

M E M O R A N D U M

DATE: October 22, 2015

TO: Bill Ekern, Interim Director, City of Milpitas

FROM: Judith H. Malamut, AICP, Principal; Sally Maxwell, Associate/Project Manager; and Nicole Catalano, Planner

SUBJECT: California Environmental Quality Act (CEQA) TASP FEIR Addendum for The District at Milpitas Project, Milpitas, California

This document, prepared pursuant to the California Environmental Quality Act (CEQA) and the regulations and policies of the City of Milpitas, is an Addendum to the Milpitas Transit Area Specific Plan Project Final Environmental Impact Report¹ (TASP FEIR), which was certified by the City of Milpitas (City) in May 2008. The TASP FEIR consists of the Draft EIR and the Final Environmental Impact Report (Response to Comments Document). This Addendum evaluates the project-specific environmental impacts related to The District at Milpitas project (proposed project or project), which is located in the southwest region of Milpitas. The City of Milpitas is the Lead Agency under CEQA.

The District at Milpitas project site is 26.7 acres in size and is located in the eastern portion of the TASP Area in Milpitas. The site is bounded by the Great Mall Parkway to the north, Montague Expressway to the east, Houret Drive to the south and a rail corridor to the west. The proposed project would involve the demolition of all existing structures and associated pavements on the site, grading and construction of 1,167 residential units, 83,842 square feet of ground floor retail, one hotel with 175 rooms, and associated landscaping and parking.

This Addendum is prepared pursuant to CEQA Guidelines Section 15164 which states: “The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Section 15162 specifies that “no subsequent EIR shall be prepared for that project unless the lead agency determines ... one or more of the following”:

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. Substantial changes occur with respect to the circumstances under which the project is undertaken 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; or

¹ Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report*. May.

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete was adopted, 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 shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Pursuant to CEQA Guidelines Section 15164(e), this Addendum summarizes The District at Milpitas project, the less-than-significant impacts associated with the project, and the reasons for the City's conclusion that changes to the proposed project and associated environmental effects do not meet the conditions described in CEQA Guidelines Section 15162 calling for preparation of a Subsequent EIR. This memorandum and attachments provide a description of The District at Milpitas Project (project) and substantial evidence to confirm that the potential project was included and the potential impacts were identified, evaluated, and mitigated as part of the TASP FEIR, per CEQA Guidelines Section 15164, and that no further CEQA review is required.

Attachment A provides a basic overview of The District project, including contact information for the applicant and lead agency.

Attachment B provides a complete project description of the project, location, existing site characteristics, proposed development, and required approvals and entitlements.

Attachment C provides the environmental checklist prepared for the project. Responses prepared for each CEQA topic demonstrate that the project was considered within the scope of the evaluation for the TASP FEIR and no new impacts are identified, no impacts are more severe, no new mitigation measures are required, and no substantial changes to the environmental circumstances have occurred leading to new or more severe previously identified impacts.

Attachment D provides the City's Development Checklist (Appendix C) that determines the measures that the proposed project would implement to demonstrate consistency with the City's Climate Action Plan.

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the TASP FEIR, certified in May 2008, which is hereby incorporated by reference.

ATTACHMENT A PROJECT INFORMATION

A. PROJECT TITLE

The District at Milpitas

B. PROJECT LOCATION

The proposed project is located on an approximately 27-acre site located in the southwestern portion of the City of Milpitas. The irregularly-shaped project area is generally bordered by Great Mall Parkway to the north, Montague Expressway to the east, Houret Drive to the South, and a railroad alignment to the west. The project site encompasses the following addresses: 1463, 1515, 1557 and 1585 Centre Pointe Drive; 1757, 271, 247, and 231 Houret Drive; and 1425 and 1320 McCandless Drive.

C. PROJECT SPONSOR'S NAME AND ADDRESS

Peter Zak, Lyon Communities
4901 Birch Street
Newport Beach, CA 92660
Phone: 949-633-7383

D. LEAD AGENCY CONTACT

Bill Ekern, Interim Director
City of Milpitas
Planning & Neighborhood Services Department
455 East Calaveras Boulevard
Milpitas, California 95035
Phone: 408-586-3274
Email: bekern@ci.milpitas.ca.gov

E. SUBJECT SITE ASSESSOR'S PARCEL NUMBERS

Assessor's Parcel Numbers [APN] for the project site are: 086-33-086, 086-33-087, 086-33-088, 086-33-089, 086-33-093, 086-33-101 and 086-41-009, 086-41-032, 086-41-033, 086-41-034

F. GENERAL PLAN LAND USE AND ZONING DESIGNATIONS

General Plan Land Use:

- Boulevard Very High Density Mixed Use,
- Residential Retail High Density Mixed Use
- Multi-Family Residential Very High Density

Zoning:

- Mixed Use – Boulevard with Transit Oriented Development (TOD) Overlay (MXD3-TOD)
- Mixed Use – Boulevard (MXD3)
- Mixed Use – High Density with Retail with TOD Overlay (MXD2-TOD)
- Multiple Family – High Density with TOD Overlay (R3-TOD)

G. HABITAT CONSERVATION

No habitat conservation plans or natural community conservation plans are located within the TASP Area, including the project site.

ATTACHMENT B PROJECT DESCRIPTION

The following describes The District at Milpitas (project). This section includes a description that focuses on the minor modifications proposed for The District from what was included and approved in the certified Milpitas Transit Area Specific Plan Project Final Environmental Impact Report¹ (TASP FEIR). This section includes a summary description of the TASP, The District's location and existing site characteristics, the minor modifications, required approvals, and entitlements. The City of Milpitas (City) is the CEQA lead agency for the project.

A. MILPITAS TRANSIT AREA SPECIFIC PLAN

In 2008, the City of Milpitas adopted the Milpitas Transit Area Specific Plan² (TASP) as a guide for development and redevelopment of its light industrial corridor near the future Bay Area Rapid Transit (BART) and current Valley Transportation Authority (VTA) station. The goals of the TASP are to create an attractive and livable neighborhood within walking distance of the future Milpitas BART and VTA light rail transit stations and to transform the older, light industrial area into a residential and commercial area that would meet demand for housing, offices, and shopping in the Bay Area. Milpitas designated the TASP to accommodate substantial growth, minimize impacts on local roadways, and reduce urban sprawl at the periphery of the region.

The TASP FEIR, certified in 2008, evaluated environmental impacts associated with implementation of the TASP. The TASP FEIR evaluates the environmental impacts of approximately: (1) 7,100 units of residential development; (2) 18,000 new residents; (3) 4,200 new jobs; and (4) development of one million square feet of office space; 285,000 square feet of retail space; and 175,000 square feet of hotels.

The TASP identifies subdistricts within the planning area, each having their own policies related to street design, land use, building height, setbacks, parks and building design. The project site is located within two subdistricts of the TASP: McCandless/Centre Pointe and Montague Corridor. The TASP FEIR evaluated potential development within The District area of approximately 1,633 dwelling units and 93,690 square feet of ground floor retail. The proposed minor modifications to the proposed project would allow a total of 1,169 dwelling units (464 fewer units), 83,842 square feet of ground floor retail (a difference of 9,848 square feet), and one hotel with 175 rooms.

¹ Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report*. May.

² Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan*. June. Amended December 2011.

B. PROJECT SITE

1. Location

As noted above, the proposed (project or proposed project) is entirely included within the TASP planning area. The proposed project area encompasses 26.57 acres in the southwestern portion of the City of Milpitas at the following addresses: 1463, 1515, 1557, and 1585 Centre Pointe Drive; 1757, 271, 247, and 231 Houret Drive; and 1425 and 1320 McCandless Drive. Land uses that generally border the irregularly-shaped project site include Great Mall Parkway to the north, Montague Expressway to the east, Houret Drive to the South, and a railroad corridor to the west. Figure 1 shows the site's regional and local context.

Regional vehicular access to the project site is provided by Interstate 80 (I-80) located to the west and by Interstate 680 (I-680) located to the east of the site. The future BART Milpitas station is currently under construction and will be co-located with the Montague Valley Transportation Authority (VTA) light rail station, less than 0.25 miles from the southeast boundary of the project site.

2. Site Characteristics and Current Site Conditions

The project site is generally level and includes several parcels as noted in Section 2.5 in Project Information section, above. Existing land uses on the project site include R&D light industrial and commercial office uses. The majority of the project site is covered with impervious surfaces, consisting of buildings and paved parking lots, driveways, and walkways. The site contains existing vegetation, as shown in Figure 2. Mature street trees and landscaped areas border the site on the north near the Great Mall Parkway and on the east near Montague Expressway. A vegetated channel of Penitencia Creek runs through the project site. A high-pressure gas transmission line is located south of the Penitencia Creek channel.

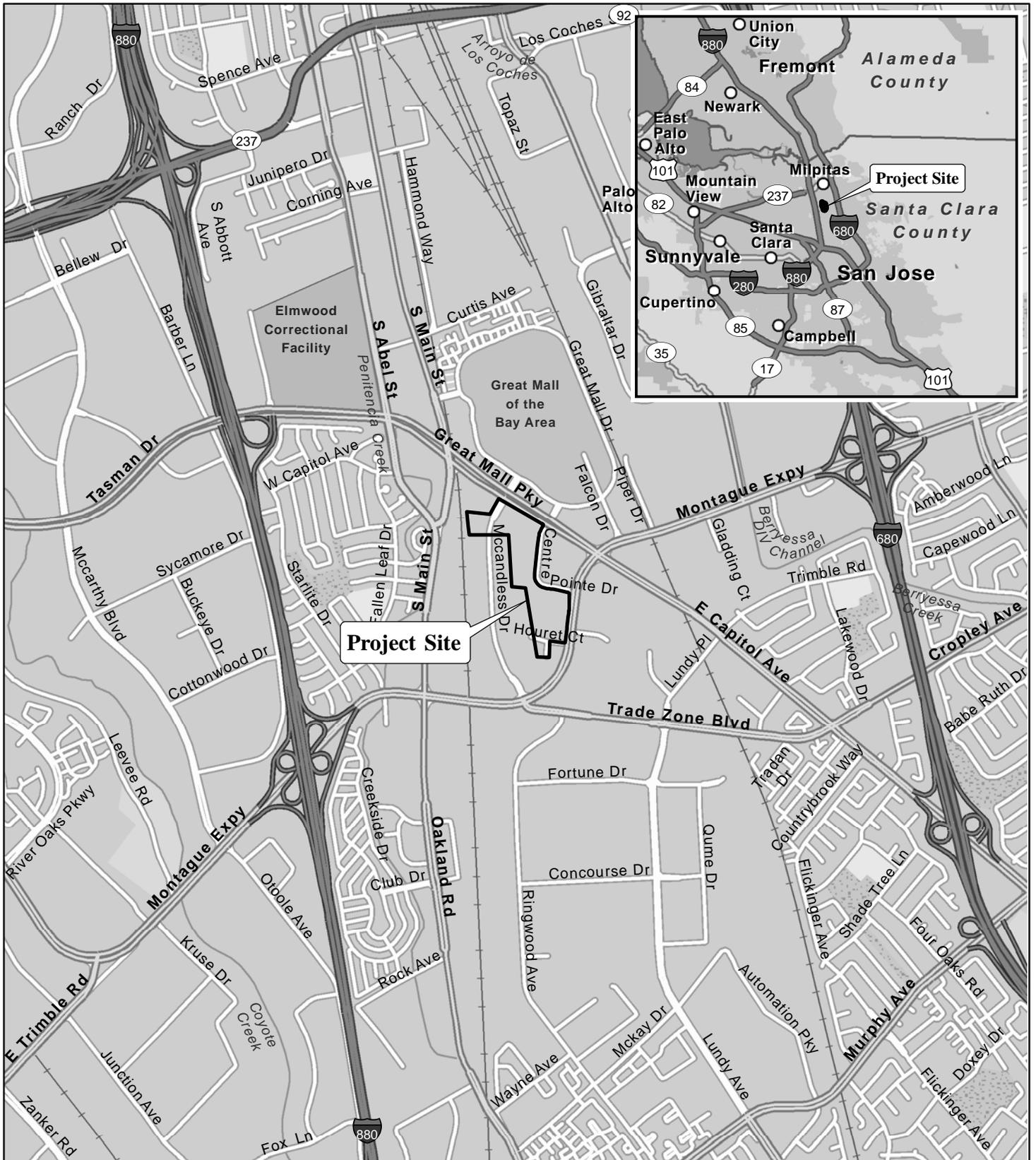
3. Existing General Plan and Zoning

The project site is currently designated in the General Plan as:

- Boulevard Very High Density Mixed Use
- Residential Retail High Density Mixed Use
- Multi-Family Residential Very High Density

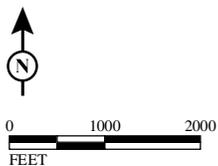
The entire project site is within the TASP planning area boundaries, and the TASP zoning district designations for the project area are:

- Mixed Use – Boulevard with Transit Oriented Development (TOD) Overlay (MXD3-TOD)
- Mixed Use – Boulevard (MXD3)
- Mixed Use – High Density with Retail with TOD Overlay (MXD2-TOD)
- Multiple Family – High Density with TOD Overlay (R3-TOD)



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FIGURE 1



SOURCE: ESRI STREETMAP NORTH AMERICA, 2012.

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The District at Milpitas Project
 Project Location and Regional Vicinity Map



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FIGURE 2



Project Site



SOURCES: GOOGLE EARTH, MARCH 2015; LSA ASSOCIATES, INC., 2015.

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The District at Milpitas Project
Aerial Photograph of Project Location

4. Surrounding Land Uses

The project site is located within the light industrial land-use corridor of Milpitas that is predominantly developed with commercial office parks and other buildings for industrial uses. New residential units as part of the TASP have been constructed adjacent to the project site. The project site is in proximity to the Great Mall shopping center in Milpitas, located approximately 0.25 miles north of the project site.

C. PROPOSED PROJECT

The applicant (Lyon Communities) is proposing to develop The District as a master planned project with a mix of retail, hotel, multi-family, and high-density for sale units organized in seven planning areas as shown in Figure 3: District Lot 2, District Lot 4, District Lot 3/Centre Point Site A, Centre Pointe Site B, Centre Pointe Site C, Houret 1, and Houret 2. An overall site plan for The District is shown in Figure 4. As noted previously, the applicant is proposing some minor modifications to the general plan designations and land uses proposed for The District from what was included and approved in the certified TASP FEIR. These minor modifications are discussed below.

1. Project Characteristics

The TASP FEIR evaluated the environmental impacts associated with implementation of the entire TASP of which The District is a part. Table 1 shows the housing units and population assumptions evaluated within the TASP FEIR, the number of approved units, and under construction units. As shown, the development associated with the proposed minor modifications to the proposed project is within the amount of growth evaluated and cleared within the TASP FEIR, and the proposed modifications to the proposed project are no greater overall than the amount of development evaluated and approved within the TASP FEIR. The TASP FEIR evaluated potential development within The District of approximately 1,633 dwelling units and 93,690 square feet of ground floor retail. The project proposes a total of 1,169 dwelling units, 83,842 square feet of retail, and one hotel with 175 rooms.

Table 1: Existing and Proposed Housing Units and Population within the TASP Area

	Evaluated Within The TASP FEIR	Approved and Not Yet Under Construction	Approved and Under Construction	2015 The District Project	Remaining Development Available
Housing Units	7,109 ^a	2,122	1,548	1,169	2,270
Population	17,915 ^a	5,348 ^b	3,901 ^b	2,941 ^b	5,725

^a Milpitas, City of. 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report*. May.

^b Estimated population associated with approved units, under construction units, and the TASP was determined by using the residents per unit evaluated within the TASP FEIR (17,915 residents/7,109 units = 2.52 residents per unit).

Source: LSA Associates, Inc., 2015.

Table 2 shows the proposed development within each of The District planning areas. Growth associated with The District would consist of approximately 66,421 square feet of general retail, two “neighborhood serving” retail areas of approximately 17,421 square feet, a 175-room hotel, and approximately 1,169 high-density multi-family units, a portion of which are for sale. Additional

information on The District can be found in the project files at the Milpitas Planning and Neighborhood Services Department, 455 East Calaveras Boulevard, Milpitas, CA 95035.

The applicant for The District proposes changes to the General Plan and TASP land-use and zoning designations for Centre Pointe Site B. These changes would include a General Plan Amendment, a TASP Amendment, and a Rezone for portions of Centre Pointe Site B, specifically for parcels APN 86-33-087 and APN 86-33-086. These Amendments would change the existing Residential Retail High Density Mixed Use (RRMU) land-use designations on Centre Pointe Site B to High Density Transit Oriented Residential (HDTOR). These changes would be made to both the General Plan Land Use Map and the TASP Land Use Map. In addition, the project would include an amendment to the TASP Zoning District Map Figure 5-21 to change the TASP zoning designation for portions of Centre Pointe Site B from Mixed Use High Density with Retail Transit Oriented Development (MXD2-TOD) to Multiple Family High Density Transit Oriented Development (R3-TOD). Figure 5 and Figure 6 illustrate the existing and proposed changes to Centre Pointe Site B associated with the project.

