

# Milpitas Metro Specific Plan

## Draft Subsequent Environmental Impact Report





**DRAFT**

# **MILPITAS METRO SPECIFIC PLAN SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

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## Acronyms and Abbreviations

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2020 UWMP	2020 Urban Water Management Plan
AB	Assembly Bill
AB 1826	Assembly Bill 1826
AB 939	California Integrated Waste Management Act of 1989
ABAG	Association of Bay Area Governments
ACC	Advanced Clean Cars
ACE	Altamont Commuter Express
ACM	asbestos-containing materials
ACWD	Alameda County Water District
ADT	average daily trips
AFY	acre-feet per year
AIA	airport influence area
ALUC	Airport Land Use Commission
AQAP	Air quality attainment plans
AQMP	Air Quality Management Plan
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
Bay Delta Plan	San Francisco Bay/Sacramento-San Joaquin Delta Estuary
BMPs	Best Management Practices
BPRD-L	Business Park Research & Development, Lower Density
BPRD-R	Business Park Research & Development, Residential
BVMU	Boulevard Very High Density Mixed Use
C&D	Construction and Demolition
CAAQS	California Ambient Air Quality Standards
CAFÉ	Corporate Average Fuel Economy Standards
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards
Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CCAA	California Clean Air Act
CCBCs	Cross-County Bicycle Corridors
CCR	California Code of Regulations
CEC	California Energy Commission
CEQA	California Environmental Quality Act
Certified EIR	Final Environmental Impact Report
CH <sub>4</sub>	methane

City	City of Milpitas
CIWMB	California Integrated Waste Management Board
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CO <sub>2</sub>	carbon dioxide
CPUC	California Public Utilities Commission
dB	decibels
DPH	Department of Health Services
DPM	diesel particulate matter
EMFAC 2021	CARB's 2021 Emission FACTor
EO	Executive Order
EPA	United States Environmental Protection Agency
EV	electric vehicle
FAR	floor area ration
FHWA	Federal Highway Administration's
First Update	First Update to the Scoping Plan
FTA	Federal Transit Administration
g/L	grams/liter
GHG	greenhouse gas
GVB	groundborne vibration
GWP	global warming potential
HCD	Housing and Community Development
HFCs	Hydroflouorocarbons
hp	horsepower
HRA	Health Risk Assessment
HVAC	heating, ventilation, and air-conditioning
I-	Interstate
in/sec	inch/second
IPCC	Intergovernmental Panel on Climate Change
ITS	intelligent transportation systems
IWMP	Integrated Waste Management Plan
LCFS	low-carbon fuel standard
Ldn	day-night average sound level
LEED	Leadership in Energy and Environmental Design
LID	Low Impact Development measures
LOS	Level of Service
LTS	Level of Traffic Stress
Metro Plan Area	Metro Plan Planning Area
Metro Plan or Project	Milpitas Metro Specific Plan
MFD	Milpitas Fire Department

MFH	Multi-Family Residential High Density
mgd	million gallons per day
MGY	million gallons per year
MMTCO <sub>2e</sub>	million metric tons of carbon dioxide equivalent
MPD	Milpitas Police Department
mph	miles per hour
MRF	Materials Recovery Facility
MSI	Milpitas Sanitation, Inc.
MTC	Metropolitan Transportation Commission
MTCO <sub>2e</sub>	metric tons of CO <sub>2e</sub>
MTWS	Mission Trails Waste Systems
MUSD	Milpitas Unified School District
N <sub>2</sub> O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NHTSA	National Highway Traffic Safety Administrative
NISL	Newby Island Sanitary Landfill
NOP	Notice of Preparation
NO <sub>x</sub>	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
O <sub>3</sub>	ozone
OPR	Office of Planning and Research
PF	Public Facilities
PFCs	perfluorocarbons
PG&E	Pacific Gas & Electric Company
PM <sub>10</sub>	particulate matter
PM <sub>2.5</sub>	fine particulate matter
POS	Parks and Open Space
ppm	parts per million
PPV	peak particle velocity
R&D	Research and Development
RHNA	Regional Housing Needs Allocation
ROGs	reactive organic gases
RPS	Renewables Portfolio Standard
RRMU	Residential Retail High Density Mixed Use
RTP	Regional Transportation Plan
RTPs/SCSs	regional transportation plans/sustainable community strategies
RWQCB	Regional Water Quality Control Board
SAFE	Safer Affordable Fuel-Efficient
SB	Senate Bill

SCAQMD	South Coast Air Quality Management District
SCS	Sustainable Communities Strategy
SCVWD	Santa Clara Valley Water District
SDWA	Safe Drinking Water Act
SEIR	Subsequent Environmental Impact Report
sf	square feet
SF <sub>6</sub>	sulfur hexafluoride
SFBAAB	San Francisco Bay Area Air Basin
SFPUC	San Francisco Public Utilities Commission
SIP	State Implementation Plan
SJVAPCD	San Joaquin Valley Air Pollution Control District
SJWC	San Jose Water Company
SLCP	Short-Lived Climate Pollutant
SLM	sound level meters
SOS	Sustainable Organic Solutions
SO <sub>x</sub>	sulfur oxides
SRR	Source Reduction and Recycling
TACs	toxic air contaminants
TASP	Transit Area Specific Plan
TASP Area	TASP Planning Area
TCMs	Transportation Control Measures
TDM	travel demand management
TMA	Transportation Management Association
TOD	Transit-Oriented Development
TPA	Transit Priority Area
TSM	transportation systems management
URR	Urban Residential
USGBC	United States Green Building Council
VHD	Very High Density
VMT	vehicle miles traveled
VTA	Valley Transportation Authority
VTP 2040	Valley Transportation Plan 2040
WPCP	Water Pollution Control Plant
WSA	Water Supply Assessment
WSCP	Water Shortage Contingency Plan
WWTP	wastewater treatment plants

# Executive Summary

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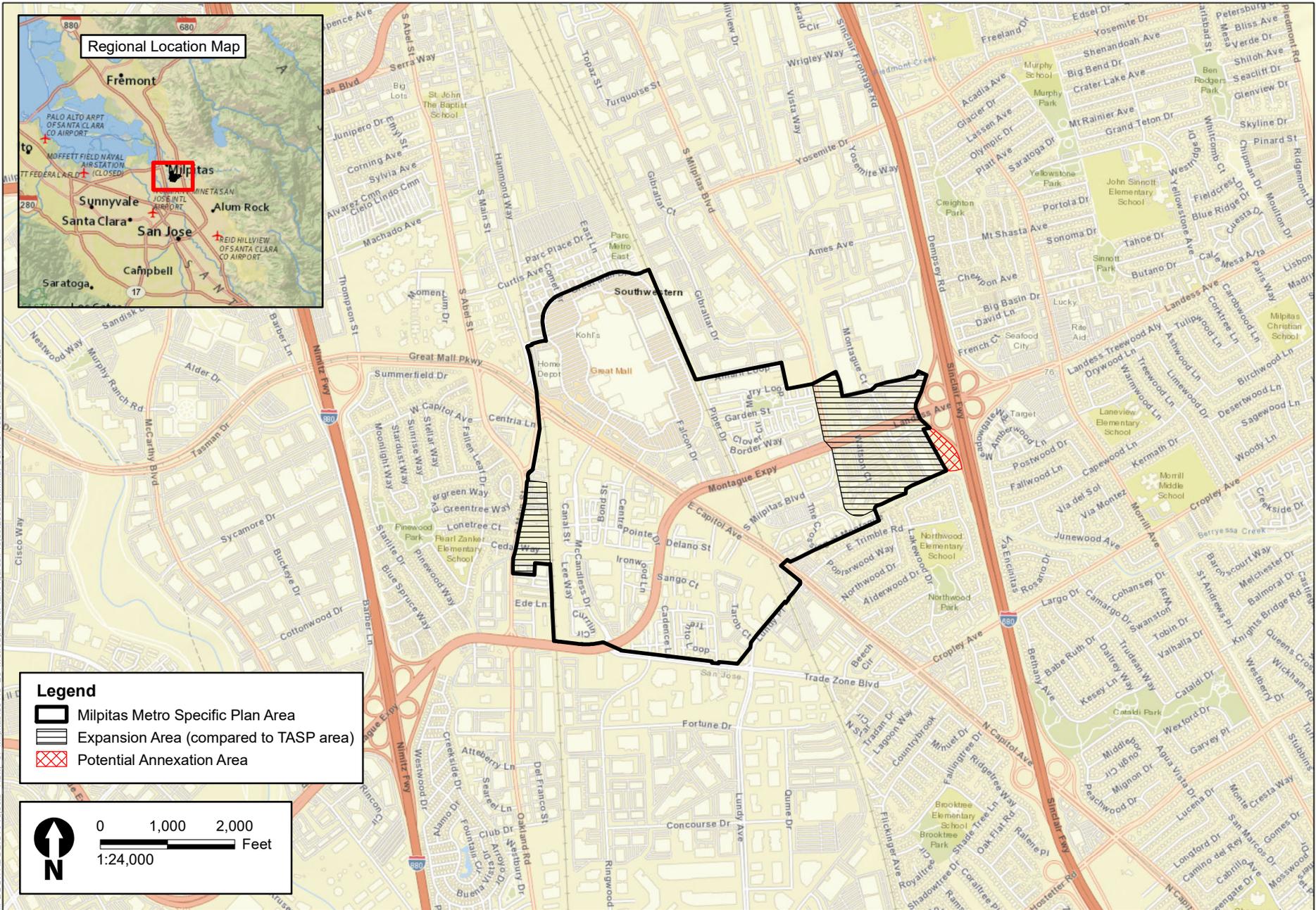
This Draft Subsequent Environmental Impact Report (SEIR), State Clearinghouse #2006032091, has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) to evaluate the proposed changes to the *Milpitas Transit Area Specific Plan Final Environmental Impact Report* (Certified EIR), certified in 2008. This SEIR analyzes the Milpitas Metro Specific Plan (Metro Plan), an update to the original Transit Area Specific Plan (TASP) vision to transform the area into a transit-oriented neighborhood and complete the emerging neighborhood by expanding access to neighborhood services and retail, creating new opportunities for jobs near transit, providing additional affordable and market-rate housing, enhancing multimodal connections and non-vehicle mobility throughout the area, providing a greater variety of shared public spaces, and strengthening the identity sense of place within the Metro Plan Area. As required by Section 15123 of the CEQA Guidelines, this Executive Summary contains the following.

