The Harmony project includes construction of 276 single-family attached homes and condominiums (three to four stories high) on a 12.3-acre area at the northwest corner of Montague Expressway and McCandless Drive. The City completed CEQA compliance and approved the project in 2011 (City of Milpitas 2011[4]). Both projects are currently under construction and are expected to be completed by April 2015.

In 2013, the City prepared an Initial Study/Addendum (IS/Addendum) to the Transit Area Specific Plan for a Class I bicycle/pedestrian trail along Lower Penitencia Creek and East Penitencia Creek between Lower Penitencia Creek and Lundy Place, the easternmost reach of East Penitencia Creek. Referred to as the *Lower/East Penitencia Creek Trail Project*, new recreational trail segments were evaluated in the 2013 IS/Addendum: (1) Lower Penitencia Creek Trail between Great Mall Parkway and Montague Expressway (along the east side of the creek) and (2) the East Penitencia Creek Trail between Lower Penitencia Creek and Lundy Place (two segments along either side of the creek). The trails would be located within the existing alignments of SCVWD's unpaved access roads. The 2013 IS/Addendum also evaluated construction of a pedestrian bridge that would cross East Penitencia Creek and provide connectivity with the new trails. At the time the 2013 addendum was prepared, the level of detail necessary to fully evaluate impacts of the pedestrian bridge was not yet available.

The design of the pedestrian bridge has advanced to 30% complete. Therefore, the purpose of this document is to evaluate environmental impacts of the pedestrian bridge. This Initial Study is an addendum to the Transit Area Specific Plan EIR.

The SCVWD is responsible for maintaining the East Penitencia Creek and Lower Penitencia Creek and providing flood protection for the project area. Routine flood protection maintenance activities

[3] City of Milpitas. 2010. McCandless Mixed Use Project CEQA Initial Study/Mitigated Negative Declaration. August 17, 2010.
[4] City of Milpitas. 2011. Harmony Residential Development & Trace Zone Blvd. Rezone CEQA Initial Study/Mitigated Negative Declaration.

conducted within the project vicinity include vegetation management through application of herbicides and debris clearing as-needed. Routine flood protection maintenance activities are conducted under SCVWD's Stream Maintenance Program, which was recently updated in in 2014 (SCVWD 2014[5]).

2.3 - Project Characteristics

The proposed project includes development of a full-span, pre-manufactured pedestrian bridge over East Penitencia Creek. This bridge would connect the north and south sides of the Lower Penitencia Creek Trail and East Penitencia Creek Trail. The site is located on property owned by SCVWD on Assessor's Parcel Number (APN) 086-33-096, 086-33-076, 086-33-093, 086-41-017 and 086-41-016,

As shown in **Figure 3**, the bridge would be approximately 60 feet in length and 10 feet in width. The bridge would provide nine feet of clearance from the channel bed. Concrete abutments and precast wingwalls would be installed at both ends of the bridge; each abutment would be supported by a 36-inch diameter cast-in-drilled-hole (CIDH) concrete pier foundation system. At the northern end of the bridge, the abutment would be approximately 10 feet from the top of bank; at the southern end, the abutment would be approximately 4.6 feet from the top of bank. The bridge would be constructed entirely from the top-of-bank; no equipment would be used in the channel. The channel bed and banks below the top-of-bank would not be disturbed by project construction. Wood railings approximately 3.5 feet tall would be constructed along the top of the bridge. The total footprint of the bridge is 600 sq. ft. and the total area of the bridge abutments and wingwalls is approximately 120 sq. ft. No permanent lighting would be installed on the bridge.

The pedestrian bridge would provide recreational access between the adjacent Harmony residential project and McCandless Mixed Use Development Project already under construction in the vicinity and would be consistent with the Class 1 bicycle/pedestrian facilities contemplated in the City of Milpitas General Plan, Transit Area Specific Plan, and Milpitas Trails Master Plan. The trails and bridge would provide recreation for the entire City, not just the adjacent residential housing complexes. Once construction is completed, the pedestrian bridge would be open to the public during daytime hours.

2.4 - Construction Characteristics

Project construction would occur in 2015 over 4 months and would be coordinated with SCVWD. Construction activities would occur between 7:00 a.m. and 5:00 p.m. on weekdays only.

Construction of the bridge would occur within the designated work area, which would generally consist of the SCVWD's existing right-of-way adjacent to the channel banks (see Figure 2).

[5] Santa Clara Valley Water District (SCVWD). 2014. 2014-2023 Stream Maintenance Program Manual. July 3.

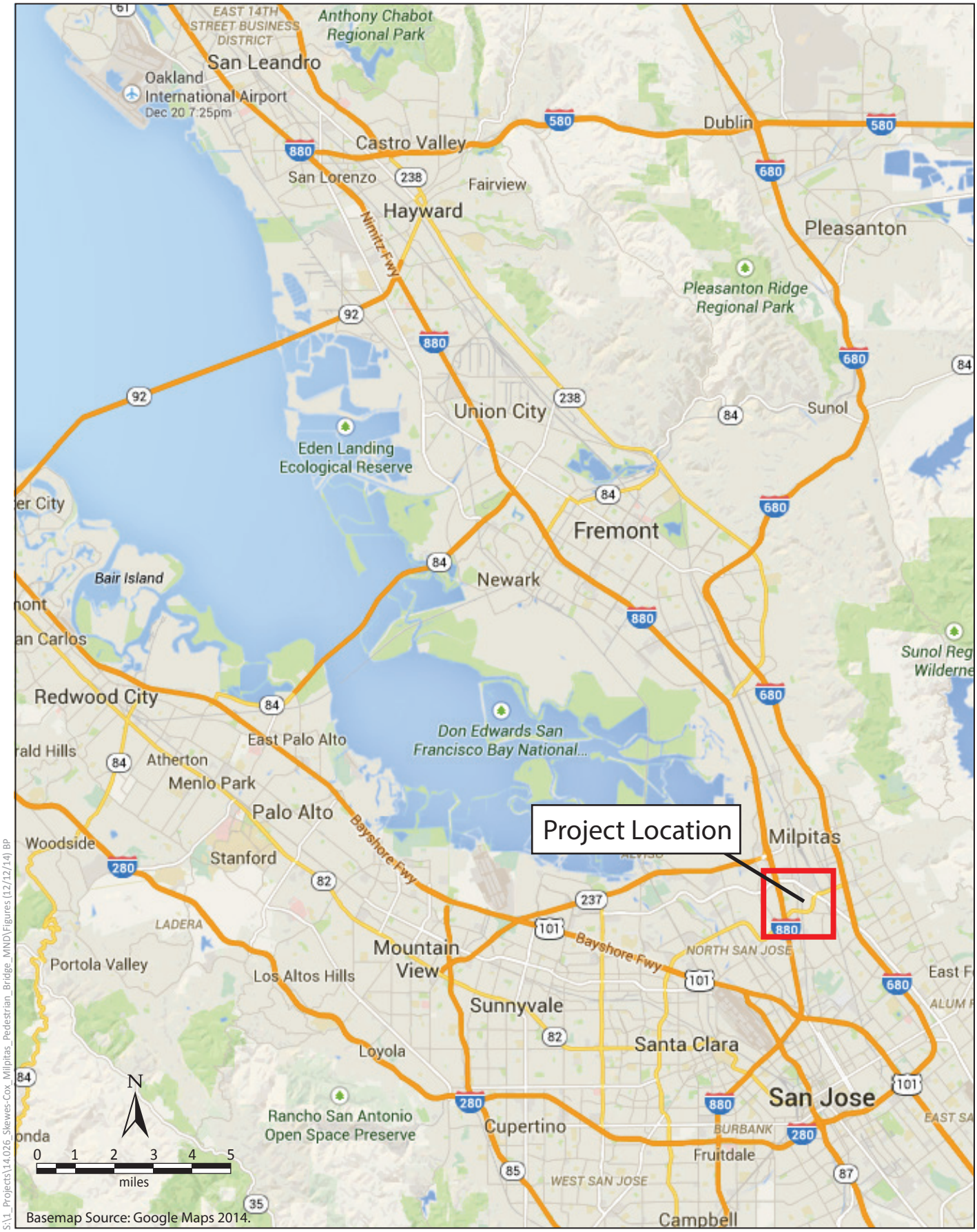
Proposed construction activities would involve the following tasks: work area clearing, excavation for the bridge abutments and wingwalls, bore bridge pile installation, abutment and wingwall installation, bridge installation, backfilling and regrading the area surrounding the bridge abutments, and restoration of all areas affected by construction. Construction workers would access the project site via McCandless Drive and the unpaved access roads on both sides of East Penitencia Creek.

The construction process would involve up to 30 workers on site during any daytime shift. Construction equipment that would likely be used onsite include: crane, pile driller or auger, excavator, loader, compactor, concrete truck, water truck, pick-up truck, and service truck with generator.

2.5 - Best Management Practices

During construction, best management practices (BMPs) would be implemented to protect the environment and human health and safety. The City will implement effective erosion control, run-on and runoff control, sediment control, site management, and non-stormwater management throughout project construction. Construction BMPs implemented to reduce impacts include the following:

1. Minimize the contact of construction materials, equipment, and maintenance supplies with stormwater.
2. Limit fueling and other activities involving hazardous materials to use in designated areas only; provide drip pans under equipment and conduct daily checks of vehicle condition.
3. Reduce erosion of exposed soil, including stabilization for soil stockpiles, watering for dust control, establishment of perimeter silt fences, and/or placement of fiber rolls.
4. Implement practices to maintain water quality, including silt fences, stabilized construction entrances, and storm-drain inlet protection.
5. Develop spill prevention and emergency response plans to handle potential fuel or other spills.
6. If hazardous levels of contaminants are encountered during excavation work, the Applicant would cease activity until a more thorough investigation can be conducted and determine that the work site is safe to continue.
7. Ensure that hazardous materials are properly handled and the quality of water resources is protected by all reasonable means:
    a. Prior to entering the work site, all field personnel will know how to respond when toxic materials are discovered.
    b. The discharge of any hazardous or non-hazardous waste as defined in Division 2, Subdivision 1, Chapter 2 of the California Code of Regulations will be conducted in accordance with applicable State and federal regulations.
    c. In the event of any hazardous material emergencies or spills, personnel will call the Chemical Emergencies/Spills Hotline at 1-800-510-5151.



Basemap Source: Google Maps 2014.