Table 2: Proposed Modifications to The District at Milpitas Project Summary

Planning Area	Acreage	Building Density, Height, Retail
District Lot 2	2.585 acres	<ul style="list-style-type: none"> • 218 du (84.3 du/ac) • 3,480 sq. ft. ground floor retail • 5 stories
District Lot 4	3.125 acres	<ul style="list-style-type: none"> • 173 du (55.4 du/ac) • 13,941 sq. ft. ground floor retail • 5 stories
District Lot 3/Centre Pointe Site A	4.470 acres	<ul style="list-style-type: none"> • 175 room hotel w/ground floor retail (7,286 sq. ft.) • 9-story hotel • 59,135 sq. ft. retail • 423 du (94.6 du/ac) • 4-9 floors rental above ground floor retail • 10 floor rental
Centre Pointe Site B	4.685 acres	<ul style="list-style-type: none"> • 105 du (22.4 du/ac) • 3- and 4-story for sale units • Loft Split, 4 stories • Split Loft
Centre Pointe Site C	5.95 acres	<ul style="list-style-type: none"> • 136 du (22.85 du/ac) • 3- and 4-story for sale units • Loft Split, 4 stories • Split Loft
Houret 1	4.27 acres	<ul style="list-style-type: none"> • 83 du (19.43 du/ac) • 3- and 4-story for sale units
Houret 2	1.03 acres	<ul style="list-style-type: none"> • 31 du (27.18 du/ac) • 3 stories
Total	26.115 acres	<ul style="list-style-type: none"> • Multi-Family: 814 units (mapped as condos, but operated for rent) • For Sale: 352 du • Total du: 1,169 • Retail: 83,842 sq. ft. • Hotel rooms: 175 rooms

Notes:

ac = acre

du = dwelling units

sq. ft. = square feet

Source: Lyon Communities, 2015.

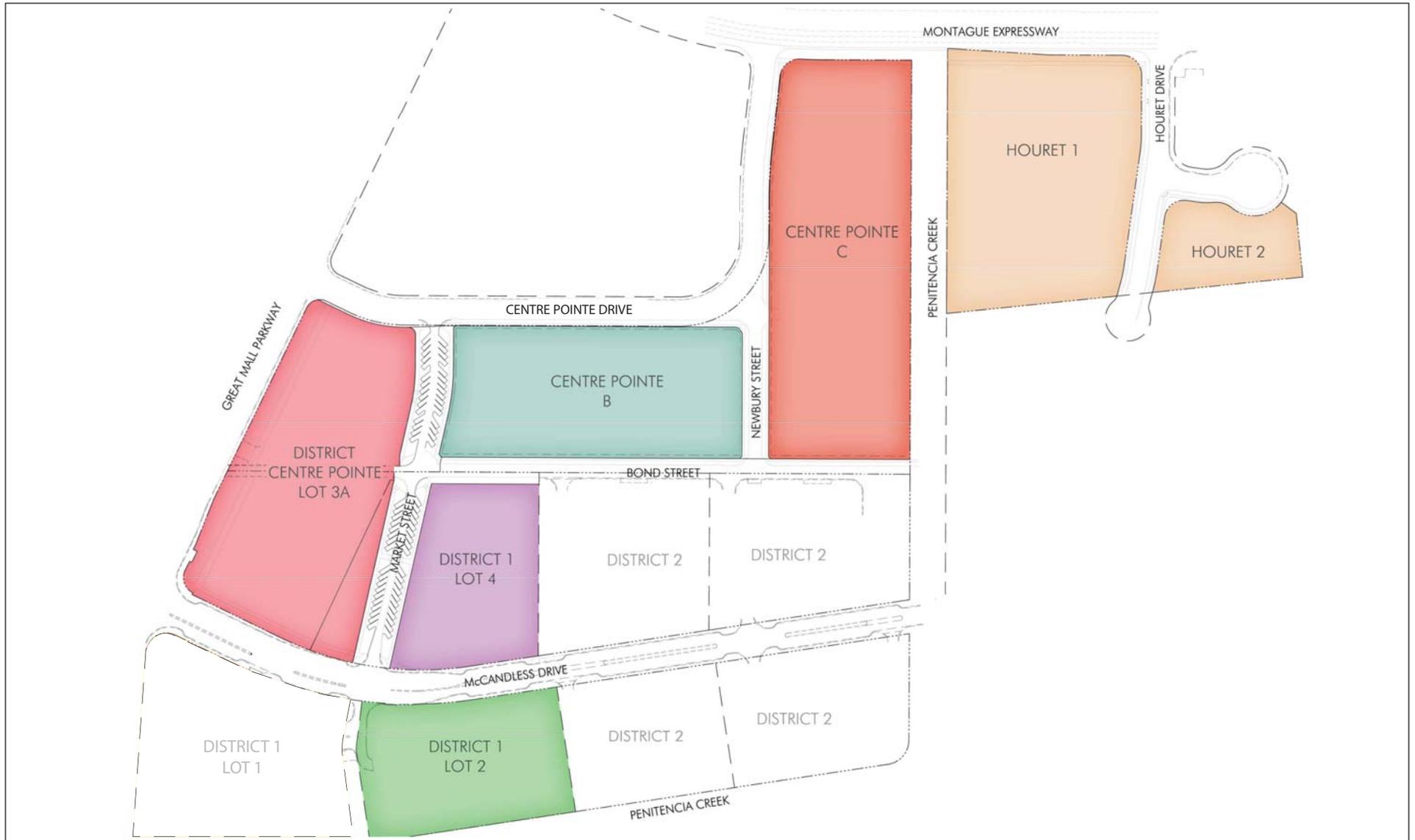


FIGURE 3

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NOT TO SCALE

SOURCE: URBAN ARENA, JUNE 2015.

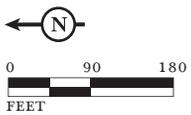
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The District at Milpitas Project
Site Map



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FIGURE 4



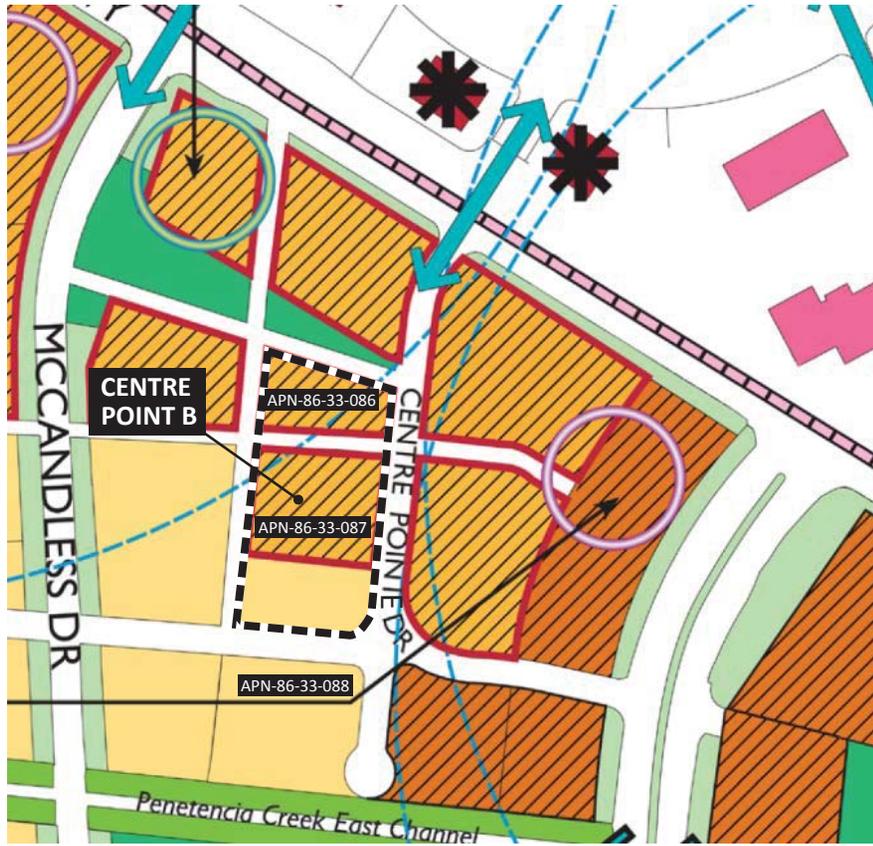
SOURCE: URBAN ARENA, OCTOBER 8, 2015.

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The District at Milpitas Project
Overall Site Plan

Existing General Plan and Specific Plan

Proposed General Plan and Specific Plan



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NOT TO SCALE

-  Residential-Retail High Density Mixed-Use
-  Very High Density Transit-Oriented Residential
-  High Density Transit-Oriented Residential
-  Retail Transit-Oriented
-  Density Bonus

-  Parks/Plazas/Community Facilities
-  Linear Parks & Trails
-  Landscaped Front Yards & Buffers
-  Centre Pointe B
-  VTA Light Rail Transit
-  Pedestrian Connection

-  Potential Hotel Sites
-  Potential Grocery Store Site

FIGURE 5

The District at Milpitas Project
 Existing and Proposed General Plan Land Use and
 TASP Designations for Centre Pointe Site B

SOURCE: URBAN ARENA, JUNE 2015.

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Not To Scale

-  Multi-Family Residential, High Density (R3)
-  Mixed-Use, High Density (MXD2)
-  Mixed-Use, Very High Density (MXD3)
-  General Commercial (C2)
-  Park and Open Space (POS)

 Centre Point B

FIGURE 6

The District at Milpitas Project
Existing and Proposed Zoning for
Centre Point Site B

SOURCE: URBAN ARENA, JUNE 2015.

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Table 3 describes the existing and proposed General Plan Land Use, TASP Land Use, and TASP Zoning Districts designations for The District planning areas.

Table 4 describes, by planning area, the existing and proposed TASP land-use and zoning designations, and the proposed changes to The District.

TASP Policy 3.8 allows deviations in density and intensity for certain portions of the overall project, provided that the overall project density is within the density range. With the proposed changes, The District as a whole would result in a reduction of densities, heights, retail square feet, and the number of dwelling units compared to the development projections for The District evaluated in the TASP FEIR. The TASP FEIR evaluated potential development within The District of approximately 1,633 dwelling units and 93,690 square feet of retail. The project proposes a total of 1,169 dwelling units, 83,842 square feet of retail, and one hotel with 175 rooms. The project would include building heights that are mostly in the range of 3 to 10 stories as opposed to the 12-story maximum analyzed in the TASP. The proposed changes to The District are consistent with TASP Policy 3.8.

Overall, The District would include 464 fewer dwelling units, 9,848 fewer square feet of retail, and a new hotel with 175 rooms. District Lot 4, CentrePointe Site C, Houret 1, and Houret 2 would have fewer dwelling units than analyzed for the TASP while District Lot 2, District Lot 4, and Centre Pointe Site B would have less retail than analyzed for the TASP.

While there would be a decrease in building density and intensity for The District overall, there would be increased density and intensity for two project areas: Lot 2 and Lot 3/Centre Pointe Site A. The TASP FEIR assumed a maximum number of 155 dwelling units for District Lot 2 whereas the project proposes 218 dwelling units. The TASP assumed a maximum total of 263 dwelling units for District Lot 3/Centre Pointe Site A and 22,714 square feet of retail, whereas the project proposes 423 dwelling units, 59,135 square feet of retail, and a 9-story, 175-room hotel. The TASP FEIR evaluated a hotel in the TASP study area adjacent to the project site on Lot 1, and the project proposed and approved for Lot 1 no longer includes a hotel.

Table 3: The District – Existing and 2015 Proposed Land Use Designations and Zoning Districts

Planning Area	Existing General Plan Land Use Designation^a	2015 Proposed General Plan Land Use Designation	Existing TASP Land Use Designation^b	2015 Proposed TASP Land Use Designation	Existing TASP Zoning District Designation^c	2015 Proposed TASP Zoning District Designation
District Lot 2	Residential Retail High Density Mixed Use (RRMU)	No change	Residential-Retail High Density Mixed Use	No change	Mixed Use High Density with Retail (MXD2 –TOD)	No Change
District Lot 4	Residential Retail High Density Mixed Use (RRMU)	No change	Residential-Retail High Density Mixed Use	No change	Mixed Use High Density with Retail (MXD2 –TOD)	No Change
District Lot 3/ Centre Pointe Site A	Residential Retail High Density Mixed Use (RRMU)	No change	Residential-Retail High Density Mixed Use	No change	Mixed Use High Density with Retail (MXD2 –TOD)	No Change
Centre Pointe Site B APN 86-33-086 (0.625 acres) and all of 86-33-087	Residential Retail High Density Mixed Use (RRMU)	High Density Transit Oriented Residential (HDTOR)	Residential -Retail High Density Mixed Use for	High Density Transit Oriented Residential (HDTOR)	Mixed Use High Density with Retail (MXD2 –TOD)	Multiple Family- High Density (R3 -TOD)
Centre Pointe Site B APN 86-33-088	High Density Transit Oriented Residential (HDTOR)	No change	High Density Transit Oriented Residential (HDTOR)	No change	Multi-family Residential, High Density (R3-TOD)	No change
Centre Pointe Site C	Boulevard Very High Density Mixed Use (BVMU); Multi-family Residential High Density (MFHD)	No change	Boulevard Very High Density Mixed Use (BVMU); High Density Transit Oriented Residential (HDTOR)	No Change	Mixed Use Boulevard (MXD3-TOD); Multiple Family- High Density (R3 -TOD)	No Change
Houret Lot 1	Boulevard very High Density Mixed Use (BVMU)	No change	Boulevard Very High Density Mixed Use (BVMU)	No Change	Mixed Use Boulevard (MXD3) No TOD	No Change
Houret Lot 2	Boulevard very High Density Mixed Use (BVMU)	No change	Boulevard Very High Density Mixed Use (BVMU)	No Change	Mixed Use Boulevard NO TOD	No Change

^a Milpitas, City of, 2012. *Milpitas General Plan*. General Plan Land Use Map. Figure 2-1. October.

^b Dyett & Bhatia, 2008. *Milpitas Transit Area Specific Plan*, Figure 3-1, June, (amended December 2011).

^c Dyett & Bhatia, 2008. *Milpitas Transit Area Specific Plan*, Figure 5-21, June, (amended December 2011).

Source: LSA Associates, Inc., 2015.

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
LOT 2: 2.585 ACRES						
Designation	Residential Retail High Density Mixed Use (RRMU)	Mixed Use-High Density with Retail Transit Development Overlay (MXD2-TOD)	No change	No change	No change	No Change
Density	31 du/ac minimum gross 40-50 du/ac maximum gross Increase density permitted in TOD area, with CUP of up to 60 du/ac	31-50 du/ac Bonus of up to 25% above maximum allowed	No change	No change	218 du (84.3 du/ac)	Increased Density <ul style="list-style-type: none"> • Density > 60 du/ac • 155 units permitted at max • 63 units more than what was evaluated at maximum
Height	4 to 12 stories	6 stories 12 stories for sites with frontage on Great Mall Parkway	No change	No change	5 stories	Decreased Heights <ul style="list-style-type: none"> • Heights <6-12
Retail	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	No change	No change	3,480 sq. ft. ground floor retail	Decreased Retail <ul style="list-style-type: none"> • 16,000 sq. ft. evaluated in TASP • 12,520 sq. ft. less than what was evaluated
LOT 4: 3.125 ACRES						
Designation	Residential Retail High Density Mixed Use (RRMU)	Mixed Use-High Density with Retail Transit Development Overlay (MXD2-TOD)	No change	No change	No change	No change
Density	31 du/ac minimum gross 40-50 du/ac maximum gross Increase density permitted in TOD area, with CUP of up to 60 du/ac	31-50 du/ac Bonus of up to 25% above maximum allowed	No change	No change	173 du (55.4 du/ac)	Decreased Density <ul style="list-style-type: none"> • Density <60 du/ac • 187 units permitted at max • 14 units fewer than evaluated in TASP
Height	4 to 12 stories	6 stories 12 stories for sites with frontage on Great Mall Parkway	No change	No change	5 stories	Decreased Heights <ul style="list-style-type: none"> • Heights < 6-12 stories
Retail	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	No change	No change	13,941 sq. ft. ground floor retail	Decreased Retail <ul style="list-style-type: none"> • 19,375 sq. ft. evaluated in TASP • 5,434 sq. ft. less than evaluated in TASP