- Project Under Review
- Project Objectives
- Project Impacts and Mitigation Measures
- Project Alternatives
- Potential Areas of Controversy/Issues to be Resolved

## Project under Review

The Project analyzed in the SEIR, in compliance with CEQA, is the proposed Milpitas Metro Specific Plan (Metro Plan or Project). The Metro Plan is an update to the TASP. The City of Milpitas (City) adopted the TASP and certified a Final Environmental Impact Report (Certified EIR) for the TASP in 2008. The TASP is a regulatory plan that guides development in the approximately 437-acre TASP Planning Area (TASP Area) surrounding the Milpitas Transit Center, which includes regional bus and light rail service as well as a new connection to the Bay Area Rapid Transit (BART) system. The Metro Plan aims to update the original TASP vision to transform the area into a transit-oriented neighborhood and complete the emerging neighborhood by expanding access to neighborhood services and retail, creating new opportunities for jobs near transit, providing additional affordable and market-rate housing, enhancing multimodal connections and non-vehicle mobility throughout the area, providing a greater variety of shared public spaces, and strengthening the identity sense of place within the Metro Plan Area.

The Metro Plan Planning Area (Metro Plan Area) covers a significant portion of the southern area of the City. The Metro Plan provides policies to guide development in this district in terms of land use, circulation, community design, and utilities and services. Policy 7.5 of the original TASP requires the creation of a coordinated development plan for the parcels at and around the Milpitas Transit Center, and the Metro Plan will continue to fulfill that requirement. The Metro Plan expands the original 437-acre TASP Area by approximately 60 acres, annexing an industrial area on the east side near Interstate (I-) 680 (I-680) and approximately 13 acres on the west side along a portion of South Main Street, resulting in a Metro Plan Area of 510 acres. Figure ES-1 shows the location of the Metro Plan.



**Figure ES-1**  
**Project Location Map**

The Project Change would entail four main changes, when compared to the TASP. These changes include the following:

1. Expansion of the original 437-acre TASP Plan Area by approximately 73 additional acres, for a total of 510 acres, in order to facilitate the development of an Innovation District east of the Milpitas Transit Center and to promote opportunities for housing development along South Main Street. In addition, the Metro Plan redefines the five Districts, such that they are bounded by major streets and are located on a mix of land uses, development densities, park placements, street grids, pedestrian connections, and proximities to the Milpitas Transit Center.
2. Changes to the land use classifications (increased allowable densities, new land use classifications, and change in location of land use classifications) and policies, compared to the TASP.
3. Additional residential and non-residential density and related population and employment growth, compared to the TASP.
4. Extension of the Metro Plan horizon year by 10 years (from 2030 to 2040), compared to the TASP.

The buildout associated with the Metro Plan would be in addition to the buildout already planned for in the TASP. The buildout planned for in the TASP is summarized in Table ES-1, which also summarizes the development that has been built or entitled since 2008. In summary, the Metro Plan at buildout, as compared to the TASP, would result in approximately 7,000 additional dwelling units, 3,000,000 additional square feet of office (including industrial), 300,000 additional square feet of retail, and 700 added hotel rooms.

**Table ES-1. Comparison of Existing Growth Under the TASP and Additional Growth Under the Metro Plan**

Land Use	2008 Existing Development	TASP Planned New Development	Total TASP Planned Development	Entitled by 2019 <sup>1</sup>	Additional Projected Development for Metro Plan by 2040	Total Planned Development (TASP plus Metro Plan)
Dwelling Units	468	7,109	7,577	6,955	7,000	14,577
Office (sf)	52,780	993,843	1,050,000	10,630	3,000,000 <sup>2</sup>	4,050,000
Retail (sf)	1,970,000	287,075	2,240,000	186,500	300,000	2,540,000
Hotel (rooms)	292	350	642	0 <sup>3</sup>	700	1,342

<sup>1</sup> Entitled, under construction, or constructed/occupied.

<sup>2</sup> Includes 500,000 sf of industrial uses

<sup>3</sup> Currently there are concept plans for a high-rise hotel.

Note: The Metro Plan would also allow for a police station to be developed in the Innovation District, with a potential location shown on Figure 2-4. The potential police station use is discussed in this Draft SEIR where relevant to the impact analysis.

sf = square feet

# Project Change Objectives

The City is proposing the Project Change in order to achieve the following objectives:

- 1. To enhance the sense of place and identity of the Metro Plan Area with visually memorable structures and buildings.**
  - This is achieved through:
    - Providing high to very high-density housing and/or high intensity office and employment uses along arterials, the light rail, and close to the BART station to support transit ridership and complementary activities by responding to strong market interest in high-density development in an appropriate setting.
    - Accommodating a vibrant mix of pedestrian-accessible retail and amenities, high density housing and high-intensity office and other employment uses within the Metro Plan Area and particularly within the Great Mall District, along Great Mall Parkway and Montague Expressway; and promoting public art and wayfinding strategies.
- 2. To provide safer and more attractive multimodal connections for walking and biking.**
  - This is achieved through:
    - Creating a multi-modal network that includes pedestrian pathways and bikeways to reinforce a pedestrian scale and grid where appropriate.
    - Creating a streetscape that encourages multimodal connections with an attractive and richly detailed urban environment with good connectivity between desired destinations.
    - Improving the City transportation network and contributing to the Countywide transportation network and transportation demand management over the next 20 years by improving the multimodal network and implementing the Active Transportation Plan. Key enhancements include creating safer and more accessible connections for pedestrians and bicyclists and establishing a plan-wide transportation demand management (TDM) program.
- 3. To provide a greater variety of shared public spaces.**
  - The Metro Plan will establish urban design policies to ensure adequate public open space to serve residential development. In compliance with the General Plan, the goal for open space development is 3.5 acres per 1,000 residents or the equivalent in terms of recreational value. Some recreational opportunities may be provided outside the Metro Plan Area, and a Recreational Value metric may be used to evaluate intensively-programmed and high quality spaces as equivalent to larger spaces in meeting open space goals.
  - Develop parks, trails, and public open spaces that provide active and passive recreation opportunities, pedestrian connectivity, and places for community interaction in each District, as per the Parks and Recreation Master Plan. Encourage the development of creative, usable private and public outdoor space, such as on building rooftops and balconies and on other accessible public areas.
- 4. To expand neighborhood services and the variety of retail.**

- Create additional neighborhood-serving retail to serve demand from Metro Plan Area residents, community members, and the local workforce, including up to 300,000 additional square feet of retail and restaurant space.
- Require local-serving retail on particular sites where it is feasible and appropriate, and permit it in otherwise residential and commercial-only structures.
- Promote the development of hotels where appropriate to meet demand, and support commercial activity to provide an important revenue source for the City.

