FINAL
ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED McCARTHY RANCH MIXED USE PROJECT

STATE CLEARINGHOUSE #2008092082

RESPONSES TO COMMENTS, REVISIONS TO THE DRAFT EIR, AND MITIGATION MONITORING AND REPORTING PROGRAM

Prepared by

THE CITY OF MILPITAS

May 2009

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1. INTRODUCTION

1.1 RELATIONSHIP BETWEEN DRAFT EIR AND FINAL EIR

In conformance with the California Environmental Quality Act (CEQA) Guidelines (2009), section 15132 (Contents of Final Environmental Impact Report), the Final Environmental Impact Report (Final EIR) for the proposed McCarthy Ranch Mixed Use Project consists of two volumes: (1) the February 2009 Draft EIR, which was distributed for public review and comment on February 26, 2009; and (2) this May 2009 Final EIR document, which incorporates the Draft EIR by this reference, and includes responses to comments received by the Lead Agency (the City of Milpitas) during the public review period on the Draft EIR, plus a set of revisions made to the Draft EIR in response to the comments received. The responses to comments are included in section 2 of this document. The revisions to the Draft EIR are included in section 3. None of the revisions to the Draft EIR included in section 3 represents a substantial increase in the severity of an identified significant impact or the identification of a new significant impact, mitigation, or alternative considerably different from those already considered in preparing the Draft EIR.

CEQA section 21081.6 of the Public Resources Code requires all public agencies to adopt a mitigation monitoring or reporting program when they approve projects subject to environmental impact reports or mitigated negative declarations. The Mitigation Monitoring and Reporting Program chart for the project is included in section 4 of this Final EIR document.

1.2 PROPOSED PROJECT

The proposed McCarthy Ranch Mixed Use Project (project) represents a final implementation phase of the City-approved McCarthy Ranch Master Plan. The project is comprised of three noncontiguous properties--sites A, B and C--totaling approximately 58.5 acres, located in the developing McCarthy Ranch Master Plan area along the west side of North McCarthy Boulevard between SR 237/Calaveras Boulevard and Dixon Landing Road. The west edge of each of the three sites is contiguous to the existing Coyote Creek corridor.

The City of Milpitas General Plan and McCarthy Ranch Master Plan provide for development of the area with a mix of commercial, residential, research and development (R&D) and industrial park uses. The three properties are currently designated *Industrial Park and Manufacturing* on the Milpitas General Plan Land Use Map and zoned *Industrial Park* (MP) with a maximum floor area ratio (FAR) of 0.50.

The project consists of an application for City approval of the General Plan and zoning entitlements, and associated CEQA documentation, necessary to permit up to approximately 1.07 million square feet of office park floor space on sites A and B and up to approximately 93,580 square feet of community shopping center floor space on site C.

The proposed office park uses on sites A and B would be consistent with current General Plan and zoning allowances. The proposed community shopping center use on site C would require a General Plan amendment and rezoning from *Industrial and Manufacturing*/MP to *Community Commercial*/C2 to accommodate a *General Commercial* (rather than *Industrial Park*) use of site C, at an FAR of 0.23.

The proposed project includes the following breakdown of office park and community shopping center land uses for the three project sites:

	Site A	Site B	Site C	Total
Site size (approx.)	44.20 acres	5.00 acres	9.34 acres	58.54 acres
Assessor's Parcel No.	22-29-36 (35.01 acres) and 22-30-37 (9.19 acres)	22-30-39	22-30-48	
Existing General Plan designation	Industrial Park and Manufacturing	Industrial Park and Manufacturing	Manufacturing and Warehousing	
Proposed General Plan designation	No change	No change	General Commercial	
Existing zoning	MP (Industrial Park)	MP (Industrial Park)	MP (Industrial Park)	
Proposed zoning	No change	No change	C2 (General Commercial)	
Proposed land use	Office Park	Office Park	Community Shopping Center	
Maximum Permitted/ Proposed FAR	0.50/0.50	0.50/0.50	0.50/0.23	
Proposed maximum floor area (approx.)	962,570 sq.ft.	108,900 sq.ft.	93,580 sq.ft.	1,165,050 sq. ft

The project description summary above should not be relied upon for a thorough understanding of the proposed project. Please refer to chapter 3 (Project Description) of the February 2009 Draft Environmental Impact Report for the Proposed McCarthy Ranch Mixed Use Project, and associated revisions included in section 3 of this Final EIR document, for a more complete description of the proposed redevelopment program.

2. RESPONSES TO COMMENTS ON THE DRAFT EIR

After completion of the Draft EIR, the Lead Agency (the City of Milpitas) is required under CEQA Guidelines sections 15086 and 15088 to consult with and obtain comments from other public agencies having jurisdiction by law with respect to, or otherwise potentially affected by, the project, and to provide the general public with an opportunity to comment on the Draft EIR. Under CEQA Guidelines section 15088, the Lead Agency is also required to respond in writing to substantive environmental points raised in this Draft EIR review and consultation process.

The Draft EIR was distributed for public review and comment on February 26, 2009. The required 45-day public review period on the Draft EIR ended on April 17, 2009.

Comments received on the Draft EIR during the 45-day public review period were submitted in the form of seven (7) letters received by the City.

CEQA Guidelines section 15132 (Contents of Final Environmental Impact Report), subsection (b), requires that the Final EIR include the full set of "comments and recommendations received on the Draft EIR either verbatim or in summary"; section 15132, subsection (c), requires that the Final EIR include "a list of persons, organizations, and public agencies commenting on the Draft EIR"; and section 15132, subsection (d), requires that the Final EIR include "the responses of the Lead Agency to significant environmental points raised in the review and consultation process." In keeping with these guidelines, this Responses to Comments section includes the following subsections:

- a **list of Draft EIR commenters** (section 2.1) which lists each public agency, organization, and individual who submitted written comments to the Lead Agency during and immediately after the Draft EIR public review period; and

- a **responses to written comments** section (section 2.2), which includes verbatim copies of the seven (7) letters received, followed by a summary of, and the response of the Lead Agency to, each comment therein pertaining to the EIR process content or adequacy.

2.1 LIST OF DRAFT EIR COMMENTERS

The public agencies, organizations, and individuals who commented on the Draft EIR are listed below. Each commenter is also identified by a code number (1, 2, 3, etc.), which corresponds to the number assigned to the commenter's letter in subsection 2.2 (Responses to Written Comments).

1. Raluca Nitescu, PE, Project Engineer, Roads and Airports Department, County of Santa Clara; March 30, 2009

2. Jeff Schwob, Planning Director, Planning Division, Community Development Department, City of Fremont; April 10, 2009

3. Lisa Carboni, District Branch Chief, Local Development-Intergovernmental Review, Department of Transportation, State of California; April 14, 2009

4. Terry Roberts, Director, State Clearinghouse, State Clearinghouse and Planning Unit, Governor's Office of Planning and Research, State of California; April 14, 2009

5. Theodore Hipol, Assistant Engineer, Community Projects Review Unit, Santa Clara Valley Water District; April 15, 2009

6. Rachel Santos, Open Space Planner, Santa Clara County Open Space Authority; April 17, 2009

7. Roy Molseed, Senior Environmental Planner, Santa Clara Valley Transportation Authority; April 17, 2009

2.2 RESPONSES TO COMMENTS

The following section includes copies of the seven (7) letters received during the Draft EIR public review period. Each letter is immediately followed by the Lead Agency's (City's) responses to comments therein pertaining to the content or adequacy of the Draft EIR. The comments and responses are correlated by code numbers added to the right margin of each letter.

County of Santa Clara

Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2400

1

March 30, 2009

Mr. Sheldon S. Ah Sing, Senior Planner
Milpitas Planning Division
455 East Calaveras Division
Milpitas, CA 95035

Subject: Notice of Availability of the Draft Environmental Impact Report (DEIR) for McCarthy Ranch Mixed Use Project SCH# 2008092082

Dear Mr. Singh,

Your February 27, 2009 Notice along with the attachment for the subject project have been reviewed. Our comments are as follows:

- The Environmental Impact Report proposes to change the General Plan to include the addition of 1.07 million square feet at sites A and B and 93,580 square feet at site C. Review of the project Traffic Impact Report on Montague Expressway indicates no impact on Montague Expressway and therefore no mitigations are required. **1.01**

- However from operational point of view, Montague Expressway will be impacted. The City needs to collect development fee for future improvements on Montague that will result from cumulative Traffic Impact.

- Additionally, due to the current economics, the existing Level of Service (LOS) resulting now in no impact to County roadways, is not reflective of future economic rebound. Therefore the City needs to contribute funds for future impact resulting from an improving economy. **1.02**

If you have any questions, please contact me at 573-2464.

Sincerely,

Raluca Nitescu, PE
Project Engineer

cc: SK, MA, WRL, File

1. Raluca Nitescu, PE, Project Engineer, Roads and Airports Department, County of Santa Clara; March 30, 2009

1.01 *Subject:* Transportation and Circulation--Montague Expressway

Comment: DEIR indicates no impact on or mitigation for Montague Expressway; however Montague Expressway operation will be impacted. City needs to collect development fee for future cumulative traffic related improvement needs on Montague.

Response: In 1997, the City of Milpitas adopted a Traffic Impact Fee Ordinance to collect fair share roadway system impact mitigation fees from new development projects. These impact fees are used to contribute towards the cost of transportation improvement projects necessary to accommodate cumulative growth in Milpitas. The McCarthy Ranch project will be required to pay its associated Traffic Impact Fees, based on trip generation volumes from the project. Under the established fee program, a portion of the Traffic Impact Fee from the project will be allocated towards the costs of future transportation improvements along Montague Expressway.

1.02 *Subject:* Transportation and Circulation--economic factors

Comment: Existing LOS resulting in no impact to County roadways is not reflective of future economic rebound. City needs to contribute funds for future impact resulting from improving economy.

Response: Existing LOS data presented in the February 2009 DEIR are based on traffic counts conducted by the DEIR transportation consultant and by the cities of Milpitas, Fremont and San Jose between 2007 and late 2008. Although traffic conditions in 2007/2008 (when the traffic counts were conducted) might be less congested than hypothetical conditions with a stronger economy, the EIR consultants are unaware of any official data that substantiates a significant economic conditions-linked decrease in existing traffic counts on roadways in the Milpitas area. In any event, even if the existing traffic count volumes would be higher under stronger economic conditions, it would be unlikely that the relatively small increase in traffic on Montague Expressway due to the McCarthy Ranch project would cause any additional significant operational impact at one or more associated study intersections.

CITY OF Fremont

Community Development Department
Planning
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510 494-4440 *ph* | www.fremont.gov

April 10, 2009

Sheldon S. Ah Sing
Senior Planner
455 East Calaveras Blvd.
Milpitas, CA 95035

SUBJECT: McCarthy Ranch Mixed Use Project DEIR comments, State # 008092082

Dear Sheldon S. Ah Sing:

Thank you for the opportunity to comment on the DEIR. The following are the City of Fremont's comments to the proposed McCarthy Ranch Mixed Use Project, DEIR dated February 2009:

1. Include the proposed development of Creekside Landing (formerly Bayside Market Place Shopping Center) and approved Fremont Tech Center Phase 2 for the "Project Condition, 2030 Cumulative No Project, and 2030 Cumulative Plus Project condition scenarios. **2.01**
2. For the project condition scenario and cumulative scenarios, revise the intersection geometry of McCarthy Boulevard and Dixon Landing Road to include the north leg (future Fremont Boulevard). The City of Fremont will provide the AM and PM peak hour traffic for the Fremont Boulevard southbound intersection volumes, lane geometry and from its Creekside Landing Development Project EIR under a separate letter to the City of Milpitas. **2.02**
3. The intersection LOS analysis of I-680/Scott Creek for "Project & Cumulative Scenarios" should include project trips generated by the Creekside Landing Development and Fremont Tech Center Phase 2 Development. **2.03**
4. For the intersection of SB I-680/Scott Creek Road, existing AM peak hour volume is shown as zero for WB left turn movement. This is highly unlikely. Please check the turning movement counts field data, and revise related analyzes if necessary. The Fremont Creekside Landing DEIR shows the existing AM peak westbound left turn volume at this intersection to be 86 vehicles.
5. Include intersections of SB I-680/Scott Creek Road and NB I-680/Scott Creek in the project conditions signal warrants analysis. **2.05**
6. The future intersection of Fremont Boulevard/McCarthy Boulevard/Dixon Landing Road incorporates the requirements for the planned north-south Bay Trail. **2.06**

The City of Fremont believes that under CEQA the EIR has an obligation to acknowledge approved and pending projects. Even though past EIRs have neglected to include the Fremont Boulevard connection and the Creekside Landing Project, a pending project, they have also failed to account for the approved projects such as the current entitlement for an industrial project on the same Creekside landing site. This valid approval under Development Agreement 92-1 authorizes a nine lot industrial development with potential for approximately 899,000 square feet of industrial development similar in scale and type to what exists at Bayside Business Park to the north. Simply neglecting to acknowledge these conditions is not in the spirit of CEQA. We look forward to seeing the Final EIR/ Response to Comments. **2.07**

Please continue to notify Kelly Diekmann, Senior Planner when the Final EIR is available and any upcoming hearings on this matter.