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
LOT 3 / CENTRE POINTE SITE A: 4.47 ACRES						
Designation	Residential Retail High Density Mixed Use (RRMU)	Mixed Use-High Density with Retail Transit Development Overlay (MXD2-TOD)	No change	No change	No change	No change
Density	31 du/ac minimum gross 40-50 du/ac maximum gross Increase density permitted in TOD area, with CUP of up to 60 du/ac	31-50 du/ac Bonus of up to 25% above maximum allowed	No change	No change	175 rooms (hotel) 423 du (94.6 du/acre)	Increased density <ul style="list-style-type: none"> Density > 60 du/ac 263 units permitted at max 160 units more than evaluated in TASP
Height	4 to 12 stories	6 stories 12 stories for sites with frontage on Great Mall Parkway	No change	No change	4 to 10 stories	Decreased heights <ul style="list-style-type: none"> Heights < 12 stories
Retail	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	No change	No change	59,135 sq. ft. building 3A 4,643 sq. ft. hotel 2,643 sq. ft. leasing 66,421 total	Increased retail <ul style="list-style-type: none"> 27,714 sq. ft. of retail evaluated in TASP 29,268 sq. ft. more than evaluated in TASP
CENTRE POINTE SITE B: 4.685 ACRES						
Designation APN 86-33-086 and APN 86-33-087	Residential Retail High Density Mixed Use (RRMU)	Mixed Use-High Density with Retail Transit Development Overlay (MXD2-TOD)	High Density Transit Oriented Residential (HDTOR)	Multiple Family-High Density Transit Oriented Development Overlay (R3-TOD)	Land Use and Zoning change	TASP Land Use change for APN 86-33-086 (0.625 acres) and all of APN 86-33-087 TASP Zoning change for APN 86-33-086 (0.625 acres) and all of APN 86-33-087
Designation APN 86-33-088	High Density Transit Oriented Residential (HDTOR)	Multi-family Residential, High Density (R3-TOD)	No change	No change	No change	No change

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
Density APN 86-33-086 and APN 86-33-087	31 du/ac minimum gross 40-50 du/ac maximum gross Increase density permitted in TOD area, with CUP of up to 60 du/ac	31-50 du/ac Bonus of up to 25% above maximum allowed	21 du/ac minimum average gross density 40 du/ac maximum average gross density Gross densities of individual projects maybe <21 or >40, provided that area development complies with average gross density Increased density permitted with TOD of 25% of maximum density	21-40 du/ac No density bonus	105 du (22.4 du/ac)	Decreased density <ul style="list-style-type: none"> • Density < 31 du/ac • 281 units permitted at max • 175 units fewer than evaluated in TASP
Density APN 86-33-088	21 du/ac minimum average gross density 40 du/ac maximum average gross density Gross densities of individual projects maybe <21 or >40, provided that area development complies with average gross density Increased density permitted with TOD of 25% of maximum density	21-40 du/ac No density bonus	No change	No change	No change	No change
Height APN 86-33-086 and APN 86-33-087	4 to 12 stories	6 stories 12 stories for sites with frontage on Great Mall Parkway	3 to 5 stories	6 stories	3 to 4 stories	Decreased Heights <ul style="list-style-type: none"> • Heights < 6-12 stories

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
Height APN 86-33-088	3 to 5 stories	6 stories	No change	No change	No change	No change
Retail APN 86-33-086 and APN 86-33-087	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	200 sq. ft. of retail or restaurant space required per unit, using the minimum density (or minimum units required)	No retail permitted	No retail permitted	No retail	Decreased Retail <ul style="list-style-type: none"> • 29,047 sq. ft. evaluated in TASP • 29,047 less sq. ft. of retail than evaluated in TASP
Retail APN 86-33-088	No retail permitted	No retail permitted	No change	No change	No change	No change
CENTRE POINTE SITE C: 5.95 ACRES						
Designation	Boulevard Very High Density Mixed Use (BVMU) High Density Transit Oriented Residential (HDTOD)	Mixed Use Boulevard (MXD3-TOD) And Multiple Family (R3 –TOD)	No change	No change	No change	No change
Density	(BVMD): 41 du/ac minimum gross and 60 maximum 75 du/ac with TOD 90 du/ac with CUP (HDTOD): 21 du/ac minimum; 40 du/ac maximum Increased densities can be greater than 40 du/ac provided that area development complies with average gross density Increased density permitted with TOD of 25% of maximum density permitted	(MXD3-TOD): 41-75 du/ac Bonus: Up to 25% additional density increase with Use Permit And (R3-TOD): 21-40 du/ac No bonus	No change	No change	136 du (22.94 du/ac)	Decreased Density <ul style="list-style-type: none"> • Density < 41 du/ac for BVMU • 446 units evaluated in TASP for BVMU • 310 units fewer than evaluated for BVMU • Density < 40 du/ac for HDTOD • 238 units evaluated in TASP For HDTOD • 102 units fewer than evaluated in TASP for HDTOD
Height	(BVMD): 4 to 12 stories (HDTD): 3 to 5 stories	MXD3-TOD): 12 stories (Up to 20 stories with CUP) And (R3-TOD): 6 stories	No change	No change	3 to 4 stories	Decreased Height <ul style="list-style-type: none"> • Heights < 6-12 stories

Table 4: Existing and Proposed Changes to TASP Land Use and Zoning Associated with The District 2015 Proposed Project

Planning Area	TASP Land Use	TASP Zoning	2015 Changes to TASP Land Use	2015 Changes to TASP Zoning	2015 Proposed Project	Changes Due to 2015 Proposed Project
Retail	BVMD: Ground floor retail and restaurants and neighborhood serving services permitted HDTOD: no retail	No retail required	No change	No change	No retail	No change
HOURET 1: 4.27 ACRES						
Designation	Boulevard Very High Density Mixed Use (BVMU)	Mixed Use Boulevard (MXD3)	No change	No change	No change	No change
Density	BVMU: 41 du/ac minimum gross and 60 maximum 75 du/ac with TOD 90 du/ac with CUP	41-75 du/ac Bonus: Up to 25% additional density increase with Use Permit	No change	No change	83 du (19.44 du/ac)	Decreased Density <ul style="list-style-type: none"> • Density < 41 du/ac • 384 units evaluated in TASP • 297 units fewer than evaluated in TASP
Height	4 to 12 stories	12 stories (Up to 20 stories with CUP)	No change	No change	3 to 4 stories	Decreased Heights <ul style="list-style-type: none"> • Heights < 12 stories
Retail	Ground floor retail and restaurants and neighborhood serving services permitted	No retail	No change	No change	No retail	No change
HOURET 2: 1.03 ACRES						
Designation	Boulevard Very High Density Mixed Use (BVMU)	Mixed Use Boulevard (MXD3), no TOD	No change	No change	No change	No change
Density	BVMU: 41 du/ac minimum gross and 60 maximum 75 du/ac with TOD 90 du/ac with CUP	Mixed Use Boulevard (MXD3), no TOD	No change	No change	31 du (30.09 du/ac)	Decreased Density <ul style="list-style-type: none"> • Density < 60 du/ac • 93 units evaluated in TASP • 72 units fewer than evaluated in TASP
Height	4 to 12 stories	12 stories (Up to 20 stories with CUP)	No change	No change	3 stories	Decreased Heights <ul style="list-style-type: none"> • Heights < 4-12 stories
Retail	Ground floor retail and restaurants and neighborhood serving services permitted	No retail	No change	No change	No retail	No change

Notes:

ac = acre; du = dwelling units; sq. ft. = square feet

Source: Dhyett & Bhatia, 2008. *Milpitas Transit Area Specific Plan*. June (amended in 2011); Lyon Communities, 2015.

2. Access, Circulation and Parking

The proposed project would include street landscaping, circulation improvements, land to accommodate the alignment of two pedestrian bridges over Penitencia Creek, and a landing area for a pedestrian bridge over Montague Expressway. Because the project site is located within the 100-year flood zone, the project would be graded to ensure that all residential and commercial development pads be raised above the flood zone. Market Street and Newbury Street would be designed and constructed to provide flood paths in the event of a 100-year storm.

Two new access driveways would be constructed in District Lot 3. One driveway is proposed as a right-turn only driveway off of Great Mall Parkway and the second driveway is a right in/out off of Centre Pointe Drive. A right-turn lane would be provided for the Great Mall Parkway access drive. This would require removal of mature trees along Great Mall Parkway. The access to District Lot 2 would be moved off of McCandless Drive, south of Market Street. This would separate Lot 2 access from sharing access with District Lot 1 (not part of the proposed project) at McCandless and Market. Market Street would also be modified to provide two-way traffic to facilitate better circulation and access through the project area. Specifically, the modification on Market Street would provide one access driveway for District Lot 3 at the intersection of Bond and Market Streets.

A new street would be constructed between Newbury and Penitencia Creek (Drive G). The proposed project would provide landscaping on the southern side of Newbury, and would stripe a new four-way stop, intersection at the intersection of Newbury, Centre Pointe Drive, and Drive G. The proposed project would also provide landscaping and on-street parking along Market Street that is proposed as a two-way street. The proposed project would also provide improvements to Centre Pointe Drive to remove the existing horizontal curb. The project would provide improvements and landscaping to the portions of McCandless Drive and Bond Street that border the project area. These changes would result in the removal of mature trees along Centre Pointe Drive and Bond Street.

Parking for District Lot 2, District Lot 4 and District Lot 3/ Centre Pointe A would be provided through a parking structure located in the interior of each planning area, with additional street parking provided on Market Street. Parking for the for-sale units in Centre Pointe Site B, Centre Pointe Site C, and Houret 1 and 2 would be provided in street-level garages associated with each unit

3. Utilities and Infrastructure

The project site is located in an urban area and is currently served by existing utilities, including: water, sanitary sewer, storm drainage, electricity, and telecommunications infrastructure. Existing and proposed utility connections are discussed below.

a. Water. Water service in the City of Milpitas is provided by the Santa Clara County Water District (SCVWD). Existing water lines within the vicinity of the site include 12-inch water lines beneath Bond Street, Centre Pointe Drive, Great Mall Parkway, Houret Drive, and an 8-inch water line in Newbury Street. The project proposes a new 12-inch water line in Market Street. The proposed project would connect directly to those existing lines.

b. Wastewater. The San José/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for Milpitas. The City of Milpitas maintains existing sanitary sewer lines within the vicinity of the site. The proposed project would connect directly to these lines, which are 8-inch lines located beneath Montague Expressway, Houret Drive, Centre Pointe Drive, and McCandless

Drive. The project proposes a new 8-inch sanitary sewer line in Market Street. An existing 8-inch sanitary sewer manhole is also located on Montague Expressway. The proposed project would connect to those lines.

c. Stormwater. The Santa Clara Valley Water District owns and maintains most of the storm-water infrastructure within the City of Milpitas, including the project site. Existing storm drainage infrastructure surrounding the site includes the following: 39-inch storm drainage line underneath Newbury Street, a 15-inch and 42-inch storm drainage line underneath Bond Street, a 27-inch and 33-inch storm drainage line beneath Centre Pointe Drive, a 15-inch storm drainage line underneath Houret Drive, an 18-inch storm drain in McCandless, an 18-inch storm drainage line beneath Montague Expressway, and a proposed 15-inch storm drain in Market Street. The proposed project would connect to those lines.

In addition, bioretention areas would be incorporated into the landscape design to provide appropriate vegetation and water quality treatment, including in open spaces, street frontages, and paseos. On site drainage has been designed consistent with the C3 requirements for Low Impact Development and Special Project Categories. All walkways within the open space area of the development would be sloped to drain onto the surrounding landscaping.

This project would extend the existing recycled water main in Centre Pointe Drive to the project site to provide recycled water for irrigation.

d. Electricity and Natural Gas. Electricity and natural gas services to the site are provided by Pacific Gas and Electric Company (PG&E). Existing underground utility connections and gas mains provide electricity and gas to the project site. The proposed project would connect to these existing lines and any new electrical lines would be installed underground. To reduce energy usage, the project would incorporate green building measures in compliance with CALGreen's 2013 standard building measures for residential buildings and Title 24 requirements.

e. Construction. Development of the proposed project would require demolition of existing structures and site grading of each planning area. Construction is anticipated to occur over approximately 36 months, starting in March 2016 and ending in March 2019.

D. APPROVALS/PERMITS

The following approvals and permits would be required for the project:

- General Plan Amendment
- TASP Amendment
- Application for Zone Change
- Site Development Permits
- Conditional Use Permits
- Vesting Tentative "B" Level Map Permits
- Demolition Permits
- Building Permits

- Off-Site (Encroachment) Permits
- Tree Removal Permits

The City has already approved Vesting Tentative Maps for the following two project areas: District Lots 2 and Lot 4.

ATTACHMENT C
ENVIRONMENTAL CHECKLIST
PURSUANT TO CEQA GUIDELINES SECTION 15168

CEQA Guidelines 15168(c)(4) recommends using a written checklist or similar device to confirm whether the environmental effects of a subsequent activity were adequately covered in a program EIR. This checklist confirms that the modified The District project is within the scope of the Transit Area Specific Plan Final EIR (TASP FEIR) and will have no new or more severe significant effects and no new mitigation measures are required.

In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the TASP FEIR, certified in May 2008, which is hereby incorporated by reference.

This checklist describes and evaluates potential changes to environmental impacts from the proposed revised project as they relate to impacts identified in the TASP FEIR. The focus of this analysis is on impacts specific to the revised project and that differ from those identified in the TASP FEIR.

This environmental checklist is used to: (1) compare the environmental impacts of the proposed revised project with impacts expected to result from development approved in the TASP and evaluated in the TASP FEIR; (2) to identify whether the proposed project would result in new or more severe significant environmental impacts; and (3) to identify if substantial changes with respect to the circumstances under which the project would be undertaken since the TASP FEIR was certified would result in new or more severe significant environmental effects.

Mitigation Measures are measures that would minimize, avoid, or eliminate a significant impact. The analysis contained herein evaluated each topic to identify whether additional mitigation measures beyond those identified in the TASP FEIR would be warranted. As discussed for each topic in the Checklist, no new mitigation measures would be required for the modified project.

A Traffic Operations Analysis^{1,2} was prepared to assess the potential traffic effects of the modified project and surrounding area. The air quality, greenhouse gas emissions, and noise analyses for the modified project were based on this project-specific traffic analysis. The results of the studies reflect that there have been no substantial changes in environmental circumstances that would result in new or more severe significant environmental effects associated with the modified project, and no new mitigation measures or alternatives are required as a result of this analysis.

¹ Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Traffic Operations Analysis (Revised) Memorandum*. September 10.

² Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Additional Retail and Residential Units Memorandum*. October 13.

As a result of a site reconnaissance by LSA personnel on September 23, 2015, minor changes on the site related to the removal of trees was identified, as discussed in Checklist Section IV. Biological Resources and evaluated in the TASP Draft EIR in Section 3.8, Biological Resources. However, there have been no substantial changes in environmental circumstances that would result in new or more severe significant environmental effects associated with the modified project, and no new mitigation measures or alternatives are required as a result of this analysis.

For all other environmental topics addressed in the Checklist as identified in each topical section, there have been no substantial changes in environmental circumstances that would result in new or more severe significant environmental effects than were evaluated and identified in the TASP FEIR.

ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Scenic Vistas

The project site is not located within a scenic viewshed or along a State Scenic Highway or other scenic highway. Flat topography and existing urban development constrain scenic vistas in the vicinity of the project site. Views of the Milpitas foothills to the northeast are available from the project site only when viewed from the public rights-of-way along McCandless Drive and Centre Pointe Drive. No on-site parks, open space lands or public lands adjacent to or in the vicinity of the proposed project have views of the foothills. Furthermore, as described in the TASP FEIR, the City's visual resources are outside of the TASP Area. Therefore, the impacts associated with the proposed project would not result in new impacts to scenic vistas or substantially increase the severity of the less-than-significant impacts to scenic vistas identified in the TASP FEIR.

Scenic Resources

Few scenic resources remain within the TASP Area as the street trees on McCandless Drive, which were considered visual resources³ in the TASP FEIR, have been removed and replaced with new trees. The mature trees on Centre Pointe Drive and on the south side of Great Mall Parkway remain.

Portions of the proposed project are located along McCandless Drive, Great Mall Parkway, and Centre Pointe Drive. The proposed project would create new curb cuts along all three streets. As the TASP FEIR describes, the TASP includes policies to retain trees along McCandless Drive, Great Mall Parkway, and Centre Pointe Drive. As an earlier project has already replaced the trees along

³ Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan EIR, Section 3.2 Visual Resources*. October.

McCandless Drive, the policy as it relates to McCandless Drive no longer relates to this project. If the project were to remove mature trees along Great Mall Parkway and Centre Pointe Drive and to replace them with new trees, the loss of these trees would remain a less-than-significant impact as the project would still comply with the City's Tree Maintenance and Protection Ordinance. Therefore, the proposed project would not create impacts related to scenic resources that are new or more significant than those analyzed in the TASP FEIR.

Visual Character

The TASP aims at improving the existing aesthetic value of the Transit Area and calls for new parks, trails, landscape buffers, and other design policies that would result in the enhancement of the visual character of the TASP Area. The TASP includes specific design standards to create a unified appearance to the Transit Area, consistent setbacks, landscaped buffers, street trees, and parks, which the TASP FEIR analyzed. The proposed project would conform to these design standards by providing street landscaping, landscaped paseos along pedestrian walkways, and landscaped setback areas.

When the TASP FEIR evaluated the TASP, the existing area surrounding the project site included a collection of industrial parks with several one-story buildings used for R&D light industrial purposes and associated parking. Since adoption of the TASP FEIR, developers have built and continue to build high-density residential uses in the TASP Area. New residential development within the project vicinity consists of buildings that are approximately three to five stories in height.

The building heights of the proposed project would change the visual character of the existing site. The existing uses on the proposed project site are low-lying industrial buildings. The TASP allows buildings along Great Mall Boulevard and Montague Parkway up to 12 stories in height and up to 24 stories with design review. The proposed project would construct buildings that are lower than 12 stories and thus would meet the building height limits set forth in the TASP design standards. The tallest structures in Lot 3/Centre Pointe Site A would be the proposed hotel with nine stories and the multi-family residential structure with 10 stories. The remaining structures proposed for the project range from three to four stories in height, which would be lower than building heights contemplated under the TASP. The project would not degrade the visual character of the project site or result in impacts to visual character that would be more severe than those impacts analyzed in the TASP FEIR.