**5. To create and expand available space for jobs near transit.**

- Attract business investments and generate employment opportunities through commercial development near transit, with up to 3,000,000 square feet of new office/Research and Development (R&D)/light manufacturing space.
- To support the development of an Innovation District in the industrial area east of the Milpitas Transit Center and west of I-680, and particularly east of Berryessa Creek and on the four corners at the intersection of South Milpitas Boulevard and Montague Expressway, as a hub of employment and R&D, integrating Milpitas into Silicon Valley with high-density office, research, light manufacturing uses, and services primarily to the east of Berryessa Creek.

**6. To provide both affordable and market-rate housing.**

- Accommodate up to 7,000 additional housing units to help the City meet its regional housing needs requirements and support transit ridership.
- As part of the vision, several key elements of the Metro Plan support this objective:
  - Support the evolution of the Great Mall site from a purely retail-based mall site into a mixed-use, retail and amenity-rich area that is well integrated into the Metro Plan Area.
  - Support mixed-use housing in both vertical and horizontal configurations to provide living nears jobs and services, as well as transit.
- Enhance Great Mall Parkway as a landmark street with a new linear park, streetscape improvements, and public art.
- Improve connectivity with the Tango District to and from the VTA Transit Station and McCandless District with a pedestrian/bicycle bridge connection and improvements that complete the multi-use trail system.

## Project Impacts and Mitigation Measures

### Summary of Project Impacts, including the Project Change

The City prepared an Initial Study, which is included as Appendix B to this SEIR. The Initial Study identified that the Metro Plan would have no impact or less than significant impacts on the following environmental resource topics would be less than significant: aesthetics, agricultural and forestry resources, biological resources, cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, tribal cultural resources, and wildfire. Table ES-2 (presented at the end of this Executive Summary) summarizes the impacts from the

Project Change analyzed in this SEIR. Table ES-2 includes the significance of impacts before mitigation, and for significant impacts, the feasible mitigation measures (if available) and the level of significance after mitigation. Refer to Chapter 3, *Setting, Impacts, and Mitigation Measures*, for a detailed discussion of Project Change impacts and detailed description of the mitigation measures. Table ES-3 (presented at the end of this Executive Summary) summarizes the cumulative impacts from the Project Change. Refer to Chapter 4, *Other CEQA Discussions*, for a detailed discussion of cumulative impacts.

## Significant and Unavoidable Project Impacts

Significant and unavoidable impacts are those that cannot be reduced to a less-than-significant level with mitigation or for which no feasible mitigation is available. The Project Change would have the following significant and unavoidable impacts:

- Impact AQ-2a: Construction of the Metro Plan would result in a new significant air quality impact that was not identified in the Certified EIR related to a cumulatively considerable net increase in any criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or state ambient air quality standard.
- Impact AQ-2b: Operation of the Metro Plan would result in a substantially more severe significant air quality impact than that identified in the Certified EIR related to a cumulatively considerable net increase in any criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or state ambient air quality standard.
- Impact AQ-3: Implementation of the Metro Plan would result in a new significant air quality impact that was not identified in the Certified EIR related to exposing sensitive receptors to substantial pollutant concentrations.
- Impact GHG-1: Implementation of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to the generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.
- Impact NOI-1: Construction of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to generating a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies.
- Impact NOI-3: Construction of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to exposing persons to or generating excessive ground-borne vibration or ground-borne noise levels.
- Impact C-AQ-1: Implementation of the Metro Plan would result in new and substantially more severe cumulative air quality impacts that were not identified in the Certified EIR.
- Impact C-GHG-1: Implementation of the Metro Plan would result in new cumulative greenhouse gas emissions impacts that were not identified in the Certified EIR.
- Impact C-NOI-1: Implementation of the Metro Plan would result in new cumulative noise impacts that were not identified in the Certified EIR.

## Project Alternatives to the Proposed Project Change

The following three alternatives to the Proposed Project Change are analyzed in this Draft SEIR.

- **No Project Alternative.** The No Project Alternative is required by CEQA and assumes full buildout of the TASP, as disclosed in the Certified EIR.
- **Reduced Height Alternative.** The Reduced Height Alternative places a height restriction across the Metro Plan Area that limits building heights to 75 feet, which would reduce the additional projected dwelling units by 1,000 units and the additional office space by approximately 500,000 square feet compared to the proposed Metro Plan.
- **Removal of Western Expansion Area Alternative.** The Removal of Western Expansion Area would remove the western expansion area from the Metro Plan Area and reduce the additional projected dwelling units by 500 units, compared to the proposed Metro Plan.

## Potential Areas of Controversy and Issues to Be Resolved

Through the issuance of a Notice of Preparation (NOP) distributed to the State Clearinghouse, and circulated by the City on September 16, 2021, responsible agencies, interested organizations, and the public have had the opportunity to provide comments concerning the Project Change, the alternatives to be considered, and issues of concern and controversy. The following areas of concern and potential controversy have been identified through the scoping process.

- Potential impacts to transportation, including preparing a vehicle miles traveled (VMT) analysis.
- Mitigation for transportation impacts, including fair share contributions toward multimodal and regional transit improvements.
- Potential impacts to traffic and bicycle, pedestrian, and transit facilities.
- Potential impacts to biological resource, including impacts on wetlands, waters, nesting birds, and potential bird strikes due to height of new buildings.
- Potential impacts on cultural resources, including coordinating with Native American Tribes, in accordance with Assembly Bill 52 and Senate Bill 18.

The following issues need to be resolved:

- Consultation with the Native America Tribe, the Indian Canyon Mutsun Band of Costanoan, per their request.
- Consideration of comments on the Draft EIR, responses to substantive environmental issues raised in comments, and revisions to the Draft EIR as necessary based on information in comments or new information or clarifications developed in responses.
- Certification of the Final EIR after consideration of comments and responses and any public testimony.
- Approval of the Project Change or one of the alternatives.

**Table ES-2. Summary of Project Change Impacts and Mitigation Measures**

Impact	Significance before Mitigation	Mitigation	Significance after Mitigation
<b>Air Quality</b>			
Impact AQ-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to conflicting with or obstructing implementation of an applicable air quality plan.	Less than significant	None required	--
Impact AQ-2a: Construction of the Metro Plan would result in a new significant air quality impact that was not identified in the Certified EIR related to a cumulatively considerable net increase in any criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or state ambient air quality standard.	Potentially significant	AQ-1: Require at Least Tier 4 Final Engines on Construction Equipment AQ-2: Require Use of Diesel Trucks with 2010-Compliant Model Year Engines AQ-3: Require Construction Fleet to Use Renewable Diesel AQ-4: Require Low-VOC Coatings During Construction AQ-5: Require Fugitive Dust Best Management Practices AQ-6: Purchase Mitigation Credits for Construction Emissions Exceeding BAAQMD’s Daily Pollutant Thresholds	Significant and Unavoidable
Impact AQ-2b: Operation of the Metro Plan would result in a substantially more severe significant air quality impact than that identified in the Certified EIR related to a cumulatively considerable net increase in any criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or state ambient air quality standard.	Potentially significant	AQ-7: Restrict Use of Natural Gas in New Development AQ-8: Purchase Mitigation Credits for Operational Emissions Exceeding BAAQMD’s Daily Pollutant Thresholds	Significant and Unavoidable
Impact AQ-3: Implementation of the Metro Plan would result in a new significant air quality impact that was not identified in the Certified EIR related to exposing sensitive receptors to substantial pollutant concentrations.	Potentially significant	AQ-9: Prepare a Health Risk Assessment	Significant and Unavoidable
Impact AQ-4: Implementation of the Metro Plan would not result in new or substantially more severe impacts than those identified in the Certified EIR related to creating objectionable odors affecting a substantial number of people.	Less than significant	None required	--

Impact	Significance before Mitigation	Mitigation	Significance after Mitigation
<b>Greenhouse Gas Emissions</b>			
Impact GHG-1: Implementation of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to the generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.	Potentially significant	GHG-1: Require Implementation of BAAQMD-Recommended Construction Best Management Practices GHG-2: Implement Operational GHG Reduction Measures or Their Equivalent GHG-3: Purchase GHG Mitigation Credits	Significant and Unavoidable
<b>Land Use and Planning</b>			
Impact LU-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to physically dividing an established community.	No impact	None required	--
Impact LU-2: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to causing a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	Less than significant	None required	--
<b>Noise</b>			
Impact NOI-1: Construction of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to generating a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies.	Potentially significant	The Project Change does not include additional mitigation measures beyond what would be required through implementation of the 2040 General Plan policies and actions.	Significant and Unavoidable
Impact NOI-2: Operation of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to generating a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies.	Potentially significant	NOI-1: Mechanical Equipment Noise Reduction Plan	Less than significant