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Horizon WATER and ENVIRONMENT

Figure 1
Regional Map

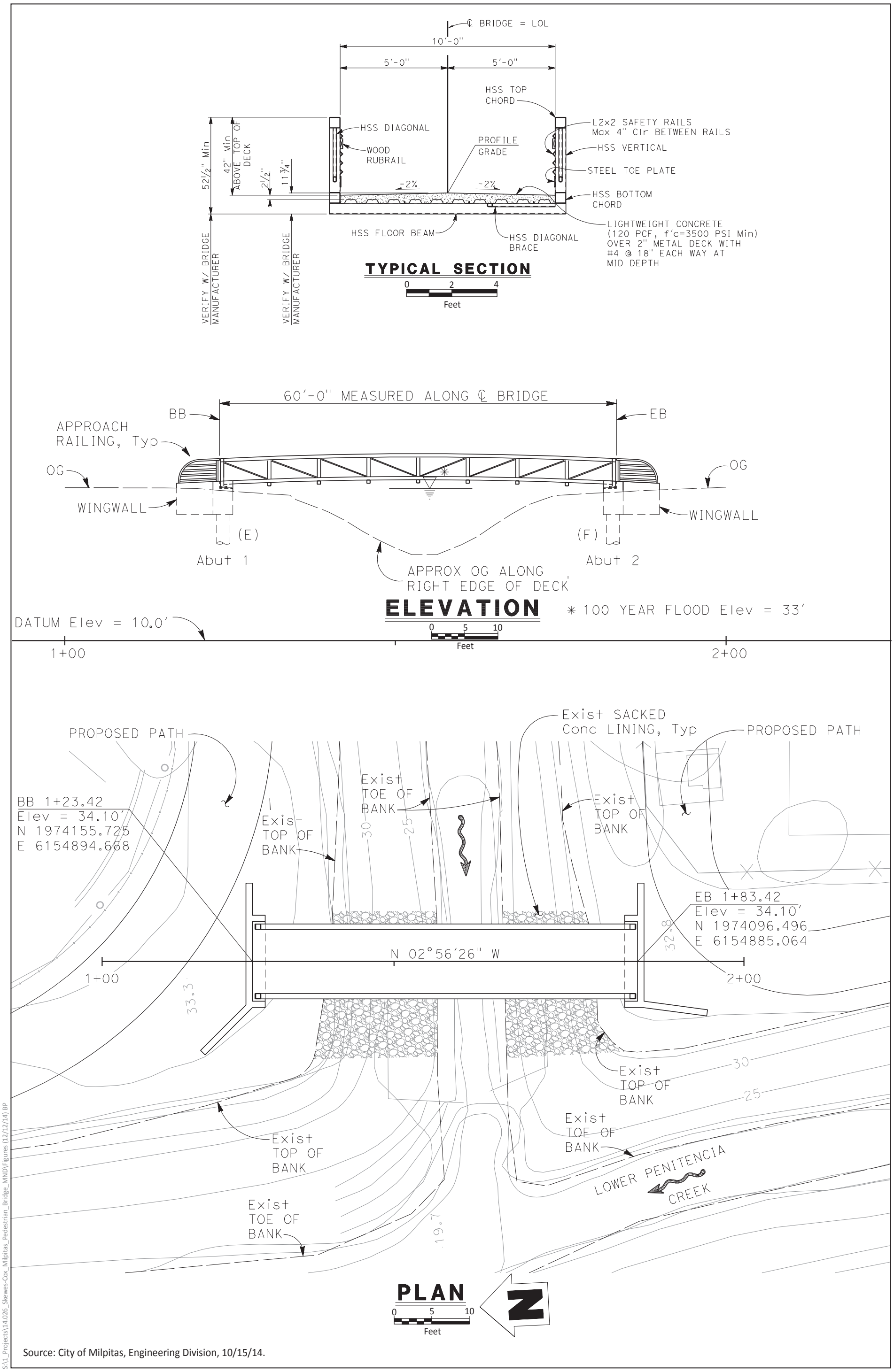
N

0 25 50 100
Feet

Horizon WATER and ENVIRONMENT

Proposed Bridge
Proposed Staging Area
Project Site
Planned Trail

Figure 2
Proposed Project



Source: City of Milpitas, Engineering Division, 10/15/14.

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Horizon WATER and ENVIRONMENT

Figure 3
Preliminary Project Designs

SECTION 3: ENVIRONMENTAL CHECKLIST

3.1 - CEQA Checklist

The purpose of the checklist is to evaluate the categories in terms of any "changed condition" (e.g., changed circumstances, project changes, or new information of substantial importance) that may result in a changed environmental result (e.g., a new significant impact or substantial increase in the severity of a previously identified significant effect) (CEQA Guidelines Section 15162).

The questions posed in the checklist come from Appendix G of the CEQA Guidelines. A "no" answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no change in the condition or status of the impact since it was analyzed and addressed with mitigation measures in the Final EIR prepared for the project. These environmental categories might be answered with a "no" in the checklist, since the proposed project does not introduce changes that would result in a modification to the conclusion of the certified EIR.

3.2 - Explanation of Checklist Evaluation Categories

(1) Conclusion in Prior EIR and Related Documents

This column indicates the EIR's significance determination found relative to the environmental issue listed under each topic.

(2) Do the Proposed Changes Involve New Impacts?

Pursuant to CEQA Guidelines Section 15162, subdivision (a)(1), this column indicates whether the changes represented by the revised project will result in new significant environmental impacts not previously identified or mitigated by the EIR, or whether the changes will result in a substantial increase in the severity of a previously identified significant impact.

(3) New Circumstances Involving New Impacts?

Pursuant to CEQA Guidelines Section 15162, subdivision (a)(2), this column indicates whether there have been substantial changes with respect to the circumstances under which the project is undertaken that will require major revisions to the EIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(4) New Information Requiring New Analysis or Verification?

Pursuant to CEQA Guidelines Section 15162, subdivision (a)(3)(A-D), this column indicates whether new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR;

(B) Significant effects previously examined will be substantially more severe than show in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerable different from those analyzed in the previous EIR would substantially reduce one or more significant effect of the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the additional analysis completed as part of this environmental review finds that the conclusions of the Final EIR remain the same and no new significant impacts are identified, or identified impacts are not found to be substantially more severe, or additional mitigation is not necessary, than the question would be answered "no" and no additional environmental document is required.

(5) Final EIR Mitigation Measures Implemented to Address Impacts

Pursuant to CEQA Guidelines Section 15162, subdivision (a)(3), this column indicates whether the Final EIR provides mitigation measures to address effects in the related impact category. These mitigation measures will be implemented with the construction of the project; a "yes" response will be provided in either instance. If "None" is indicated, the final EIR and this initial study conclude that the impact would not occur as a result of project implementation or is not significant; therefore, no additional mitigation measures are needed.

3.3 - Discussion and Mitigation Sections

(1) Discussion

A discussion of the elements of the checklist is provided under each environmental category in order to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented.

(2) Final EIR Mitigation Measures

Applicable mitigation measures from the Final EIR that apply to the project are listed under each environmental category.

(3) Conclusions

A discussion of the conclusion relating to the analysis contained in each section.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
I. Aesthetics, Light and Glare					
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	No impact	**No.** The project site does not contain any scenic vistas and would not have any adverse effect on scenic vista.	**No.** The project site does not contain any scenic vistas and would not have any adverse effect on scenic vista.	**No.** The project site does not contain any scenic vistas and would not have any adverse effect on scenic vista.	None
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No impact	**No.** The project site is not visible from any State Scenic Highways.	**No.** The project site is not visible from any State Scenic Highways.	**No.** The project site is not visible from any State Scenic Highways.	None
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	Less than significant impact	**No.** The proposed project would include construction of a pedestrian bridge. Although the structure would alter views for nearby residences, the bridge would not degrade the visual character of the surrounding community.	**No.** The proposed project would merely involve construction of a new pedestrian bridge, which would maintain the residential characteristics of the surrounding area.	**No.** The proposed project would merely involve construction of a new pedestrian bridge, which would maintain the residential characteristics of the surrounding area.	None
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than significant impact	**No.** The proposed project involves construction of a pedestrian bridge and would not create a new source of substantial light or glare.	**No.** The proposed project involves construction of a pedestrian bridge and would not create a new source of substantial light or glare.	**No.** The proposed project involves construction of a pedestrian bridge and would not create a new source of substantial light or glare.	None

Discussion

a) The project site does not include any designated scenic ridgelines nor is it clearly visible from any designated scenic viewpoints. Therefore, no impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR regarding effects on scenic vistas have been identified. Development of the proposed pedestrian bridge would not alter these conclusions.

b) The project site is not visible from any designated scenic highway, nor does it include any rock outcroppings or historic buildings. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

c) The surrounding area consists of urban development, including commercial and residential uses. The project site is located just east of the confluence of Lower Penitencia Creek and East Penitencia Creek, both of which are characterized by man-made channels and ruderal vegetation. Unpaved access roads parallel the eastern side of Lower Penitencia Creek and are located on both sides of the East Penitencia Creek. The site is also characterized by construction of the adjacent Harmony development project and the McCandless Mixed Use Development Project, which are currently under construction. The proposed 60-foot full-span bridge would cross East Penitencia Creek and connect trail segments that would be constructed by the McCandless Mixed Use Development Project and Harmony Project. The bridge would be composed of steel, concrete, and wood materials, and would have a rustic appearance similar to other pedestrian bridges throughout Milpitas and the greater South Bay Area. Overall, the project would complement the aesthetics of the residential communities currently in development in the project vicinity. Therefore, the project would not degrade the visual character of the site or surrounding area. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d) No lighting would be installed along the bridge and given that the new bridge would be composed of wood, steel, and concrete, it is not expected to cause any glare effects. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

Specific Plan Policies that Reduce the Impact

None

Specific Plan Development Standards that Reduce the Impact

None

Conclusion

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
II. Agricultural Resources					
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	This checklist question did not exist at the time the EIR was certified (2008)	**No.** The project site does not contain agricultural land uses.	**No.** The project site does not contain agricultural land uses.	**No.** The project site does not contain agricultural land uses.	None
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	This checklist question did not exist at the time the EIR was certified (2008)	**No.** The project site is not zoned for agricultural use nor is it encumbered by a Williamson Act contract.	**No.** The project site is not zoned for agricultural use nor is it encumbered by a Williamson Act contract.	**No.** The project site is not zoned for agricultural use nor is it encumbered by a Williamson Act contract.	None
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	This checklist question did not exist at the time the EIR was certified (2008)	**No.** The project site is zoned for public facility use and does not contain forested land.	**No.** The project site is zoned for public facility use and does not contain forested land.	**No.** The project site is zoned for public facility use and does not contain forested land.	None
d) Result in the loss of forest land or conversion of forest land to non-forest use?	This checklist question did not exist at the time the EIR was certified (2008)	**No.** The project site does not contain forest land.	**No.** The project site does not contain forest land.	**No.** The project site does not contain forest land.	None
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	No impact	**No.** The project site is not zoned for agricultural use.	**No.** The project site is not zoned for agricultural use.	**No.** The project site is not zoned for agricultural use.	None

Discussion

a,b,e) The project site is not classified as Prime Agricultural Farmland, Unique Farmland, or Farmland of Statewide Importance. The project site also is not zoned as agricultural land and is not under a Williamson Act contract. Similarly, as the project site is located adjacent to an urban area, it would not facilitate the conversion of farmland to non-agricultural uses. Although these topics previously were not evaluated in the Transit Area Specific Plan EIR, the proposed project would not result in any significant effects on agricultural resources.

c, d) The project site is not zoned for forest land nor does it contain forest land. Therefore, the proposed project would not conflict with a forest zoning designation nor would it covert forestland to non-forest uses. Although these topics were not previously evaluated in the Transit Area Specific Plan EIR, the proposed project would not result in any significant effects on forest land.