Sincerely,

Jeff Schwob
Planning Director

C: Kelly Diekmann, Senior Planner
Rene Daltan, Transportation Engineer
Kunle Odumade, Senior Transportation Engineer

2. Jeff Schwob, Planning Director, Planning Division, Community Development Department, City of Fremont; April 10, 2009

2.01 *Subject:* Transportation and Circulation--impact scenario assumptions

Comment: The following two pending Fremont projects should be included in the three DEIR transportation analysis impact scenarios--i.e., Project Conditions, 2030 Cumulative Conditions without and with the project: Creekside Landing (formerly Bayside Market Place Shopping Center) and Fremont Tech Center Phase 2 project.

Response: The DEIR traffic analysis has adequately considered both of these two Fremont projects. The Bayside Marketplace Project is shown on DEIR Figure 11.1, Land Uses in the Project Vicinity (page 11-2), at location 6 ("Bayside Market Place Project") and is listed and described in DEIR Table 11.1, Anticipated Cumulative Future Additional Development in Milpitas and Southern Fremont (page 11-7), as the Bayside Market Place project, located at the south terminus of Fremont Boulevard; "In Process"; 524,000 square feet. The Fremont Tech Center Phase 1 and Phase 2 projects are both also shown on Figure 11.1 (locations 8 and 9) and listed and described in DEIR Table 11.1 (page 11-8) as the Fremont Tech Center Phase 1 project at 2703 Lakeville Ct., "Completed, not yet fully occupied," and the Fremont Tech Center Phase 2 project at Lakeview Dr., south of Phase 1, "Approved," 76,584 square feet.

Following standard traffic analysis practice in Milpitas, the DEIR traffic analysis evaluates the following four scenarios: Existing Conditions, Background Conditions (existing plus approved but not yet completed developments), Project Conditions (background plus project) and 2030 Cumulative Conditions (projected 2030 conditions, based on the Milpitas version of the Santa Clara Valley Transportation Authority (VTA) travel forecasting model, plus project). At the start of the TIA for the proposed project, the City of Fremont was contacted by the EIR transportation consultants, Hexagon Transportation Consultants, to obtain information on approved and pending projects in that city.

As shown in DEIR Table 11.1, based on the initial consultation with the City of Fremont, the Bayside Market Place Project application was not classified as an approved project , but rather as "In Process" at the time the Notice of Preparation (NOP) for the McCarthy Ranch Mixed Use Project DEIR was issued (September 16, 2008).[1] Therefore, following standard Milpitas and Fremont traffic analysis practice, the Bayside project was <u>not</u> included in the Background Conditions analysis and <u>was</u> included in the 2030 Cumulative analysis.[2] The extension of Fremont Boulevard to Dixon Landing Road, which is anticipated with the Bayside project, was also included in the 2030 Cumulative analysis.

[1]Following common CEQA practice, "approved but not yet completed developments" are defined as developments approved but not yet completed at the time the notice of preparation (NOP) for the Draft EIR was published (CEQA Guidelines section 15125(a)).

[2]Similar to City of Milpitas EIRs, City of Fremont EIRs including the October 2008 Bayside Project DEIR treat "pending" (not yet approved) projects in Milpitas as part of their "Long-Term Cumulative" (2030) scenario.

In addition, as explained on DEIR p. 14-45, the DEIR 2030 Cumulative Conditions analysis used travel demand forecasts based on year 2030 land use data and roadway network assumptions, with local land use data refinements to reflect existing and pending land use characteristics in the Milpitas area. The VTA model includes two traffic analysis zones to represent the proximate area west of I-880 between SR-237 and Dixon Landing Road. The local 2030 land use data refinements consisted primarily of added network and zonal detail along McCarthy Boulevard, plus the changed land use characteristics proposed for the pending approximately 524,000-square-foot Bayside Market Place Shopping Center development proposal (aka, Creekside Project) which is located along the Fremont Boulevard extension north of Dixon Landing Road in Fremont. (The VTA travel demand model had previously assumed an industrial use of this site. For purposes of this McCarthy Ranch Mixed Use Project EIR cumulative impacts analysis, the model results were refined to reflect the currently pending 524,000 square-foot commercial shopping center proposal for this site.)

In completing the DEIR traffic analysis, it was specifically determined that the Fremont Tech Center Phase 1 and Phase 2 projects were both pending at NOP release, but were outside the McCarthy Ranch Mixed Use Project traffic study sphere due to isolation and distance--i.e., were located well away from the McCarthy Ranch project, on the opposite (east) side of the I-880 freeway, with no substantive effect on the operation of the roadway system serving the McCarthy Ranch project, or vice versa. This determination was verified by analysis (the common practice threshold test that was applied was whether either project would add 10 or more peak hour trips per travel lane at any of the study intersections; neither project would). However, the Fremont Tech Center Phase 1 and 2 projects are included in the 2030 Cumulative Conditions analysis, as described on DEIR page 14-46, second to last paragraph.

2.02 *Subject:* Transportation and Circulation--McCarthy Boulevard/Dixon Landing intersection

Comment: Revise the geometry of this intersection to include a future north leg (future Fremont Boulevard connection). The City of Fremont will provide AM and PM peak hour traffic volume data for the Fremont Boulevard southbound volumes and lane geometry from its Creekside Landing Development Project EIR under separate letter to the City of Milpitas.[1]

Response: As indicated in the previous response, the Creekside Landing Project and the associated Fremont Boulevard extension were pending rather than approved projects at the time the McCarthy Ranch DEIR NOP was released and were therefore not analyzed under Project Conditions. The pending Creekside Project and associated Fremont Boulevard extension were analyzed under Cumulative Conditions. As also indicated in the previous response, intersection geometry and levels of service are not analyzed for the 2030 Cumulative Conditions scenario, only roadway segments. The Creekside project, as well as the extension of Fremont Boulevard to Dixon Landing Road, were included in the 2030 Cumulative Conditions.

[1]The City of Fremont did not respond to the NOP for the McCarthy Ranch Mixed Use Project Draft EIR, which was submitted by the City of Milpitas on September 16, 2009.

As indicated in the previous response and on DEIR page 14-45, the 2030 VTA model run refinements incorporated into the travel demand forecasts for the McCarthy Ranch Mixed Use Project DEIR included the "north leg" of the McCarthy Boulevard/Dixon Landing Road intersection--i.e., the "Fremont Boulevard extension north of Dixon Landing Road in Fremont" and redistributed future trips accordingly.

2.03 *Subject:* Transportation and Circulation--I-680/Scott Creek intersection

Comment: The LOS analysis for this intersection should include project trips generated by the Creekside Landing (formerly Bayside Market Place) and Fremont Tech Center Phase 2 development.

Response: As explained in response to comments 2.01 and 2.02 above, the DEIR traffic analysis has adequately considered the Creekside Landing and Fremont Tech Center Phase 2 development projects.

The DEIR traffic analysis "study intersections" include the I-680 SB Ramps/Scott Creek Road and I-680 NB Ramps/Scott Creek Road intersections (study intersections 2 and 3). Following standard Milpitas and San Jose traffic analysis practice, the DEIR Existing Conditions, Background Conditions and Project Conditions scenario evaluations analyze study intersection LOS, and the DEIR 2030 Cumulative Conditions scenario evaluation analyzes study roadway segments. LOS analysis is therefore included in the DEIR for these two study intersections for Existing Conditions (LOS finding: A/A and A/A, respectively), Background Conditions (LOS finding: A/A and A/A, respectively) and Background Plus Project Conditions (LOS finding: A/A and A/A, respectively).

The Creekside Landing Project, which was pending at the time of NOP release for the McCarthy Ranch Mixed Use Project DEIR, is appropriately excluded from the Background Conditions and Project Conditions scenarios, and included in the DEIR 2030 Cumulative Conditions analysis. The DEIR evaluation of 2030 Cumulative Conditions without and with the project is limited to its effects on roadway segments, as explained in response to comments 2.01 and 2.02 above.

As also explained in response to comment 2.01 above, the effects of the Fremont Tech Center 2 project on DEIR study intersections was determined to be insignificant. That project is not expected to add more than 10 trips per lane to any of the McCarthy Ranch study intersections, including both I-680 intersections with Scott Creek Road under Project Conditions. Under Cumulative Conditions, the project is expected to add traffic to the local roadway network due to the Fremont Boulevard extension. The 2030 Cumulative Conditions analysis includes the Fremont Boulevard extension.

2.04 *Subject:* Transportation and Circulation--SB I-680/Scott Creek Road intersection

Comment: DEIR indication of zero for AM peak hour WB left turn movement highly unlikely.

Response: The existing traffic count conducted for this DEIR on June 19, 2007 at the SB I-680/Scott Creek Road intersection shows indeed zero westbound left turns during the AM peak hour, which the EIR traffic consultant agrees is highly unlikely. A separate analysis was therefore conducted in response to this comment for the SB I-

680/Scott Creek Road intersection using 86 westbound left turns (as being the existing traffic count as stated in the comment) during the AM peak hour. The results show that the additional 86 trips make little difference in the unsignalized intersection level of service. The intersection continues to operate at acceptable conditions during the AM peak hour.

2.05 *Subject:* Transportation and Circulation--SB I-680/Scott Creek Road and NB I-680/Scott Creek Road intersections

Comment: Include signal warrant analysis for these two intersections

Response: Signal warrant analyses were conducted as part of the DEIR traffic analysis for these two intersections--i.e., the intersections of SB I-680/Scott Creek Road and NB I-680/Scott Creek Road--under Project Conditions. The SB I-680/Scott Creek Road and NB I-680/Scott Creek Road intersection were referred to as, "the other two unsignalized study intersections," on DEIR page 14-41, second paragraph. They did not meet the signal warrants.

2.06 *Subject:* Transportation and Circulation--Fremont Boulevard/McCarthy Boulevard/ Dixon Landing Road intersection

Comment: This anticipated intersection modification incorporates the requirements for the planned north-south Bay Trail.

Response: Comment acknowledged.

2.07 *Subject:* Transportation and Circulation--DEIR has an obligation to acknowledge approved and pending projects

Comment: Past EIRs have neglected to include the Fremont Boulevard connection and Creekside Landing Project and have also failed to account for approved projects such as the current entitlement for industrial development of the Creekside Landing site. The approval under Development Agreement 92-1 authorizes a nine-lot industrial subdivision development with potential for 899,000 square feet similar in scale and type to what exists at Bayside Business park to the north.

Response: As explained in response to comments 2.01 and 2.03, the subject DEIR does include consideration of the Fremont Boulevard connection and the associated Creekside Landing Project.

Pursuant to CEQA Guidelines secs. 15082 (Notice of Preparation and Determination of Scope of EIR) and 15083 (Early Public Consultation), the EIR authors followed all CEQA-required early consultation requirements to ensure that all concerns of the City of Fremont with respect to the environmental effects of the project were addressed, including sending a Notice of Preparation for the McCarthy Ranch Mixed Use Project EIR to the City in mid-September 2008, and conducting a public Scoping Meeting for the EIR on October 15, 2008, which was properly noticed in the NOP. The City of Fremont did not respond to the September 2008 NOP within the CEQA-stipulated 30-day response period and did not attend the October 2008 Scoping Meeting. The City of Fremont submitted a letter to the City of Milpitas, dated October 28, 2008, after the close of the 30-day NOP period, for the stated purpose to "recount" "a number of email

correspondences with the consultant" about the topic of "approved and pending projects in southern Fremont in regards to the McCarthy Ranch EIR project," by re-listing all pending and approved Fremont projects in the project vicinity. The EIR authors fully considered and incorporated as appropriate all information from the list of "approved and pending projects for southern Fremont" identified in the October 28, 2009 letter. DA 92-1 was not identified by the City of Fremont in their October 2008 letter or in any other of the early consultations by the EIR authors with the City. The Background Conditions analysis in the Draft EIR adequately incorporates all approved projects reported by local jurisdictions in the project vicinity, including Fremont and San Jose, during the CEQA-recommended early public consultation process, consistent with CEQA Guidelines secs. 15082 and 15083. DA 92-1 was reported to the EIR authors for the first time in the City of Fremont's April 10, 2009 letter in response to the Draft EIR. The 2030 Cumulative Conditions modeling results for the without and with project scenarios correctly include the currently-pending 524,000 square-foot commercial shopping center use of the Bayside site. The extension of Fremont Boulevard to Dixon Landing Road, which is anticipated with the Bayside project, is also included in the 2030 Cumulative analyses.