Impact	Significance before Mitigation	Mitigation	Significance after Mitigation
Impact NOI-3: Construction of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to exposing persons to or generating excessive ground-borne vibration or ground-borne noise levels. Operation of the Metro Plan would not result in a new or substantially more severe impact than what was identified in the Certified EIR related to exposing persons to or generating excessive ground-borne vibration or ground-borne noise levels.	Potentially significant	NOI-2: Protect Potentially Susceptible Structures from Construction-Generated Vibration NOI-3: Implement Nighttime Construction Vibration Control Plan to Reduce Vibration-Related Annoyance Impacts on Adjacent Land Uses	Significant and Unavoidable
Impact NOI-4: The Metro Plan would not result in a new or substantially more severe impact than what was identified in the Certified EIR related to being located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, and exposing people residing or working in the project area to excessive noise levels.	No impact	None required	--
<b>Population and Housing</b>			
Impact POP-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to inducing substantial unplanned population growth in an area, either directly or indirectly.	Less than significant	None required	--
Impact POP-2: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to displacing substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.	No impact	None required	--
<b>Public Services and Recreation</b>			
Impact PS-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to substantial adverse physical impacts associated with the provision of new or physically altered schools or the need for new schools.	Less than significant	None required	--

Impact	Significance before Mitigation	Mitigation	Significance after Mitigation
Impact PS-2: Implementation of the Metro Plan could result in new or substantially more severe impacts than what was identified in the Certified EIR related to substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities or the need for new fire protection facilities.	CEQA conclusion cannot be made at this time. Future fire facilities may be subject to further review under CEQA.	--	--
Impact PS-3: Implementation of the Metro Plan could result in new or substantially more severe impacts than what was identified in the Certified EIR related to substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities or the need for new police protection facilities.	CEQA conclusion cannot be made at this time. Future police facilities may be subject to further review under CEQA.	--	--
Impact PS-4: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to substantial adverse physical impacts associated with the provision of new or physically altered parks or the need for new parks; related to the increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or including recreational facilities or requiring the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.	Less than significant	None required	--
<b>Transportation</b>			
Impact TR-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to conflicting with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	Less than significant	None required	--

Impact	Significance before Mitigation	Mitigation	Significance after Mitigation
Impact TR-2: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to conflicting or being inconsistent with State CEQA Guidelines Section 15064.3, subdivision (b).	Less than significant	None required	--
Impact TR-3: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to substantially increasing hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	Less than significant	None required	--
Impact TR-4 Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to resulting in inadequate emergency access.	Less than significant	None required	--
<b>Utilities and Service Systems</b>			
Impact UTIL-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to requiring or resulting in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects.	Less than significant (for all facilities except the future reservoir and pump stations, see below); CEQA conclusion cannot be made at this time. Future reservoir and pump station may be subject to further review under CEQA.	None required	--
Impact UTIL-2: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to having sufficient water	Less than significant	None required	--

Impact	Significance before Mitigation	Mitigation	Significance after Mitigation
supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.			
Impact UTIL-3: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to resulting in a determination by the wastewater treatment provider which serves or may serve the project it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.	Less than significant	None required	--
Impact UTIL-4: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to generating solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.	Less than significant	None required	--
Impact UTIL-5: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to complying with federal, state, and local management and reduction statutes and regulations related to solid waste.	Less than significant	None required	--

**Table ES-3. Summary of Cumulative Project Change Impacts and Mitigation Measures**

<b>Impact</b>	<b>Significance before Mitigation</b>	<b>Mitigation</b>	<b>Significance after Mitigation</b>
Impact C-AES-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative aesthetics impacts.	Less than cumulatively considerable contribution	None required	--
Impact C-AQ-1: Implementation of the Metro Plan would result in new and substantially more severe cumulative air quality impacts that were not identified in the Certified EIR.	Potentially significant cumulative impact	AQ-1: Require at Least Tier 4 Final Engines on Construction Equipment AQ-2: Require Use of Diesel Trucks with 2010-Compliant Model Year Engines AQ-3: Require Construction Fleet to Use Renewable Diesel AQ-4: Require Low-VOC Coatings During Construction AQ-5: Require Fugitive Dust Best Management Practices AQ-6: Purchase Mitigation Credits for Construction Emissions Exceeding BAAQMD's Daily Pollutant Thresholds AQ-7: Restrict Use of Natural Gas in New Development AQ-8: Purchase Mitigation Credits for Operational Emissions Exceeding BAAQMD's Daily Pollutant Thresholds AQ-9: Prepare a Health Risk Assessment	Significant and Unavoidable
Impact C-BIO-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative biological resources impacts.	Less than cumulatively considerable contribution	None required	--
Impact C-CUL-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative cultural resources impacts.	Less than significant cumulative impact	None required	--

<b>Impact</b>	<b>Significance before Mitigation</b>	<b>Mitigation</b>	<b>Significance after Mitigation</b>
Impact C-EN-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to energy impacts.	Less than significant cumulative impact	None required	--
Impact C-GEO-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative geology and soils impacts.	Less than significant cumulative impact	None required	--
Impact C-GHG-1: Implementation of the Metro Plan would result in new cumulative greenhouse gas emissions impacts that were not identified in the Certified EIR.	Potentially significant cumulative impact	GHG-1: Require Implementation of BAAQMD-Recommended Construction Best Management Practices GHG-2: Implement Operational GHG Reduction Measures or Their Equivalent GHG-3: Purchase GHG Mitigation Credits	Significant and Unavoidable
Impact C-HAZ-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative hazards and hazardous materials impacts.	Less than significant cumulative impact	None required	--
Impact C-LU-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative land use impacts.	Less than significant cumulative impact	None required	--
Impact C-NOI-1: Implementation of the Metro Plan would result in new cumulative noise impacts that were not identified in the Certified EIR.	Potentially significant cumulative impact	NOI-1: Mechanical Equipment Noise Reduction Plan NOI-2: Protect Potentially Susceptible Structures from Construction-Generated Vibration NOI-3: Implement Nighttime Construction Vibration Control Plan to Reduce Vibration-Related Annoyance Impacts on Adjacent Land Uses	Significant and Unavoidable
Impact C-POP-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative population and housing impacts.	Less than cumulatively considerable contribution	None required	--

<b>Impact</b>	<b>Significance before Mitigation</b>	<b>Mitigation</b>	<b>Significance after Mitigation</b>
Impact C-TR-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative transportation impacts.	Less than cumulatively considerable contribution	None required	--
Impact C-UTIL-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to utilities and service systems impacts.	Less than significant cumulative impact	None required	--

## 1.1 Background

In 2008, the City of Milpitas (City) certified a Final Environmental Impact Report (Certified EIR) for the Transit Area Specific Plan (TASP), which consists of policies and proposals to guide growth, including transit-oriented residential and commercial redevelopment on industrial land in a 437-acre area around the Milpitas Bay Area Rapid Transit (BART) and light rail station. The Certified EIR analyzed the potential impacts from implementation of the TASP, including the potential impacts associated with redevelopment within the 437-acre TASP Planning Area (TASP Area) and the potential impacts associated with population growth (17,915) due to additional residential units (7,109), and new jobs (4,228) resulting from added office uses (993,843 square feet), retail uses (287,075 square feet), and hotels (175,500 square feet). These improvements were analyzed at a program level in the Certified EIR. While development associated with the TASP has occurred, full buildout of the TASP has not yet been achieved.

Based on current needs and policy directives, the City is proposing changes to the TASP that was analyzed in the Certified EIR. The Milpitas Metro Specific Plan (Metro Plan or Project) would update the TASP by adding substantially more opportunity for development in this transit-oriented and integrated mixed use area of the City, including the potential for more housing, jobs, services and amenities in the slightly enlarged Metro Plan Area. The changes to the TASP in the Metro Plan are referred to as the “Project Change.” This Subsequent Environmental Impact Report (SEIR) evaluates the potential environmental impacts associated only with the Project Change to determine whether the Project Change would alter the impact significance determinations for the Project in the Certified EIR. As an SEIR, this document is not required to reevaluate development already addressed by the previously certified EIR, even if it has not yet been constructed but may still go forward. The Project Change involves environmental analysis of new development that would result in the following: (1) the addition of up to 14,000 new residents and 9,500 new jobs, (2) the expansion of the geographic area of the Metro Plan, and (3) changes in the policies identified in the Metro Plan (refer to Chapter 2, *Project Description*).