Specific Plan Policies that Reduce the Impact

None

Specific Plan Development Standards that Reduce the Impact

None.

Conclusion

While these topics were not evaluated in the Transit Area Specific Plan EIR, no adverse effects on agricultural or forest land would occur.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
III. Air Quality					
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	Significant and Unavoidable	**No** The proposed project would not violate or contribute substantially to an existing air quality plan. Rather, the proposed pedestrian bridge would link future trail segments, and thereby encourage alternative transportation that reduces air emissions, in compliance with applicable air quality plans.	**No.** The proposed project would not violate or contribute substantially to an existing air quality plan. Rather, the proposed pedestrian bridge link future trail segments, and thereby encourage alternative transportation that reduces air emissions, in compliance with applicable air quality plans.	**No.** The proposed project would not violate or contribute substantially to an existing air quality plan. Rather, the proposed pedestrian bridge link future trail segments, and thereby encourage alternative transportation that reduces air emissions, in compliance with applicable air quality plans.	None
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Significant and Unavoidable	**No.** The proposed project will not violate or contribute substantially to an existing air quality violation; rather, the construction of a pedestrian and bicycle bridge will encourage alternative transportation that reduces air emissions.	**No.** The proposed project will not violate or contribute substantially to an existing air quality violation; rather, the construction of a pedestrian and bicycle bridge will encourage alternative transportation that reduces air emissions.	**No.** The proposed project will not violate or contribute substantially to an existing air quality violation; rather, the construction of a pedestrian and bicycle bridge will encourage alternative transportation that reduces air emissions.	Specific Plan Policy 5.16
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Significant and Unavoidable	**No.** The proposed pedestrian bridge would not cause a cumulatively considerable net increase in criteria pollutant emissions.	**No.** The proposed pedestrian bridge would not cause a cumulatively considerable net increase in criteria pollutant emissions.	**No.** The proposed pedestrian bridge would not cause a cumulatively considerable net increase in criteria pollutant emissions.	Specific Plan Policy 5.16
d) Expose sensitive receptors to substantial	Less than significant	**No.** The proposed bridge	**No.** The proposed bridge	**No.** The proposed bridge	None

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
pollutant concentrations?		would not be sources of substantial pollutant concentrations.	would not be sources of substantial pollutant concentrations.	would not be sources of substantial pollutant concentrations.	
e) Create objectionable odors affecting a substantial number of people?	Less than significant	**No.** The proposed bridge would not generate any objectionable odors.	**No.** The proposed bridge would not generate any objectionable odors.	**No.** The proposed bridge would not generate any objectionable odors.	None

Discussion

a) Construction activities would generate criteria pollutant emissions. These emissions would be temporary and would not impact any long-term air quality improvement plans or policies. Project activities would not interfere with the goals and policies in the Bay Area Air Quality Management District's (BAAQMD) 2010 Clean Air Plan for ozone compliance. Although the Transit Area Specific Plan EIR concluded that this impact would be significant and unavoidable, given the scale and nature of the proposed pedestrian bridge, the proposed project would be consistent with all applicable plans and policies. The impact related to conflicts with applicable plans and policies would not exceed those previously disclosed in the Transit Area Specific Plan EIR, and development of the proposed project would not alter these conclusions.

b, c) In the Bay Area Air Basin ozone, $PM_{2.5}$, and PM_{10} (on the state level) have been classified by nonattainment status with regard to National Ambient Air Quality standards. Construction activities associated with the project consist of excavation, grading, and bridge installation. The construction duration of the bridge would occur over a short period (less than 120 days). The criteria pollutants emitted by construction equipment would be minimal given the short duration and small number of equipment required. Fugitive dust emissions would vary from day to day, depending on the level and type of activity, silt content of the soil, and the prevailing weather. Sources of fugitive dust during construction would include vehicle movement over paved and unpaved surfaces, earth movement, grading, and wind erosion from exposed surfaces.

Specific Plan policies would be implemented prior to and during construction to minimize any potential threats to air quality. Specific Plan Policy 5.16 requires BAAQMD's approach to dust abatement for projects under the Transit Area Specific Plan, thereby reducing air quality impacts during construction to less than significant. Because of the nature of the proposed project, all air quality-related impacts would be temporary and strictly for the duration of construction. The project site would not require operational maintenance; hence, no operational air quality impacts would occur.

Completion of the proposed pedestrian bridge would improve mobility for non-motorized transportation modes and, thus, would contribute to regional emissions reduction strategies. The project would also further the City of Milpitas General Plan policy 3.d-I-21 and be consistent with Specific Plan Policy 3.26 as it would facilitate walking and biking. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d) The proposed pedestrian bridge would be immediately adjacent to future residential communities, which are considered sensitive receptors. However, the bridge would connect future trail segments, which would be used by bicyclists, pedestrians and joggers, all non-polluting sources of transportation. Thus, the project would not have the potential to expose nearby sensitive receptors to substantial pollutant concentrations. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

e) Project activities would not result in the generation of permanent or long-term objectionable odors. Odors associated with the intermittent operation of diesel-powered equipment might be detected by nearby sensitive receptors at the adjacent residential developments, but these odors would be of short duration (no more than 90 days) and would not affect a substantial number of people. Once construction activities are completed, there would be no potential for odor impacts at surrounding sensitive receptors. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

General Plan Policies that Reduce the Impact:

- **3.d-I-21:** Consider building bridges or undercrossings across creek channels, railroad lines and roadways to facilitate bicycling and walking.

Specific Plan Policies that Reduce the Impact

- **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 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.
  This calls for "basic" control measures that should be implemented at all construction sites, "enhanced" control measures that should be implemented in addition to the basic control measures at construction sites greater than four acres in area, and "optional" control measures that should be implemented on a case-by-case basis at construction sites that are large in area, located near

sensitive receptors or which, for any other reason, may warrant additional emissions reductions (BAAQMD, 1999)

Conclusion

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
IV. Biological Resources					
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Less than significant impact	**No.** The proposed project would not impact suitable habitat for special-status plant or wildlife species.	**No.** The proposed project would not impact suitable habitat for special-status plant or wildlife species.	**No.** The proposed project would not impact suitable habitat for special-status plant or wildlife species.	Policies 4.b-I-5, 5.25, and 5.26
b) Have a substantial adverse effect on any riparian habitat or result in substantial loss of any other types of habitat identified as biologically unique and of the limited distribution, such as serpentine chaparral, serpentine grassland, and native grassland?	Less than significant impact	**No.** The proposed project will not have a substantial adverse effect on any riparian habitat or result in substantial loss of any other types of habitat identified as biologically unique.	**No.** The proposed project will not have a substantial adverse effect on any riparian habitat or result in substantial loss of any other types of habitat identified as biologically unique.	**No.** The proposed project will not have a substantial adverse effect on any riparian habitat or result in substantial loss of any other types of habitat identified as biologically unique.	None
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	No impact	**No.** The proposed project will not have a substantial adverse effect on federally protected wetlands.	**No.** The proposed project will not have a substantial adverse effect on federally protected wetlands.	**No.** The proposed project will not have a substantial adverse effect on federally protected wetlands.	None
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	No impact	**No.** The proposed project would not impact wildlife movement corridors or waterways suitable for migratory fish.	**No.** The proposed project would not impact wildlife movement corridors or waterways suitable for migratory fish.	**No.** The proposed project would not impact wildlife movement corridors or waterways suitable for migratory fish.	None

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No impact	**No.** The project site does not require the removal of any tree species therefore not conflicting with any preservation policies or ordinances.	**No.** The project site does not require the removal of any tree species therefore not conflicting with any preservation policies or ordinances.	**No.** The project site does not require the removal of any tree species therefore not conflicting with any preservation policies or ordinances.	None
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No impact	**No.** The proposed project does not conflict with any provisions of adopted conservation plans.	**No.** The proposed project does not conflict with any provisions of adopted conservation plans.	**No.** The proposed project does not conflict with any provisions of adopted conservation plans.	None

Discussion

a) Vegetation at the East Penitencia Creek channel is concentrated within the channel, with the top of the bank mostly barren. Vegetation along the creek banks included Italian ryegrass, wild oat, and a variety of forbs. Based on a site visit conducted by Michael Brandman Associates in February 2013, signs or observations of wildlife that occur in the project vicinity included rock dove, American crow, European starling, house finch, house sparrow, belted kingfisher, mallard, sandpiper, California gull, common merganser, and California ground squirrel.

In-stream aquatic habitat within the creek channel does not provide suitable breeding habitat for special status species such as California red-legged frog, which typically breed in deep, cool pools or slack water. While California ground squirrels and their burrows were observed along the creek banks, no signs or sightings of special status species such as burrowing owl were observed during the February 2013 site visit. Based on the lack of suitable habitat, no other special status species are expected to occur (CNDDB 2014, CNPS 2014, USFWS 2014). Only pre-construction nesting bird surveys are recommended prior to groundwork, consistent with General Plan Policy 4.b-I-5, Specific Plan Policy 5.25 and 5.26. For these reasons, impacts on special-status species from project construction are expected to be less than significant. The development of the proposed project would not alter the conclusion of the Transit Area Specific Plan EIR; impacts on special status species would be less than significant.

b) Due to the highly developed nature of the project site, the bank and channel of East Penitencia Creek lacks high-quality riparian habitat and support minimal native vegetation. The proposed bridge construction would fully span the creek channel and would avoid direct impacts to the vegetation present.