The City of Milpitas will continue to consult with City of Fremont staff regarding the status of pending and approved development in the project vicinity and associated interjurisdictional roadway improvement needs as applications for future discretionary phases of the McCarthy Ranch Mixed Use project are submitted and considered.

3

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF TRANSPORTATION
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Flex your power!
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April 14, 2009

SCL-237-8.92
SCL237179
SCH2008092082

Mr. Sheldon Ah Sing
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Dear Mr. Ah Sing:

McCarthy Ranch Mixed Use Project, Draft Environmental Impact Report (DEIR)

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the McCarthy Ranch Mixed Use Project. We have reviewed the DEIR and have the following comments to offer.

Traffic Forecasting

Page 14-32, Table 14.8 – Project Trip Generation Estimates

1. All trip generation rates listed are based on SANDAG, but the AM and PM rates are not even applied in the calculations. Please explain why. **3.01**

2. Also, a 25% reduction was applied to the retail use. Since the pass-by-reduction exceeding 15% is used, this should be discussed in the Traffic Impact Study (TIS). Please see the Departments' *"Guide for the Preparation of Traffic Impact Studies"* at the following website for more information: http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf **3.02**

3. Page 14 – 45: The project has significant and unavoidable impacts to Interstate (I) 880 at different locations. Please prepare and include the project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring for all mitigation measures. **3.03**

Should you have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,

LISA CARBONI
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan (State Clearinghouse)

3. Lisa Carboni, District Branch Chief, Local Development-Intergovernmental Review, Department of Transportation, State of California; April 14, 2009

3.01 *Subject:* Transportation and Circulation--project generation estimates

Comment: All trip generation rates listed are SANDAG based, but the AM and PM peak hour rates are not applied in the calculations; please explain why

Response: The SANDAG trip generation procedures provide daily trip rates by land use types based on the size of the development. For example, the SANDAG daily trip rate for Office Park uses is 12 trips per 1,000 square feet. The associated AM and PM peak hour rates are 13 percent of the daily rates or 0.13 X 12 = 1.56 trips per hour. The inbound/outbound split is 90 percent/10 percent for the AM and 20 percent/80 percent for the PM peak hour. The AM and PM peak hour trip generation volumes reported in DEIR Table 14.8 have been calculated accordingly.

3.02 *Subject:* Transportation and Circulation--retail use trip reduction

Comment: The 25 percent trip reduction for retail use that was applied in the analysis needs explanation

Response: According to Santa Clara Valley Transportation Authority guidelines (March 2004), pass-by rates should use Institute of Traffic Engineers (ITE) methodology and not exceed 30 percent for commercial uses. ITE publishes recommended pass-by rates in its *Trip Generation Handbook, Second Edition*. The recommended pass-by rate for Shopping Center (820) land uses is 34 percent during the PM peak hour. Since the retail portion of the project remains in the initial ("first tier") entitlement process, the specific retail uses that will ultimately be built have not yet been determined. Therefore, a 25 percent pass-by rate has appropriately been used, which is considered to be a conservative rate based on the existing VTA guidelines and ITE recommendations.

3.03 *Subject:* Transportation and Circulation--impacts on I-880

Comment: The project has significant unavoidable impacts on I-880. Please prepare and include project's fair share contribution, financing, scheduling and implementation responsibilities, including lead agency mitigation monitoring.

Response: The DEIR indicates that the Background Plus Project scenario would have significant unavoidable impacts on four of the ten segments of I-880 studied. Since there are no established improvement plans to increase the capacity of these impacted freeway segments, fair share contribution, financing, implementation responsibilities and monitoring of the “mitigation measure” cannot be established at this time. Determination of an appropriate broader mitigation program for anticipated cumulative future freeway operational impacts is being addressed as part of a Deficiency Plan now being formulated by City. See response to comment 7.08 herein for more discussion of this Deficiency Plan formulation effort.

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

April 14, 2009

Sheldon S. Ah Sing
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Subject: McCarthy Ranch Mixed Use Project
SCH#: 2008092082

Dear Sheldon S. Ah Sing:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on April 13, 2009, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. **4.01**

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

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Document Details Report
State Clearinghouse Data Base

SCH# 2008092082
Project Title McCarthy Ranch Mixed Use Project
Lead Agency Milpitas, City of

Type EIR Draft EIR

Description The project contemplates rezoning 9.34 acres from Industrial Park to General Commercial, while assessing the environmental impacts of intensifying development on 49.2 acres in the Industrial Park from .35 Floor Area Ratio to .50.

Lead Agency Contact

Name Sheldon S. Ah Sing
Agency City of Milpitas
Phone 408-586-3278 **Fax**
email
Address 455 E. Calaveras Blvd.
City Milpitas **State** CA **Zip** 95035

Project Location

County Santa Clara
City Milpitas
Region
Lat / Long 37° 27' 01" N / 121° 53' 23" W
Cross Streets McCarthy Boulevard, Dixon Landing Road
Parcel No. 022-29-036, 022-030-037, -039, -045
Township **Range** **Section** **Base**

Proximity to:

Highways 237, I-880
Airports
Railways UPRR
Waterways Coyote Creek
Schools
Land Use MP(Industrial Park)/Industrial Park

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Biological Resources; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Noise; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Caltrans, District 4; Department of Food and Agriculture; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 2; Native American Heritage Commission

Date Received 02/26/2009 **Start of Review** 02/26/2009 **End of Review** 04/13/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

4. Terry Roberts, Director, State Clearinghouse, State Clearinghouse and Planning Unit, Governor's Office of Planning and Research, State of California; April 14, 2009

4.01 *Subject:* State Clearinghouse review requirements

Comment: Letter acknowledges that City has complied with State Clearinghouse requirements for draft environmental documents, pursuant to CEQA.

Response: Comment acknowledged. No further response is required.

Santa Clara Valley Water District

5

5750 ALMADEN EXPWY
SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
FACSIMILE (408) 266-0271
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AN EQUAL OPPORTUNITY EMPLOYER

File: 31947
Coyote Creek

April 15, 2009

Mr. Sheldon S. Ah Sing
Milpitas Planning Division
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Subject: Draft Environmental Impact Report (DEIR) for the McCarthy Ranch Mixed Use Project, State Clearinghouse #2008092082

Dear Mr. Ah Sing:

The Santa Clara Valley Water District (District) has reviewed the subject document, received March 4, 2009.

The project is not located on District property or easement, nor does it directly affect a District owned or operated facility. However, it is located next to Coyote Creek. Although a District construction/encroachment permit may not be required for the project, the project should be designed consistent with the "Guidelines and Standards for Land Use near Streams" developed by the Water Resources Protection Collaborative. This document is available under the Permits heading in the Business & Permits section of the District's website at www.valleywater.org. **5.01**

Levees located along the westerly property lines protect the surrounding area in the event of a 100-year flood. With increased scrutiny by the US Army Corps of Engineers (Corps), the District has been tasked to work with the community/cities to ensure the integrity of the levee is not compromised by adjacent developments. Plans should be sent when available to the District for review for consistency with the Corps' Engineering Manual. **5.02**

For levee safety and maintenance purposes, the District requests a dedication of a minimum 15-foot wide easement along the toe of the levee at each project location. The District also requests a dedication of an ingress/egress easement through the project site to access the aforementioned 15-foot wide easement. Please contact the District for any questions or discussions on these requests. **5.03**

There are existing poles and overhead utility lines located within the project vicinity and on the District's adjacent levee. These poles and lines need to be relocated off of the District's **5.04**

property with the development of the project sites. Removal of the poles and lines located within the District's property will require an encroachment permit in accordance with the District's Water Resources Protection Ordinance.

Page 10-5, "Project Flood Exposure Impacts" mentions that if the levee were to fail, the three sites would experience flood waters of less than one foot based on the FEMA Zone X designation. However, the Zone X designation does not imply that the levee must fail for flooding to be less than one foot. Please revise accordingly. **5.05**

Page 10-6, "Project Storm Drain Impacts" mentions that no significant impact has been identified and no mitigation is necessary. However, there are existing culverts that drain the agricultural areas through the levees towards the west side of the levee. These culverts need to be removed as the area is developed. All storm water runoff should be collected and distributed to the city's storm drain system. **5.06**

Page 10-7 mentions sedimentation in Coyote Creek which could increase short-term turbidity levels, water temperature, and biotic productivity. Please specify how the potential sedimentation will increase water temperature. It also mentions that increased creek sedimentation could hasten the need for channel dredging. The potential for channel dredging could be a significant impact. Please revise accordingly. **5.07**

Post-construction water quality mitigation needs to be implemented. The design of the project area should incorporate water quality mitigation measures such as those found in the "Start at the Source-Design Guidance Manual for Stormwater Quality Protection," prepared for the Bay Area Stormwater Management Agencies Association. **5.08**

To prevent pollutants from construction activity, including sediments, from reaching Coyote Creek, please follow the Santa Clara Urban Runoff Pollution Prevention Program's recommended Best Management Practices for construction activities, as contained in "Blueprint for a Clean Bay," and the "California Storm Water Best Management Practice Handbook for Construction."

Page 10-8, "Project Groundwater Impacts" mentions that groundwater supplies would not be used and therefore "no significant impact has been identified." However, Page 13-1, 13.1.1, "(a) Existing and Protected Water Supply" mentions that two wells will be available for emergency and supplemental purposes as necessary. Please revise accordingly. **5.10**

In accordance with the District Ordinance 90-1, the owner should show any existing well(s) on the plans. If a well is located on the site during construction activities, it must be protected or properly destroyed in accordance with the District's standards. Property owners or their representatives should call the Wells and Water Production Unit at (408) 265-2607, extension 2660, for more information regarding well permits and registration or destruction of any wells. **5.11**

Please reference File No. 31947 on further correspondence regarding the project.

Should you have any questions, please give me a call at (408) 265-2607, extension 2494 or email me at THipol@valleywater.org.

Sincerely,

Theodore Hipol

Theodore Hipol
Assistant Engineer
Community Projects Review Unit

cc: Mr. Babak Kaderi
City of Milpitas
455 E. Calaveras Blvd
Milpitas, CA 95035

S. Tippets, S. Yung, T. Hipol, M. Martin, M. Silva, V. Stephens, J. Castillo, S. Katric, L. Lee, D. Duran, D. Adams, File

31947_51772th04-15

5. Theodore Hipol, Assistant Engineer, Community Projects Review Unit, Santa Clara Valley Water District; April 15, 2009

5.01 *Subject:* Project Coyote Creek relationship--land use near streams

Comment: The project is located next to Coyote Creek, and should therefore be designed consistent with the "Guidelines and Standards for Land Use Near Streams" developed by the Water Resources Protective Collaborative.

Response: The subject EIR is a "first tier" environmental document describing the environmental implications of a request for a General Plan and zoning change. Specific development plans and designs for the three project sites have not yet been formulated. The City will consider this comment in its deliberations regarding applicable future discretionary approvals for development of each of the three project sites--e.g., in reviewing anticipated detailed project site and landscape plans, subdivision tentative map(s), parcel map(s), and associated engineering specifications (including storm drainage details), if and when such more detailed applications come before the City.

5.02 *Subject:* Hydrology and Water Quality--adjacent levee

Comment: To ensure that the integrity of the adjacent Coyote Creek levee is not compromised by the project plans, the project plans should be sent to the Santa Clara Valley Water District for review for consistency with the U.S. Army Corps of Engineers Engineering Manual.

Response: See response to comment 5.01 above.