Section 15367 of the California Environmental Quality Act (CEQA) Guidelines defines a *lead agency* as “the public agency which has the principal responsibility for carrying out or approving a project.” The City of Milpitas has the authority to approve the Metro Plan and is therefore the lead agency for activities associated with the Project.

## 1.2 Purpose of the SEIR

Per State CEQA Guidelines Section 15162, , when an EIR has been certified, a subsequent EIR should be prepared if a lead agency determines on the basis of substantial evidence that one or more of the following circumstances has arisen:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The Project Change could potentially involve new significant environmental effects or a substantial increase in the severity of effects identified in the Certified EIR. Additionally, given the time that has passed since preparation of the Certified EIR, which was certified in 2008, new circumstances and/or information relevant to the environmental analysis may exist. Therefore, the Project Change constitutes a substantial change to the Project previously reviewed under CEQA, which requires preparation of an SEIR.

## 1.3 Environmental Baseline

Project development characteristics are typically compared to the existing physical environment to isolate impacts caused by the project on its surroundings. In other words, the existing condition (also referred to as the environmental setting) is normally the baseline against which the project's impacts are measured to determine whether impacts are significant. However, because SEIRs focus on changes relative to a certified EIR, the baseline used for an SEIR is the conditions associated with buildout of the project in the certified EIR. In other words, the environmental baseline for this SEIR

is the full buildout of the TASP as identified in the Certified EIR.<sup>1</sup> Furthermore, the City of Milpitas General Plan, which was adopted on March 9, 2021, (referred to as the 2040 General Plan herein) assumes the full buildout of the TASP.

## 1.4 Specific Plan Process and Public Involvement

The Milpitas Metro Specific Plan was developed through public engagement in multiple ways. The process began with the Existing Conditions Phase in the spring of 2020, during which community concerns and priorities were identified and used to guide the approach for the Metro Plan. This process included a map-based online survey, which asked members of the public to identify destination and service needs in the Metro Plan Area. A total of 316 responses were collected, which informed conceptual ideas for the Metro Plan and were presented to the City Council. In addition, interviews were held with 24 different stakeholders, including the Chamber of Commerce, Milpitas Unified School District (MUSD), Santa Clara Valley Transportation Authority (VTA), private commercial and housing developers, and City departments, to identify priorities and concerns for development in the Metro Plan Area.

The process continued with the Plan Framework Phase in the summer and winter of 2020. During this phase, members of the community were able to provide feedback on conceptual land use and transportation connection ideas. The community was engaged through an interactive community meeting held on September 30, 2020. In addition, an asynchronous Open House was available online for 3.5 weeks in October 2020, during which members of the public could provide their input.

The process then continued with Draft Plan Phase in the spring and summer of 2021. During this phase, members of the public were able to review and provide comments on the Draft Metro Plan. A virtual Community Open House was held on October 25, 2021, during which an overview of the Draft Metro Plan was provided, and members of the community were able to ask questions about the Draft Metro Plan.

The Final Metro Plan will be developed in tandem with the preparation of the Final SEIR and will be considered for approval at that time. The Draft Metro Plan is included as Appendix C to this SEIR. This CEQA process will allow for revisions to be made to the Draft Metro Plan. The Draft Metro Plan will be revised, as needed, in response to comments made by agencies and the public on this Draft SEIR.

## 1.5 Program EIR Approach

This Subsequent EIR, like the EIR for the TASP is a Program EIR. A program EIR is defined in State CEQA Guidelines Section 15168 as: "...an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) geographically; (2) as logical parts in the chain of contemplated actions; (3) in connection with the issuance of rules, regulations, plans,

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<sup>1</sup> See *Benton v Board of Supervisors* (1991) 226 CA3d 1467, 1484, 277 CR 481 (holding that when evaluating whether changes to a project would result in new significant environmental impacts, the agency must consider the incremental difference between the original project and the project as modified), and *Temecula Band of Luiseño Mission Indians v Rancho Cal. Water Dist.* (1996) 43 CA4th 425, 437, 50 CR2d 769 (holding that the agency's review is limited to new effects not previously considered).

or other general criteria to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental impacts which can be mitigated in similar ways.”

Program EIRs can be used as the basic, general environmental assessment for an overall program of projects developed over the 20-year planning horizon. A program EIR has several advantages. First, it provides a basic reference document to avoid unnecessary repetition of facts or analysis in subsequent project-specific assessments. Second, it allows the lead agency to look at the broad, regional impacts of a program of actions before its adoption and eliminates redundant or contradictory approaches to the consideration of regional and cumulative impacts.

As a program EIR, this document focuses on the overall effects of the proposed changes to the TASP under the Metro Plan; the analysis does not examine the effects of potential site-specific projects that may occur under the overall umbrella of this program in the future. When specific development proposals for the Metro Plan Area are submitted to the City, the City will follow the CEQA process as identified in Section 1.6, *Intended Uses of the SEIR*.

In order to place many of the proposed Metro Plan policies into effect, the City will adopt or approve specific actions—zoning regulations, zoning map amendments, development impact fees, capital improvement programs, development projects, etc.—that are consistent with the policies and implementation measures of the Metro Plan.

CEQA mandates that lead agencies adopt mitigation monitoring and reporting programs for projects identified as having significant impacts where mitigation measures have been identified. Mitigation monitoring and reporting programs are intended to ensure compliance during project implementation. These programs provide the additional advantages of providing staff and decision-makers with feedback as to the effectiveness of mitigation measures, as well as the experience and information to shape future mitigation measures. The Certified EIR did not identify any required mitigation measures and concluded that the policies in the TASP would mitigate potential environmental impacts; however, air quality impacts were still found to be significant and unavoidable in the Certified EIR. The Metro Plan also includes some policies that would minimize environmental impacts; however, this SEIR identifies significant impacts that would require the implementation of mitigation measures. As such, a mitigation monitoring and reporting program would be required for the Metro Plan.

This SEIR represents the best effort to evaluate the potential environmental effects of the proposed Metro Plan given its long-term planning horizon. It can be anticipated that conditions will change; however, the assumptions used are the best available at the time of preparation and reflect existing knowledge of patterns of development and travel patterns. The SEIR is based on the following key assumptions:

- *Full Implementation.* This SEIR assumes that all policies in the proposed Metro Plan will be fully implemented, and all development will be consistent with the proposed Land Use Diagram.
- *Buildout in 2040.* This SEIR assumes that the majority of development and redevelopment under the proposed Metro Plan will occur within 20 years. This is the timeline or planning horizon for this analysis. It is understood that development under the proposed Metro Plan will be incremental and timed in response to market conditions and property owners’ initiatives.

## 1.6 Intended Uses of the SEIR

This section provides a brief overview of the purpose and intended uses of this SEIR.

### 1.6.1 Program-Level Analysis

Buildout for the Metro Plan is evaluated at a program level in this SEIR. State CEQA Guidelines Section 15168 establishes the use of program EIRs for review of later activities. As defined therein, a program EIR is one prepared on a series of related actions that can be characterized as one large project. Feasible mitigation measures and alternatives developed in the program EIR must be incorporated into later activities in the program to the extent applicable to the individual later activity. Later activities must be evaluated to determine whether additional environmental review is needed. If a later activity is determined to be “within the scope” of the project covered by the program EIR, the lead agency can make a finding of consistency and approve the activity without having to prepare a new environmental document. The lead agency may use a written checklist or similar device to determine whether the environmental effects of the later action are within the scope of the program EIR. The City anticipates utilizing such a written checklist or similar device when evaluating future development projects processed under the Metro Plan and/or for implementation of related infrastructure improvements.

#### 1.6.1.1 Subsequent Activities Not Previously Examined

If the lead agency determines that the later activity would have effects that were not examined in the previously certified program EIR, subsequent environmental review would be required in accordance with State CEQA Guidelines Sections 15162–15163 (Public Resources Code Section 21166), as outlined in detail in Section 1.2 above.

A program EIR can be used to simplify the task of preparing environmental documents on later parts of the program by serving as a “tiering” document that focuses future analyses on impacts that may not have been known or had not previously been studied under the program EIR. This subsequent or supplemental CEQA document would not re-open the analyses in the program EIR that are not related to the new or more severe impact implicated in the action. As needed, a subsequent or supplemental CEQA document related to this EIR would focus on the newly proposed action that might call for more analysis. It would update the prior EIR, as needed, to disclose the new or more severe impacts that could result from the later action. Depending on circumstances, the new CEQA document may be in the form of a new subsequent EIR, a less extensive supplemental EIR, or a subsequent mitigated negative declaration. Alternatively, an addendum under State CEQA Guidelines Section 15164 may be prepared if some changes or additions are necessary but none of the conditions described in State CEQA Guidelines Section 15162 calling for subsequent environmental review have occurred.