Indirect impacts to existing vegetation include shading of the channel and impeding the growth of vegetation due to the shading. Since the vegetation present is predominantly ruderal and the creek itself is highly disturbed and of generally low value to fish and wildlife, these indirect impacts are expected to be less than significant. The development of the proposed project would not alter the conclusions of the Transit Area Specific Plan EIR; impacts on riparian habitat would be less than significant.

c) East Penitencia Creek is classified as "waters of the United States" and the bank and channel are under jurisdiction of the U. S. Army Corps of Engineers. As mentioned above, all bridge construction activities would occur from outside of the bank and channel and the proposed bridge would fully span across the creek channel, thereby avoiding impacts to wetland features within the banks or channel. For these reasons, construction activities would not impact federally protected wetlands. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d) As previously discussed, the project site is highly developed and of limited value to fish and wildlife. Additionally the proposed bridge crossing of East Penitencia Creek would fully span the creek channel. To the extent that waterway and adjacent upland is used for fish and wildlife movement, the proposed project would not interfere substantially with these corridors. Therefore, no impacts related to interference with wildlife movement corridors or waterways suitable for migratory fish are expected to occur from project construction. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. The development of the proposed project would not alter the conclusion of the Transit Area Specific Plan EIR.

e) The Tree and Planting Ordinance of the City of Milpitas protects significant trees, as defined by the Ordinance, including heritage trees, throughout the city. Under the City's Zoning Ordinance, heritage trees are defined as any tree with a diameter of 30 inches or more measured 2 feet above ground level. There are no heritage trees within the project site. Additionally, the proposed project would not involve tree removal or damage of any tree species. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

f) The project site is not located within the boundaries of an adopted habitat conservation plan or natural community conservation plan. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

General Plan Policies that Reduce the Impact:

- **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 5.25:** 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 Wildlife (CDFW). 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 5.26:** 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 CDFW (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.

Conclusion

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
V. Cultural Resources					
Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	Less than significant impact	**No.** The project site has no significant historical resource as defined in Section 15064.5.	**No.** The project site has no significant historical resource as defined in Section 15064.5.	**No.** The project site has no significant historical resource as defined in Section 15064.5.	None
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	Less than significant impact	**No.** The project site has no significant archaeological resource as defined in Section 15064.5.	**No.** The project site has no significant archaeological resource as defined in Section 15064.5.	**No.** The project site has no significant archaeological resource as defined in Section 15064.5.	Specific Plan Policies 5.31 and 5.32
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Less than significant impact	**No.** The project site is not located on any unique paleontological resource or unique geological feature.	**No.** The project site is not located on any unique paleontological resource or unique geological feature.	**No.** The project site is not located on any unique paleontological resource or unique geological feature.	Specific Plan Policy 5.32
d) Disturb any human remains, including those interred outside of formal cemeteries?	Less than significant impact	**No.** The proposed project will not disturb any human remains, including those outside of formal cemeteries.	**No.** The proposed project will not disturb any human remains, including those outside of formal cemeteries.	**No.** The proposed project will not disturb any human remains, including those outside of formal cemeteries.	Specific Plan Policy 5.31

Discussion

a) The Transit Area Specific Plan EIR of 2008/Amended 2011 lists one historic site within the plan boundary. The Great Mall is approximately 0.3 mile to the north of the pedestrian bridge project site and construction will not affect this historic resource. The project area does not contain any historic properties or districts that are listed or eligible for inclusion in the National Register of Historic Places or the California Register of Historic Resources. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified for historic resources. Development of the proposed project would not alter these conclusions.

b, d) The records search completed for the Transit Area Specific Plan EIR found no known recorded archaeological sites within the planning area. One recorded prehistoric archaeological resource, CA-SCL-593, a possible occupation site with Native American burials, is recorded 0.85 miles to the northeast of the proposed project. Another resource with a Native American burial was exposed in 2013 in the Great

Mall parking lot adjacent to the future Bay Area Rapid Transit (BART) track alignment approximately 0.6 miles northeast of the project. CA-SCL-38, another major prehistoric village site with over 200 Native American burials recovered to date, is located within and surrounding the Elmwood Correctional Facility, approximately 0.8 miles northwest of the proposed project. Archaeological resources in this area of the Santa Clara Valley are typically located within 0.25 miles of either a seasonal or perennial water course and are often buried by alluvial deposition often the result of episodic flooding. These buried resources are frequently exposed during ground disturbing construction. However, no prehistoric resources appear to have been exposed during the excavation of the engineered East Penitencia Channel drainage channel by the SCVWD in the 1980's[6], during the current residential developments under construction (Harmony and McCandless), or during the construction of the previous industrial and office buildings in the area.

Past environmental compliance studies including those completed for the Transit Area Specific Plan EIR in 2008 have noted that over the last several thousand years, the Lower Penitencia Creek drainage was favorable for prehistoric settlement with subsequent overbank floods and numerous course changes burying any cultural resources under alluvium. Given the similarity of such environmental factors and the known presence of significant archaeological resources in the area, researchers have determined that there is a moderate to high likelihood that unrecorded Native American cultural resources are present within the Planning Area, including the project site. This conclusion has been reaffirmed by the development of the map of Buried Site Potential in the *Addendum Cultural Resources Inventory for the Silicon Valley Berryessa Extension Project in Milpitas and San Jose, Santa Clara County, California* completed by the Santa Clara Valley Transportation Agency in 2010. This map indicates that the project area is within a High Sensitivity Zone for buried archaeological sites based on its proximity to Lower Penitencia Creek and the presence of important resources within a one-mile boundary.

Construction of the proposed pedestrian bridge and, more specifically, installation of the abutments would require some ground-disturbing activities outside of the East Penitencia Channel. The existing channel embankments currently support unpaved access roads and were constructed in the 1980's and, therefore, have been previously disturbed although the depth of disturbance is not known. No prehistoric archaeological resources have been recorded within the project area or within 0.25 miles. The implementation of Specific Plan Policies 5.31 and 5.32 would reduce potential adverse effects on unknown archaeological resources and Native American burials to less than significant. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

c) The East Penitencia Channel is a modified channel and native soils within the project vicinity have most likely been covered by imported soil or otherwise modified from their natural condition. As such, the potential for discovery of unique paleontological resources during project construction is very

[6] Based on review of historic aerial photographs of the McCandless Drive and Trade Zone Boulevard area, the East Penitencia drainage channel appears to have been excavated post-1950s during the installation of improvements for Lower Penitencia Creek.

unlikely. Nonetheless, in the event that unknown paleontological resources are present within the project site, implementation of Specific Plan Policy 5.32 would reduce the potential for causing adverse effects on paleontological resources. Therefore, no impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Development of the proposed project would not alter these conclusions.

Specific Plan Policies that Reduce the Impact

- **Policy 5.31:** 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. (Reference CEQA §§ 21083.2, 21084.1.) 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 are commendation for the respectful treatment of the Native American remains and related burial goods.
- **Policy 5.32:** All grading plans for development projects involving ground displacement shall include a requirement for monitoring by a qualified paleontologist to review underground materials recovered. In the event fossils are encountered, construction shall be temporarily halted. The City's Planning Department shall be notified immediately, a qualified paleontologist shall evaluate the fossils, and steps needed to photo document or to recover the fossils shall be taken. If fossils are found during construction activities, grading in the vicinity shall be temporarily suspended while the fossils are evaluated for scientific significance and fossil recovery, if warranted.

Conclusion

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
VI. Geology and Soils					
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic hazards?	Less than significant impact	**No.** The project site has low susceptibility to strong seismic hazards.	**No.** The project site has low susceptibility to strong seismic hazards.	**No.** The project site has low susceptibility to strong seismic hazards.	None
b) Result in substantial soil erosion or the loss of topsoil?	Less than significant impact	**No.** The proposed project has low susceptibility to soil erosion and loss of topsoil.	**No**. The proposed project has low susceptibility to soil erosion and loss of topsoil.	**No.** The proposed project has low susceptibility to soil erosion and loss of topsoil.	City of Milpitas General Plan Policies 4.d-I-1 and 5.a-I-3
c) Be located on a geologic unit or soil that is unstable, or that would become unstable, as a result of the project and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	No impact	**No.** The project site is not susceptible to landslides.	**No.** The project site is not susceptible to landslides.	**No.** The project site is not susceptible to landslides.	None
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Less than significant impact	**No.** The project site has low susceptibility to erosion.	**No.** The project site has low susceptibility to erosion.	**No.** The project site has low susceptibility to erosion.	General Plan Policy 5.a-I-3
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	No impact	**No.** The project site will not require wastewater disposal systems for the disposal of wastewater.	**No.** The project site will not require wastewater disposal systems for the disposal of wastewater.	**No.** The project site will not require wastewater disposal systems for the disposal of wastewater.	None

Discussion

a,c) The Hayward Fault is the closest Earthquake Fault Zone to the project site, which trends northwest approximately 2 miles east of the project area. Due to distance, the project area would not be affected by direct fault rupturing during an earthquake.

Construction of the proposed bridge would occur during a short period of time and temporarily disturbed areas would be restored afterwards. The bridge would be constructed on deep pile foundations consisting

of 36-inch cast-in-drilled-hole concrete pilings to prevent bridge failure from earthquakes and strong ground shaking, and would be designed in accordance to California Department of Transportation's (Caltran's) Seismic Design Criteria. As such, impacts related to exposing people or structures to substantial risk due to fault rupture and seismic ground shaking would be less than significant.

The project site and surrounding area is located in a mapped moderate liquefaction hazard zone. The proposed bridge would be constructed on both sides of man-made embankments, which were previously graded and with engineered soil backfill. The bridge will be designed and constructed in accordance with a design-level geotechnical investigation that is currently under construction (consistent with General Plan Policy 5.a-I-3). This investigation will identify specific design features that will be required for the project, including site preparation, recompaction, trench excavations, and abutment installation.

In addition, there are no known landslides in the project vicinity; the project area is relatively flat except for the channel banks. Landslides are not anticipated as a result of project construction or operation. As such, no impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b) The project site and surrounding area is highly disturbed and developed; there is minimal native top soil in the project area. Vehicles and equipment for project construction would disturb the ground surface, potentially causing localized erosion or compaction. Construction vehicles and equipment would be used outside of the creek within the SCVWD's unpaved access roads (primarily along the access road north of East Penitencia Creek). After construction, the maintenance roads would be restored to existing conditions and in the future would be developed as trails.