Light and Glare

Redevelopment of the TASP Area would result in the introduction of new sources of light and glare on the project site. As discussed in the TASP FEIR, development standards and policies would limit new sources of light and glare in the TASP Area. To minimize potential light and glare impacts, the proposed project would implement and be consistent with TASP development standards that address street and outdoor lighting. Therefore, the proposed project would not create impacts related to light and glare that would be new or more significant than those analyzed in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was

certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES TO REDUCE THE IMPACT

TASP Policies

- *Policy 4.66: Do not create new curb cuts along McCandless Drive or Centre Pointe Drive, in order to preserve the existing trees and to create a pedestrian environment along the street.*
- *Policy 6.41: Construct a continuous trail network as delineated in the Transit Area Plan through land dedication and improvements by property owners in coordination with the Santa Clara Valley Water District and the City of Milpitas.*
- Development Standard: Utilities shall be underground or in subsurface conduits and accessible.

CONCLUSION

The TASP FEIR adequately evaluated the potential aesthetic impacts of The District project.

Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
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II. AGRICULTURAL AND FORESTRY RESOURCES.
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
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 a non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

The TASP FEIR did not analyze agriculture as the TASP Area is urban without any agricultural or forest land uses in the area or vicinity. The project site, located within the TASP Area, is also not used for agriculture. The Santa Clara County Important Farmland 2012 map designates lands within the TASP Area, including the project site, as “Urban and Built-Up Land.” Thus, the TASP and the proposed project would have no impacts on agriculture.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION

There would be no agriculture or forestry impacts associated with The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Clean Air Plan Consistency

An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring an area into compliance with the requirements of federal and State air quality standards.

The Bay Area Air Quality Management District (BAAQMD) guidelines were referenced to determine if a project would conflict with or obstruct implementation of an applicable air quality plan, which for the TASP FEIR was the 2005 Bay Area Ozone Strategy.⁴ In forecasting future stationary and mobile source emissions and preparing the regional air quality plan, the BAAQMD uses growth projections prepared by ABAG. The BAAQMD based its 2005 Bay Area Ozone Strategy on population projections in the 2003 ABAG Projections.⁵ The TASP FEIR found that population increases in the City are anticipated to exceed population increases accounted for by the 2003 ABAG Projections,

⁴ Bay Area Air Quality Management District, 2006. *Bay Area 2005 Ozone Strategy*.

⁵ Association of Bay Area Governments, 2003. *Projections 2003*.

thus resulting in a significant and unavoidable impact (Impact 3.6-1) related to consistency with the applicable federal Environmental Protection Agency (EPA) Clean Air Plan (CAP).

The proposed project would locate future residents within walking distance of public transportation, jobs, restaurants, and services. Implementation of the TASP includes policies that address transportation and land use that are consistent with the CAP. TASP Policy 3.21 would provide continuous pedestrian sidewalks and safe bike routes throughout the TASP Area; Policy 3.22 encourages walking and biking routes to schools and major destinations; and Policy 3.33 requires new development within the TASP Area to provide incentives for alternative modes of transit, which support the CAP. The proposed land use and zoning of The District project would result in fewer residential units than evaluated in the TASP. Therefore, the population growth associated with the proposed project is consistent with the TASP and would not result in any new impacts related to consistency with the CAP.

The TASP FEIR identified measures to reduce air emissions such as encouraging the use of pedestrian walkways and bikes, and designing streets for slower speeds, but concluded that air quality impacts would be significant and unavoidable. The project would implement the TASP measures and would not increase the previously-identified impacts. Thus conclusions about compliance with the CAP in the TASP FEIR remain applicable to the project.

Air Quality Standards

Ambient air quality has basically remained unchanged since the approval of the TASP FEIR. The BAAQMD has made two regulatory changes since certification of the TASP FEIR. The BAAQMD adopted CEQA Guidelines in May 2011 that provide new and updated CEQA thresholds for analyzing air quality impacts. In general, the new BAAQMD California Environmental Quality Act Air Quality Guidelines (BAAQMD CEQA Guidelines) have lowered the emissions thresholds for identifying project impacts. For example, the updated BAAQMD CEQA Guidelines revised the threshold for project operations for reactive organic gases (ROG) and nitrogen oxides (NO_x) from 80 pounds per day to 54 pounds per day. The updated thresholds also include new thresholds for fine particulate matter (PM_{2.5}) at 54 pounds per day. The BAAQMD also amended its guidelines to include a risk and hazards threshold for new receptors and modified procedures for assessing impacts related to risk and hazard impacts.

On March 5, 2012, the Alameda County Superior Court issued a judgment finding that the BAAQMD had failed to comply with CEQA when it adopted the thresholds of significance in the BAAQMD CEQA Guidelines. The court did not determine whether the thresholds of significance were valid on their merits, but found that adoption of thresholds was a project under CEQA. The court issued a writ of mandate ordering the BAAQMD to set aside the thresholds and cease their dissemination until the BAAQMD complied with CEQA. The BAAQMD appealed the Alameda County Superior Court's decision. The Court of Appeal of the State of California, First Appellate District, reversed the trial court's decision. The Court of Appeal's decision was appealed to the California Supreme Court, which granted limited review, and the matter is currently pending as of December 2013.⁶

⁶ Bay Area Air Quality Management District, 2015. *Updated CEQA Guidelines*. Website: www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx (accessed May 20, 2015).

The BAAQMD has not reinstated the 2011 CEQA Guidelines; however, the City of Milpitas notes that the Alameda County Superior Court, in ordering BAAQMD to set aside the thresholds, did not address the merits of the science or evidence supporting the thresholds. The City of Milpitas finds that, despite the court ruling, the science and reasoning contained in the 2011 BAAQMD CEQA Guidelines provide the latest state-of-the art guidance available. For that reason, substantial evidence supports continued use of the 2011 BAAQMD CEQA Guidelines.

Regional Air Pollutant Emissions

The TASP FEIR identified that development of projects under the TASP could further contribute to non-attainment of air quality standards. The TASP FEIR also identified that buildout of the TASP could place sensitive land uses (land uses that could house sensitive receptors) near local intersections or roadways associated with air pollutant emissions that exceed (worsen) State or federal ambient air quality standards.

The District project would develop the site with new residential and commercial uses, similar to what the TASP envisioned, although with fewer visits and less retail area. The new uses would result in mobile air quality impacts from increased vehicle trips to and from the project site and air quality impacts such as emissions generated from the use of landscaping equipment and consumer products. Therefore, the proposed project would also contribute to the significant regional and local air quality impacts identified in the TASP FEIR. The TASP FEIR identified policies which provide measures to reduce vehicle trip generation and thus vehicle emissions from the project. Although the policies would reduce air quality impacts, regional emissions would remain significant and unavoidable as identified in the TASP FEIR. The proposed project, however, would not result in any new or more significant regional or local air quality impacts than described and evaluated in the TASP FEIR.

Construction-Related Impacts

Construction activities would cause temporary adverse effects on local air quality. Construction activities such as earthmoving, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water-based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases immediately after its application. Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying materials are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity.

Development of the proposed project would result in similar construction-related, short-term air quality impacts as those impacts identified in the TASP FEIR. With implementation of TASP Policy 5.16 which would reduce construction-related air quality impacts, the proposed project would also not result in any new or more significant construction-related air quality impacts than were evaluated in the TASP FEIR. This impact would remain less than significant.

Local Community Risk and Hazard Impacts to Sensitive Receptors

The TASP FEIR identified a variety of pollutant or toxic air emissions (TACs), such as diesel exhaust and those from dry cleaning facilities, in addition to emissions that could be released from construction projects and operations associated with the proposed project. TASP Policy 5.23 requires project sponsors to inform future and/or existing sensitive receptors of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot reduce these impacts. As identified in the TASP FEIR, this information could be disseminated through rental agreements, real property disclosure statements, and/or mailed notices to existing residents and property owners; and would include, but would not be limited to: location of dry cleaners, proximity to diesel emission from trucks and passenger vehicles, and light duty industrial operations. The proposed project does not include additional TAC sources in the project site; therefore implementation of the proposed project would have a less-than-significant impact.

Objectionable Odors

The TASP FEIR did not address potential odor impacts for the proposed project. The project would not include any activities or operations that would generate objectionable odors and, once operational, the project would not be a source of odors. Therefore, the project would not create objectionable odors affecting a substantial number of people. The proposed project would not increase impacts beyond those evaluated in the TASP FEIR and would have a less-than-significant impact related to odors.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 3.d-G-2: Provide adequate bicycle parking and end-of trip support facilities for bicyclists at centers of public and private activity.*
- *Policy 3.d-I-9: Require developers to make new projects as bicycle and pedestrian “friendly” as feasible, especially through facilitating pedestrian and bicycle movements within sites and between surrounding activity centers.*
- *Policy 3.d-I-10: Encourage developer contributions toward pedestrian and bicycle capital improvement projects and end-of-trip support facilities.*
- *Policy 3.d-I-14: Include evaluation of bicycle facility needs in all planning applications for new developments and major remodeling or improvement projects.*
- *Policy 3.d-I-15: Encourage new and existing developments to provide end-of-trip facilities such as secure bicycle parking, on-site showers and clothing storage lockers, etc.*

- *Policy 2.b-I-2: Consider locating housing in close proximity to industrial developments where they can be served by existing city services and facilities.*

TASP Policies

- *Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects. New development shall install sidewalks per the street design standards in Chapter 5 [of the Specific Plan]. The City and/or private property owner shall install sidewalks in areas where they currently do not exist, and where new development is not anticipated during the Plan timeframe. City staff will review individual development applications to ensure that adequate pedestrian facilities are provided and are consistent with the Transit Area Plan's pedestrian improvements.*
- *Policy 3.22: Private development shall be encouraged to provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.*
- *Policy 3.27: Every resident of the Transit Area shall be able to safely walk and bike to the BART and VTA light rail stations. As projects are constructed, make sure that all the routes are continuous and designed to be attractive and safe for pedestrians.*
- *Policy 3.33: Require new development within the Transit Area to facilitate the use of alternative modes of transportation through programs such as carpool parking, the VTA's EcoPass Program, shuttles to transit stations and lunchtime destinations, assistance to regional and local ridesharing organizations, alternative work schedules, telecommuting, etc. Establish a Transportation Demand Management (TDM) program for this purpose, as described in Policy 3.16.*
- *Policy 5.23: Require project sponsors to inform future and/or existing sensitive receptors (such as day care facilities, schools, nursing homes) of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot reduce these impacts.*
- *Policy 5.24: Allow only natural gas fireplaces, pellet stoves or EPA-Certified wood-burning fireplaces or stoves. Conventional open-hearth fireplaces shall not be permitted.*
- *Policy 5.16: During review of specific development proposals made to the City, sponsors of individual development projects under the Specific Plan shall implement the BAAQMD's approach to dust abatement. 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).*
- *Policy 5.25: For new residential development that is proposed within 500 feet of active rail lines where vehicles emit diesel exhaust, or roadways where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles per day, will, as part of its CEQA review, include an analysis of toxic air contaminants (which includes primarily diesel particulate matter (DPM)). If the results show that the carcinogenic human*

health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents.

CONCLUSION

The TASP FEIR adequately evaluated the potential air quality impacts for The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Protected Plants and Wildlife

As described in the TASP FEIR, the area covered by the TASP consists of land previously altered by development. The majority of the TASP Area is covered in vacant industrial lots that have been previously developed and abandoned with structures that are partially or entirely dismantled, resulting in lots with compacted soils and ruderal (plants growing among refuse) habitats. Within the project area, the less disturbed ruderal areas could be occupied by ground squirrels and other rodents. Although these areas are generally lacking in vegetation, under appropriate conditions they may support sensitive wildlife species such as burrowing owls that have been shown to adapt to human development. With the exception of burrowing owls, the TASP FEIR determined that there is minimal potential for special-status species to occur due to the history of development in the TASP Area.

The only record of special-status species occurring in the area is for burrowing owls. The TASP FEIR notes that development of vacant and ruderal lots could result in a loss of burrowing owls or their nests. According to the TASP FEIR, TASP Policy 5.25, which is now Policy 5.26, would reduce potential impacts to burrowing owls to a less-than-significant level. This policy would require preconstruction surveys, buffers during breeding season, and relocation by a qualified biologist in consultation with the California Department of Fish and Wildlife (CDFW) during the non-breeding season in conformance with all necessary State and federal permits.

The proposed project would implement existing General Plan Policies 4.b-I-4 and 4.b-I-5 and TASP Policy 5.26 to reduce potential impacts to burrowing owls to a less-than-significant level. With implementation of these policies, the proposed project would not create impacts related to protected plants and wildlife that are new or more significant than those analyzed in the TASP FEIR.

Riparian Habitat

As described in the TASP FEIR, the project site is located in proximity to two drainages: Lower Penitencia Creek and Penitencia Creek East. While these drainages lack high-quality riparian habitat, patches of riparian habitat exist. New development in the TASP Area could result in loss or degradation of this habitat.

The TASP FEIR determined that implementation of General Plan Policy 4.b-I-4 and Policy 4.b-I-5 and TASP Policy 5.29, which is now Policy 5.30, would ensure that potential impacts of new development on riparian habitat would be less than significant.

In addition, the proposed project must obtain the necessary State and federal permits prior to work within State or federal jurisdictional habitat areas, respectively. The project site does not support other sensitive natural communities. With implementation of the above-mentioned policies, the proposed project would not create impacts related to riparian habitat that are new or more significant than those analyzed in the TASP FEIR.

Federally Protected Wetlands

As the TASP FEIR states, Penitencia Creek and Penitencia Creek East and their tributaries receive protection under Section 404 of the Clean Water Act. Wetlands associated with these drainage features also potentially receive protection under Section 404.

The TASP has specific design guidelines, including setbacks that would reduce direct impacts on creeks within the TASP Area. TASP Policy 5.29 requires setbacks from creeks to be a minimum 25 feet from top of bank or from a maintenance road, if one exists. Additional side and rear yard setbacks are also required. General Plan Policies 4.b-I-4 and 4.b-I-5 would ensure impacts to federally protected wetlands are less than significant. The applicant for The District project would be required to coordinate with the Army Corps of Engineers (Corps), CDFW, and the State Water Control Resources Board (RWQCB), depending on the jurisdiction potentially affected. The proposed project would conform to the setback requirements and other design standards provided in the TASP. In addition, the proposed project would coordinate with the necessary agencies, as required. By following these guidelines and implementing General Plan Policies 4.b-I-4 and 4.b-I-5, the proposed project would not create impacts related to wetlands that are new or more significant than those analyzed in the TASP FEIR.

The TASP includes policies for project sites adjacent to waterways, including Policy 5.31 which sets out construction requirements and Policy 5.32 identifies the location of projects that would need to obtain permits from the Santa Clara Valley Water District (SCVWD) prior to construction. The proposed project would conform to these policies and therefore would not create impacts related to waterways that are new or more significant than those analyzed in the TASP FEIR.

Wildlife Movement Corridors

As the TASP FEIR states, nesting habitat for non-listed special-status raptor species occurs on and near the TASP Area. Many bird species use the existing ornamental trees for cover, nesting, or stop-over locations during migration, especially with the availability of water from the drainages within the TASP Area. Removal of large, mature trees can cause direct mortality to nesting birds and their young and construction disturbance can cause nest abandonment resulting in indirect loss to avian species. Raptors also could potentially use large and/or mature trees in the TASP Area for nesting. Raptors and other common birds and their nests and eggs are protected under California Department of Fish and Game Code 3503.5. The project would implement TASP Policy 5.26, now Policy 5.27, which would require a qualified biologist to conduct a survey that would be considered by the U.S. Fish and Wildlife Service (USFWS) and CDFW as appropriate, on a case-by-case basis in certain conditions, to determine whether a project would require avoidance procedures. Implementation of General Plan Policies 4.b-I-4 and 4.b-I-5 and TASP Policy 5.27 would reduce potential impacts to nesting raptors and other birds to less-than-significant levels. The proposed project would conform to the above policies and therefore would not create impacts related to migrating wildlife that are new or more significant than those analyzed in the TASP FEIR.

Mature Trees

The TASP FEIR does not contain a comprehensive tree survey. The FEIR recognizes that the impacts of the high intensity, transit-oriented redevelopment of the area would require removal of many trees. The loss of protected trees would be a significant impact (Impact 3.8-3) that would require compensation per the City ordinances. On the project site, mature trees covered by the City's Tree Maintenance and Protection Ordinance are located along Great Mall Parkway, Centre Pointe Drive, and Bond Street. The project applicant would be required to obtain a permit for tree removal under the City's Tree Maintenance and Protection Ordinance. Tree removal would also comply with all City requirements to minimize impacts on biological resources during removal. As part of the landscape plan, the applicant proposes to plant more than 300 trees within and along the street frontage of the project site, and would remove only one tree with a diameter at breast height exceeding 37 inches, which the City considers to be a mature tree. In addition, the TASP FEIR identified Policy 5.27, now Policy 5.28, to reduce impacts to trees to a less-than-significant level.