#### 1.6.1.2 Additional Streamlining Opportunities

##### State CEQA Guidelines Sections 15182 and 15183

Pursuant to Public Resources Code Section 21155.4 and State CEQA Guidelines Section 15182, future projects that meet the following criteria qualify for a statutory exemption from CEQA:

1. The project is a qualifying residential, employment center, or mixed-use project;

2. The project is located within a Transit Priority Area (TPA);
3. The project is consistent with a specific plan for which an environmental impact report was certified; and
4. The project is consistent with an adopted sustainable communities strategy or alternative planning strategy.

A TPA is defined as an area within 0.5 mile of an existing or planned major transit stop, such as a rail transit station, a ferry terminal served by transit, or the intersection of two or more major bus routes (Public Resources Code Section 21099(a)(7)). As shown on Figure 2-3 in Chapter 2, the majority of the Metro Plan Area—but not the entire Metro Plan Area—would be within a designated TPA. Future projects under the Metro Plan may qualify for this exemption.

In addition, State CEQA Guidelines Section 15183 allows for a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan, or general plan policies for which an EIR was certified. To be eligible for streamlined review under State CEQA Guidelines Section 15183, the following findings must be made based on an initial study or other analysis:

1. The project is consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified.
2. There are no project-specific effects that are peculiar to the project or its site.
3. There are no project-specific impacts that the prior EIR failed to analyze as significant effects.
4. There are no potentially significant offsite and/or cumulative impacts that the prior EIR failed to evaluate.
5. There is no substantial new information that results in more severe impacts than anticipated by the prior EIR.

As discussed in Section 2.5.2.1, *Land Use Classifications*, the proposed project would establish new development densities and intensities in the Metro Plan Area, the impacts of which are evaluated in this SEIR. Therefore, future projects under the Metro Plan may qualify for streamlined environmental review under State CEQA Guidelines Section 15183.

The City, or responsible agencies, as applicable, will review future projects for their conformance with the criteria discussed above and determine whether later activities may be cleared under or may tier from this SEIR analysis; that is, whether the project is within the scope of the program EIR pursuant to State CEQA Guidelines Section 15168, whether an addendum under State CEQA Guidelines Section 15164 may be prepared, whether subsequent or supplemental review is required pursuant to State CEQA Guidelines Sections 15162–15163, whether the project qualifies for a statutory exemption pursuant to State CEQA Guidelines Section 15182 (Public Resources Code Section 21155.4), or whether the project qualifies for streamlined environmental review pursuant to State CEQA Guidelines Section 15183.

## 1.7 Scope and Content of this Subsequent Environmental Impact Report

*Scoping* refers to the process used to assist the lead agency in determining the focus and content of an EIR. Scoping solicits input on the potential topics to be addressed in an EIR, the range of project alternatives, and possible mitigation measures. Scoping is also helpful in establishing methods of assessment and in selecting the environmental effect to be considered. A Notice of Preparation (NOP) for the SEIR was published, distributed to the State Clearinghouse, and circulated by the City on September 16, 2021. The NOP notified agencies, interested parties, and the public about the Project Change and provided an opportunity to transmit comments and concerns on the scope and content of the SEIR. The 30-day NOP review period began on September 16, 2021, and ended on October 18, 2021. A scoping meeting was held on September 30, 2021. The NOP and comments on the NOP received by the City are provided in Appendix A of this SEIR.

As discussed above, this SEIR analyzes the potential environmental impacts that could result from the Project Change. Because the potential activities associated with the Project Change were not evaluated in the Certified EIR, they present the possibility of potential new impacts, which need to be analyzed according to CEQA. Using the Certified EIR as the baseline, this SEIR assesses whether modifications proposed by the Project Change or changes in circumstances would result in new or greater significant impacts as compared to the impact levels disclosed in the Certified EIR, and whether new mitigation measures would be required to mitigate Project impacts.

The City prepared an Initial Study to identify the environmental resources for which the Project Change would not result in new significant impacts nor substantially more severe impacts than disclosed in the Certified EIR. The Initial Study, which is included as Appendix B of this SEIR, found that the Project Change would not result in new significant impacts nor substantially more severe impacts than disclosed in the Certified EIR, for the following environmental resources. The potential impacts on these environmental resources have been sufficiently analyzed in the Initial Study and are not discussed further in this SEIR. The reasons for this conclusion are briefly summarized below.

- *Aesthetics.* The Certified EIR identified that the TASP could result in buildings that could block views, light and glare from buildings, and removal of mature trees. Nonetheless, the Certified EIR concluded that after implementation of policies in the TASP, impacts on aesthetics would be less than significant. As described in the Initial Study, most of the future development associated with the Metro Plan would comply with Public Resources Code Section 21099, which identifies that visual resource impacts of residential, mixed-use residential, or employment center<sup>2</sup> projects on an infill site<sup>3</sup> within a Transit Priority Area<sup>4</sup> shall not be considered significant impacts on the environment. Overall, because there are no scenic vistas or scenic resources located within the Metro Plan Area and because the Metro Plan would include similar policies as the TASP to protect scenic quality, the Metro Plan would have a less-than-significant impact on

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<sup>2</sup> An “employment center project” is a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and that is located within a TPA (Public Resources Code Section (a)(1)).

<sup>3</sup> An “infill site” is a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses. (Public Resources Code Section 20199(a)(4)).

<sup>4</sup> A Transit Priority Area is an area within 0.5 mile of a major transit stop that is existing or planned. (Public Resources Code Section (a)(7)).

aesthetics. The Project Changes would not result in any new impacts or more severe impacts, beyond what was identified in the Certified EIR, related to aesthetics.

- *Agricultural and Forestry Resources.* Because there are no agricultural or forestry resources in the Metro Plan Area or areas zoned for agricultural or forestry resources, the Metro Plan would result in no impact on agricultural or forestry resources.
- *Biological Resources.* The Certified EIR identified that the TASP could impact biological resources, including burrowing owls; non-listed special-status raptor and other bird species; significant trees; wetland, creeks, and drainages, including Penitencia Creek, Berryessa Creek, and their tributaries; and patches of riparian habitat associated with creeks. Nonetheless, the Certified EIR concluded that after implementation of policies in the 1994 General Plan and TASP, impacts on biological resources would be less than significant. Because the environmental setting for biological resources has not changed substantially within the TASP Area, because the environmental setting for the geographic expansion is the same as the TASP, and because the Metro Plan and 2040 General Plan have updated policies (similar to those in the TASP) that would protect biological resources, the potential impacts from the Project Change are the same as described in the Certified EIR. The Project Changes would not result in any new impacts or more severe impacts, beyond what was identified in the Certified EIR, related to biological resources.
- *Cultural Resources.* The Certified EIR concluded that federal, state, and local laws would adequately protect significant built-environment resources from demolition or insensitive alteration, as well as significant archaeological resources, thus ensuring the TASP would have a less-than-significant impact on built-environment historical resources and archaeological resources. One known archaeological resource would be located within the Metro Plan due to the expansion of the Metro Plan. Nonetheless, the Metro Plan would be required to adhere to similar federal, state, and local laws as identified in the TASP. Adherence to these laws would ensure protection of cultural resource. The Project Changes would not result in any new impacts or more severe impacts, beyond what was identified in the Certified EIR, related to cultural resources.
- *Energy.* Implementation of policies in the Metro Plan, as well as implementation of existing regulations would ensure that impacts related to the wasteful, inefficient, or unnecessary consumption of energy resources and conflicting with plans for renewable energy or energy efficiency would be less than significant. The Project Changes would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.
- *Geology and Soils.* The Certified EIR identified that the TASP could be susceptible to ground shaking generated during an earthquake and secondary seismic hazards, such as liquefaction; could be subject to soil expansion, settlement, and erosion during construction; would place serious demands on the emergency services provided by the City; and could result in the destruction of paleontological resources. Nonetheless, the Certified EIR concluded that after implementation of existing regulations and policies in the TASP, impacts on geology and soils, including paleontological resources, would be less than significant. Because the setting for the Metro Plan is the same as the setting in the TASP, the Metro Plan would include similar kinds of development and infrastructure as the TASP, and the Metro Plan would be subject to the same

or comparable regulatory requirements as the TASP, the impacts identified in the Certified EIR for geology, soils, and paleontological resources would be the same for the Metro Plan. Overall, through adherence to existing regulations and policies in the 2040 General Plan and the Metro Plan, the Project Changes are expected to result in a less-than-significant impact on geology, soils, and paleontological resources. The Project Changes would not result in any new impacts or more severe impacts, beyond what was identified in the Certified EIR, related to geology, soils, and paleontological resources.