5.03 *Subject:* Hydrology and Water Quality--adjacent levee

Comment: For levee safety and maintenance purposes, the District requires dedication of a minimum 15-foot wide easement along the toe of the levee at each project location. The District also requests dedication of an ingress/egress easement through the project site to access the aforementioned 15-foot wide easement.

Response: See response to comment 5.01. The City and applicant have made substantial land dedications to the District in the recent past along the west edge of the three project sites to establish the current Coyote Creek Open Space Corridor dedication, provide for levee improvements within the corridor, and provide for associated development setback, maintenance access, and public access needs.

5.04 *Subject:* Hydrology and Water Quality--adjacent levees

Comment: There are existing poles and overhead utility lines located within the project vicinity on the adjacent levee. These poles and lines would need to be relocated with development of the project sites. Removal of the poles and lines would require an encroachment permit from the District

Response: There is no current or anticipated future proposal by the project applicant to relocate these poles and lines, which lie outside the boundaries of the three project sites.

5.05 *Subject:* Hydrology and Water Quality--flood exposure impacts

Comment: DEIR page 10-5 mentions that if the levee were to fail, the three sites would experience flood waters of less than on foot based on the FEMA Zone X designation. However, the Zone X designation does not imply that the levee must fail for flooding to be less than one foot. Please revise accordingly.

Response: The comment is acknowledged. DEIR page 10-5 has been revised accordingly. Please see revised version of DEIR pages 10-5 and 10-6 in section 3, Revisions to the Draft EIR, herein.

5.06 *Subject:* Hydrology and Water Quality--project storm drain impacts

Comment: There are existing culverts on the property that drain the agricultural areas through the levees to the west side of the levee. These culverts would need to be removed as the area is developed. All stormwater runoff should be collected and distributed to the City's storm drain system.

Response: See response to comment 5.01.

One such culvert is located within the project site, which may ultimately be removed. The DEIR evaluation of storm drainage impacts is based on the assumption that all stormwater runoff from the project sites would be collected and distributed to the City's existing stormwater collection system main and catch basins along McCarthy Ranch Boulevard. As indicated on DEIR page 10-6, the existing stormwater collection system in the McCarthy Ranch Master Plan area, including the storm drainage main and associated catch basins along McCarthy Ranch Boulevard, has been designed and sized to accommodate full buildout of the three project sites and adjacent areas under the existing MP (Industrial Park) zoning designation, with drainage characteristics (i.e., runoff coefficients) similar to the project-proposed office park and community commercial uses.

5.07 *Subject:* Hydrology and Water Quality--Coyote Creek Sedimentation

Comment: DEIR mentions on page 10-6 that sedimentation in Coyote Creek could increase short-term turbidity levels, water temperature and biotic productivity. Please specify how potential sedimentation would increase water temperature. The DEIR also mentions that increased creek sedimentation could hasten the need for channel dredging. The potential for channel dredging could be a significant impact. Please revise accordingly.

Response: It is a generally accepted fact that sedimentation can result in increased solar energy absorption and resulting increased water temperature.

The DEIR, under Impact 10-1, Project Temporary (Construction Period) Water Quality Impact, describes possible hastening of the need for channel dredging as part of Impact 10-1. The DEIR indicates that implementation of DEIR Mitigation 10-1 would reduce this potential impact (increased sedimentation effects) to a less-than-significant level. No additional mitigation is necessary to prevent significant hastening of the need for channel dredging.

5.08 *Subject:* Hydrology and Water Quality--post-construction water quality mitigation implementation needs

Comment: The design of the project should incorporate water quality mitigation measures (example identified).

Response: See response to comment 5.01.

Project-related post-construction water quality impacts are addressed on DEIR pages 10-6 through 10-7 under "Project Long-Term Water Quality Impacts." The DEIR indicates here that, with completion of construction, all project-disturbed areas would be stabilized underneath the new buildings, pavement, and landscaping. As a result, the threat of long-term erosion or increased turbidity and sedimentation from project development would be less-than-significant. Project implementation would add and/or replace more than 10,000 square feet of impervious surface area on the three project sites, and therefore must comply with City of Milpitas Stormwater C.3 requirements and the SWRCB NPDES permit issuance requirement. In order to meet these C.3 and NPDES requirements, the project would be required to include a set group of standard "best management practices" (BMPs) routinely required by the City to reduce runoff pollutant loads. Following standard City practice, the project applicant would be required to provide the City's Engineering Division with a grading and drainage plan incorporating these requirements and BMPs to City satisfaction as a condition of approval. These "BMP"s could include some or all of those listed in this comment.

5.09 *Subject:* Hydrology and Water Quality--project sedimentation impacts on Coyote Creek

Comment: To prevent pollutants from construction activity, including sediments, from reaching Coyote Creek, please follow the Santa Clara Urban Runoff Pollution Prevention Program's recommended Best Management Practices for construction activities, as contained in "Blueprint for a Clean Bay," and the "California Storm Water Best Management Practice Handbook for Construction.

Response: As indicated in the DEIR under Mitigation 10-1 for "Project Temporary (Construction period) Water Quality Impacts," on DEIR page 10-8, the developer of each of the three project sites would be responsible for incorporating Start at Source stormwater control measures to the satisfaction of the City Engineer. In response to this comment, the description here on DEIR page 10-8 of possible construction storm water pollution control measures formulation has been revised to include reference to the two possible runoff pollution prevention measure recommendation sources. This revision to DEIR page 10-8 is included in section 3, Revisions to the Draft EIR, herein.

5.10 *Subject:* Hydrology and Water Quality--project groundwater impacts

Comment: The DEIR mentions on page 10-8 that no groundwater supplies would be used and therefore "no significant impact has been identified." However, DEIR page 13-1 mentions two wells available for emergency and supplemental purposes as necessary. Please revise accordingly.

Response: The two referenced statements are not inconsistent. The referenced text on page 10-8 specifically refers to groundwater as "a source of drinking water." Nevertheless, in response to this comment, DEIR page 10-8 has been revised to clarify that the sentence, like the paragraph within which it occurs, refers to groundwater supply for "domestic" use. This revision to DEIR page 10-8 is included in section 3, Revisions to the Draft EIR, herein.

5.11 *Subject:* Hydrology and Water Quality--onsite wells

Comment: In accordance with the District's Water Resources Protection Ordinance 90-1, the owner should show any existing well(s) on the plans. If a well is located on the site during construction activities, it must be protected or properly destroyed in accordance with District standards.

Response: Comment acknowledged. See response to comment 5.01.

April 17, 2009

Sheldon S. Ah Sing, Senior Planner
City of Milpitas, Planning Division
455 East Calaveras Boulevard
Milpitas, CA 95035

Re: **DRAFT ENVIRONMENTAL IMPACT REPORT**
MCCARTHY RANCH MIXED USE PROJECT

Dear Mr. Ah Sing,

The Santa Clara County Open Space Authority (Authority) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the McCarthy Ranch Mixed Use Project. We have the following comments for consideration, consistent with the goals of the Open Space Authority's Five Year Plan.

The proposed project is within an Authority Priority Study Areas, identified as the "Baylands – Study Area." One of the goals of the Authority is to provide or support non-motorized trail connections between open space lands of regional significance, or between urban area and open space lands. The proposed project area has a high potential for trail connectivity to adjacent recreational lands. **6.01**

As affirmed in this DEIR, the Santa Clara Valley Water District owns the Coyote Creek Open Space and Flood Control Corridor that adjoins the west edge of the project sites, of which the existing Coyote Creek Trail/San Francisco Bay Trail segment is located. The applicant and the City of Milpitas should consider collaborative efforts to enhance the accessibility of this existing Bay Trail segment from the proposed project sites.

The Authority encourages the City of Milpitas to apply for funding through the Authority's 20% Funding Program available to the City of Milpitas as a participating jurisdiction. The funding can help to enhance the proposed recreational element within the proposed project by planning/providing access to the Bay Trail segment. For more information on the Authority's 20% Funding Program please visit our website at www.openspaceauthority.org. **6.02**

Thank you for the opportunity to comment on the DEIR. If you have questions regarding these comments, please contact me at 408-224-7476, ext. 26 or via email at rsantos@openspaceauthority.org.

Rachel Santos
Open Space Planner

Cc: Pat Congdon, General Manager, Santa Clara County Open Space Authority

6. Rachel Santos, Open Space Planner, Santa Clara County Open Space Authority; April 17, 2009

6.01 *Subject:* Open Space and Trails

Comment: The proposed project has a high potential for trail connectivity to adjacent recreational lands. The existing Coyote Creek Trail/San Francisco Bay Trail is located within the adjacent Coyote Creek Open Space Corridor. The applicant and City should consider collaborative efforts to enhance the accessibility of this existing Bay Trail segment from the proposed project sites.

Response: The Coyote Creek Open Space Corridor and associated improvements within the corridor, including the existing paved trail improvements (Coyote Creek Trail/Bay Trail segment) along the top of the levee, were implemented with the assistance of the City and the applicant (McCarthy Ranch). The current project application is limited to a requested General Plan and zoning map change. Design details for future development of the project site, including site and landscape plans, internal circulation plans, tentative map(s), etc. have not yet been formulated. The comment will be considered by the City in its required subsequent deliberations on future discretionary subdivision map(s), parcel map(s), site plan and landscape plan, and other more detailed applications that will be necessary to carry out development of the project sites.

6.02 *Subject:* Open Space and Trails

Comment: The Authority encourages the City to apply for funding through the Authority's 20% Funding Program (City is a program-participating jurisdiction) to help enhance the proposed recreation element within the proposed project by planning/ providing access to the Bay Trail segment.

Response: The "project" as described in the DEIR does not include a proposed recreation element. The Coyote Creek Open Space Corridor adjacent to the three project sites and associated Coyote Creek Trail/Bay Trail segment atop the Coyote Creek levee were implemented with the assistance of the City and the applicant (McCarthy Ranch). Future phases of the proposed project will be required to comply with any and all applicable City-adopted recreation provision requirements.

SANTA CLARA
Valley Transportation Authority

7

April 17, 2009

City of Milpitas
Planning Division
455 East Calaveras Boulevard
Milpitas, CA 95035-5479

Attention: Sheldon Ah Sing

Subject: McCarthy Ranch Mixed Use

Dear Mr. Sing:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for over 1 million square feet of office use and commercial uses on 58.5 acres on North McCarthy Boulevard between SR 237 and Dixon Landing Road. We have the following comments.

Air Quality and Climate Change - Mitigation 5-2:

7.01 VTA supports the inclusion of this mitigation measure as a way of addressing both the air quality and transportation/congestion impacts of the proposed project. We request that the City require these items, including the project-provided or fair share contribution to shuttle service to regional transit stations, as a Condition of Approval of the project. As noted in the DEIR, VTA's local bus Line 33 runs on McCarthy Boulevard just south of the project site; there may be an opportunity for this project and other developments within the McCarthy Ranch Master Plan area to develop a financial partnership to help fund community or local bus service. We request that the City track this shuttle/transit requirement in its mitigation monitoring for the project, and consult with VTA as the project moves towards implementation.

Transportation/Circulation - Site Design:

7.02 VTA recommends that as the design for this project progresses, consideration should be given to transit-, pedestrian-, and bicycle-friendly design principles. This should specifically include how the commercial development on Parcel C will accommodate transit vehicle circulation (whether for shuttles, local buses or community buses). VTA's *Community Design & Transportation Manual* is a valuable reference regarding how to incorporate transit accommodations into the site design, as well as other transit, pedestrian and bicycle-friendly design guidelines. We request that the developer and the City consult with VTA on incorporating transit into the design as the project moves towards implementation.

7.03 It should be noted that there are also bus stops located along McCarthy Boulevard in the project area that were installed but have not yet been used. These bus stops should be preserved for future use in the case that bus or shuttle service runs service in this direction along McCarthy Boulevard.