Construction of the new bridge would involve excavation into the top of the East Penitencia creek bank to install bridge abutments and wingwalls. The northern abutment would be located 10 feet north of the creek's top of bank and the southern abutment would be approximately 4.5 feet south of the creek's top of bank. No work directly in the creek would be necessary for bridge construction. The project would be designed to avoid alteration of flood flow characteristics in the East Penitencia Creek. The City will coordinate with SCVWD, the flood management authority in the project area, to ensure that the bridge design would not cause erosion of the creek bed and banks. By design, the project would not cause soil erosion or loss of topsoil once constructed.

As the project area is less than 1 acre, preparation and implementation of a Stormwater Pollution Prevention Plan is not required for this project. Although no construction activities would occur within the creek, there is a possibility that the staging of equipment and materials adjacent to the creek could cause localized erosion. Implementation of BMPs, such as establishment of silt fences and/or fiber rolls, installation of silt fences, and stabilization for stockpiles, would reduce the potential for soil erosion and loss of topsoil. With implementation of these construction BMPs, this impact would be less than significant. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d) As described in the Project Description, a geotechnical investigation for the project is currently underway and will be compliant with the City of Milpitas General Plan policy 5.a-I-3. The proposed bridge would be supported on deep foundations consisting of cast-in-drilled hole concrete pilings and will be designed in accordance with the geotechnical report, which will address construction on expansive soils. For these reasons, impacts related to construction on expansive soils would be less than significant and would not alter the conclusion of the Transit Area Specific Plan EIR.

e) The proposed project would not involve the use of septic tanks or alternative wastewater disposal systems. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

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.
- **Policy 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

None.

Conclusion

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
VII. Greenhouse Gas Emissions					
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than significant impact	**No.** Project construction will not generate greenhouse gas emissions that will adversely impact the environment.	**No.** Project construction will not generate greenhouse gas emissions that will adversely impact the environment.	**No.** Project construction will not generate greenhouse gas emissions that will adversely impact the environment.	None
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	Less than significant impact	**No.** The proposed project will not conflict with any applicable plan, policy, or regulations for the purpose of reducing greenhouse gases.	**No.** The proposed project will not conflict with any applicable plan, policy, or regulations for the purpose of reducing greenhouse gases.	**No.** The proposed project will not conflict with any applicable plan, policy, or regulations for the purpose of reducing greenhouse gases.	Policies 3.21, 3.23, 3.28

Since certification of the Transit Area Specific Plan EIR, regulations and policies regarding greenhouse gas emissions (GHGs) have evolved. The California Air Resources Board (CARB) has introduced various regulations aimed at reducing emissions from mobile sources such as vehicles and off-road construction equipment. These require that future model years reduce GHG emissions. CARB has also implemented the low carbon fuel standard (LCFS) which requires an eventual reduction in GHG emissions associated with both the refining and combustion in end users to be reduced by 10% by 2020. Senate Bill 375 required transportation and land use planning to coordinate and develop a plan for reducing GHG emissions. The applicable plan is called Plan Bay Area and emphasizes transportation and land use development along existing corridors. The project is consistent with Plan Bay Area.

The Bay Area Air Quality Management District (BAAQMD) adopted quantitative thresholds of significance, recommended BMPs, and mitigation measures for GHG emissions, among other pollutants. At this time, due to ongoing lawsuits, BAAQMD cannot recommend use of these thresholds. Regardless of this fact, the City has adopted the 2010 BAAQMD thresholds for the purposes of this analysis because they were established based on the substantial evidence and represent the most current and appropriate thresholds for use at this time.

Discussion

a) The proposed project involves development of a new pedestrian bridge that would link future segments of the Lower Penitencia Creek Trail and East Penitencia Creek Trail, and thereby improve mobility for

pedestrians, cyclists, and joggers. The proposed project would generate temporary greenhouse gas (GHG) emissions during construction, with most of the emissions generated by off-road heavy construction equipment, materials hauling, and daily construction worker trips. Any potential impacts from GHG generation during project construction would be short-term and temporary. Given that the project would accommodate non-motorized modes of transportation, operational emissions of GHG emissions would be negligible. This project would also be consistent with Transit Area Specific Plan policies 3.21, 3.23, and 3.28, which encourage provision of continuous pedestrian and bicycle routes throughout the Specific Plan area. Therefore, impacts related to generation of GHG emissions would be less than significant and would not alter conclusions previously disclosed in the Transit Area Specific Plan EIR.

b) This project would improve mobility for pedestrians, cyclists, and other forms of non-motorized transportation and enhance trail connectivity. The proposed project furthers the objectives of the California Global Warming Solutions Act of 2006, which aims to reduce GHG emissions by 2020 to 1990 levels. The project does not impede future reductions in GHGs associated with surrounding land uses or sources that may be required to achieve the goals of Executive Order S-03-05 and B-16-2012, which require GHG reductions 80 percent below 1990 levels in 2050. The project would also be consistent with CARB measures and all applicable regulations that are aimed at reducing GHG emissions from off-road equipment, materials hauling vehicles, and worker vehicles. This in particular includes limiting vehicle idling to 2 minutes, contractor's compliance with new fleet model year rules, and the low carbon fuel standard. The project would ensure that equipment is properly maintained and in good working condition. The project is consistent with the local Sustainable Community Strategy contained in Plan Bay Area. Additionally, the proposed project would not interfere with any local BAAQMD regulations or other local policies such as Plan Bay Area (Association of Bay Area Governments and Metropolitan Transportation Commission, 2013). Therefore, the project would not conflict with any applicable plan, policy, or regulation of an agency adopted for reducing the emissions of GHGs, and this impact would be less than significant. Development of the proposed project would not alter conclusions in the Transit Area Specific Plan EIR.

Specific Plan Policies that Reduce the Impact

- **Policy 3.21:** Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects.
- **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, per Figure 3-5 [of the proposed Plan].

Conclusion

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
VIII. Hazards and Hazardous Materials					
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than significant impact	**No.** The project would not create significant hazards through the routine transport, use, or disposal of hazardous materials.	**No.** The project would not create significant hazards through the routine transport, use, or disposal of hazardous materials.	**No.** The project would not create significant hazards through the routine transport, use, or disposal of hazardous materials.	None
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than significant impact	**No.** The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions.	**No.** The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions.	**No.** The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions.	None
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less than significant impact	**No.** The proposed project is not currently within a one-quarter mile distance of a school.	**No.** The proposed project is not currently within a one-quarter mile distance of a school.	**No.** The proposed project is not currently within a one-quarter mile distance of a school.	None
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	This criterion was not evaluated in the Transit Area Specific Plan EIR (2008).	**No.** The proposed project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	**No.** The proposed project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	**No.** The proposed project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	None
e) Be located within two miles of an airport land use plan, and result in a safety hazard for people residing or working in the project area?	This criterion was not evaluated in the Transit Area Specific Plan EIR (2008).	**No.** The project site is not located within two miles of an Airport Planning Area of San Jose International Airport	**No.** The project site is not located within two miles of an Airport Planning Area of San Jose International Airport	**No.** The project site is not located within two miles of an Airport Planning Area of San Jose International Airport	None

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	This criterion was not evaluated in the Transit Area Specific Plan EIR (2008).	**No.** The proposed project is not within the vicinity of a private airstrip.	**No.** The proposed project is not within the vicinity of a private airstrip.	**No.** The proposed project is not within the vicinity of a private airstrip.	None
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No impact	**No.** The project site will not interfere with an adopted emergency response or evacuation plan.	**No.** The project site will not interfere with an adopted emergency response or evacuation plan.	**No.** The project site will not interfere with an adopted emergency response or evacuation plan.	None
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	This criterion was not evaluated in the Transit Area Specific Plan EIR (2008).	**No.** The project site is not located in an area susceptible to wildland fires.	**No.** The project site is not located in an area susceptible to wildland fires.	**No.** The project site is not located in an area susceptible to wildland fires.	None

Discussion

a) Implementation of the proposed project would potentially require the routine transfer, use storage, or disposal of hazardous materials. During project activities, hazardous materials typically associated with construction activities, such as fuel, oil, and lubricants would be employed in the project and staging areas. The project would comply with all relevant federal, state, and local statutes and regulations related to transport, use, storage, or disposal of hazardous materials, and all materials designated for disposal would be evaluated for appropriate state and federal hazardous waste criteria. Once construction is complete, the bridge would solely be used by pedestrians and bicyclists and thus, no hazardous materials would be transported across this bridge in the long-term. This impact would be less than significant and development of the project would not alter the conclusion of the Transit Area Specific Plan EIR.

b) During construction, some limited quantities of hazardous materials such as fuels, oils, hydraulic fluids, adhesives and other substances would be used at the project site. However, the project would implement BMPs to prevent release of any of these hazardous materials to the public or environment throughout routine transport, use, and disposal. These BMPs would minimize the potential for accidental spills during construction and provide measures to contain them if they do occur. These measures would minimize the potential for any accident or upset conditions that may occur even though the proposed project is not anticipated to create a hazard to the public or the environment through reasonably

foreseeable upset and accident conditions involving the release of hazardous materials into the environment. After project construction, the potential for release of any hazardous materials would be negligible since the bridge would be used by pedestrians and bicyclists. Therefore, this impact is considered less than significant and development of the project would not alter the conclusion of the Transit Area Specific Plan EIR.

c) Currently, there are no existing school sites within 0.25 mile of the project site. The Milpitas Transit Area Specific Plan contemplates an elementary or K-8 school in the vicinity of McCandless Drive / Houret Drive, adjacent to East Penitencia Creek Any hazardous emissions or handling of hazardous materials would be temporary and limited to the duration of bridge construction activities (less than 120 days), which would be completed before the development of the future school. Therefore, impacts related to acutely hazardous materials, emissions, substances, or waste near an existing or proposed school are considered less than significant. Development of the proposed project would not alter the conclusion of the Transit Area Specific Plan EIR.

d) The project site is not listed on any federal, state, or local compiled lists searched by the database review, including lists compiled under Government Code Section 65962.5. However, there is the potential for discovery of previously unknown contamination during ground excavation activities. As described in the Project Description, in the event that hazardous levels of contaminants are encountered, implementation of BMP 7 would ensure that construction activities cease until a more thorough investigation can be conducted or that the work site is safe to continue. Based on the available information, there does not appear to be any non-natural existing hazardous material contamination. Therefore, this impact would be less than significant.

e, f) The nearest airport to the project site is San Jose International Airport, located 3 miles to the southwest. Also, the project site is not within the Airport Planning Area of San Jose International Airport. Construction activities would be confined to the project work area and would not involve the use of any equipment that would affect aircraft utilizing the airport. As such, the project would not adversely affect public or private airstrips in the project vicinity. No impact would occur.

g) The proposed project consists of the development of a pedestrian bridge that would increase connectivity between future trail segments. The project does not have any characteristics that would impair the implementation of or physically interfere with the City's Multi-Hazard Emergency Plan. In addition, as described in the Transit Area Specific Plan EIR, the Milpitas Fire Department's Office of Emergency Services has been coordinating with project proponents involved in the Transit Area Specific Plan. Given the nature of the project, no impact on adopted emergency response plans is expected to occur.

h) The project site is located within an already urbanized and developed community of Milpitas. It does not include, nor is located adjacent to, any areas designated as having a high, extreme, or severe wildland fire hazard. Therefore, exposure to the risk of wildland fires would be minimal. No impacts beyond what

previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

Specific Plan Policies that Reduce the Impact

None.