Note that mature trees along McCandless Drive have already been removed and replaced. The TASP FEIR states that following the City's Tree Maintenance and Protection Ordinance as well as implementing General Plan Policies 4.b-I-4 and 4.b-I-5 and TASP Policies 5.27 and 5.28 would reduce this impact to a less-than-significant level. The proposed project would conform to these policies, and therefore would not create impacts related to trees that are new or more significant than those analyzed in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

General Plan Policies

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

TASP Policies

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

qualified biologist in consultation with the California Department of Fish and Game (CDFG). This plan shall provide for the owl's relocation to nearby lands possessing available nesting habitat. Suitable development-free buffers shall be maintained between replacement nest burrows and the nearest building, pathway, parking lot, or landscaping. The relocation of resident owls shall be in conformance with all necessary state and federal permits.

- *Policy 5.27: To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Service (USFWS) and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required.*
- *Policy 5.28: Development under the Specific Plan shall, to the maximum extent feasible (and with exceptions such as removal for emergency, health or fire hazard purpose) retain the corridor of trees along McCandless Drive and corridors of trees in the vicinity both as a potential resource for habitat and as an important visual resource.*
- *Policy 5.29: Per Figure 5-23 G and Tables 5-1 and 5-2 [of the Specific Plan], a minimum 25 foot setback from the top of bank of any creek or drainage channel, or from a maintenance road if one exists, shall be provided.*
- *Policy 5.30: Prior to new development in areas that border creeks and with potential riparian habitat, applicants will be required to coordinate with the CDFW, as required by law. Coordination will include evaluation of existing riparian habitat and development of avoidance, minimization and/or compensatory measures sufficient to procure a streambed Alteration Agreement with the CDFW.*
- *Policy 5.32. Consistent with current City practice, all new development located on or adjacent to Penitencia and Berryessa Creek will be required to comply with the standards and guidelines for land uses near streams, as adopted by the City of Milpitas. Any development or construction activity to be conducted on or adjacent to SCVWD property or easements, such as creek crossings, shall be required to obtain applicable permits from the SCVWD prior to such construction activity.*

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Historic Resources

The project site is fully developed with light industrial buildings. None of the existing structures are considered significant historic resources under the State or federal standards for historic resources. The only historic resource in the TASP Area that is listed in the City’s Register of Cultural Resources is the Old Ford Motor Assembly Plant now known as the Great Mall, which is located approximately 0.1 miles north of the project site. Therefore, the proposed project would not result in impacts to buildings that are historic resources.

Prehistoric and Historical Archaeological Resources

No archaeological resources have been identified on the project site. However, as noted in the TASP FEIR, the TASP Area is considered sensitive for archaeological resources. One Native American archaeological resource, CA-SCL-593, and a prehistoric archaeological site are located adjacent to the TASP Area. Previous archaeological studies suggest that there could be an archeological complex in and around these sites that might extend into the TASP Area. The TASP FEIR also determined that there is a moderate to high likelihood that unrecorded Native American cultural resources exist on sites within the TASP Area due to early settlements along Penitencia Creek.

While subsurface cultural resources are not anticipated to be encountered with demolition and grading of the site, there is a chance that construction activities could affect previously-unidentified archaeological resources on the project site. The TASP FEIR identifies Policy 5.31, now Policy 5.34 to reduce the impacts to previously unidentified archeological resources to a less-than-significant level through construction monitoring, and if remains are found, temporary halting of construction until development of a mitigation plan and its implementation. This measure applies to the project site, the same as it applies to the TASP.

Implementation of Policy 5.34 from the TASP would reduce impacts to previously unidentified archeological resources to a less-than-significant level. Implementing the proposed project would not lead to new or more severe impacts to archaeological resources that would occur beyond those already identified in the TASP FEIR.

Paleontological Resources

There is the potential to encounter unidentified fossils during construction of new development. Since fossils are considered to be nonrenewable resources, such impacts would be considered significant. Adverse impacts on paleontological resource could occur when earthwork activities such as mass excavation cut into geological formations, or depths below the soil layer, which is generally 6 feet deep. The TASP FEIR determined that project specific evaluation, monitoring during construction, temporary suspension of grading, fossil recovery in the event fossils are discovered, as identified in TASP Policy 5.32, now Policy 5.35, would reduce the potential impact to such resources to less-than-significant levels. Implementing the proposed project would not lead to new or more severe impacts to paleontological resources that would occur beyond those already identified in the TASP FEIR.

Disturbance of Human Remains

All development within the TASP Area must conform to State laws pertaining to the discovery of human remains. If human remains of Native American origin are discovered during project construction, the developer and/or Planning Department would be required to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission.

Sections 21083.2 and 21084.1 of the *Public Resources Code* state that if any human remains are discovered or recognized in any location on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until required conditions are met. This requirement would be the same for the proposed project as for the TASP and would reduce impacts to potential human remains to a less-than-significant level. These potential impacts would not exceed those already identified in the TASP FEIR, and the project would not result in any new or more significant impacts to cultural resources beyond those identified in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

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

appropriate agencies and interested parties. For example, a qualified archaeologist shall follow accepted professional standards in recording any find including submittal of the standard Department of Parks and Recreation (DPR) Primary Record forms (Form DPR 523) and locational information to the California Historical Resources Information Center Office (Northwest Information Center). The consulting archaeologist shall also evaluate such resources for significance per California Register of Historical Resources eligibility criteria (Public Resources Code Section 5024.1; Title 14 CCR Section 4852). If the archaeologist determines that the find does not meet the CEQA standards of significance, construction shall proceed. On the other hand, if the archaeologist determines that further information is needed to evaluate significance, the Planning Department staff shall be notified and a data recovery plan shall be prepared.

All future development in the Planning Area will be in accordance with State laws pertaining to the discovery of human remains. Accordingly, if human remains of Native American origin are discovered during project construction, the developer and/or the Planning Department would be required to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (PRC Sec. 5097). Sections 21083.2 and 21084.1 of the PRC states that if any human remains are discovered or recognized in any location on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- The Santa Clara County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
- If the remains are of Native American origin,
 - The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or
 - The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission

TASP Policies

- *Policy 5.32: See this policy in Section IV, Biological Resources.*
- *Policy 5.34: 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 a recommendation for the respectful treatment of the Native American remains and related burial goods.

- *Policy 5.35: 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 TASP FEIR adequately evaluated the potential cultural resource impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Seismicity and Seismic Hazards

All structures in the Bay Area could be affected by ground shaking in the event of an earthquake along regional active faults. Seismic shaking could cause extensive nonstructural damage to buildings at the project site. As the TASP FEIR states, some structural damage is not avoidable. Building codes and construction standards established by the California Building Code and contained in Title 24 of the California Code of Regulations (CCR) protect against building collapse and major injury during a seismic event. The proposed project would comply with the provisions of California Building Code to help prevent extensive structural damage due to seismic-related ground shaking. Building permit applications for subdivisions must be accompanied by a preliminary soils report that indicates the presence of soil problems which, if not corrected, could lead to structural defects and include recommended corrective actions to prevent structural damage where such soil problems, such as liquefaction exists. Also, the Seismic Hazards Mapping Act requires that before a development permit is granted for a site within a seismic hazard zone, a geotechnical investigation of the site has to be conducted and appropriate mitigation measures incorporated. Thus, recommendations included in the preliminary soils report and geotechnical investigation would help reduce potential liquefaction hazards to less-than-significant levels.

The proposed project would comply with the California Building Code, Seismic Hazards Mapping Act, and General Plan policies that address seismic and geological hazards including the preparation of a site-specific geotechnical investigation that must be submitted to and approved by the City Geologist prior to issuance of a grading permit.

Unstable and Expansive Soils

Soils within the TASP Area consist of inter-layered, poorly-sorted gravel, sand, silt and clay. Soils within the TASP that contain high percentage of clays would be susceptible to expansion. Settlement

would be a concern in areas that have not previously supported structures and where new structures would place loads heavier than the soils would tolerate. Erosion hazards would be highest during construction activities, as construction would involve demolition of existing structures, stripping of surface vegetation, grading, excavation of soils, and placement of imported engineered soils. Existing impervious surfaces and established ground cover that serves to stabilize site soils would be removed during construction, potentially exposing soils to the erosional forces of wind, rain and runoff.

The Milpitas City Code requires that building permit applications be accompanied by a preliminary soils report that addresses site soil conditions, including expansive soils, settlement and erosion, and provides recommendations to offset potential soils problems. In addition, the proposed project would be required to comply with National Pollution Discharge Elimination System (NPDES) General Construction Permit requirements and to prepare a Storm Water Pollution Prevention Plan (SWPPP). The proposed project would conform to these policies and regulations and would not result in new or more significant geologic impacts than those identified in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

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

TASP Policies

- *Policy 5.36: Require construction projects that disturb one or more acres to prepare a Stormwater Pollution Prevention Plan (SWPPP) that, when properly implemented, would reduce or eliminate impacts on surface water quality during construction.*
- *Policy 5.37: Require construction projects to comply with the Santa Clara County National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges.*

CONCLUSION

The TASP FEIR adequately evaluated the potential geology and soil impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

The TASP FEIR found that the primary sources of greenhouse gas (GHG) emissions related to urban development in the TASP Area are anticipated to continue to be from combustion of fossil fuels by motor vehicles and from electric power generation. Short-term impacts are anticipated from construction activity that would occur during the implementation of the TASP. Since the GHG emission rate is related to growth, the TASP promotes policies that reduce energy consumption and fuel usage by encouraging development patterns that would reduce the vehicles miles traveled (VMT) per capita and proposes a variety of actions and policies that can reduce emissions to less-than significant levels.

The TASP FEIR found that the rate of increase in VMT would be less than the rate of increase in population due to the mixed-use and transit area nature of new development proposed under the TASP. The TASP FEIR found that while the population is expected to increase significantly in the area, a large percentage of that population would use transit options made available to them which in turn would reduce vehicle use. The TASP FEIR also found that the increase in VMT will not prevent the reduction of statewide greenhouse gas emissions to 1990 levels.

Individual projects incrementally contribute toward the potential for global climate change on a cumulative basis in concert with all other past, present, and probable future projects. While individual projects are unlikely to measurably affect global climate change, each of these projects incrementally contributes toward the potential for global climate change on a cumulative basis, in concert with all other past, present, and probable future projects.

The TASP FEIR analyzed the potential GHG emissions that would result from buildout of the TASP. The TASP was designed to provide residential uses in proximity to retail and commercial uses and to transit, such as the BART station, to minimize the use of vehicles and generation of vehicle miles traveled. TASP policies also encourage the development of pedestrian friendly streets and bikeways to promote alternative forms of transportation. The proposed project would incorporate the TASP policies by: providing continuous pedestrian sidewalks and safe bike travel routes, consistent with Policy 3.21; providing direct walking routes to schools and major destinations such as retail developments consistent with Policy 3.22; encouraging children to walk to school by providing safe routes consistent with Policy 3.23; and providing bikeways and bike storage and providing parking areas that encourage carpooling and use of low emission vehicles consistent with TASP Policies 3.28,

3.31, 3.33 and 3.34. The TASP FEIR concluded that implementation of these measures would reduce impacts from GHG emissions for the TASP to less-than-significant levels. As the proposed project would remain in compliance with these policies, the project's impact on GHG would also be less than significant.

Regarding electricity consumption, the TASP FEIR found that the increase in total demand for electrical energy as a result of the TASP would be reduced to less-than-significant levels by requiring compliance with State, local, and TASP energy efficiency policies. These policies (outlined below) will ensure that the additional energy that homes and businesses consume would not impede achievement of the statewide reduction in emissions mandated by the California Climate Solutions Act of 2006 and will ensure that the impact of increased energy consumption in the TASP Area would be less than significant. Additionally, the proposed project would encourage and support energy efficiency and green building techniques that would reduce energy-related GHG emissions, similar to the previously approved TASP FEIR.

Implementation of the proposed project would not result in an increase in GHG emissions beyond those analyzed in the TASP FEIR and impacts would remain less than significant.

The TASP FEIR did not include an evaluation of the project's compliance with the City's 2013 Climate Action Plan which was not in place at the time the FEIR was certified. The Climate Action Plan includes GHG reduction goals, policies, and actions for new and existing development projects. The proposed project includes transit oriented development in addition to the TASP policies listed below, which are consistent with the Climate Action Plan's transportation and land use goals. Therefore, the project would be in conformance with the City's Climate Action Plan.

The proposed project adheres to the building guidelines of the TASP, is consistent with the Milpitas Climate Action Plan, and promotes reductions in greenhouse gas emissions through high-density development in proximity to transit. Additionally, while the proposed project would remove many existing trees, the project would comply with City ordinances and requirements for replacing and planting new trees, which would help offset greenhouse gas emissions. The proposed project would result in no new or more severe impacts related to greenhouse gas emissions than analyzed in the TASP FEIR and further analysis is not required.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

TASP Policies related to Greenhouse Gas Emissions

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

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

- *Policy 3.21: See this policy in Section III, Air Quality.*
- *Policy 3.22: See this policy in Section III, Air Quality.*
- *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 Specific Plan].*
- *Policy 3.31: Require provision of bicycle and pedestrian facilities such as weather protected bicycle parking, direct and safe access for pedestrians and bicyclists to adjacent bicycle routes and transit stations, showers and lockers for employees at the worksite, secure short-term parking for bicycles, etc.*
- *Policy 3.33: See this policy in Section III, Air Quality.*
- *Policy 5.6: Require the use of Energy Star appliances and equipment in new residential and commercial development, and new City facilities.*
- *Policy 5.7: Require at least 50 percent of all new residential development to be pre-wired for optional photovoltaic roof energy systems and/or solar water heating.*
- *Policy 5.8: Incorporate cost-effective energy conservation measures into all buildings being constructed by the City in the Transit Area, including construction, operations and maintenance. These measures can include but are not limited to:*
 - *Energy efficient light fixtures, including solar powered systems, for streetscapes, parks, and public buildings which have limited glare and spillover;*
 - *Automatic lighting systems in public buildings and offices; and*
 - *Life-cycle costing of capital projects so that the environmental, societal, and economic costs are evaluated over the project's long-term operation.*

CONCLUSION

The TASP FEIR adequately covered the greenhouse gas emissions impacts of The District project and no new impacts related to greenhouse gas emissions are anticipated.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Transport, Use, Storage, and Disposal of Hazardous Materials

The proposed project would not manufacture or generate hazardous materials. The proposed project could involve the use, handling and storage of commercially-available hazardous materials associated with building maintenance, on-site vehicle use, and landscaping. These materials would likely include fuels, paints, flammable liquids, pesticides and herbicides. Any hazardous materials stored and used at the site would be managed in accordance with applicable local, State, and federal hazardous materials regulations and General Plan policies that would reduce risks associated with leakage, explosions, fires or the escape of harmful gases.

Therefore, the proposed project would not worsen or result in new impacts related to the routine transport, use, storage, or disposal of hazardous materials, beyond those identified in the TASP FEIR.

Release of Hazardous Materials and Risk of Upset

The project site contains volatile organic compound (VOC)-impacted groundwater as well as soil contaminated with petroleum hydrocarbons and lead at concentrations exceeding potentially applicable residential screening levels. Project-related impacts to human health and the environment associated with site contamination and hazardous building materials would be considered potentially significant. There is a potential that existing buildings on the project site could contain asbestos and lead and could expose workers to contaminants during demolition activities.

TASP Policy 5.20 addresses potential hazardous materials that could impact human health and required remediation of contaminated site. TASP Policy 5.21 addresses contaminants that may be present in existing buildings such as asbestos, PCB's, and lead. TASP Policy 5.22 requires a Risk Management Plan at sites with known contamination issues. Furthermore, development within the TASP Area would be required to comply with Section 19827.5 of the California Health and Safety Code, which requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. All projects within the TASP Area are required to be in full compliance with Title 17 and Title 8 of the California Code of Regulations that would abate lead in public and residential buildings and that covers construction work where employees may be exposed to lead, including metallic lead, inorganic lead compounds, and organic lead.

The TASP FEIR determined that compliance with the above policies as well as other applicable local, State and federal safety standards would reduce potential exposure of people and the environment to hazardous materials associated with development on impacted properties or demolition of older structures to a less-than-significant level.

The proposed project would conform to the above policies and therefore would not result in new or more severe impacts related to the release of hazardous materials than identified in the TASP FEIR.

Emission of Hazardous Materials within 0.25 miles of a School

No schools are located within 0.25 miles of the project site. However, under the TASP, an elementary or K-8 school could be constructed in the vicinity of Houret Drive and McCandless Drive. TASP Policies 5.20, 5.21 and 5.22 would address potential hazardous materials impacts related to existing site contamination and construction activities throughout the TASP Area, including the project site. The TASP FEIR determined that potential impacts to future school sites would be less than significant.

The proposed project would not result in new or more severe impacts related to emissions of hazardous materials within 0.25 miles of a school than those analyzed by the TASP FEIR.