Trip Distribution

Figure 14.7 Project Trip Distribution: Please provide the distribution factor on Dixon Landing. 7.04

Railroad Crossing at Dixon Landing and Warm Springs Blvd

There are over 1700 east bound vehicles at Dixon Landing/Warm Springs Blvd intersection. Please include traffic analysis to show whether if a grade separation over the railroad is warranted. 7.05

Immediate Implementation Action List

The Draft EIR notes that the project will cause significant freeway impacts as well as air quality and climate change impacts. In this case, as noted in the Immediate Implementation Action List in Appendix D of VTA's *TIA Guidelines*, the project should undertake Transportation Demand Management (TDM) measures aimed at reducing the number of vehicle trips generated by the project. Such TDM measures can include: 7.06

- Parking Cash-Out
- Direct or Indirect Payments for Taking Alternate Modes
- Transit Fare Incentives such as Eco Pass and Commuter Checks
- Employee Carpool Matching
- Vanpool Program
- Preferentially Located Carpool Parking
- Bicycle Lockers and Bicycle Racks
- Showers and Clothes Lockers for Bicycle Commuters
- On-site or Walk-Accessible Employee Services (day-care, dry-cleaning, fitness, banking, convenience store)
- On-site or Walk-Accessible Restaurants
- Guaranteed Ride Home Program
- Carsharing

Project Impacts and Mitigations (Impact 14-6/Mitigation 14-6 – Project Impact on Freeway Segments) 7.08

The Draft EIR indicates that the project would cause significant increases in traffic volumes of more than 1% of freeway capacity on the four identified freeway segments. The Draft EIR also indicates that the mitigation measures to increase the roadway capacity in this area not feasible and would be unreasonable to request an individual development project to bear responsibility for such extensive transportation system improvements; therefore the traffic impacts are deemed significant and unavoidable. VTA's current Traffic Impact Analysis Guidelines states that if a project causes transportation impacts that cannot meet that a deficiency plan must be provided. As the City of Milpitas is in the process of developing its deficiency plan, VTA recommends that

the City of Milpitas consider requesting the project developer to provide a fair share contribution to the SR 237/I-880 Express Connectors project as a mitigation measure. The SR 237/I-880 Express Connectors project is located within the impacted freeway segments indicated in the DEIR. The SR 237/I-880 Express Connectors project is listed in the approved Countywide Transportation Plan also known as VTP 2035 and is currently is in the preliminary engineering and environmental documentation phase. The project is scheduled for completion in the fall of year 2010.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

Roy Molseed
Senior Environmental Planner

RM:kh

cc: Samantha Swan, VTA

ML0807

7. Roy Molseed, Senior Environmental Planner, Santa Clara Valley Transportation Authority; April 17, 2009

7.01 *Subject:* Air Quality and Climate Change--Mitigation 5-2 (Project Long-Term Regional Air Emissions Impact)

Comment: VTA supports inclusion of this mitigation and requests that the City require the items suggested. In particular, as noted in the DEIR, VTA local bus Line 33 runs on McCarthy Boulevard just south of the project site; there may be an opportunity for this project and other developments within the McCarthy Ranch Master Plan area to develop a financial partnership and help fund community or local bus service. VTA requests that the City track this shuttle/transit requirement it its mitigation monitoring for the project, and consult with VTA as the project moves towards implementation.

Response: The City will consider these recommendations in the future discretionary deliberations that will be required for this project as its design progresses. This specific request for the City and the developer to consult with the VTA on incorporating transit-, pedestrian-, and bicycle elements into the design as the project moves toward implementation has been forwarded to the City of Milpitas Director of Planning for consideration.

7.02 *Subject:* Transportation and Circulation--project site design

Comment: VTA recommends that, as the project design progresses, consideration be given to transit-, pedestrian- and bicycle-friendly design principles. The comment suggests this should include how development of project Site C will accommodate transit vehicle circulation. A specific VTA manual is referenced for guidance in formulating future project transit accommodations.

Response: Please see response to comment 7.01 above. The City will consider these recommendations in the future deliberations that will be required for this project as its design progresses.

7.03 *Subject:* Transportation and Circulation--nearby bus stops

Comment: It should be noted that there are also bus stops located along McCarthy Boulevard in the project area that were installed but are not yet used. These bus stops should be preserved for future use in the case that future bus or shuttle service runs are established along the project direction of McCarthy Boulevard

Response: Please see response to comment 7.01 above. The City will consider these recommendations in the future deliberations that will be required for this project as its design progresses.

7.04 *Subject:* Transportation and Circulation--Trip Distribution

Comment: Please provide a trip distribution factor for Dixon Landing Road.

Response: No specific trip distribution was allocated to Dixon Landing Road for purposes of the DEIR transportation impact analysis. It is expected, however, that project-related drivers will utilize Dixon Landing Road when coming from points east or

north of the project. It is estimated that about 15 percent of project office trips and 19 percent of project shopping (retail) trips would utilize Dixon Landing Road.

7.05 *Subject:* Transportation and Circulation--railroad crossing at Dixon Landing Road/Warm Springs Boulevard

Comment: There are over 1,700 east-bound vehicles at the Dixon Landing/Warm Springs Boulevard intersection. Please include a traffic analysis to show whether a grade-separation over the railroad is warranted.

Response: According to the *Railroad-Highway Grade Crossing Handbook - Revised Second Edition August 2007*, an at-grade highway-rail grade crossing should be considered for grade separation or otherwise eliminated across the railroad right of way whenever one or more of the following conditions exist:

i. The highway is a part of the designated Interstate Highway System.
ii. The highway is otherwise designed to have full controlled access.
iii. The posted highway speed equals or exceeds 113 km/hr. (70 mph).
iv. AADT exceeds 100,000 in urban areas or 50,000 in rural areas.
v. Maximum authorized train speed exceeds 177 km/hr. (110 mph).
vi. An average of 150 or more trains per day or 300 million gross tons per year.
vii. An average of 75 or more passenger trains per day in urban areas or 30 or more passenger trains per day in rural areas.
viii. Crossing exposure (the product of the number of trains per day and AADT) exceeds 1 million in urban areas or 250,000 in rural areas; or
ix. Passenger train crossing exposure (the product of the number of passenger trains per day and AADT) exceeds 800,000 in urban areas or 200,000 in rural areas.
x. The expected accident frequency for active devices with gates, as calculated by the U.S. DOT Accident Prediction Formula including five-year accident history, exceeds 0.5.
xi. Vehicle delay exceeds 40 vehicle hours per day.

The UPRR tracks at this location are being used by only a few freight trains per day. Based on the criteria listed above, the existing at-grade railroad crossing at Dixon landing road would not warrant improvement to provide a grade separation, with or without the project.

7.06 *Subject:* Transportation and Circulation--Immediate Implementation Action List

Comment: The DEIR indicates that the project will cause significant freeway impacts as well as significant air quality and climate change impacts; the project should undertake Transportation Demand Management (TDM) measures aimed at reducing the number of vehicular trips generated by the project. (The comment includes a listing of what these TDM measures should include.)

Response: The City will fully consider these VTA-listed TDM measures in its required future discretionary actions on this project. The DEIR identifies a significant Background Plus Project Conditions scenario impact on four of the ten study freeway intersections evaluated. The DEIR does not identify a significant year 2030 cumulative-plus-project impact on study freeway segments (see DEIR Table 14.3).

Although the DEIR transportation consultant (Hexagon Transportation Consultants) concurs that implementation of the listed TDM measures could reduce the project's vehicular traffic, these measures would not eliminate the traffic impacts on the freeway segments. The recommendation that the project should undertake TDM measures aimed at reducing the number of vehicle trips generated by the project has been forwarded to the City of Milpitas Director of Planning for consideration.

7.08 *Subject:* Transportation and Circulation--project impact on freeway segments

Comment: Under Impact and Mitigation 14-6 (Project Impact on freeway Segments), the DEIR indicates that the project would cause significant increases in traffic volumes of more than 1 percent of freeway segments on four identified freeway segments. The DEIR also indicates that mitigation measures to increase the roadway capacity in this area are not feasible and it would be unreasonable to request an individual project to bear responsibility for such extensive freeway improvements. VTA's currently Traffic Impact Analysis Guidelines states that if a project causes transport impact that it cannot meet, that a deficiency plan must be provided. As the City of Milpitas is in the process of developing a deficiency plan, VTA recommends that the City consider requesting project developer fair share contribution to the SR 237/I-880 Express Connectors project which is located within the impact freeway segments indicated in the DEIR.

Response: The City will consider these recommendations in the future deliberations that will be required for this project as its design progresses. The City is in the process of developing a Deficiency Plan to identify future transportation deficiencies and develop a program to either fix the deficiencies or implement other, additional improvements to offset identified deficient freeway facilities. In order to establish impact fees to contribute to funding specific transportation improvement projects, such as the SR237/I-880 Express Connectors project, a nexus analysis would need to be conducted to identify and prioritize transportation improvements projects within the City and identify the appropriate fees and fee mechanisms to fund to the costs of these improvement projects. Until the Deficiency Plan has been completed and adopted, impact fees for specific projects cannot be established.

3. REVISIONS TO THE DRAFT EIR

The following section includes all revisions to the Draft EIR made in response to comments received during and immediately after the Draft EIR public review period. All text revisions are indicated by a "|" in the left margin next to each revised line. All of the revised pages supersede the corresponding pages in the February 2009 Draft EIR. None of the criteria listed in CEQA Guidelines section 15088.5 (Recirculation of an EIR Prior to Certification) indicating the need for recirculation of the February 2009 Draft EIR has been met as a result of the revisions which follow. In particular:

- no new significant environmental impact due to the project or due to a new mitigation measure has been identified;
- no substantial increase in the severity of an environmental impact has been identified; and
- no additional feasible project alternative or mitigation measure considerably different from others previously analyzed in the Draft EIR has been identified that would clearly lessen the significant environmental impacts of the project.

permit requirements applicable to the project were described in previous section 10.1.5, Local Water Quality Control, of this EIR chapter.

10.3 IMPACTS AND MITIGATION MEASURES

10.3.1 Significance Criteria

Based on current CEQA Guidelines, the project would be considered to have a significant hydrology or water quality impact if it would:[1]

(a) Violate any water quality standards or waste discharge requirements;

(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);

(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;

(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;

(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;

(f) Otherwise substantially degrade water quality;

(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;

(h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows;

(i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam;

(j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow.

10.3.2 Impacts and Mitigations

Project Flood Exposure Impacts. The three project sites are separated from (outside) the FEMA-designated Coyote Creek 100-year flood zone by the adjacent Coyote Creek levee.

[1] CEQA Guidelines, Appendix G, items VIII(a, c-f, and i) and IX(b).

The three project sites are located within a FEMA-designated Flood Zone X, defined as areas protected by levees from a 100-year flood, the 500-year flood hazard zone, or a 100-year flood zone with water depths of less than one foot or with drainage areas of less than one square mile.

The City of Milpitas Municipal Code requires all new buildings within a Special Flood Hazard Area (SFHA) to have the lowest floor elevation (excluding garages) flood proofed or raised a minimum of one foot above the base flood elevation. The proposed project must comply with this City requirement as a condition of future grading plan and construction approvals. Therefore, the proposed project would not expose persons and property to significant flood impacts and will not impede flood flows across the site, and the project flood exposure impact is ***less than significant***.

Mitigation. No significant impact has been identified; no mitigation is necessary.

Project Storm Drainage Impacts. The three project sites are currently primarily occupied by cultivated, permeable cropland with limited impervious areas (i.e., a limited number of buildings and minimal paved areas). Future development of the three sites would replace the existing cultivated agricultural land with impermeable urban surfaces, and would thereby contribute to anticipated cumulative increases in the rate and volume of stormwater runoff into the local municipal storm drainage system. Anticipated that future development of the three project sites as proposed with office park and community commercial uses would result in approximately 80 to 90 percent of the three sites being covered with impervious surfaces such as buildings, surface parking areas and other hardscape. The remaining 10 to 20 percent of the site area would be covered by landscaping and other impervious surfaces. The existing stormwater collection system in the McCarthy Ranch Master Plan area, including the storm drainage main and associated catch basins along McCarthy Ranch Boulevard, have been designed and sized to accommodate full buildout of the three project sites and adjacent areas under the existing MP (Industrial Park) zoning designation, with drainage characteristics (i.e., runoff coefficients) similar to the project-proposed office park and community commercial uses. Therefore, under the City's currently-adopted standard conditions of approval pertaining to stormwater drainage, the proposed project would have a ***less-than-significant*** impact on the capacity of the local storm drainage collection and discharge system.

Mitigation. No significant impact has been identified; no mitigation is necessary.