Conclusion

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
IX. Hydrology and Water Quality					
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	Less than significant impact	**No**. General Plan policies and Transit plan policies would help to reduce construction-related water quality impacts to less than significant levels.	**No**. General Plan policies and Transit plan policies would help to reduce construction-related water quality impacts to less than significant levels.	**No**. General Plan policies and Transit plan policies would help to reduce construction-related water quality impacts to less than significant levels.	General Plan Policy 4.d-I-1
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	No impact	**No.** The proposed project would not use groundwater resources or impair groundwater recharge.	**No.** The proposed project would not use groundwater resources or impair groundwater recharge.	**No.** The proposed project would not use groundwater resources or impair groundwater recharge.	None
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	Less than significant impact	**No**. The project will not substantially alter the course of a stream or river in a manner that would result in substantial erosion or siltation on- or offsite.	**No.** The proposed project would provide storm drainage facilities and, thus, would not result in substantial erosion.	**No.** The proposed project would provide storm drainage facilities and, thus, would not result in substantial erosion.	General Plan Policy 4.d-I-1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	Less than significant impact	**No.** General Plan policies and Transit plan policies would help to reduce construction-related water quality impacts to less than significant levels.	**No.** General Plan policies and Transit plan policies would help to reduce construction-related water quality impacts to less than significant levels.	**No.** General Plan policies and Transit plan policies would help to reduce construction-related water quality impacts to less than significant levels.	General Plan Policy 4.d-I-1

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	No impact	**No.** The proposed project would not exceed the capacity of existing or planned stormwater drainage systems.	**No.** The proposed project would not exceed the capacity of existing or planned stormwater drainage systems.	**No.** The proposed project would not exceed the capacity of existing or planned stormwater drainage systems.	None
f) Otherwise substantially degrade water quality?	No impact	**No**. All potential impacts to water quality would be temporary and only during construction; in addition, Specific Plan Policies will be implemented to minimize any impacts.	**No**. All potential impacts to water quality would be temporary and only during construction; in addition, Specific Plan Policies will be implemented to minimize any impacts.	**No**. All potential impacts to water quality would be temporary and only during construction; in addition, Specific Plan Policies will be implemented to minimize any impacts.	General Plan Policy 4.d-I-1
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	No impact	**No.** The proposed project would not place housing within a 100-year flood hazard area.	**No.** The proposed project would not place housing within a 100-year flood hazard area.	**No.** The proposed project would not place housing within a 100-year flood hazard area.	None
h) Place within a 100 year flood hazard area structures which would impede or redirect flood flows	Less than significant impact	**No.** The proposed project would not substantially impede or redirect flood flows within a 100-year flood hazard area .	**No.** The proposed project would not substantially impede or redirect flood flows within a 100-year flood hazard area .	**No.** The proposed project would not substantially impede or redirect flood flows within a 100-year flood hazard area .	None
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	Less than significant impact	**No.** The project site has very low susceptibility to flooding as a result of dam or levee failure.	**No.** The project site has very low susceptibility to flooding as a result of dam or levee failure.	**No.** The project site has very low susceptibility to flooding as a result of dam or levee failure.	None
j) Inundation by seiche, tsunami, or mudflow?	No impact	**No.** The project site is has low susceptibility to seiches, tsunamis, and mudflow.	**No.** The project site is has low susceptibility to seiches, tsunamis, and mudflow.	**No.** The project site is has low susceptibility to seiches, tsunamis, and mudflow.	None

Discussion

a, c, f) The proposed project involves development of a full-span, pre-manufactured pedestrian bridge over East Penitencia Creek. The proposed bridge would fully span the waterway and avoid impacts within the bank or channel. During construction, ground-disturbing activities at the project site would have the potential to release sediment into East Penitencia Creek and Lower Penitencia Creek. Other contaminants, such as fuels used for construction equipment, could also be introduced to surface water during construction.

Water quality in California is regulated by the U.S. Environmental Protection Agency's National Pollution Discharge Elimination System (NPDES), which controls the discharge of pollutants to water bodies from point and non-point sources. Local oversight of water quality has been delegated to the Regional Water Quality Control Boards throughout California. Compliance with the City's General Plan Policy 4.d-I-1 would ensure that construction water quality impacts are minimized during project construction. Example BMPs that would be implemented to ensure compliance with Policy 4.d-I-1 include practices that limit fueling and other activities involving hazardous materials to use designated areas only, reduction of erosion by stabilizing soil stockpiles, watering for dust control, and installation of perimeter silt fences, and development of spill and emergency response plans to handle potential fuel spill or other spills. Refer to Section VIII., *Hazards and Hazardous Materials,* for additional discussion regarding the potential for accidental spills of fuels and other contaminants used during construction and potential impacts during project implementation. The development of the proposed project would not alter the conclusion of the Transit Area Specific Plan EIR.

b) The proposed project involves development of a full-span, pre-manufactured pedestrian bridge over East Penitencia Creek. Construction of the bridge would not involve the use of substantial quantities of water supplies that would have the potential to deplete any groundwater supplies. Furthermore, the development of the bridge avoids impacts to the waterway channel and would not interfere with groundwater recharge activities. The development of the proposed project would not alter the conclusion of the Transit Area Specific Plan EIR.

d, e) The proposed project involves development of a full-span, pre-manufactured pedestrian bridge over East Penitencia Creek. Under existing conditions, runoff within the creek corridor sheet flows into the creek channel. The proposed project would involve excavation activities and installation of the bridge abutments and wingwalls, with the total footprint of both abutments being approximately 120 square feet and the bridge would be 600 square feet. The net increase in runoff volume from the bridge relative to existing conditions is expected to be minimal and immeasurable and, therefore, would not contribute substantial stormwater runoff or substantially alter existing drainage patterns such that flooding or polluted runoff would result. The development of the proposed project would not alter the conclusion of the Transit Area Specific Plan EIR.

g, h) Although the proposed project is within the 100-year flood hazard area[7], it does not involve the construction of new housing units or structures that would substantially impede or redirect flood flows. As stated above, the proposed bridge would fully span the waterway and avoid impacts within the bank or channel. The bridge is currently designed to provide 9 inches of freeboard at the center of the bridge. The final freeboard height may be revised as the bridge design is further refined with input and approval from the SCVWD, who is the responsible agency for flood protection in this area and owner of the creek channels. The bridge will be designed to resist lateral and uplifting flood flow forces to prevent bridge failure and harm to people and property (SCVWD 2014[8]). Additionally, given the relatively small size of the bridge (600 square feet), the bridge is not expected to substantially impede or redirect flood flows.

As described in the Project Description, SCVWD conducts flood protection maintenance activities within the project area include vegetation management through herbicide application and debris clearing in and around the two creeks. These maintenance activities are necessary to reduce impacts of flooding in the area. Once the proposed project is complete, SCVWD will be able to access the creeks via the planned Lower and East Penitencia Creek trails, and thus routine flood protection maintenance activities in the project area would not be hindered. Development of the proposed project would not alter the conclusions of the Transit Area Specific Plan EIR.

i) The project site is located near the catastrophic dam failure inundation boundaries of the Leroy Anderson Dam under wet conditions, and assuming the reservoir is at full capacity at time of failure. The dam is inspected twice a year by the District, the California Department of Water Resources Division of Safety of Dams, and the Federal Energy Regulatory Commission. Inundation at the project site is not expected during non-catastrophic conditions; therefore, all impacts are less than significant. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

j) The project site has low susceptibility to tsunami, seiches, and mudflow events. According to the Association of Bay Area Government's interactive tsunami mapping, areas near the bay are not considered susceptible to tsunami inundation. The City of Milpitas is located approximately 30 miles from the Pacific Ocean, therefore precluding the possibility of a tsunami inundating the project site. There are no inland water bodies in the project vicinity that are susceptible to seiches, thereby precluding the possibility of a seiche inundating the project site. The surrounding vicinity does not contain any steep slopes or any volcanically active features that could produce mudflow in the City of Milpitas. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

[7] Federal Emergency Management Agency (FEMA). 2014. Flood Insurance Rate (FIRM) Map No. 06085C0067J, Santa Clara County, California. Available: http://map1.msc.fema.gov/idms/IntraView.cgi?KEY=21462414&IFIT=1. Accessed December 17, 2014.

[8] Santa Clara Valley Water District (SCVWD). 2014. E-mail communication. December 3.

General Plan Policies that Reduce the Impact:

- **Policy 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.