Hazardous Materials Site Pursuant to Government Code Section 65962.5

A site located in the project area, 241 Houret Drive, was listed as a hazardous materials site, but has since been closed.⁷ No other areas of the project site are identified on the Cortese list or on other regulatory databases compiled pursuant to Government Code Section 65962.5. Therefore, the project would not create a significant hazard to the public or the environment and would not result in impacts more severe than analyzed in the TASP FEIR.

Emergency Response or Evacuation Plan

The proposed project would comply with standard City regulations related to the provision of adequate access for emergency vehicles and secure evacuation routes. The project would not alter roadways in the vicinity of the project site except for relatively minor project site access driveways and turn lanes. The project would therefore not impair implementation of, or physically interfere with, an adopted emergency response plan or evacuation plan.

Other Issues

The project site is in an urban area and is not located in the vicinity of an airport and is not prone to wildfires. Therefore, the proposed project would not result in any impacts related to wildfires or airports.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

⁷ Haley & Aldrich, Inc., 2013. *ASTM Phase I Environmental Site Assessment and Limited Phase II Assessment for 231 Houret Drive*. June 11.

APPLICABLE POLICIES

TASP Policies

- *Policy 5.20: Property owners shall work with the City of Milpitas Fire Department, the Santa Clara County Department of Environmental Health (SCCDEH), the California Department of Toxic Substances Control (DTSC), and/or the State Water Resources Control Board (SWRCB), whichever has jurisdiction, to resolve issues related to contamination that could potentially impact future land uses in the project area. The lateral and vertical extent of contamination shall be determined, remediation activities completed, and land use restrictions implemented, as necessary, prior to the issuance of development permits on parcels with known contamination.*

For parcels with known contamination, appropriate human health risk assessments (HHRAs) shall be conducted based on proposed land uses by a qualified environmental professional. The HHRAs shall compare maximum soil, soil gas, and groundwater concentrations to relevant environmental screening levels (ESLs2) and evaluate all potential exposure pathways from contaminated groundwater and soil. Based on the findings of the HHRAs, if appropriate, engineering controls and design measures shall be implemented to mitigate the potential risk of post-development vapor intrusion into buildings.

For parcels with no identified contamination, a Phase I study shall be completed to review potential for ground water, soil, or other contamination related to previous land uses. If any potential for contamination is determined to exist that could adversely affect human health for residential uses, a Phase II level analysis shall be conducted per City, State, and Federal requirements. If contamination is found to exist, procedures for contaminated sites as described in the paragraph above shall be followed.

- *Policy 5.21: Project applicants shall submit information to the City regarding the presence of asbestos-containing building materials, PCBs, and lead-based paint in existing buildings proposed for demolition, additions, or alterations. The information shall be verified prior to the issuance of demolition permits by the City of Milpitas Building Inspection Division for any existing structures or buildings in the project area. If it is found that painted surfaces contain lead-based paint and/or the structures contain asbestos-containing building materials, measures to ensure the safe demolition of site structures shall be incorporated into the project Demolition Plan. The Demolition Plan shall address both onsite and offsite chemical and physical hazards. Prior to demolition, hazardous building materials associated with lead-based paint and asbestos-containing building materials shall be removed and appropriately disposed of in accordance with all applicable guidelines, laws, and ordinances. The demolition of buildings containing asbestos would require retaining contractors who are licensed to conduct asbestos abatement work and notifying the Bay Area Air Quality Management District (BAAQMD) ten days prior to initiating construction and demolition activities. Regarding lead based paint, Cal-OSHA regulates all worker exposure during construction activities associated with lead-based paint. The Cal-OSHA-specified method of compliance includes respiratory protection, protective clothing, housekeeping, hygiene facilities, medical surveillance, and training.*
- *Policy 5.22: At sites with known contamination issues, a Risk Management Plan (RMP) shall be prepared to protect the health and safety of construction workers and site users*

adjacent to construction activities. The RMP shall include engineering controls, monitoring, and security measures to prevent unauthorized entry to the construction site and to reduce hazards outside of the construction site. The RMP shall address the possibility of encountering subsurface hazards and include procedures to protect workers and the public. The RMP shall also include procedures for managing soils and groundwater removed from the site to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of in accordance with applicable regulations and permits. Protocols for the handling, transport, and disposal of both known and previously unidentified hazardous materials that may be encountered during project development shall be specified. If prescribed exposure levels are exceeded, personal protective equipment shall be required for workers in accordance with OSHA regulations. Finally, the RMP shall also include procedures for the use, storage, disposal, of hazardous materials used during construction activities to prevent the accidental release of these materials into the environment during construction.

CONCLUSION

The TASP FEIR adequately evaluated potential impacts related to hazards and hazardous materials at or affecting The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
IX. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Water Quality Standards

During the construction period of the proposed project, grading and excavation activities would result in exposure of soil to runoff, potentially causing erosion and entrainment of sediment in runoff. Soil stockpile and excavated areas would be exposed to runoff and, if not managed properly, the runoff could cause erosion and increased sedimentation in storm drains or water courses within or adjacent to the project site. The accumulation of sediment could result in blockage of flows, potentially resulting in temporarily increased localized ponding or flooding.

The release of pollutants and chemicals such as fuels, oil, paints and solvents from construction could be transported to nearby surface waterways and groundwater in stormwater runoff, wash water, and dust control water, potentially reducing the quality of receiving waters.

The TASP FEIR identified the following policies that would help reduce construction related water quality impacts to less than significant: General Plan Policy 4.d.-G-1, General Plan Policy 4.d.-I-1, and TASP Policy 5.33, now Policy 5.36, and TASP Policy 5.34, now Policy 5.37.

The TASP and General Plan policies and water quality impacts associated with the project would not be different or more severe than those identified and mitigated in the TASP FEIR.

Deplete Groundwater Supplies

As discussed in the TASP FEIR, the project site is located in a highly urbanized area and is largely covered with impervious surfaces. The proposed project would include areas of landscaping and new trees, and would result in a net reduction in impervious surfaces. Therefore, the groundwater recharge rate at the site would be expected to be the same or potentially greater than under current conditions. The proposed project would not require the pumping of groundwater (aside from necessary construction period dewatering operations) and therefore would not deplete local groundwater supplies. Therefore, additional depletion of groundwater resources associated with the proposed project is not expected. The proposed project would not result in any impacts that would be more severe than those analyzed in the TASP FEIR.

Drainage Pattern and Surface Run-off

As discussed in the TASP FEIR, development of the TASP Area including the project site would not substantially alter the course of a stream or river that would result in substantial erosion or siltation on or off site. The TASP Area would maintain approximately the same drainage patterns, utilizing street gutters and storm drains that would remain where they are currently located.

The TASP FEIR determined that stormwater runoff would decrease with the buildout of the TASP Area, including the project site. The addition of more landscaped areas and parks would allow more precipitation to infiltrate into the ground compared with the current condition of nearly complete coverage of impervious pavement. The TASP FEIR determined that none of the existing stormwater drainage pipelines would require expansion.

Developers are required to fund a Storm Drainage Plan for each subdistrict within the TASP Area that includes measures to reduce runoff pollutants and control pollutant sources to the maximum extent practical. Full compliance with the Santa Clara County National Pollution Discharge Elimination System (NPDES) permit guidelines for stormwater discharges and General Plan Policy 4.d.-G-1 would ensure that long-term water quality impacts would not be significant.

The TASP FEIR assumed implementation of TASP Policy 6.5 that would ensure that runoff in storm drains does not lower water quality within or outside of the TASP Area by implementing Best Management Practices (BMPs) in new developments within the TASP Area. This policy was subsequently removed from the TASP. However, the proposed project would comply with the applicable NPDES regulations and General Plan policies. As the proposed project would be constructed in accordance with these requirements, no additional impacts or more severe impacts than analyzed by the TASP FEIR would occur with project implementation.

Flooding and Dam Failure Inundation

The TASP Area, including the project site, does not have any flood hazard from a release of waters associated with a failure of the Sandy Wool Lake Dam. I-680 forms a barrier that protects areas west of the freeway, including the TASP Area.

However, the TASP Area, including the project site, is located in a 100-year flood zone. The City's Municipal Code contains provisions designed to reduce future losses associated with flooding events to comply with regulations stipulated by the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP). Each project within the TASP Area must comply with specific standards cited in the Milpitas Municipal Code Section XI-15. The City also provides development standards for all new construction within the TASP Area. The TASP identifies several policies that would help reduce flooding impacts to less-than-significant levels.

The proposed project would be designed to ensure that potential flooding impacts are avoided by developing in accordance with the Municipal Code Section XI-15, the City's development standards, and TASP Policies 6.1, 6.2, 6.3, 6.4, and 6.6. Therefore, the proposed project would not result in new or more severe flooding impacts beyond those already identified in the TASP FEIR.

Inundation by Seiche, Tsunami, or Mudflow

As stated in the TASP FEIR, the project site and vicinity are sufficiently elevated and distant from San Francisco Bay to avoid any hazard of tsunami or seiche run-up inundation. Future development would not expose people or structures to inundation by seiche, tsunami, or mudflow.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 4.d-G-1: Protect and enhance the quality of water resources in the Planning Area.*
- *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.*

TASP Policies

- *Policy 5.36: See this policy in Section VII, Greenhouse Gas Emissions..*
- *Policy 5.37: See this policy in Section VII, Greenhouse Gas Emissions..*
- *Policy 6.1: Minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program.*

- *Policy 6.2: New development within a FEMA-designated flood hazard zone must follow the City's construction standards for such areas, as currently laid out in Section XI-15 'Floodplain Management Regulations' of the Milpitas Municipal Code.*
- *Policy 6.3: New development must maintain the Transit Area's urban design standards. In particular, first floor commercial space must be within two feet of the elevation of the public sidewalk. The design and development standards in Chapter 5 [of the proposed Plan] must be followed, as well as the FEMA construction standards. This policy is particularly important regarding the location and appearance of on-site parking and the accessibility of ground floor retail from sidewalks. FEMA's construction standards require a building's floor plate to be one foot above flood level. Rather than elevate a building on stilts and require store access via stairs or ramps, the ground floor should be accessible via a sloping sidewalk. On streets fronted by ground floor commercial, no sidewalk shall be more than two feet above or below the floor level of adjacent commercial space, as specified in Chapter 5. The sidewalk needs to be designed so that the grade of its slope complies with federal, state, and local standards for disabled access.*
- *Policy 6.4: Provide storm drain infrastructure to adequately serve new development and meet City standards.*
- *Policy 6.5: Ensure that runoff in storm drains does not lower water quality within or outside of the Transit Area by implementing Best Management Practices (BMPs) in new developments within the Transit Area.*
- *Policy 6.6: Construct the improvements within the Transit Area that were identified in the 2001 Storm Drainage Master Plan, and any other improvements identified in updates to the Master Plan.*
- *Policy 6.7: Prepare Master Grading and Storm Drainage Plans for each subdistrict of the Transit Area prior to approval of Zoning Permits for new buildings in that subdistrict.*

CONCLUSION

The TASP FEIR adequately evaluated the hydrology and water quality impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
X. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Disrupt or Divide an Established Community

Projects that have the potential to physically divide an established community include projects such as new freeways and highways, major arterials, streets, and railroad lines. The District project would develop new residential and commercial uses on several sites within the TASP Area that contain existing commercial uses and surface parking. The proposed project would provide public access by including sidewalks throughout the project site that connect with the existing sidewalks along McCandless Drive, Centre Pointe Drive, Great Mall Parkway and Montague Expressway. The project would develop two pedestrian bridges over Penitencia Creek and a landing area for a pedestrian bridge over Montague Expressway. Additionally, numerous pedestrian access points would be provided along the edges of the proposed buildings that front public right-of-ways. Similarly, bicycle and vehicle access would be provided via the public streets surrounding the site. Therefore, the project design would not inhibit public connectivity, and would not physically divide a community. This impact would be less than significant and would be no more severe than analyzed in the TASP FEIR for the project area.

Conformance with Land Use Plans

The purpose of the TASP is to transition former industrial to primarily residential and commercial uses adjacent to nearby transit. Upon certification of the TASP FEIR, the City of Milpitas adopted amendments to the General Plan and Zoning Ordinance to ensure consistency between the planning documents. The TASP FEIR evaluated these new land use designations and associated policies and determined that impacts of the land use classifications and density of development conceived under the TASP would be less than significant.

As described in the Project Description (Attachment B to the Addendum), the proposed project requests changes to the TASP land use and zoning associated with adoption of the TASP. The project site has the following land use designations: Boulevard Very High Density Mixed Use, Residential

Retail High Density Mixed Use, and Multi-Family Residential Very High Density. The project proposes a General Plan Amendment to change the land use designation on a portion of the proposed project (Centre Pointe B). These changes would include a General Plan Amendment, a TASP Amendment, and a Rezone for portions of Centre Pointe Site B, specifically for parcels APN 86-33-086 and APN 86-33-087. These Amendments would change the existing Residential Retail High Density Mixed Use (RRMU) land use designations on Centre Pointe Site B to High Density Transit Oriented Residential (HDTOR). The City would make these changes to both the General Plan Land Use Map and the TASP Land Use Map. In addition, the project would include an amendment to the TASP Zoning District Map Figure 5-21 to change the TASP zoning designation for portions of Centre Pointe Site B from Mixed Use High Density with Retail Transit Oriented Development (MXD2-TOD) to Multiple Family High Density Transit Oriented Development (R3-TOD). Figure 5 and Figure 6 in Attachment B, Project Description, illustrate the existing and proposed changes to Centre Pointe Site B associated with the project. Table 4 in Attachment A, Project Description, identifies the TASP land use designations and TASP zoning designations for the proposed project and identifies how the proposed project satisfies the development standards for each designation.

The TASP requires that all projects proposed within the TASP Area are subject to a Site and Architectural Review in accordance with Chapter 42 of the City's Zoning Ordinance. Projects must demonstrate compliance with the TASP, including the Development Standards and Design Guidelines. In order to approve a project or variance, the City must find that "The proposed project conforms to the intent and the specific requirements of the Transit Area Specific Plan, including the Development Standards and Design Guidelines." The applicant has submitted a matrix identifying how the proposed modifications to The District project comply with and implement the Development Standards; the Planning Commission may approve those exceptions upon approval of a use permit.

The applicant has requested a use permit to allow for variances from the Development Standards. In order to approve the use permit, the City must find:

- The deviation from the Transit Area Specific Plan Standard meets the design intent identified within the TASP and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development.
- The deviation from the Transit Area TASP Standard allows for a public benefit not otherwise obtainable through the strict application of the Zoning Standard.

The proposed project would result in a reduction of densities, heights, retail square feet, and the number of dwelling units compared to the development proposed for The District and evaluated in the TASP FEIR. The TASP FEIR evaluated the development of up to 7,100 residential dwelling units, 1,000,000 square feet of commercial space, 285,000 square feet of retail space, and 175,000 square feet of hotels within the TASP Area. The TASP FEIR evaluated the development of 1,633 dwelling units, 93,690 square feet of retail, and no hotel for The District site. The proposed project would include 1,169 residential dwelling units, 83,842 square feet of retail, and a 175-room hotel, which is consistent with the TASP and is within the land uses anticipated for the TASP Area. Overall, the proposed project would include 464 fewer dwelling units, 9,848 fewer square feet of retail, and a new hotel with 175 rooms.

Therefore, the proposed amendments to the General Plan, TASP, and Zoning Ordinance, and the density and intensity of the proposed project would not result in any new or more significant land use impacts than those identified in the TASP FEIR. The proposed project would also not conflict with the General Plan Land Use and City Zoning designations.

Land Use Compatibility

At buildout, the TASP assumes the overall urban design and development standards associated with changes to land use and zoning would contribute to fewer incompatible land uses in the TASP Area. Land uses proposed by the TASP are more compatible with the existing and proposed adjacent residential and commercial uses. In addition, the heights and densities of higher density residential and commercial uses will provide a transition toward lower density housing. Over the planning horizon, residential uses will be built in an existing industrial area. Therefore incompatible uses may be temporarily adjacent to each other until complete buildout. The TASP also includes a number of development standards to minimize potential impacts of incompatible land uses, such as setbacks, and building location and placement policies and standards. The full set of development standards can be found in Chapter 5 of the TASP. With implementation of these self-mitigating policies and standards in the TASP, the TASP FEIR concluded that no mitigation measures would be required to address potential land use impacts.

The proposed project would conform to the TASP policies as well as the development standards provided in Chapter 5 of the TASP. The District project would include land uses addressed by the TASP and would not result in any land use compatibility impacts that would be more severe than those analyzed in the TASP FEIR. Therefore, the proposed project would not conflict with established or planned land uses.