Project Long-Term Water Quality Impacts. With completion of construction, all project-disturbed areas would be stabilized underneath the new buildings, pavement, and landscaping. As a result, the threat of long-term erosion or increased turbidity and sedimentation from project development would be less-than-significant. Project implementation would add and/or replace more than 10,000 square feet of impervious surface area to the three project sites, and therefore must comply with the City of Milpitas Stormwater C.3 requirements and the SWRCB NPDES permit issuance requirement. In order to meet these C.3 and NPDES requirements, the project would be required to include a set group of standard "best management practices" (BMPs) routinely required by the City to reduce runoff pollutant loads. Following standard City practice, the project applicant would be required to provide the City's Engineering Division with a grading and drainage plan incorporating these requirements and BMPs to City satisfaction as

Mitigation 10-1: continued:

The project would then be required to fully implement the erosion control and other water quality measures cited in the SWPPP and monitor these measures during the SWPPP-specified time period following completion of project construction. The RWQCB would be responsible for inspecting these measures, while the project sponsor would be responsible for implementing any remedial measures if the Board indicated that site stormwater quality objectives were not being met. The City Engineering Division would also be responsible for post-construction inspection of all water quality mitigation measures that would eventually become part of the maintained infrastructure of the project, including source control and water quality treatment measures.

Implementation of these measures would reduce the construction-related soil erosion and sedimentation impacts to a ***less-than-significant level***.

The developer of each of the three project sites and the developer's civil engineering consultant(s) would be responsible for incorporating *Start at the Source* stormwater control measures to the satisfaction of the City Engineer. The Santa Clara Valley Water District has requested that in order to prevent pollutants from construction activity, including sediments, from reaching Coyote Creek, the preparer of the SWPPP should follow the Santa Clara Urban Runoff Pollution Prevention Program's recommended Best Management Practices for construction activities, as contained in "Blueprint for a Clean Bay," and the "California Storm Water Best Management Practice Handbook for Construction."

The developer would also be responsible for filing a Notice of Intent with the State Water Resources Control Board to obtain an NPDES General Permit. The Milpitas Public Works Department Engineering Division would be responsible for confirming that the applicant had filed the Notice of Intent and for reviewing the SWPPP approved by the state. The project developer would be required to fully implement the erosion control and other water quality measures cited in the SWPPP and to monitor these measures during a specified period following completion of project construction. The RWQCB would be responsible for inspecting these measures, while the project developer would be responsible for implementing any remedial measures if the Board indicated that site stormwater quality objectives were not being met. The City Engineering Division would also be responsible for post-construction inspection of all measures that would eventually become part of the maintained infrastructure of the project, including source control and water quality treatment measures.

Project Groundwater Impacts. Groundwater in the project vicinity does not provide a source of drinking water. Water supply for the project would be provided by the City of Milpitas, and groundwater supplies would not be used. Therefore, the proposed new development would not result in new significant impacts to groundwater supply or recharge.

Mitigation. No significant impact has been identified; no mitigation is required.

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4. MITIGATION MONITORING AND REPORTING

4.1 MITIGATION MONITORING REQUIREMENTS

CEQA section 21081.6 of the Public Resources Code requires all public agencies to adopt reporting or monitoring programs when they approve projects subject to environmental impact reports or mitigated negative declarations. A mitigation monitoring and reporting program is therefore required for implementation subsequent to certification of the McCarthy Ranch Mixed Use Project EIR. Most of the environmental mitigation needs that have been identified in the EIR are subject to effective monitoring through the City's normal discretionary development review and approval procedures, as well as during associated plan check and field inspection procedures. However, to satisfy CEQA statute section 21081.6 and CEQA Guidelines section 15097 (Mitigation Monitoring and Reporting), a documented record of implementation is necessary.

4.2 MITIGATION MONITORING CHECKLIST FORMAT

The attached Mitigation Monitoring Checklist includes individual columns for identifying the following, pursuant to CEQA Guidelines section 15097:

4.2.1 Identified Impact

This column includes each identified significant adverse impact as it is described in the EIR summary table (Table 2.1 in EIR chapter 2).

4.2.2 Related Mitigation Measure (Performance Criteria)

This column includes each mitigation measure as it is described in the EIR summary table (Table 2.1 in EIR chapter 2).

4.2.3 Monitoring

This column describes (1) the "implementation entity" responsible for carrying out each mitigation measure (e.g., the applicant, City or another public agency); (2) the "type of monitoring action" required (e.g., condition of anticipated future individual discretionary project approvals necessary to permit construction on one or more of the three project sites, established construction-period inspection procedures or, if these are not sufficient, specialized monitoring procedures); (3) specific implementation timing requirements (e.g., at the completion of a particular future individual project development review or construction phase, prior to individual future development project occupancy, or when some other specific threshold is reached); and (4) the "monitoring and verification entity" responsible for performing the monitoring of each mitigation (e.g., the City, another public agency, or some other entity).

4.2.4 Verification

The verification column provides a space for the signature and date of the "monitoring and verification" entity when a monitoring milestone is reached.

MITIGATION MONITORING CHECKLIST-- McCARTHY RANCH MIXED USE PROJECT

The environmental mitigation measures listed in column two below have been incorporated into the conditions of approval for the McCarthy Ranch Mixed Use Project in order to mitigate identified environmental impacts. A completed and signed chart will indicate that each mitigation requirement has been complied with, and that City and state monitoring requirements have been fulfilled with respect to Public Resources Code section 21081.6.

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	**RELATED MITIGATION MEASURE**	**Implementation Entity**	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
AIR QUALITY AND CLIMATE CHANGE						
Impact 5-1: Project Demolition and Construction Period Emissions. The current project application is limited to a request for a General Plan Amendment to change the General Plan Land Use Map designation of site C from *Industrial Park and Manufacturing* to *General Commercial*, and a corresponding rezoning to change the Zoning Ordinance designation of site C from *Industrial Park* (MP) to *General Commercial* (C2). Project implementation will also require subsequent City approval of more detailed project entitlements (e.g., Site Development Permit, site, architectural and landscape plans; subdivision maps; parcel map; demolition permit to clear existing agricultural structures on site A; grading permits; building permits; sewer hook-ups; etc.). Ultimately, these subsequent project approvals will lead to construction activities, including building demolition, excavation and grading operations, associated construction vehicle traffic, and wind blowing over resultant exposed earth. These project activities would generate a combination of exhaust emissions and fugitive particulate matter emissions that would temporarily and intermittently affect local air quality. These possible effects represent a ***potentially significant impact.***	**Mitigation 5-1.** Dust emissions from project demolition and construction activities can be greatly reduced by implementing fugitive dust control measures. The significance of construction impacts is, according to the BAAQMD Guidelines, determined by whether or not appropriate dust control measures are implemented. Implementation of the following conventional BAAQMD-recommended dust control measures would therefore be expected to reduce this impact to a ***less-than-significant level:*** (1) Demolition Period. Require implementation of the following dust control measures by contractors during demolition of existing structures: (a) Watering shall be used to control dust generation during demolition of structures and break-up of pavement; (b) All trucks hauling demolition debris from the site shall be covered; and (c) Whenever possible, dust-proof chutes shall be used for loading debris onto trucks. (2) All Construction Phases. Require implementation of the following dust control measures by construction contractors during all construction phases: (a) Water all active construction areas at least twice daily and more often during windy periods. Active	Applicant (incorp. these requirements in project grading specifications).	City (through Grading Permit review and grading inspection).	Confirm related grading specifications prior to approval of Grading Permit; verify implementation through grading inspection.		

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	**RELATED MITIGATION MEASURE**	**Implementation Entity**	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
	construction areas adjacent to existing land uses must be kept damp at all times, or must be treated with non-toxic stabilizers or dust palliatives; (b) Water or cover all stockpiles of debris, soil, sand, or other materials that can be blown by the wind; (c) Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard; (d) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites; (e) Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; (f) Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets; (g) Hydroseed or apply non-toxic soil stabilizers to inactive construction areas; (h) Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); (i)Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and (j) Replant vegetation in disturbed areas as quickly as possible.					
Impact 5-2: Project Long-Term Regional	**Mitigation 5-2.** In addition to the roadway	Applicant	City (verify prior to	Confirm prior to		

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	**RELATED MITIGATION MEASURE**	**Implementation Entity**	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
Air Emissions Impact. Predicted regional emissions of reactive organic gases (ROG), nitrogen oxides (NO_x) and particulate matter (PM_{10}) generated by project vehicular trips exceed BAAQMD significance thresholds; therefore, the project would have a ***significant impact*** on long-term regional air quality.	improvement and transportation demand management (TDM) mitigations identified in chapter 14 (Transportation and Circulation) of this EIR, require the project to provide the following: ▪ transit facilities (e.g., bus bulbs/turnouts, benches, shelters, etc.); ▪ project-provided or fair-share participation in adequate shuttle service to regional transit stations system (i.e., the three or four closet VTA light rail line stations) and to other major local destinations; and ▪ onsite bicycle use incentives, including secure bike storage facilities. The above mitigation measures, in combination with the roadway improvement and traffic congestion reduction mitigations identified in chapter 14 (Transportation and Circulation) of this EIR, would serve to reduce project-related traffic congestion and associated air emissions impacts, but the level of reduction would fall short of the emissions reduction needed to reduce the project's cumulative air emissions impact contribution to a less-than-significant level. The project contribution to a cumulative regional emissions impact would therefore remain ***significant and unavoidable.***	(incorporate with appropriate future application(s), such as site development plans, tentative maps, etc.)	making future, more detailed discretionary approvals).	associated future discretionary approvals.		
Impact 5-3: Project Climate Change Impact. The project would represent urban infill growth near established transit, pedestrian and bicycle systems. Nevertheless, assuming "business as usual" greenhouse gas emission characteristics, the project would increase carbon dioxide and other greenhouse gas (GHG) emissions relative to existing conditions by facilitating office and general commercial building construction, and by increasing employment, shopping and support activity in the area and related vehicle miles traveled associated with the movement of people and goods to and from the project sites. GHG emissions from	**Mitigation 5-3.** Incorporate the following or similar GHG reduction measures in project design and construction phases: ▪ adoption of a project design objective to achieve Leadership in Energy and Environmental Design (LEED) New Construction "Silver" Certification or better, in addition to required compliance with California Code of Regulations Title 24 Energy Efficient Standards; ▪ emphasis on use of recycled and local origin construction materials;	Same as Mitigation 5-2.	Same as Mitigation 5-2.	Same as Mitigation 5-2.		

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	**RELATED MITIGATION MEASURE**	**Implementation Entity**	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
the project would include long-term emissions associated with the added project vehicle trips and electricity use and natural gas combustion to operate the added office and commercial buildings, and short-term emissions associated with project construction materials production and construction activity. These substantial added GHG emissions effects could conflict with the State-adopted goal of reducing state GHG emissions to 1990 levels by 2020, and therefore represent a ***potentially significant project and cumulative impact.***	▪ construction and demolition waste recycling, ▪ measures to encourage walking, bicycling and the use of public transit systems, ▪ planting of trees and vegetation near structures to shade buildings and reduce energy requirements for heating and cooling, ▪ use of energy-efficient light bulbs and other electrical equipment, ▪ incorporation of onsite renewable energy production (e.g., photovoltaic cells or other solar options), ▪ promotion of commute trip reduction plans (for high employment tenants), and ▪ tenant incentives to increase recycling and reduce generation of solid waste. Project implementation of these and/or similar mitigation measures would assist in reducing identified project-related GHG emissions impacts. Nevertheless, the percentage of GHG reduction associated with these measures is not reasonably quantifiable and cannot be assumed to fully mitigate project GHG emissions impacts; therefore, the project would result in a si***gnificant unavoidable project and cumulative climate change (GHG emissions) impact***.					
BIOLOGICAL RESOURCES						
Impact 6-1: Potential Project Impacts on Burrowing Owl. The project would provide for development of lands that include potentially suitable habitat for the Burrowing Owl. No Burrowing Owls have been detected on any of the three project sites during four previous reconnaissance surveys of the	**Mitigation 6-1.** The CDFG defines the migratory bird breeding season as February 1 through August 31. If it is not possible to schedule project demolition and construction activities between September 1 and January 31, *pre-construction surveys of the project site for nesting birds* shall be	Applicant (provide the City with written verification that the CDFG has approved this or a similar mitigation).	City (as a condition of Grading or Demolition Permit issuance).	Confirm prior to issuance of Demolition or Grading Permit, for each of the three project sites.		