Conclusion

The conclusions from the original Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
X. Land Use Planning					
Would the project:					
a) Physically divide an established community?	No impact	**No.** The proposed project will enhance connectivity within established community.	**No.** The proposed project will enhance connectivity within established community.	**No.** The proposed project will enhance connectivity within established community.	None
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Less than significant impact	**No.** The proposed project is consistent with the existing General Plan and Zoning designations for the project site.	**No.** The proposed project is consistent with the existing General Plan and Zoning designations for the project site.	**No.** The proposed project is consistent with the existing General Plan and Zoning designations for the project site.	None
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	No impact	**No.** The proposed project does not conflict any applicable habitat conservation plan or natural community conservation plan.	**No.** The proposed project does not conflict any applicable habitat conservation plan or natural community conservation plan.	**No.** The proposed project does not conflict any applicable habitat conservation plan or natural community conservation plan.	None

Discussion

a) The SCVWD's access roads adjacent to Lower Penitencia Creek and East Penitencia Creek are currently gated and not accessible to the general public. Once construction is completed, the project would provide connectivity between the future Lower and East Penitencia Creek trails, and would enhance bicycle and pedestrian connectivity within the Transit Area Specific Plan boundaries. As such, the project would not physically divide an established community. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b) The Lower Penitencia Creek and East Penitencia Creek corridors are designated "Parks and Open Space" by the City of Milpitas General Plan and "Linear Parks and Trails" by the Transit Area Specific Plan. The "Linear Parks and Trails" designation allows for public space along Penitencia Creek and railroads that can contain bike and pedestrian trails. The proposed pedestrian bridge would be consistent

with the allowable land use activities within each land use designation, as it would connect trails contemplated in the Transit Area Plan. The development of the bridge also furthers goals established in the City's Trails Master Plan Goals by creating connectivity between trail segments for multi-use recreational purposes as well as enhancing transportation measures in Milpitas. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

c) The project site is not located within the boundaries of an adopted habitat conservation plan or natural community conservation plan. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

Specific Plan Policies that Reduce the Impact

None.

Conclusion

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
XI. Noise					
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less than significant impact	**No.** The proposed project will adhere to all noise ordinances in relation to construction with the following policies to ensure impacts are less than significant.	**No.** The proposed project will adhere to all noise ordinances in relation to construction with the following policies to ensure impacts are less than significant.	**No.** The proposed project will adhere to all noise ordinances in relation to construction with the following policies to ensure impacts are less than significant.	Specific Plan Policies 5.10 and 5.15, City of Milpitas Noise Abatement Ordinance, City Regulation Policy 6-I-13
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Less than significant impact	**No.** The proposed project would not expose persons to excessive groundborne vibration.	**No.** The proposed project would not expose persons to excessive groundborne vibration.	**No.** The proposed project would not expose persons to excessive groundborne vibration.	Milpitas Noise Abatement Ordinance
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	No impact	**No.** The proposed project would not result in a permanent increase in ambient noise levels.	**No.** The proposed project would not result in a permanent increase in ambient noise levels.	**No.** The proposed project would not result in a permanent increase in ambient noise levels.	None
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Less than significant impact	**No.** The proposed project would not result in a substantial temporary increase in ambient noise levels.	**No.** The proposed project would not result in a substantial temporary increase in ambient noise levels.	**No.** The proposed project would not result in a substantial temporary increase in ambient noise levels.	Milpitas Noise Abatement Ordinance
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	No impact	**No,** the project site is not within two miles of an airport land use plan.	**No,** the project site is not within two miles of an airport land use plan.	**No,** the project site is not within two miles of an airport land use plan.	None
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	No impact	**No,** the project site is not located within the vicinity of a private airstrip.	**No,** the project site is not located within the vicinity of a private airstrip.	**No,** the project site is not located within the vicinity of a private airstrip.	None

Discussion

a) The project site involves the construction of a new pedestrian bridge that would link future segments of the Lower Penitencia Creek Trail and East Penitencia Creek Trail that will be adjacent to the McCandless Mixed Use Development Project and Harmony residential development project. Construction activities would involve grading activities that have the potential to expose nearby receptors to noise levels in excess of standards established in the local general plan or noise ordinance. As such, compliance with the City of Milpitas Noise Abatement Ordinance would be required to minimize noise impacts at nearby receptors. Note that construction noise would cease once the pedestrian bridge is completed.

The bridge would be used for non-motorized modes of transportation (bicycling, walking, etc.) during daytime hours. The bridge would not contain lighting and nighttime use would be prohibited. These characteristics would limit the possibility of use to exceed "normally acceptable" noise standards for residential uses. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b) Construction activities may occasionally be perceptible at the closest sensitive land uses. A large bulldozer can create vibration levels of 87 VdB at a distance of 25 feet (equivalent to a peak particle velocity [PPV] of 0.089). The nearest future residences would be located as close as 25 feet from the bridge alignment. Modern wood frame residential construction can withstand PPV levels of 0.25. Thus, even the closest construction activities would not cause substantial vibration damage at the nearest residential use. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

c) As previously described, the proposed pedestrian bridge would be used for non-motorized modes of transportation such as bicycling and walking, and would be available for use during daytime hours only. These characteristics of the project would limit the possibility of bridge use to cause substantial increases in ambient noise levels. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d) The project site involves the construction of new pedestrian bridge that links the future Lower Penitencia Creek Trail and East Penitencia Creek Trail, which will be adjacent to residential uses. Construction activities would involve grading activities that have the potential to cause temporary increases in ambient noise levels. As such, compliance with the City of Milpitas Noise Abatement Ordinance would be required to minimize noise impacts at nearby receptors. Note that construction noise would cease once the pedestrian bridge is completed. Other temporary noise activities that may occur in the project area include SCVWD maintenance activities in and around the Lower Penitencia Creek and East Penitencia Creek, which are short in duration and also must comply with City of Milpitas Noise Abatement Ordinance. No impacts beyond what previously were disclosed in the Transit Area Specific

Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

e, f) The project site is not located within the boundaries of an airport land use plan. In addition, the nearest airport from the project site is San Jose International Airport located approximately 3 miles from the site. This precludes the possibility of the proposed project exposing persons residing or working in the project vicinity to excessive aviation noise. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

Specific Plan Policies that Reduce the Impact

- **Policy 5.10:** New development in the Transit Area shall adhere to the standards and guidelines in the Milpitas General Plan that govern noise levels.
- **Policy 5.15:** Prior to issuance of building permits, applicants shall demonstrate that noise exposure to sensitive receptors from construction activities has been mitigated to the extent feasible pursuant to the City's Noise Abatement Ordinance.

City Regulations that Reduce the Impact

The City's Noise Abatement Ordinance would reduce potential construction-related impacts.

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

Conclusion

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
XII. Population and Housing					
Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	No impact	**No.** The proposed project would not affect population growth.	**No.** The proposed project would not affect population growth.	**No.** The proposed project would not affect population growth.	None
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	No impact	**No.** The proposed project would not result in removal of the existing dwelling units on the project site.	**No.** The proposed project would not result in removal of the existing dwelling units on the project site.	**No.** The proposed project would not result in removal of the existing dwelling units on the project site.	None
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	No impact	**No.** The proposed project would not result in removal of the existing dwelling units on the project site.	**No.** The proposed project would not result in removal of the existing dwelling units on the project site.	**No.** The proposed project would not result in removal of the existing dwelling units on the project site.	None

Discussion

a) The proposed project would not involve the construction of new housing, nor would it generate any long-term employment opportunities that could cause substantial population growth. Approximately 30 construction workers temporarily would be employed at the project site, and these jobs would likely be filled by the local work force. No new long-term employment opportunities or substantial population growth would result from construction activities.

The project consists of construction of a new pedestrian bridge. The project does not have any characteristics that would facilitate population growth. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b, c) The proposed project consists of the development of a new pedestrian bridge adjacent to existing creek corridors in an existing developed community and will not require the demolition of any existing residential units. Therefore, the project would not displace substantial numbers of existing homes. No

impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

Specific Plan Policies that Reduce the Impact

None.

Conclusion

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
XIII. Public Services					
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a) Fire protection?	Less than significant impact	**No.** The proposed project would not result in a need for new or expanded fire protection facilities.	**No.** The proposed project would not result in a need for new or expanded fire protection facilities.	**No.** The proposed project would not result in a need for new or expanded fire protection facilities.	None
b) Police protection?	Less than significant impact	**No.** The proposed project would not result in a need for new or expanded police protection facilities.	**No.** The proposed project would not result in a need for new or expanded police protection facilities.	**No.** The proposed project would not result in a need for new or expanded police protection facilities.	None
c) Schools?	Significant and Unavoidable	**No.** The proposed project will not require additional school facilities.	**No.** The proposed project will not require additional school facilities.	**No.** The proposed project will not require additional school facilities.	None
d) Parks?	No impact	**No.** The proposed project would enhance any existing and future park facilities.	**No.** The proposed project would enhance any existing and future park facilities.	**No.** The proposed project would enhance any existing and future park facilities.	None
e) Other public facilities?	No impact	**No.** The proposed project would not result in a need for new or expanded other public facilities.	**No.** The proposed project would not result in a need for new or expanded other public facilities.	**No.** The proposed project would not result in a need for new or expanded other public facilities.	None
f) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Less than significant impact	**No.** The project encourages the use of the already developed neighborhood, thereby complementing its surrounding area.	**No.** The project encourages the use of the already developed neighborhood, thereby complementing its surrounding area.	**No.** The project encourages the use of the already developed neighborhood, thereby complementing its surrounding area.	None
g) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.	No impact	**No.** The project does not require the construction or expansion of recreational facilities.	**No.** The project does not require the construction or expansion of recreational facilities.	**No.** The project does not require the construction or expansion of recreational facilities.	None

Discussion

a-e) The proposed pedestrian bridge would serve as a non-motorized transportation facility and is intended to improve mobility for bicyclists, pedestrians, and similar modes of transportation. As such, the bridge would have no potential to facilitate population or employment growth such that increased demands for fire protection, police protection, schools, libraries, parks, or other public facilities would occur. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

f, g) The proposed project involves construction of a new pedestrian bridge across the East Penitencia Creek corridor. Although this specific bridge was not contemplated in the Transit Area Specific Plan, the bridge would link future segments of the Lower Penitencia Creek Trail and East Penitencia Creek, which were contemplated by both the Transit Area Specific Plan and the City of Milpitas Trails Master Plan. The bridge is not expected to substantially increase the use of other existing neighborhood and regional parks or other recreational facilities. The physical impacts of new recreational facilities and public trail development along the Lower Penitencia Creek and East Penitencia Creek are evaluated in the Transit Area Specific Plan EIR and the Lower/East Penitencia Creek Trails Project Initial Study/Addendum. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR and the Lower/East Penitencia Creek Trails Project Initial Study/Addendum have been identified. Therefore, development of the proposed project would not alter these conclusions.

Specific Plan Policies that Reduce the Impact

None.