- *Hazards and Hazardous Materials.* The Certified EIR identified that the TASP could be located in an area with a known hazardous materials release site; could demolish structures potentially containing hazardous building materials such as asbestos, PCBs, or lead-based paint; could result in future use, transport, and disposal of hazardous substances including paints, polishes, petroleum-based products, household cleaning agents, solvents, gardening chemicals, pool chemicals, and ammonia; could require construction near a future school; and would not impair the implementation of or interfere with the City's Multi-Hazard Emergency Plan. Nonetheless, the Certified EIR concluded that after implementation of existing regulations and policies in the TASP, impacts due to hazards and hazardous materials would be less than significant. Because the Metro Plan would result in the use, transport, and disposal of hazardous substances in a similar way to the TASP, and because the Metro Plan would be required to adhere to similar regulations and policies as the TASP, the impacts identified in the Certified EIR for hazards and hazardous materials would be the same for the Metro Plan. The Project Changes would not result in any new impacts or more severe impacts, beyond what was identified in the Certified EIR, related to hazards and hazardous materials.
- *Hydrology and Water Quality.* The Certified EIR identified that the TASP is not expected to substantially affect groundwater levels or interfere substantially with groundwater recharge; would not substantially alter the course of a stream or river in a manner that would result in substantial erosion or siltation on- or offsite; and would not be subject to inundation by seiche, tsunami, or mudflow. The Certified EIR also identified that the TASP could result in erosion, entrainment of sediment in runoff, sedimentation, localized ponding, flooding, and potential release of chemicals during construction; could include increased discharge of pollutants in stormwater due to the new residents and additional vehicular traffic, which would result in pollutants in runoff; and could result in impacts from constructing development within a Federal Emergency Management Agency-designated 100-year floodplain. Nonetheless, the Certified EIR concluded that after compliance with existing regulations and policies in the 1994 General Plan and TASP, impacts on hydrology and water quality would be less than significant. Because construction for the Project would be similar to what was described in the Certified EIR (i.e., grading, excavation, soil stockpiling, use of chemicals) and because the Metro Plan would adhere to similar regulations and policies as the TASP, the impacts identified in the Certified EIR for hydrology and water quality would be the same for the Metro Plan. The Project Changes would not result in any new impacts or more severe impacts, beyond what was identified in the Certified EIR, related to hydrology and water quality.
- *Mineral Resources.* Because there are no mineral resources in the Metro Plan Area, the Metro Plan would result in no impact on mineral resources.
- *Tribal Cultural Resources.* To date, the City has not received any requests from tribes to be notified of projects under Assembly Bill (AB) 52. Accordingly, no tribal cultural resources have

been identified within the Metro Plan Area. Therefore, there would be no impact on tribal cultural resources.

- *Wildfire*. The area surrounding the Metro Plan is generally developed and lacking features that normally elevate wildland fire risks (i.e., dry vegetation, steeply sloped hills). Because the Project site is not within or near a State Responsibility Area or Very High Fire Hazard Severity Zone, there would be no impact.

This SEIR addresses topics where the Project Change would have the potential to change the impact level conclusions in the Certified EIR, or where new mitigation could be required, as determined by the City. Topic areas addressed in Chapter 3, *Setting, Impacts, and Mitigation Measures*, include:

- Air Quality
- Greenhouse Gas Emissions
- Land Use and Planning
- Noise
- Population and Housing
- Public Services and Recreation
- Transportation <sup>5</sup>
- Utilities and Service Systems

## 1.8 Information Incorporated by Reference

This SEIR incorporates by reference information from the *Final Environmental Impact Report for the Milpitas Transit Area Specific Plan* (Certified EIR) (State Clearinghouse No. 2006032091) pursuant to State CEQA Guidelines Section 15150. Specifically, the environmental setting and regulatory setting discussions in Chapter 3, *Setting, Impacts, & Mitigation Measures*, of the Certified EIR are incorporated by reference. The environmental setting discussion provides a description of the baseline conditions relevant to the Certified EIR analysis. The regulatory setting discussion provides a description of the policies and regulations that govern the resources analyzed in the Certified EIR analysis. Both discussions provide general background for the analysis in the Certified EIR and this SEIR. A copy of the Certified EIR with comments and responses and the record of project approvals is available to the general public at the City of Milpitas Planning Department, 455 East Calaveras

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<sup>5</sup> Senate Bill (SB) 743 resulted in changes to the assessment of transportation impacts under CEQA. In accordance with significance thresholds in effect at the time the Certified EIR was prepared, the Certified EIR included an operational analysis of key intersections and roadway segments in and around the TASP Area, and identified impacts using the metric of level of service (LOS). Because vehicle delay is no longer an environmental impact under CEQA, pursuant to SB 743, VMT was used to assess transportation impacts in this SEIR and traffic operations impacts (i.e., LOS impacts) were not evaluated. While changes to traffic operations as a result of the Project Change were not considered in assessing environmental impacts under CEQA, per City of Milpitas policy and for purposes of Congestion Management Program (CMP) compliance, LOS was assessed as part of the planning effort for the Metro Plan and compiled in the Draft Milpitas Metro Specific Plan Traffic Operations Report (W-Trans 2022).

Boulevard, Milpitas, CA 95035. In addition, the Certified EIR can be accessed on the following website: <https://www.ci.milpitas.ca.gov/metro/>.

## 1.9 Draft Subsequent Environmental Impact Report Organization

This Draft SEIR is organized into the following main chapters and sections:

- *Executive Summary* – Provides a summary of the TASP analyzed in the Certified EIR, a summary of the Project Change, and a brief description of areas of controversy and issues arising from the Project Change. It includes a table summarizing impacts, mitigation measures, and the level of significance after mitigation of the Metro Plan due to the Project Change.
- Chapter 1, *Introduction* – Provides an overview of the Draft SEIR. The chapter explains the purpose of the SEIR as it relates to the Project and the Project Change, and provides the scope and content of the SEIR and organization of the document.
- Chapter 2, *Project Description* – Provides a summary of the previously analyzed TASP and detailed information regarding the Project Change, including a summary of the additional population and employment growth due to the Metro Plan and an overview of the expanded geographic areas of the Metro Plan.
- Chapter 3, *Setting, Impacts, and Mitigation Measures* – Analyzes the potential impacts of the Project Change and makes a determination as to whether the Project Change would change the impact significance determinations for the Project in the Certified EIR, and whether new mitigation measures would be required. Impacts are described according to topic areas, and include descriptions of the environmental setting, methodology, significance criteria, impacts, applicable mitigation measures, and the significance of the impact following mitigation. The topics addressed in this chapter include:
  - 3.1, *Air Quality*
  - 3.2, *Greenhouse Gas Emissions*
  - 3.3, *Land Use and Planning*
  - 3.4, *Noise*
  - 3.5, *Population and Housing*
  - 3.6, *Public Services and Recreation*
  - 3.7, *Transportation*
  - 3.8, *Utilities and Service Systems*
- Chapter 4, *Other CEQA Considerations* – Addresses cumulative impacts and other CEQA requirements as they relate to the Project Change.
- Chapter 5, *Alternatives* – Compares the potential impacts resulting from the Project Change with three alternatives: the No Project Alternative, Reduced Height Alternative, and Removal of

Western Expansion Area Alternative. The chapter also identifies the environmentally superior alternative.

- Chapter 6, *List of Preparers* – Provides the names of chapter/report authors as well as persons and organizations that were consulted during the preparation of this Draft SEIR.
- Chapter 7, *References* – Lists the references that were cited throughout this Draft SEIR.
- Appendices – Include technical reports that support the analyses contained in this Draft SEIR as well as procedural documents.
  - Appendix A, *Notice of Preparation and Scoping Comments Received*
  - Appendix B, *Initial Study*
  - Appendix C, *Draft Milpitas Metro Specific Plan*
  - Appendix D, *Air Quality and Greenhouse Gas Emissions Data*
  - Appendix E, *Noise Data*
  - Appendix F, *Utilities and Service Systems Information*

## 2.1 Overview

The Project analyzed in this Subsequent Environmental Impact Report (SEIR) is the proposed Milpitas Metro Specific Plan (Metro Plan or Project). The Metro Plan is an update to the Transit Area Specific Plan (TASP). The City of Milpitas (City) adopted the TASP and certified a Final Environmental Impact Report (Certified EIR) for the TASP in 2008. The TASP is a regulatory plan that guides development in the approximately 437-acre TASP Planning Area (TASP Area) surrounding the Milpitas Transit Center, which includes regional bus and light rail service as well as a new connection to the Bay Area Rapid Transit (BART) system. The Metro Plan aims to update the original TASP vision to transform the area into a transit-oriented neighborhood and complete the emerging neighborhood by expanding access to neighborhood services and retail, creating new opportunities for jobs near transit, providing additional affordable and market-rate housing, enhancing multimodal connections and non-vehicle mobility throughout the area, providing a greater variety of shared public spaces, and strengthening the identity sense of place within the Metro Plan Area.