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	**RELATED MITIGATION MEASURE**	**Implementation Entity**	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
McCarthy Ranch Master Plan area. Based on the results of two of these previous surveys, the City-certified 1996 McCarthy Ranch General Plan Amendment EIR and City-certified 1999 McCarthy Ranch General Plan Amendment SEIR, which both addressed proposed development of the approximately 203-acre McCarthy Ranch Master Plan area (including the three project sites), concluded that Burrowing Owls do not occupy the area. However, because the project site may occasionally include rodent burrows (gopher and squirrel burrows have been previously found), some individuals of Burrowing Owl populations in the region are migratory, and Burrowing Owls have been known to occupy disked land, the owl could occupy one or more of the three sites now or in the future. The Burrowing Owl is a federal "species of concern" and a state "species of special concern," and is protected under the federal Migratory Bird Treaty Act and state Fish and Game Code (CDFG Code Sections 3503, 3503.5 and 3800). Possible impacts of the project on the Burrowing Owl include loss of foraging and nesting habitat and possible death of nesting and young birds, representing a "take" under the federal Migratory Bird Treaty Act and a ***potentially significant impact.***	completed by a qualified biologist or ornithologist, following current CDFG survey protocol, to ensure that no Burrowing Owl nests will be disturbed during project implementation. The pre-construction surveys shall be completed no more than 14 days prior to the initiation of demolition or construction during the early part of the breeding season (February through April) and no more than 30 days prior to initiation of these activities during the late part of the breeding season (May through August) to assure "take" avoidance. During this survey, the biologist or ornithologist shall also observe burrows and other possible Burrowing Owl nesting habitats immediately adjacent to the construction areas for nests. The pre-construction survey report must be submitted to CDFG for review and approval. Verification that the CDFG has determined that the pre-construction surveys are adequate must be provided to the City. If an active nest is found sufficiently close to the activity areas to be disturbed by the activity, the biologist or ornithologist, in consultation with the CDFG, shall implement the following additional or similar protection measures, subject to CDFG approvals: ▪ No Burrowing Owls shall be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted as a means to avoid take, pending evaluation of eviction plans and receipt of formal written approval from the CDFG authorizing the eviction. ▪ A protected area 250 feet in radius, within which no activity will be permissible, will be maintained between project activities and nesting burrowing owls or individual resident owls. This protected area will remain					

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	**RELATED MITIGATION MEASURE**	**Implementation Entity**	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
	in effect between February 1 and August 31, or at the CDFG discretion and based upon monitoring evidence, until any young owls are foraging independently. In the non-nesting season, a protected area 165 feet in radius, within which no new construction activity will be permissible, will be maintained between project activities and burrows occupied by Burrowing Owls. Any development within these protected areas would be approved beforehand by the CDFG. Written verification that the CDFG has approved the above or a similar mitigation approach shall be submitted to the City before a demolition or grading permit will be issued. Implementation of this measure will reduce this impact to a ***less-than-significant level***.					
Impact 6-2: Potential Project Impacts on Nesting Raptors. The project would provide for development activity (building demolition, site grading and building construction) adjacent to the Coyote Creek riparian corridor. The riparian corridor may be utilized by nesting or foraging raptors protected under the provisions of the federal Migratory Bird Treaty Act and CDFG Code sections 3503, 3503.5 and 3800. The proposed project would not directly impact the riparian corridor. To implement creek corridor mitigation recommendations identified in the 1996 McCarthy Ranch General Plan Amendment EIR, the applicant sold a 6-acre strip of land between the proposed project sites and the Creek Corridor to the City of San Jose for use in creating the existing Coyote Creek open space buffer. Nevertheless, project demolition or construction activity near riparian corridor raptor nests could result in indirect disturbance, including incidental loss of fertile eggs or nestlings, or otherwise lead to nest	**Mitigation 6-2.** Implement Mitigation 6-1. During the Mitigation 6-1 survey, the biologist or ornithologist shall also observe all trees and other possible nesting habitats immediately adjacent to the construction areas for raptor nests. If an active raptor nest is observed sufficiently close to the work areas to be disturbed by demolition or construction activities, the biologist or ornithologist, in consultation with the CDFG, shall determine the extent of necessary construction-free buffer zone to be established around the adjacent raptor nest, typically 250 feet, to ensure that raptor nests will not be disturbed during project construction. No construction activity shall be permissible within the buffer zone during the nesting season (February 1 through August 31). As stipulated in the 1999 SEIR, written verification that CDFG has approved this mitigation plan must be submitted to the City before a demolition or grading permit will be issued. Implementation of this	Applicant (provide the City with written verification that the CDFG has approved this or a similar mitigation).	City (as a condition of Grading or Demolition Permit issuance).	Confirm prior to issuance of Demolition or Grading Permit, for each of the three project sites.		

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	**RELATED MITIGATION MEASURE**	**Implementation Entity**	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
abandonment, which would be considered a "take" under the CDFG code, and therefore represents a ***potentially significant project impact.***	measure would reduce this impact to a ***less-than-significant level***.					
Impact 6-3: Loss of Ordinance-Sized Trees. Project site A includes four trees adjacent to the largest packing shed, and all three sites include existing street trees along their North McCarthy Boulevard frontages. One or more of these trees may meet the City of Milpitas Tree Ordinance definition of an "ordinance-size" tree--i.e., 37 inches or greater in circumference at a height of four and one-half feet above ground level. Therefore, implementation of the project could result in the loss of one or more ordinance-sized trees, which would represent a ***significant impact.***	**Mitigation 6-3.** No ordinance-sized tree shall be removed from any of the three project sites without a City-issued tree removal permit. Pursuant to the City of Milpitas Municipal Code Tree Ordinance, any ordinance-sized tree to be removed from one of the three project sites shall be replaced at a 3:1 ratio within the project site. The City shall approve or determine the species of the replacement trees. Implementation of this measure would reduce this impact to a ***less-than-significant level***.	Applicant (provide City with identification of any ordinance-sized tree to be removed with application for related grading, construction, etc.)	City (as a condition of permit approval).	Confirm prior to issuance of requested permit.		
CULTURAL AND HISTORIC RESOURCES						
Impact 7-1: Project-Related Potential for Disturbance of Archaeological Resources. The proposed project would provide for future development of the three project sites with office and community shopping center uses. Such development activity, including grading/excavation for foundations and infrastructure, could disturb as yet unidentified sensitive, on-site, subsurface archaeological resources. This possibility represents a ***potentially significant impact.***	**Mitigation 7-1.** Require that a qualified archaeologist be retained at applicant expense to periodically monitor initial project-related on-site building foundation, infrastructure, and other excavation. In the event that subsurface cultural resources are encountered during approved ground-disturbing activities, work within a 160-foot radius shall be stopped, the Milpitas Director of Planning & Neighborhood Services (Director) shall be notified, and the retained archaeologist shall evaluate the finds and make appropriate recommendations. The archaeologist's recommendations could include some combination of collection, recordation, analysis and/or capping of any materials identified as significant. The archaeologist's findings shall be documented and submitted to the Director. If disturbance of a project area cultural resource cannot be avoided, a mitigation program in compliance with sections 15064.4 and 15126.4 of the CEQA Guidelines shall be implemented.	Applicant (incl. in grading specifications retention of qualified archaeologist prior to grading to periodically monitor initial project-related on-site excavation).	City (as condition of Grading Permit issuance).	Confirm related to grading specifications prior to issuance of Grading Permit; verify implementation through grading inspection.		

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	**RELATED MITIGATION MEASURE**	**Implementation Entity**	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
	In the event that any human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped until the Santa Clara County Coroner has been notified and has made a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner or City shall notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most like descendants, the descendants shall make recommendations regarding proper burial, which shall be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines. Implementation of these measures would reduce this potential impact to a ***less-than-significant level***.					
HAZARDS AND HAZARDOUS MATERIALS						
Impact 9-1: Potential for Project-Related Exposure to Onsite Hazardous Soil or Groundwater Contamination. The three project sites remain in active interim agricultural use. The majority of the site area is cultivated and irrigated for row crops. Typically and historically, such row crop management can involve the periodic application of pesticides, fertilizers and herbicides which can result in soil and/or groundwater contamination. In addition, onsite agricultural production activities (packing, transport, etc.) and associated above- and below-ground fuel storage facilities may have resulted in soil and/or groundwater contamination from leaks or spills. As a result, until project compliance with the additional investigation, remediation and closure requirements of the local and state agencies with hazardous materials jurisdiction in Milpitas is demonstrated to City satisfaction, it will be assumed that future site	**Mitigation 9-1:** Prior to undertaking any building demolition, utility construction or issuance of a grading permit for the project, the project applicant shall demonstrate to City satisfaction compliance with all applicable existing local and state site assessment and remediation requirements for potential soil, groundwater and/or existing physical improvement (buildings, storage tanks, etc.) contamination. These requirements include those of the City of Milpitas, Santa Clara County Department of Environmental Health, Regional Water Quality Control Board (RWQCB), and, if applicable, the California Department of Toxic Substances Control (DTSC). Demonstrated compliance with the established requirements of these local and state agencies would provide adequate assurance that this identified potential for a project-related health and safety impact would be reduced to a ***less-than-***	Applicant (provide written verification by environmental remediation professional that these established site assessment and any associated remediation requirements have been met).	City (as condition of Demolition, Grading and/or Building Permit issuance, as appropriate).	Confirm (prior to issuance of Demolition, Grading and/or Building Permit issuance, as appropriate).		

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	**RELATED MITIGATION MEASURE**	**Implementation Entity**	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
preparation (building demolition, grading, etc.) could result in the release of hazardous materials into the environment, and/or could result in a significant hazard to project construction workers and the public, representing a ***potentially significant impact.***	***significant level***.					
HYDROLOGY AND WATER QUALITY						
Impact 10-1: Project Temporary (Construction Period) Water Quality Impacts. Future project construction activities, including excavation and grading, would increase the potential for erosion and sedimentation until paving and planting are completed. Construction activities could therefore result in temporary increases in erosion which could cause the degradation of water quality within Coyote Creek and San Francisco Bay, representing a ***potentially significant impact***. Once construction is complete and all disturbed soil surfaces have been planted, erosion from the site and associated sedimentation entering Coyote Creek would be minimal.	**Mitigation 10-1:** In accordance with City Stormwater C.3 requirements and National Pollution Discharge Elimination System (NPDES) regulations, the project would be required to file a Notice of Intent with the State Water Resources Control Board (SWRCB), Division of Water Quality, prior to issuance of a grading permit. The filing would be required to include a description of erosion control and stormwater treatment measures to be implemented during (including *Start at the Source* measures) and following project construction, as well as a schedule for monitoring of performance. These measures are referred to as Best Management Practices (BMPs) for the control of point and non-point source pollutants in stormwater and would constitute the project *Stormwater Pollution Prevention Plan* (SWPPP). No grading permit would be issued by the City until a NPDES permit is issued, demonstrating that project erosion control and stormwater treatment measures, including the project SWPPP, meet SWRCB requirements. The project would then be required to fully implement the erosion control and other water quality measures cited in the SWPPP and monitor these measures during the SWPPP-specified time period following completion of project construction. The RWQCB would be responsible for inspecting these measures, while the project sponsor would be responsible for implementing any remedial measures if the Board indicated that site stormwater quality	Applicant (provide verification that NPDES Permit has been issued).	City (as condition of Grading Permit issuance).	Confirm related grading specifications prior to approval of Grading Permit; verify implementation through grading inspection.		