Habitat Conservation Plan

No Habitat Conservation Plan has been prepared for the TASP, including for the project site. Thus no impacts on a Habitat Conservation Plan would occur due to the TASP or this project.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

TASP Policies

- *Policy 3.8: Allow contiguous developments to build at higher or lower residential densities, so long as their average density falls between the designated minimum and maximum.*
- *Policy 3.9: Maintain the Midtown Plan's gross floor area policy, which excludes all areas of a building devoted to parking from FAR calculations.*

- *Policy 3.38: The open space requirements of the Midtown Milpitas Specific Plan (Policy 3.2.4) shall apply to the entire area of the Transit Area Specific Plan.*
- *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 5.11: Residential developers to construct masonry walls to buffer residential uses from BART and UPRR train tracks.*
- *Policy 5.13: Apply the FTA Groundborne vibration criteria (Table 5.5 of TASP) as review criteria for development projects in the vicinity of vibration sources such as BART trains and heavy rail trains.*
- *Policy 5.14: Project applicants shall conduct a vibration impact analysis of any sites adjacent to or within 300 feet of active UPRR and BART alignments to demonstrate that interior vibration levels within all new residential development (Single family and multifamily) and lodging facilities would be at acceptable levels.*
- *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.*
- *Policy 5.16: See policy in Section III, Air Quality.*
- *Policy 5.17: In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses, including UPRR train tracks and operations and the permanent rights of such industrial uses to remain. Describe potential impacts including but not limited to: noise, groundborne and airborne vibration, odors, and use of hazardous materials.*
- *Policy 5.18: Day care facilities, schools, nursing home, and other similar sensitive receptors shall be located away from sites which store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks and additional exit routs over and above minimum code requirements.*
- *Policy 5.19: Require the installation of temporary buffers-fences, walls or vegetation-when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when the adjacent site is redeveloped as a non-industrial use.*

CONCLUSION

The TASP FEIR adequately evaluated the land use impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XI. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

The entire TASP Area, including the project site, is located in a developed urban area that does not have mineral exploration or extraction occurring in the vicinity. In addition, the TASP Area is not designated as containing mineral resource deposits of regional importance. As such the proposed project as well as the TASP would have no impacts on mineral resources.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XII. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Construction-Period Impacts

The proposed project would be consistent with the buildout projected for the TASP, and would implement the policies identified in the TASP FEIR to reduce potential noise impacts to less-than-significant levels. Construction of the project would adhere to the noise standards and requirements set forth in the City's Municipal Code and General Plan. The project would implement the measures identified in the TASP for addressing noise, including providing disclosures to future residents per Policy 5.17, and requiring temporary buffers if residents are placed next to existing industrial uses per Policy 5.19.

As described in the TASP FEIR, construction noise impacts would vary depending on proximity to sensitive receptors, the presence of intervening barriers, and the number, types, and duration of construction equipment used. Compliance with the General Plan and TASP policies would ensure that construction noise impacts would be less than significant.

The City's Noise Abatement Ordinance would restrict construction hours from 7:00 a.m. to 7:00 p.m. The City's General Plan Policy 6-I-13 would minimize construction noise impacts by restricting the hours of operation, technique, and equipment used. Additionally, the TASP Policy 5.15 requires that construction noise be mitigated to the extent feasible to reduce exposure of sensitive receptors.

The proposed project would not result in any new or more significant construction-period noise impacts than were described in the TASP FEIR. Implementation of the Noise Ordinance, the City of Milpitas General Plan, and the TASP, as included in the TASP FEIR, would reduce construction noise impacts to a less-than-significant level.

Construction Groundborne Vibration Impacts

Construction activities are known sources of groundborne vibration. Vibration impacts could occur during construction of the proposed project, which would require the use of heavy excavation equipment, and the possible use of pile-driving equipment. To determine potential construction vibration impacts, an impact evaluation is described below.

When assessing annoyance from groundborne noise, vibration is typically expressed as root mean square (rms) velocity in units of decibels of 1 micro-inch per second. Vibration levels, different from noise levels, are written as vibration velocity decibels (VdB). However, construction vibration impacts on building structures are generally assessed in terms of peak particle velocity (PPV). Therefore, for purposes of this analysis, project-related impacts are expressed in terms of PPV.

Typical groundborne vibration levels measured at a distance of 25 feet from heavy construction equipment in full operation, such as vibratory rollers, range up to approximately 0.210 PPV. Based on the Federal Transit Administration (FTA) data, large bulldozers generate 0.089 PPV at 25 feet and small bulldozers generate 0.003 PPV at 25 feet. Loaded trucks generate 0.076 PPV at 25 feet, an impact pile driver generates 0.644 PPV at 25 feet, and a sonic pile driver generates 0.170 PPV at 25 feet. Except for the impact driver, these vibration levels would not be expected to cause damage to residential buildings of typical northern California construction.

As stated in the TASP FEIR, the proposed project is mixed-use and therefore could expose sensitive receptors to unacceptable levels of groundborne vibration, specifically from Amtrak and freight trains along the Union Pacific Railroad (UPRR) tracks, including the spur line, and from the operation of BART trains along the proposed BART expansion into the TASP Area. Vibration analysis conducted for Santa Clara Valley Transit Authority's BART Expansion SEIR indicated that vibration impacts at existing receptors approximately 100 feet from the centerline of the proposed tracks in the Planning Area would be mitigated to a less-than-significant level (less than the 72 VdB significance threshold for frequent events affecting Category 2 land uses) by either using a floating slab track or by using tire derived aggregate under ballasted track.⁸ As this mitigation would reduce vibration at the source, future residential uses proposed along the BART alignment would also experience less-than-significant vibration impacts. In addition, the TASP includes policies that would ensure that vibration levels within buildings would be less than significant.

The proposed project would not result in any new or more significant groundborne vibration impacts than were described in the TASP FEIR. Implementation of TASP policies would reduce potential groundborne vibration impacts on future or existing sensitive receptors to less-than-significant levels.

Operational-Period Impacts

The project would result in an increase in people living close to transit stations which could expose sensitive receptors to higher noise levels from train and future BART activity. However, this condition would not result in any impacts that would be more severe than those analyzed in the TASP FEIR.

Stationary Noise Source Impacts

The proposed long-term use of the project site is mixed-use transit oriented development. Potential long-term stationary source impacts at the project site would be primarily associated with transportation activities and operations associated with delivery truck activities. The proposed

⁸ Transportation Authority, Santa Clara Valley, 2010. *BART Silicon Valley Environmental Impact Report*. November.

commercial uses could result in noise from mechanical equipment and other on-site sources (e.g., air-conditioning or other mechanical ventilation equipment, delivery loading docks or areas, emergency generators), which would create noise at the nearby sensitive receptors. However, the proposed project would not increase stationary source noise impacts above those analyzed in the TASP FEIR.

Aircraft Noise Source Impacts

According to the City's current and projected noise contours for San José International Airport, the project site is not within an area exposed to aircraft noise levels greater than 60 dB CNEL. Therefore, per TASP FEIR analysis, aircraft noise would have no impact on the project site.

Traffic Noise Impacts

Although the proposed project would result in an increase in traffic noise levels over existing conditions on the street network in its vicinity, it would not result in any additional or more severe noise impacts than were addressed in the TASP FEIR. Policies included in the TASP and the City's General Plan would ensure that traffic noise impacts would be less than significant.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 6-G-1: Maintain land use compatibility with noise levels similar to those set by State guidelines.*
- *Policy 6-G-2: Minimize unnecessary, annoying, or injurious noise.*
- *Policy 6-I-2: Require an acoustical analysis for projects located within a "conditionally acceptable" or "normally unacceptable" exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.*
- *Policy 6-I-3: Prohibit new construction where the exterior noise exposure is considered "clearly unacceptable" for the use proposed.*
- *Policy 6-I-4: Where actual or projected rear yard and exterior common open space noise exposure exceeds the "normally acceptable" levels for new single-family and multifamily residential projects, use mitigation measures to reduce sound levels in those areas to acceptable levels.*
- *Policy 6-I-5: All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB DNL or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels.*

- *Policy 6-I-6: Assist in enforcing compliance with noise emissions standards for all types of vehicles, established by the California Vehicle Code and by federal regulations, through coordination with the Milpitas Police Department, Santa Clara County Sheriff's Department, and the California Highway Patrol.*
- *Policy 6-I-9: Enforce the provisions of the City of Milpitas Noise Ordinance and the use of established truck routes.*
- *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.*

TASP Policies

- *Policy 5.10, 5.11, 5.13, 5.14, 5.15, 5.18 and 5.19: See policies in Section X, Land Use and Planning.*
- *Policy 5.17: In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses, including UPRR train tracks and operations, and permanent rights of such industrial uses to remain. Describe potential impacts including but not limited to: noise, groundborne and airborne vibration, odors, and use of hazardous materials.*

CONCLUSION

The TASP FEIR adequately evaluated the noise impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XIII. 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 (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

The proposed land use changes and policy revisions under the TASP (which includes the project site) were initiated in order to develop high-intensity, transit-oriented residential and commercial redevelopment on under-utilized industrial land around existing light rail stations and the future BART station in Milpitas. Promoting such high intensity development around transit stations is a key transportation goal for the Bay Area and would meet regional objectives.

The TASP FEIR evaluated potential environmental impacts associated with approximately 7,100 residential units and 18,000 new residents within the TASP Area. The TASP FEIR assumes that the population growth is concentrated in this area and that the TASP would increase the City's housing stock by 39 percent and its population by 28 percent based on 2006 estimates from the California Department of Finance.⁹

The District project would develop seven land parcels with a combination of mixed-use buildings and high-density residential. The proposed project includes the development of up to 1,169 residential units, 83,842 square feet of retail space, and one 175-room hotel. The project would directly generate a permanent population increase in the area. The project would not displace a residential population or existing housing, as the existing structures on the project site contain or formerly contained industrial uses. Similarly, the project would not result in an expansion of urban services, nor would it open additional undeveloped land for future growth. It would facilitate the reuse of underutilized land in an existing urban setting that is well served by transit facilities and services. In addition, the population and housing units proposed by the project would fall within the total development anticipated by the TASP FEIR. Therefore, the proposed project would not result in new or more significant population growth and/or housing impacts than were analyzed and described in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION

The TASP FEIR adequately evaluated the population and housing impacts of The District project.

⁹ Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report*. May.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XIV. PUBLIC SERVICES.				
a) 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:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

Fire and Police Protection

The applicant would construct the proposed project in conformance with current building codes, which require features to reduce potential fire hazards. The Milpitas Police Department would also review project design to ensure that it incorporates appropriate safety features to minimize criminal activity.

As discussed in the TASP FEIR, full buildout of the development approved in the TASP Area, including the proposed project, would incrementally increase the need for fire and police protection services, which would create the need for additional staffing or resources, and a new fire station in the TASP Area. The TASP FEIR states that given that the TASP Area anticipated population of 18,000 new residents, there would be a need for at least one and possibly two new fire companies. Future development of new fire or police facilities in the TASP Area would require supplemental project-specific environmental review.

The TASP presents unique operational issues for the Milpitas Fire Department due to its high density residential and mixed-use structures. The increase in population, business, and vehicular traffic resulting from the buildout of the area will increase the demand in service levels and has the potential to impact response times, as well as presenting challenges to Fire Department vehicle access and firefighting operations. To maintain current levels of service, an increase in staffing and equipment will be necessary. A “standards-of-cover” analysis should be conducted to determine the precise impact on the Fire Department’s staffing, equipment and any required facility enhancements. In

addition, the Milpitas Fire Department would need to write an addendum to the City's emergency management plan to address the development of the TASP Area.

As the TASP FEIR states, the buildout of the TASP Area, including the project site would require an increase in Police Department staffing to maintain current levels of service. The City currently provides a ratio of 1.46 police officers per 1,000 residents. The City estimates that an additional 26.3 police officers would be needed to maintain service levels.

The District project would follow policies that would reduce Fire and Police Department impacts due to TASP development to less-than-significant levels. The proposed project would not result in any new or more significant impacts to fire or police protection service beyond those identified in the TASP FEIR.

Schools

The proposed project would develop 1,169 new residential units within the TASP Area, which would directly increase the demand for school facilities. The closest schools to the project site are Northwood Elementary and Morrill Middle School within the Berryessa Union School District and Independence High School within the East Side Union High School District. The TASP FEIR determined that buildout of the TASP, including the project site, would contribute significantly to an exceedance of school district capacity for Milpitas Unified School District and East Side Union High School District, but that Berryessa Union School District has adequate capacity for future students generated as a result of the TASP. As such, the TASP FEIR determined that the impacts of the TASP Area buildout on school facilities would be significant and unavoidable.

Policies in the General Plan, Midtown Plan, and TASP would reduce the impact and include coordination with the school districts to update their comprehensive facilities plans, update school fees for developers, and consider joining use agreements for potential shared facilities. The proposed project would conform to the above policies, including TASP Policy 4.76. The proposed project has identified a school site adjacent to Houret 1 and Houret 2, which are two planning areas on the project site. The proposed project has been designed to be compatible with the proposed school site. Impacts to schools are significant and unavoidable and the proposed project would not affect this conclusion. The proposed project would not result in any new or more significant school impacts beyond those identified in the TASP FEIR.

Parks

Given that the TASP Area is transitioning from industrial to residential and that there are no public parks located nearby, new parks would need to be developed in the TASP Area. Since Milpitas is largely built out, no large new parks are likely to be established. Public parks in the TASP Area come in three forms: Parks/Plazas, Linear Parks, and Landscape Buffers. The City has previously adopted a public park ratio of 2.0 acres per 1,000 residents for the Midtown Specific Plan. The TASP FEIR states that while this ratio already applies to all but 12 percent of the TASP Area, the application of this ratio can be considered to provide an adequate level of parks and open space for its residents. This policy would require approximately 35.8 acres of public park space in the TASP Area.

The TASP FEIR identifies several policies and standards that require parks to be built as designated – thereby ensuring that impacts on parkland and facilities would be less than significant.

The proposed project would conform to the TASP policies. The proposed project would provide an urban plaza at the corner of McCandless Drive and Market Street consistent with the identification of a public plaza along this area shown in Figure 3-6 of the TASP and Policy 3.52, and would provide landscaped buffers, landscaped pedestrian paseos, and pedestrian walkways and bike trails consistent with Figure 3-6 and pursuant to TASP Policy 3.40. The project would also pay its fair share of in-lieu park fees for new development pursuant to TASP Policy 3.41. Finally, consistent with TASP Policy 3.54, the project would accommodate two pedestrian bridges over Penitencia Creek, and would provide an area along Montague Parkway for a “landing area” for the pedestrian bridge over Montague Parkway pursuant to TASP Policy 3.56.

Therefore, the proposed project would not result in any new or more significant impacts to park facilities beyond those identified in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

General Plan Policies

- *Policy 2.c-I-1: Continue working with Milpitas Unified School District (MUSD), Berryessa Union High School District, and East Side Union School District in its update of the comprehensive facilities plan and to ensure adequate provision of school facilities.*
- *Policy 2.c-I-3: Work with MUSD, Berryessa Union High School District, and East Side Union School District to monitor statutory changes and modify school fees when necessary to comply with statutory changes. Following this policy will permit the MUSD to update school fees for developers to cover the cost of constructing a new school and expanding Milpitas High School.*
- *Policy 5.c-I-1 Maintain a response time of four minutes or less for all urban service areas.*

TASP Policies

- *Policy 3.38: See policy in Section X, Land Use and Planning.*
- *Policy 3.41: Park land dedication and in-lieu fees required of new development.*
- *Policy 3.43: New development must pay for the construction of public parks and streets surrounding the parks (or half streets if bordering an adjacent development site).*
- *Policy 3.48: The park along Penitencia Creek East Channel shall provide a pedestrian path along the creek; BBQ's; a tot lot; open space areas for Frisbee and similar informal recreation, and other passive recreation facilities.*

- *Policy 3.52: Provide a plaza or other type of public space in the Mixed Use District at Great Mall Parkway/McCandless Drive/Centre Point.*
- *Policy 3.54: Include a network of trails along Penitencia Creek and railroad right of ways. These bike/pedestrian trails will connect into the citywide trail network, pedestrian overcrossings of expressways, and the Transit Area's continuous network of bike lanes. They will be located on both sides of Lower Penitencia Creek and on the east side of the Union Pacific railroad tracks that run between Main Street and McCandless Drive.*
- *Policy 3.55: Complete a Trail Loop connecting the whole Transit area.*
- *Policy 3.56: Connections shall be created along Montague Expressway with overhead bridges or undercrossings to create a continuous trail network; allow pedestrians and bicyclists to cross safely; and connect neighborhoods, schools, and parks.*
- *Policy 3.57: All properties along the trail network will need to set aside land for trails. This land will count towards the required public park land dedication requirement. If trail easements already exist or are acquired within the rail line or flood control right of ways, these easements may be used in lieu of land or development sites.*
- *Policy 5.3: All streets (private and public) shall be consistent with the street sections in Chapter 5 of the TASP and shall meet any additional Milpitas Fire Department fire apparatus design requirement for access and firefighting operations.*
- *Policy 6.43: Coordinate with the affected school districts on facilities needed to accommodate new students and define actions the City can take to assist or support them in their efforts.*
- *Policy 6.46: The City and the school districts located in the Specific Plan area should consider entering into a joint use agreement, allowing public use of a new school's playfields when not in use by students, and public use of rooms in the school building for community meetings and events. Any new school site should include outdoor active recreation facilities, which would be counted toward the TASP's public parks requirement. The school building should include facilities that can be accessed and used for community events.*
- *Policy 6.50: The Fire Department shall conduct a 'standards of cover' analysis to determine the Transit Plan's precise impact on the department's staffing and equipment, and any required facility needs. Identify and evaluate potential sites for an expanded or new fire station near the Transit Area if the standards of cover analysis determines it is warranted.*
- *Policy 6.51: Additional fire department staff will be hired, equipment purchased and facilities built to provide an adequate level of service – as determined by City Council – for the residents, workers, and visitors of the Transit Area. New equipment and facilities shall be funded by the Community Facilities District fee and new staff paid from the City's General Fund.*
- *Policy 6.52: If a new fire station is built to meet the service needs of the Transit Area, it must be sited and developed in such a way to not create substantial adverse physical impacts or significant environmental impacts.*

- *Policy 6.53: The Fire Department shall update the City’s emergency and disaster response plans to take the location and type of new development and future traffic levels, into account.*
- *Policy 6.54: Additional police staff will be hired and equipment purchased to provide an adequate level of service – as determined by City Council – for residents, workers and visitors of the of the Transit Area. New equipment shall be funded by the Community Facilities District fee and new staff paid from the City’s General Fund.*

CONCLUSION

The TASP FEIR adequately evaluated the public service impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XV. RECREATION.				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

The proposed project would generate a residential population that would increase demand for park and recreational facilities. The proposed project would conform to TASP policies identified in Section XIV, Public Services. To meet these standards and policies, the proposed project would provide an urban plaza at the corner of McCandless Drive and Market Street consistent with the identification of a public plaza in this area shown in Figure 3-6 of the TASP and Policy 3.52, and would provide landscaped buffers, landscaped pedestrian paseos, and pedestrian walkways and bike trails consistent with Figure 3-6 and pursuant to TASP Policy 3.40. The project would also pay its fair share of in-lieu park fees for new development pursuant to TASP Policy 3.41. Finally, consistent with TASP Policy 3.54, the project would accommodate two pedestrian bridges over Penitencia Creek, and would provide an area along Montague Parkway for a “landing area” for the pedestrian bridge over Montague Parkway pursuant to TASP Policy 3.56.