Conclusion

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
XIV. Transportation/Traffic					
Would the project:					
a) Exceed the capacity of the existing circulation system, based on applicable measure of effectiveness, taking into account all relevant component of the circulation system, including but not limited to intersections, street, highways, and freeways, pedestrian and bicycle paths, and mass transit?	Varies from Less than significant impact to Significant and Unavoidable	**No.** The proposed project encourages pedestrian- and cyclist-oriented modes of transport and would thereby reduce the number of vehicles on the road.	**No.** The proposed project encourages pedestrian- and cyclist-oriented modes of transport and would thereby reduce the number of vehicles on the road.	**No.** The proposed project encourages pedestrian- and cyclist-oriented modes of transport and would thereby reduce the number of vehicles on the road.	None
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	No impact	**No.** The proposed project will not conflict with any congestion management programs.	**No.** The proposed project will not conflict with any congestion management programs.	**No.** The proposed project will not conflict with any congestion management programs.	None
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	Not evaluated in the Transit Area Specific Plan EIR (2008)	**No.** The project site is not located within the vicinity of an airport and therefore would not alter air traffic patterns.	**No.** The project site is not located within the vicinity of an airport and therefore would not alter air traffic patterns.	**No.** The project site is not located within the vicinity of an airport and therefore would not alter air traffic patterns.	None
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Not evaluated in the Transit Area Specific Plan EIR (2008)	**No.** The proposed project would not increase hazards due to a design feature.	**No.** The proposed project would not increase hazards due to a design feature.	**No.** The proposed project would not increase hazards due to a design feature.	None
e) Result in inadequate emergency access?	No impact	**No.** The proposed project will not result in inadequate emergency access.	**No.** The proposed project will not result in inadequate emergency access.	**No.** The proposed project will not result in inadequate emergency access.	None
f) Conflict with adopted policies plans or programs supporting alternative transportation (e.g., bus turnouts,	Not evaluated in the Transit Area Specific Plan EIR (2008)	**No.** The proposed project would complement adopted plans and	**No.** The proposed project would complement adopted plans and	**No.** The proposed project would complement adopted plans and	None

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
bicycle racks)?		policies supporting alternative transportation.	policies supporting alternative transportation.	policies supporting alternative transportation.	

Discussion

a, b) During project construction, no traffic lane closures would be expected to occur. The project would generate additional vehicle trips during construction as the construction process would require up to 30 workers on site during any daytime shift. Assuming all workers would drive in personal vehicles to work each day, this would add 30 trips to peak hour traffic (AM and PM) on Interstate 880, Montague Expressway or Great Mall Parkway, and McCandless Drive for a total of 60 worker trips per day. While this number of trips could marginally increase local peak hour traffic, it would not be sufficient to significantly affect the existing Level of Service (LOS) on the Santa Clara County Congestion Management Program (CMP) roadways/intersections or other roads in the project vicinity. In addition, any construction-related impacts on LOS or other performance standards of the circulation system would be temporary.

The proposed pedestrian bridge is intended to improve mobility for non-motorized modes of transportation such as bicycling and pedestrian uses. Thus, in the long-term, the project would have no potential to affect LOS on surrounding roadways. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

c) The project site is approximately 3 miles from the San Jose International Airport, the closest airport to the project site. Given the project site's distance from the airport and the nature of the project, the proposed project would not alter existing air traffic patterns. Although this specific impact was not addressed in the Transit Area Specific Plan EIR, construction and operation of the new pedestrian bridge would not result in any impacts related to alteration of air traffic patterns.

d) The proposed bridge would be designed in a manner that is pedestrian-friendly. The bridge would employ pavement treatments, an approach railing on either end of the bridge, and a wall railing for safety purposes. These design features are expected to minimize any hazards due to design features. Although this specific impact was not addressed in the Transit Area Specific Plan EIR, construction and operation of the new pedestrian bridge would not result in any impacts related to hazards due to design features.

e) Given the nature of the project, development of a pedestrian bridge that provides connectivity between future trail segments, it would not substantially impair emergency access. No impacts beyond what

previously were disclosed in the Transit Area Specific Plan EIR have been identified. Although this specific impact was not addressed in the Transit Area Specific Plan EIR, construction and operation of the new pedestrian bridge would not result in any impacts related to inadequate emergency access.

f) Although the Transit Area Specific Plan did not contemplate this specific bridge, because the bridge would improve pedestrian circulation, the project would further adopted policies, plans, and programs that support alternative transportation. More specifically, the bridge would provide connectivity between trail segments contemplated by the Transit Area Specific Plan and further goals established by the City of Milpitas Trails Master Plan. As such, they would further adopted policies, plans, and programs that support alternative transportation. No impacts beyond those that previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

Specific Plan Policies that will Reduce the Impact:

None.

Conclusion

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
XV. Utilities and Service Systems					
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Less than significant impact	**No.** The proposed project would not exceed wastewater treatment requirements.	**No.** The proposed project would not exceed wastewater treatment requirements.	**No.** The proposed project would not exceed wastewater treatment requirements.	None
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Less than significant impact	**No.** The proposed project would not result in the construction of new water or wastewater treatment facilities.	**No.** The proposed project would not result in the construction of new water or wastewater treatment facilities.	**No.** The proposed project would not result in the construction of new water or wastewater treatment facilities.	None
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	No impact	**No.** The proposed project would not result in the construction of new stormwater drainage facilities.	**No.** The proposed project would not result in the construction of new stormwater drainage facilities.	**No.** The proposed project would not result in the construction of new stormwater drainage facilities.	None
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Less than significant impact	**No.** The proposed project would be served by adequate water supplies.	**No.** The proposed project would be served by adequate water supplies.	**No.** The proposed project would be served by adequate water supplies.	None
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Less than significant impact	**No.** The proposed project would be served by adequate wastewater treatment capacity.	**No.** The proposed project would be served by adequate wastewater treatment capacity.	**No.** The proposed project would be served by adequate wastewater treatment capacity.	None
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Less than significant impact	**No.** The proposed project would be served by a landfill with sufficient capacity.	**No.** The proposed project would be served by a landfill with sufficient capacity.	**No.** The proposed project would be served by a landfill with sufficient capacity.	None
g) Comply with federal, state, and local statutes and regulations related to solid waste?	Less than significant impact	**No.** The proposed project would comply with applicable statutes and regulations related to solid waste.	**No.** The proposed project would comply with applicable statutes and regulations related to solid waste.	**No.** The proposed project would comply with applicable statutes and regulations related to solid waste.	None

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
h) Encourage activities that resulted in the use of large amounts of fuel or energy, or used these resources in a wasteful manner?	Not evaluated in the Transit Area Specific Plan EIR (2008)	**No.** Although project construction would require irreversible energy consumption, the amount of energy consumed would be minimal given the project's short construction timeframe.	**No.** Although project construction would require irreversible energy consumption, the amount of energy consumed would be minimal given the project's short construction timeframe.	**No.** Although project construction would require irreversible energy consumption, the amount of energy consumed would be minimal given the project's short construction timeframe.	None

Discussion

a-e) The proposed project does not include any uses, features, or facilities that would generate additional demands and require new or expanded utilities or service systems (refer to discussion of growth inducement in question (a) in Section XII, "Population and Housing"). Therefore, the project would have no impacts related to new or expanded water or wastewater utilities beyond what previously were disclosed in the Transit Area Specific Plan EIR. The project would not alter these conclusions.

f, g) Construction activities associated with the pedestrian bridge would not involve demolition, which limits the potential for solid waste generation associated with these activities. Operation of the bridge would not generate substantial sources of solid waste. As such, no impacts related to solid waste beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

h) While construction-related energy consumption would be short-term in duration, this usage would represent irreversible consumption of fossil fuel energy resources. Direct energy use would include the consumption of refined petroleum products for construction equipment and vehicles. Electricity may also be used by some pieces of equipment. However, given the short construction timeframe and the relatively small construction crew, the amount of consumed electricity and petroleum products would be minimal. As described in Section VII, *Greenhouse Gas Emissions*, construction vehicles would be required to limit idling time, which would reduce the amount of fuel energy consumed during construction. Once construction is completed, operation of the project would not encourage use of fuel or electricity as the bridge would be used by non-motorized forms of transportation. For the reasons described above, and although this criterion was not evaluated in the Transit Area Specific Plan EIR, the project would not result in wasteful use of energy resources and this impact would be less than significant.

Specific Plan Policies that Reduce the Impact

None.

Conclusion

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
XVI. Mandatory Findings of Significance					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	No	**No.** The proposed project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.	**No.** The proposed project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.	**No.** The proposed project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.	None
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	No	**No.** The proposed project would not have cumulatively considerable impacts.	**No.** The proposed project would not have cumulatively considerable impacts.	**No.** The proposed project would not have cumulatively considerable impacts.	None
c) Does the project have environmental effects which will cause substantial adverse effects on human beings?	No	**No.** The proposed project would not have environmental effects that will cause substantial adverse effects on human beings.	**No.** The proposed project would not have environmental effects that will cause substantial adverse effects on human beings.	**No.** The proposed project would not have environmental effects that will cause substantial adverse effects on human beings.	None

Discussion

a) With implementation of BMPs and compliance with applicable General Plan policies and Specific Plan policies mentioned throughout this document, the proposed project does not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal species, or eliminate important examples of the major periods of California history or prehistory. Refer to Section IV, *Biological Resources*, and Section V, *Cultural Resources*, for additional detail regarding the project's potential effects on sensitive plant and animal species, and cultural resources, respectively. As described throughout this initial study, no impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b) As defined by the State of California, cumulative impacts reflect "the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probably future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time" (CEQA Guidelines, Section 15355[b]).

Other projects planned or approved in the immediate project vicinity include the McCandless Mixed Use Development Project and Harmony residential development projects, and the Lower/East Penitencia Creek Trail Project. CEQA documentation for these three projects has been finalized and the projects have been approved. Furthermore, although the SCVWD currently has no plans to implement any flood protection projects along Lower or East Penitencia creeks, the SCVWD may decide to implement such a project in the future given that similar flood protection projects are currently planned in other parts of Santa Clara County. In the event that SCVWD decides to implement any flood protection projects near the bridge, the City will coordinate with SCVWD to ensure that flood protection improvements are compatible with the bridge. As described in criterion a), above, implementation of BMPs and compliance with applicable General Plan policies and Specific Plan policies would ensure that the project does not result in any new cumulative impacts that previously were not addressed in the Transit Area Specific Plan EIR. The development of the project would not alter these conclusions.

c) As previously discussed, the development of the project will not have an adverse effect on human beings. No impacts beyond what previously were disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

Specific Plan Policies that Help Reduce Impact

None.

Conclusion

The conclusions from the Transit Area Specific Plan EIR remain unchanged.