		MONITORING			VERIFICATION	
IDENTIFIED IMPACT	**RELATED MITIGATION MEASURE**	**Implementation Entity**	**Monitoring and Verification Entity**	**Timing Requirements**	**Signature**	**Date**
	objectives were not being met. The City Engineering Division would also be responsible for post-construction inspection of all water quality mitigation measures that would eventually become part of the maintained infrastructure of the project, including source control and water quality treatment measures. Implementation of these measures would reduce the construction-related soil erosion and sedimentation impacts to a ***less-than-significant level***.					
NOISE						
Impact 12-1: Project Compatibility with Existing and Projected Noise Environment. Based on available City data on existing and projected noise levels in the project area, it is estimated that future project office park and community shopping center occupants on the two project sites closest to I-880--i.e., sites C and D--would be exposed to exterior noise levels of up to 70 to 75 dBA CNEL by 2010. The projected future noise level of 70 to 75 dBA CNEL would fall within the Milpitas General Plan *Noise Element* defined "Conditionally Acceptable" range, under which "New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the project design" (Milpitas General Plan *Noise Element* Table 6-1). Until such a detailed analysis of project noise reduction requirements for sites C and D is completed to City satisfaction, it is assumed that the project may result in a ***significant impact*** pertaining to projected land use/community noise environment compatibility	**Mitigation 12-1.** In accordance with General Plan *Noise Element* Policy 6-I-X, project future applicant(s) shall conduct and submit a detailed analysis of noise reduction requirements and identification of associated site and architecture design noise reduction and insulation features to be included in the project design to City Planning Division satisfaction prior to City approval of detailed project site, architectural and landscape plans. Implementation of this measure would reduce this potential impact to a ***less-than-significant level***.	Applicant (provide written verification by a noise/acoustical professional that these established noise analysis and assoc. design specifications are included in project design).	City (as condition of detailed project site, architectural and landscape plan approval).	Confirm prior to approval of detailed project site, architectural and landscape plans.		
PUBLIC SERVICES, UTILITIES AND SERVICE SYSTEMS						
Impact 13-1: Project-Related and Cumulative Impacts on Sewage Treatment and Transmission Capacity. The project	**Mitigation 13-1.** The City shall require that all new development on the project sites coordinate and cooperate with the City of	Applicant (provide engineering verification that	City (as condition of final project approval--i.e., final	Confirm prior to approval of final map, or final engineering		

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would increase wastewater generation in the project vicinity. The project-proposed change in site C land use from industrial to commercial would likely produce a net increase in sewage generation, compared to estimates for the project area included in the City's 2004 Sewer Master Plan. Under its existing contract, the City currently has excess capacity at the San Jose/Santa Clara Water Pollution Control Plant, and the 2004 Sewer Master Plan did not identify any deficiencies or required mitigation in the project vicinity. It is therefore unlikely that the project would cause exceedances of Regional Water Quality Control Board wastewater treatment requirements, require new or expanded wastewater facilities, result in a determination that the wastewater treatment plant has inadequate capacity, or conflict with local planning provisions for wastewater service. However, because the project could generate more sewage than currently anticipated in applicable planning documents, the project's incremental contribution to sewage treatment and transmission demand is considered a ***potentially significant project and cumulative impact.***	Milpitas to ensure that adequate San Jose/Santa Clara Water Pollution Control Plant sewage treatment capacity is available and that maximum feasible water conservation is achieved through the project design. Implementation of this measure would reduce the project and cumulative impact on sewage treatment and transmission capacity to a ***less-than-significant level.***	adequate sewage treatment capacity is available).	map, final engineering specifications, etc.).	specifications.		
TRANSPORTATION AND CIRCULATION						
Impact 14-1: Project Impact on Milmont Drive/Dixon Landing Road Intersection. The intersection improvements assumed under Background Conditions would improve traffic operations at this intersection compared to the current configuration. However, with the project, the level of service would degrade from a LOS D to E and the average delay would increase from 45.0 seconds to 56.0 seconds during the AM peak hour. Based on City of Milpitas guidelines, this would constitute a ***significant impact.***	**Mitigation 14-1.** Reconfigure the northbound Milmont Drive approach from one left turn lane, one through lane, and one right turn lane under Background Conditions to one left turn lane, one shared through left lane, and one right turn lane. This mitigation measure would allow the intersection to operate at LOS D (47.2 seconds of delay) during the AM peak hour and LOS C (27.5 seconds of delay) during the PM peak hour. Implementation of this measure would therefore reduce the impact to a ***less-than-significant level***.	Applicant (provide for implementation of this measure, to City satisfaction).	City (as condition of future detailed development plan approvals).	Prior to approval of future detailed development plans for each project site.		
Impact 14-2: Project Impact on Milpitas Boulevard/Calaveras Boulevard Intersection. The intersection of Milpitas Boulevard and Calaveras Boulevard would	**Mitigation 14-2.** The 2030 Valley Transportation Plan (VTP) includes a range of highway and transit improvement projects to ease existing and future traffic	Applicant (provide for implementation of this measure, to City satisfaction).	City (as condition of future detailed development plan approvals).	Prior to approval of future detailed development plans for each project site.		

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operate at LOS F (81.9 seconds of delay) under Background Conditions during the AM peak hour. Under Project Conditions, it would operate at LOS F (86.2 seconds of delay) with significant increases in critical-movement delay (7.1 seconds) and demand-to-capacity ratio (V/C). Based on the CMP guidelines, this would constitute a ***significant impact.***	congestion along major travel corridors in Santa Clara County. The widening of Calaveras Boulevard, between Milpitas Boulevard and I-880, is a high priority project and at least 80 percent of the funding for this improvement has been secured. The widening of Calaveras Boulevard at Milpitas Boulevard would result in converting the westbound right turn lane into a shared through/right turn lane. This mitigation measure would provide a third westbound through lane at this intersections and would improve the intersection operations from a LOS F (86.2 seconds of delay) to a LOS D (51.1 seconds of delay). Since the intersection would already operate at unacceptable traffic conditions under background conditions, the project shall pay a fair share contribution towards the cost of implementing this improvement. Implementation of this measure would reduce the impact to a ***less-than-significant level***.					
Impact 14-3: Project Impact on McCarthy Boulevard/Alder Drive Intersection. The intersection of McCarthy Boulevard and Alder Drive would operate at LOS E (57.2 seconds of delay) under Background Conditions during the PM peak hour. Under Project Conditions, it would operate at LOS F (85.0 seconds of delay) with significant increases in critical-movement delay (44.0 seconds) and demand-to-capacity ratio (V/C). According to the City of Milpitas guidelines, this would constitute a ***significant impact.***	**Mitigation 14-3.** The new office development that has been approved for construction on the currently vacant parcel on the west side of the McCarthy Boulevard/Alder Drive intersection will add a fourth leg to this intersection to provide access to the site. Access to this new development will be via an exclusive northbound left-turn lane on McCarthy Boulevard and a westbound through lane on Alder Drive. Southbound traffic to this site would use the existing through lanes which will be converted to a shared through and right turn lane. After completion of these intersection improvements, this intersection will be built out. Under Background Conditions, this intersection would operate at unacceptable LOS during the PM peak-hour. The poor level of service is mainly attributable to the high southbound-to-eastbound left turn volumes. The intersection only provides one southbound left turn lane which is inadequate to accommodate future traffic	Applicant (provide for implementation of this measure, to City satisfaction).	City (as condition of future detailed development plan approvals).	Prior to approval of future detailed development plans for each project site.		

		MONITORING			VERIFICATION	
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	volumes. Under Project Conditions, traffic operations at this intersection would further deteriorate to a level of service F during the PM peak-hour. Due to right-of-way constraints, adding a second southbound left-turn lane would not be feasible. Therefore, the project traffic impact at this intersection is considered ***significant and unavoidable***.					
Impact 14-4: Project Impact on McCarthy Boulevard/Tasman Drive Intersection. The intersection of McCarthy Boulevard and Tasman Drive would operate at LOS E (79.2 seconds of delay) under Background Conditions during the AM peak hour. Under Project Conditions, it would operate at LOS F (82.1 seconds of delay) with significant increases in critical-movement delay (4.9 seconds) and volume-to-capacity ratio (V/C). According to the City of Milpitas guidelines, this would constitute a ***significant impact.***	**Mitigation 14-4.** The poor LOS at this intersection is primarily caused by the very high southbound right turn volumes during the AM peak-hour using a shared through-right turn lane. To mitigate this impact, convert the southbound shared through-right turn lane into a dedicated right turn lane. Implementation of this mitigation would return the LOS to D (50.4 seconds of delay) during the AM peak hour. Implementation of this measure would therefore reduce the impact to a ***less-than-significant level***.	Applicant (provide for implementation of this measure, to City satisfaction).	City (as condition of future detailed development plan approvals).	Prior to approval of future detailed development plans for each project site.		
Impact 14-5: Project Impact on Alder Drive/Tasman Drive Intersection. The intersection of Alder Drive and Tasman Drive would operate at LOS F (87.3 seconds of delay) under Background Conditions during the PM peak hour. Under Project Conditions, it would operate at LOS F (113.8 seconds of delay) with significant increases in critical-movement delay (34.0 seconds) and demand-to-capacity ratio (V/C). According to the City of Milpitas guidelines, this would constitute a ***significant impact.***	**Mitigation 14-5.** The poor LOS at this intersection is primarily caused by the very high southbound to eastbound left turn volumes during the PM peak-hour. Under Background Conditions, the left turn movement at this approach would be almost 1,100 vehicles per hour. With the project, this volume would increase to approximately 1,320 vehicles per hour. To mitigate this impact, a through lane on southbound Alder Drive could be converted into a left turn-lane. This mitigation would provide a total of three southbound left turn lanes on Alder Drive. Based on the level of service calculations, the implementation of this mitigation would return the LOS to E during the PM peak hour. However, adding a third southbound left turn lane on Alder Drive would not result in the desired benefits and create secondary effects that would result in additional undesirable impacts. The addition of a third left turn lane would result in merging issues and an imbalance of lane utilization for vehicles attempting to access the southbound and northbound ramps at the I-880 interchange.	Applicant (comply with applicable City-adopted fair share mitigation requirements--e.g., anticipated Deficiency Plan-identified mitigation requirements).	City (as condition of future detailed development plan approvals).	Prior to approval of future detailed development plans for each project site.		

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	The triple left turn would also require the removal of an existing bicycle lane on Tasman Drive, east of Alder Drive. This would result in safety issues for cyclists heading eastbound on Tasman Drive. In addition, the bus stop on the south side of Tasman Drive, just east of the intersection with Alder Drive may have to be relocated. Considering these operational issues, the project traffic impact at the Alder Drive and Tasman Drive intersection is considered ***significant and unavoidable***.					
Impact 14-6: Project Impact on Freeway Segments. The project would cause significant increases in traffic volumes (more than one percent of freeway capacity) on the following four directional freeway segments: ▪ I-880, northbound between SR 237 and Dixon Landing Road--PM peak hour, ▪ I-880, southbound between Great Mall Parkway and Montague Expressway--PM peak hour, ▪ I-880, southbound between Montague Expressway and Brokaw Road--PM peak hour, and ▪ SR 237, westbound between McCarthy Boulevard and Zanker Road--AM and PM peak hours. According to the CMP guidelines these effects would constitute a ***significant impact.***	**Mitigation 14-6.** Mitigation of significant project impacts on freeway segments would require roadway widening to construct additional through lanes, thereby increasing freeway capacity. Since it is not feasible for an individual development project to bear responsibility for implementing such extensive transportation system improvements, and no comprehensive project to add through lanes has been developed by Caltrans or VTA for individual projects to contribute to, the significant impacts on the four directional freeway segments identified above are considered ***significant and unavoidable***.	Applicant (comply with applicable City-adopted fair share mitigation requirements--e.g., anticipated Deficiency Plan-identified mitigation requirements).	City (as condition of future detailed development plan approvals).	Prior to approval of future detailed development plans for each project site.		
Impact 14-7: Year 2030 Cumulative Plus Project Impacts on McCarthy Boulevard Roadway Segments. Several roadway segments of McCarthy Boulevard between Bellew Drive and Dixon Landing Road would operate at LOS F under anticipated 2030 cumulative conditions without the project-proposed land use changes during the AM and PM peak hours. With the project-proposed land use changes, these segments would continue to operate at LOS F, but with significant increases in volume-to-capacity	**Mitigation 14-7.** Mitigation of the significant cumulative plus project impacts on these segments of McCarthy Boulevard would require roadway widening to construct additional through lanes, thereby increasing roadway capacity. Since it is not feasible for an individual development project to bear responsibility for implementing such extensive transportation system improvements, and no comprehensive improvement program to add through lanes has been developed for	Applicant (comply with applicable City-adopted fair share mitigation requirements--e.g., anticipated Deficiency Plan-identified mitigation requirements).	City (as condition of future detailed development plan approvals).	Prior to approval of future detailed development plans for each project site.		

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ratios. According to the Milpitas significance criteria this would constitute a ***significant impact.***	individual projects to contribute to, the project contributions to significant cumulative impacts on the McCarthy Ranch roadway segments identified are considered ***significant and unavoidable***. Although the project effects on cumulative conditions along these roadway segments have been identified as significant and unavoidable, the following measure is described to ensure that future impacts are minimized to the extent feasible: the City of Milpitas shall require individual developments in the project vicinity, including the proposed project, to identify and implement improvements and/or TSM programs that will ensure the best possible traffic operations given the capacity limitations of the roadway segments.					