In addition, the proposed project would include approximately 89,914 square-feet of shared open space for future residents.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

TASP Policies

- *Policy 3.38: See policy in Section X, Land Use and Planning.*
- *Policy 3.40: Locate and size parks as shown on Figure 3-6, Parks, Public Spaces, and Trails [of the Specific Plan]. Minor adjustments to the location of parks may be necessary to facilitate a better site plan, respond to site specific constraints, or to accommodate phasing of a project. Smaller parks may be combined to form a larger neighborhood park within the same subdistrict as long as there is no reduction in park area. Complete elimination or relocation of a park outside of a subdistrict requires an amendment to the Specific Plan. If a school is located on a site designated as a park, it may be counted as a park if a joint use agreement is established to allow public use of open space and buildings for recreation purposes after school hours and on weekends. If no such joint use agreement is established, an alternative park site shall be designated.*
- *Policy 3.41 and 3.43: See policies in Section XIV, Public Services.*
- *Policy 3.45: Private development within the Transit Area must meet the private open space requirements on a project-by-project basis.*
- *Policies 3.48, 3.54, 3.55, 3.56, 3.57: See policies in Section XIV, Public Services.*

CONCLUSION

The TASP FEIR adequately evaluated the recreation impacts of The District project.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XVI. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted polices, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

This section compares traffic impacts from the proposed project with impacts identified in the TASP FEIR. Pirzadeh & Associates prepared the Traffic Operations Analysis¹⁰ (TOA) to evaluate localized and site access traffic improvements for the proposed project. Pirzadeh & Associates wrote a memorandum that explained how the TOA remained valid for a relatively small increase in project trips and clarified the analysis of retail uses.¹¹

¹⁰ Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Traffic Operations Analysis (Revised)*. September 10.

¹¹ Pirzadeh & Associates, 2015. *District 2-4; Centre Pointe B & C; Houret 1 & 2 – Milpitas, California, Additional Retail and Residential Units*. October 13.

Trip Generation

The TOA uses trip generation rates and site trip generation calculation procedures from the TASP. The trip generation data are used to assign trips to project driveways and adjacent streets and to conduct a site access operational analysis.

Intersection Level of Service Impacts

The TOA identified nine intersections and/or driveways for inclusion in the analyses of the proposed project. The traffic analysis used the March 5, 2012, TJKM Analysis (2030 peak hour) as the basis of data and trip distribution for the project site. The project TOA updated the 2012 peak hour analysis to include development from the proposed project and adjacent sites. The traffic analysis performed an HCM (Highway Capacity Manual) traffic simulation for the nine identified intersections and/or driveways. All of these modelled intersections would operate at level of service D or better. Based on this finding, no further project-specific improvements would be necessary.

The TOA also used the HCM traffic simulation to analyze vehicle queuing for turn lanes at the study locations. At Centre Pointe Drive and Great Mall Parkway, the northbound left-turn queue would extend beyond the left-turn pocket length. However, the queue would not extend back to Market Street and would not obstruct any left-turn movements within this segment of Centre Pointe Drive. The queue analysis shows that the proposed lane configuration at other study intersections could accommodate the expected queue. The proposed project would not require any modifications beyond those proposed by the project to accommodate vehicle queues.

Site Circulation and Access

The project proposes two new access driveways for Lot 3/Centre Pointe Site A. One driveway is proposed as right-turns-in only off of Great Mall Parkway and the second driveway is a right in/out off of Centre Pointe Drive. The project includes a right-turn lane for the Great Mall Parkway access driveway. The project would prohibit left turns into or out of the Centre Pointe Driveway.

The project proposes to modify access to Lot 2 off of McCandless Drive, south of Market Street. This modification would separate the Lot 2 access from the Lot 1 access across McCandless Street at Market Street. The project would also modify Market Street to provide two-way traffic to facilitate circulation and access in the vicinity of The District.

Pedestrian, Bicycle, and Transit Facilities

As indicated in the TASP FEIR, the current sidewalk network within the TASP Area is deficient and will not meet future demand generated by new and higher density land uses. The TASP includes: (1) sidewalks on both sides of all existing and proposed streets in its area, (2) pedestrian links between various uses such as connections to open space, and (3) a multi-use path along Penitencia Creek.

The TASP also included two pedestrian bridges; one would be adjacent to the project site over Montague Expressway at Penitencia Creek. The TASP would also separate sidewalks on high speed streets from traffic by a landscaped buffer.

Bicycle circulation was shown as lacking on Trade Zone Boulevard which is not within the project area. Based on measures included as part of the TASP, bicycle circulation would be improved.

Development due to the TASP would generate additional transit trips that existing and planned bus, light rail, and BART transit lines would be able to accommodate. Impacts from development of The District were also analyzed for the TASP analysis. The proposed project would not cause any additional or more severe impacts to sidewalks, bicycle circulation, or transit services than were identified in the TASP FEIR.

TASP Policies

- *Policy 3.12: Preserve adequate right-of-way along Capitol Avenue, Great Mall Parkway, and Montague Expressway to accommodate funded future regional roadway improvements including an urban interchange at Montague Expressway/Great Mall Parkway and the future widening of Montague Expressway to eight lanes as required with development of the Transit Area Plan.*
- *Policy 3.15: Review individual development applications to ensure that adequate street right-of-way, bicycle facilities, pedestrian facilities and landscaping are provided and are consistent with the Transit Area Plan circulation policies and street design standards in Chapter 5.*
- *Policy 3.28: See this policy in Section VII, Greenhouse Gas Emissions.*
- *Policy 3.32: Coordinate with VTA to provide sufficient amenities (such as transit shelters) at all transit stops within the Transit Area.*
- *Policy 6.32: The City shall establish and assess a transportation impact fee program, known as the Regional Traffic Fee, to contribute toward traffic improvements to be undertaken in whole or in part by the County of Santa Clara or City of San Jose. This fee will go toward the East/West Corridor Study, Montague Expressway Widening project, and Calaveras Boulevard (SR 237) Overpass Widening project, as well as other local and regional improvements. Individual developments within the Transit Area are required to prepare a traffic impact analysis to identify their fair share contribution toward the impacts and mitigation measures covered by the fee.*
- *Policy 6.33: The City shall establish and assess a transportation impact fee program, known as the Transit Area Plan Traffic Fee, to provide improvements to mitigate future traffic operations on the roadway segments within the City of Milpitas. All projects within the Transit Area Plan will be required to pay this fee.*

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

CONCLUSION

The TASP FEIR adequately evaluated the transportation impacts of The District project. The proposed project would be required to comply with TASP policies related to transportation including the traffic impact fees and City of Milpitas 2008 CFD (TASP Area) tax rates.

	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No New Impact
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, State, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION:

Wastewater Treatment Requirements

As the TASP FEIR describes, the City's Main Pump Station has a wet weather capacity between 42 and 45 million gallons per day (mgd) and the City does not expect buildout of the TASP, including the project site, to cause the City's overall wet weather flow to exceed this capacity (TASP Impact 3.11-3).¹² The City plans to make improvements to the Main Sewage Pump Station, not as a result of the buildout of the TASP, but as a result of overdue maintenance and seismic deficiencies. The TASP FEIR determined that the buildout of the TASP would result in an increase in wastewater flow and several new improvement projects to sewer pipelines would be required.

The TASP FEIR also determined buildout of the TASP would create sewer flows that when combined with other cumulative growth and development within the City would exceed the City's contracted capacity at the Water Pollution Control Plant. However, because the proposed project is smaller than what was evaluated in the TASP FEIR, it would not result in any new or more severe impacts related to wastewater capacity and infrastructure than those previously analyzed.

Stormwater Drainage Facilities

The TASP would require the development of new storm drainage infrastructure as outlined in the 2001 Storm Drain Master Plan.¹³ No additional improvements were found to be needed beyond those identified in the 2001 Storm Drain Master Plan. The potential impacts associated with storm drainage facilities from the proposed project would not be greater or more severe than those identified in the TASP FEIR.

Water Supply

The TASP FEIR determined that the buildout of the TASP, including the project site, would increase water demand at buildout by 1.1 mgd. The buildout of the TASP would exceed capacity of the existing turnout delivering water from the SCVWD system during the peak hour demand period. This increase in demand would require improvements to the existing water infrastructure both within the TASP Area and affected pressure zones.

TASP Policy 6.22 would ensure that less-than-significant impacts associated with water supply would occur. The TASP FEIR concluded that this water demand will be adequately served by water supplies from current sources in addition to offsets by the supplies available from the SCVWD, the ability to run emergency wells, and an increased use of recycled water. The TASP provides policies which require the use of recycled water.

¹² Milpitas, City of, 2008. *Milpitas Transit Area Specific Plan Final Environmental Impact Report*. May.

¹³ Milpitas, City of, 2001. *Storm Drain Master Plan*. July.

The proposed project would conform to TASP policies that would reduce the impact to a less-than-significant level and would not result in greater growth on the project site than anticipated by the TASP FEIR. Impacts of the proposed project would not result in any greater impacts than those identified by the TASP FEIR.

Solid Waste

Buildout of the TASP Area would result in an increase in the amount of solid waste due mainly to the increase in residential uses. The TASP FEIR concluded that there is sufficient capacity in the existing solid waste disposal facilities serving the TASP Area, including the project site, for at least 30 more years. The proposed project would conform to TASP policies and would not result in any new or more severe impacts beyond those identified in the TASP FEIR.

APPLICABLE MITIGATION

No substantial changes in environmental circumstances have occurred for this topic, nor revisions to the project, nor new information that could not have been known at the time the TASP FEIR was certified leading to new or more severe significant impacts, and no new mitigation measures are required.

APPLICABLE POLICIES

TASP Policies

- *Policy 6.8: Construct the improvements to the wastewater collection system within the TASP Area that were identified in the 2007 Sewer Master Plan Update.*
- *Policy 6.13: Provide water supply for the Specific Plan area from the Santa Clara Valley Water District.*
- *Policy 6.18: Construct recycled water mains along Great Mall Parkway, Capitol Avenues, Montague Expressway, Sango Court and into the Piper/Montague subdistrict as shown in Figure 6-3 of the TASP.*
- *Policy 6.19: Per the Midtown Specific Plan, require new development to include recycled water lines for irrigation.*
- *Policy 6.21: Require existing irrigation users to convert to recycled water when it becomes available.*
- *Policy 6.22: Upgrade and expand the water distribution system such that it will be adequate to serve new development within the TASP Area.*
- *Policy 6.23: All new development shall participate to the maximum extent practical in solid waste source reduction and diversion programs.*

XVIII. PREPARERS AND REFERENCES

PREPARERS

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Patty Linder, Graphics and Production

Charis Hanshaw, Word Processor

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ATTACHMENT D
Appendix C:
Development Checklist

DEVELOPMENT CHECKLIST

The following checklist has been developed to assist project applicants and City staff to determine whether a proposed project complies with the Climate Action Plan.

If the proposed project’s expected GHG emissions were not considered in the GHG emissions 2020 and 2035 forecast included in **Appendix A** of the CAP, this checklist is provided for informational use but may not preclude preparation of separate GHG analysis for the project. Examples of projects that may not be incorporated into the City’s forecast include stationary source emissions regulated by the Bay Area Air Quality Management District, General Plan amendments, new specific plans that exceed the City’s proposed population and job growth forecasts, and GHG emissions used in specific manufacturing processes that are not easily tracked at a community-wide level.

PROJECT DESCRIPTION/CHARACTERISTICS

Please identify the applicable land uses included in the proposed project and provide a brief description of the proposed project (or the project description to be used for the associated environmental document).

Identify the applicable land uses:

- Residential Commercial Industrial Manufacturing Other

Project Description:

The proposed project is located on an approximately 27-acre site is located in the southwestern portion of the City of Milpitas. The irregularly-shaped project area is generally bordered by Great Mall Parkway to the north, Montague Expressway to the east, Houret Drive to the South, and a railroad alignment to the west. The project site encompasses the following addresses: 1463, 1515, 1557 and 1585 Centre Pointe Drive; 1757, 271, 247, and 231 Houret Drive; and 1425 and 1320 McCandless Drive.

The project consists of the demolition of all existing structures and associated pavements on the site and grading and construction of 1,169 residential units, 83,842 square feet of ground floor retail, one hotel with 175 rooms, and associated landscaping and parking.

The project is located within the Transit Area Specific Plan (TASP) area.

ATTACHMENT D

Appendix C:

Development Checklist

AMENDMENTS REQUESTED

Does the project require an amendment to any of the following planning documents?

- General Plan: Yes No Not Sure
- Midtown Specific Plan: Yes No Not Sure
- Transit Area Specific Plan: Yes No Not Sure

GHG EMISSIONS INCORPORATED WITHIN CITY GHG FORECAST

Was this project, and its potential GHG emissions sources, considered in the City's GHG inventory and forecast?

- Yes No To be determined by staff

PROJECT SOURCES OF GHG EMISSIONS CONSIDERED IN CITY INVENTORY

Identify the activities and sources of GHG emissions anticipated by the proposed project during either the construction or operational phases of the project.

Potential GHG Emissions Sources:		
<input checked="" type="checkbox"/> Electricity Use	<input checked="" type="checkbox"/> Res./Comm./Ind. Waste	<input checked="" type="checkbox"/> Gasoline or Diesel Use
<input checked="" type="checkbox"/> Natural Gas Use	<input checked="" type="checkbox"/> Wastewater Disposal	<input checked="" type="checkbox"/> Transportation (On-Road)
<input checked="" type="checkbox"/> Const. & Demolition Waste	<input checked="" type="checkbox"/> Water Use	<input checked="" type="checkbox"/> Off-Road Equipment
<input type="checkbox"/> Other _____		

APPLICABLE MEASURES/COMPLIANCE

Identify in the checklist below the applicable measures that will be implemented as part of the proposed project to demonstrate consistency with the City's Climate Action Plan.

ATTACHMENT D

Appendix C:

Development Checklist

Required Measures

This list includes measures and actions included in the CAP that are (1) required to be included in the project design and implementation and(2) currently being implemented by the City. By following these two conditions and meeting the requirements identified below, the project demonstrates consistency with the CAP. As the City implements additional CAP measures, they will be added to this list.

Measure	Action	Applicability	Compliance*
Waste reduction			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
New multi-family development			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Bikeways master plan			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Municipal solar power purchase agreement			<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Water conservation			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Recycled water			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Green building			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

** All measures that are considered applicable on this list are required to be implemented in order to demonstrate consistency with the CAP.*

RECOMMENDED MEASURES

This list includes measures and actions identified in the CAP, or programs and regulations that have yet to be adopted by the City, which would apply to a project of this type. These measures should be included in the project design as feasible and, once implemented or adopted by the City, be included in the list of required measures above.

ATTACHMENT D

Appendix C:

Development Checklist

Measure	Action	Applicability	Compliance*
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

* All measures considered applicable on this list should be considered for implementation in order to demonstrate consistency with the CAP.

OTHER GHG REDUCTION MEASURES IMPLEMENTED

List and describe any additional measures that this project will incorporate to reduce GHG emissions that are not included in the CAP. If available, provide the estimated GHG reductions that would occur on an annual basis from implementing the measure, in MTCO_{2e}.

Additional Measure	Estimated Annual GHG Reductions (MTCO _{2e})
Project is located across the street from a VTA light rail station and the new Milpitas BART station. The project's location will reduce vehicle miles travelled for the project's residents	TBD