The Metro Plan Planning Area (Metro Plan Area) covers a significant portion of the southern area of the City. The Metro Plan provides policies to guide development in this district in terms of land use, circulation, community design, and utilities and services. Policy 7.5 of the original TASP requires the creation of a coordinated development plan for the parcels at and around the Milpitas Transit Center, and the Metro Plan will continue to fulfill that requirement. The Metro Plan expands the original 437-acre TASP Area by approximately 60 acres, annexing an industrial area on the east side near Interstate (I-) 680 and approximately 13 acres on the west side along a portion of South Main Street, resulting in a Metro Plan Area of 510 acres.

The Project involves an update of the original TASP land use plan, renaming it as the Milpitas Metro Specific Plan, and includes all necessary actions needed to implement the Metro Plan and make it consistent with the City's adopted 2040 General Plan and other relevant master plans and land development regulations. The Metro Plan is recognized by the General Plan as the land use document governing the Metro Plan Area. Preparation and adoption of the Metro Plan will be undertaken in concert with the following actions by the City:

- Updates and amendment to the boundaries of the Milpitas Gateway-Main Street Specific Plan (formerly Midtown Milpitas Specific Plan)
- Milpitas Zoning Code and Zoning Map amendments
- Updates to the Parks and Recreation Master Plan updates
- Updates to the Bicycle, Pedestrian, and Trails Master Plan
- Updates to the Water, Sewer, and Storm Drain Master Plans
- Updates to the Climate Action Plan

The California Environmental Quality Act (CEQA) lead agency for the Project is the City of Milpitas. The lead agency contact person is:

- Kevin Riley, Metro Plan Project Manager  
City of Milpitas  
East Calaveras Boulevard  
Milpitas, CA 95035  
Email: [kriley@ci.milpitas.ca.gov](mailto:kriley@ci.milpitas.ca.gov)

## 2.2 Description of the Previously Approved Project (TASP)

The Transit Area Specific Plan or TASP, adopted in 2008, anticipated a transit center that included Santa Clara Valley Transportation Authority (VTA) light rail and the Milpitas BART. The TASP envisioned the transformation of the light industrial area into a mixed-use, transit-oriented, attractive and livable neighborhood with housing, offices, and shopping. The City identified the following overall vision statement for the TASP.

*Create attractive high density urban neighborhoods with a mix of land uses around the light rail stations and future BART station in Milpitas. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each subdistrict.*

The TASP included a set of goals and policies meant to promote the vision of the TASP. These included goals to provide a mix of land uses, including housing, office, retail, restaurants, personal services, hotels, parks, and community facilities; build quality neighborhoods and commercial districts; create a new network of streets through the area that is appropriate for the mix of land uses and encourages walking, biking, and transit use rather than auto trips; provide adequate developed park space; and plan for areawide infrastructure.

Full development (also known as buildout) of the TASP was estimated to take place by 2030. Buildout for the TASP was estimated to result in the following: 7,109 new dwelling units and 17,915 new residents, 350 new hotel rooms and 287,705 square feet of new retail uses, and 993,843 square feet of new office uses, resulting in approximately 4,228 new jobs. As of 2019, the following was entitled in the TASP Area: 6,995 residential units, 10,630 square feet of office space, and 186,500 square feet of retail space. Some of this development is under construction or already occupied.

## 2.3 Metro Plan Purpose and Objectives

The vision of the Metro Plan is to expand the Metro Plan Area and promote higher density and intensity development opportunities in the Metro Plan Area, and in doing so create a more complete neighborhood that includes a variety of services to further enable a walkable and transit-oriented community that is reflective of the progressive social conditions and growing economy. The Metro Plan represents a unique opportunity in the City and seeks to achieve the following objectives:

1. **To enhance the sense of place and identity of the Metro Plan Area with visually memorable structures and buildings.**
  - This is achieved through:
    - Providing high to very high-density housing and/or high intensity office and employment uses along arterials, the light rail, and close to the BART station to support transit ridership and complementary activities by responding to strong market interest in high-density development in an appropriate setting.
    - Accommodating a vibrant mix of pedestrian-accessible retail and amenities, high density housing and high intensity offices and other employment uses within the Metro Plan Area and particularly within the Great Mall District, along Great Mall Parkway and Montague Expressway; and promoting public art and wayfinding strategies.
2. **To provide safer and more attractive multimodal connections for walking and biking.**
  - This is achieved through:
    - Creating a multi-modal network that includes pedestrian pathways and bikeways to reinforce a pedestrian scale and grid where appropriate.
    - Creating a streetscape that encourages multimodal connections with an attractive and richly detailed urban environment with good connectivity between desired destinations.
    - Improving the City transportation network and contributing to the Countywide transportation network and transportation demand management over the next 20 years by improving the multimodal network and implementing the Active Transportation Plan. Key enhancements include creating safer and more accessible connections for pedestrians and bicyclists and establishing a plan-wide transportation demand management (TDM) program.
3. **To provide a greater variety of shared public spaces.**
  - The Metro Plan will establish urban design policies to ensure adequate public open space to serve residential development. In compliance with the General Plan, the goal for open space development is 3.5 acres per 1,000 residents or the equivalent in terms of recreational value. Some recreational opportunities may be provided outside the Metro Plan Area, and a Recreational Value metric may be used to evaluate intensively-programmed and high quality spaces as equivalent to larger spaces in meeting open space goals.
  - Develop parks, trails, and public open spaces that provide active and passive recreation opportunities, pedestrian connectivity, and places for community interaction in each District, as per the Parks and Recreation Master Plan. Encourage the development of creative, usable private and public outdoor space, such as on building rooftops and balconies and on other accessible public areas.
4. **To expand neighborhood services and the variety of retail.**
  - Create additional neighborhood-serving retail to serve demand from Metro Plan Area residents, community members, and the local workforce, including up to 300,000 additional square feet of retail and restaurant space.
  - Require local-serving retail on particular sites where it is feasible and appropriate, and permit it in otherwise residential and commercial-only structures.

- Promote the development of hotels where appropriate to meet demand, and support commercial activity to provide an important revenue source for the City.
5. **To create and expand available space for jobs near transit.**
- Attract business investments and generate employment opportunities through commercial development near transit, with up to 3,000,000 square feet of new office/Research and Development (R&D)/light manufacturing space.
  - To support the development of an Innovation District in the industrial area east of the Milpitas Transit Center and west of I-680, and particularly east of Berryessa Creek and on the four corners at the intersection of South Milpitas Boulevard and Montague Expressway, as a hub of employment and R&D, integrating Milpitas into Silicon Valley with high-density office, research, light manufacturing uses, and services primarily to the east of Berryessa Creek.
6. **To provide both affordable and market-rate housing.**
- Accommodate up to 7,000 additional housing units to help the City meet its regional housing needs requirements and support transit ridership.
  - As part of the vision, several key elements of the Metro Plan support this objective:
    - Support the evolution of the Great Mall site from a purely retail-based mall site into a mixed-use, retail and amenity-rich area that is well integrated into the Metro Plan Area.
    - Support mixed-use housing in both vertical and horizontal configurations to provide living nears jobs and services, as well as transit.
    - Enhance Great Mall Parkway as a landmark street with a new linear park, streetscape improvements, and public art.
    - Improve connectivity with the Tango District to and from the VTA Transit Station and McCandless District with a pedestrian/bicycle bridge connection and improvements that complete the multi-use trail system.

## 2.4 Description of the Metro Plan

The Metro Plan, which is included in Appendix C of this SEIR,<sup>1</sup> is organized per the following chapters:

- **Chapter 1: Introduction** – Provides background information on the Metro Plan, explains the Metro Plan’s relationship with other municipal regulatory documents, establishes the Metro Plan Vision, and projects the expected plan buildout.
- **Chapter 2: Land Use and Public Space** – Establishes the land use and open space strategy and policies for the Metro Plan Area.
- **Chapter 3: Site and Building Design Standards and Guidelines** –Details the Metro Plan’s strategy for activating the public realm, including sidewalks and pathways, and provides

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<sup>1</sup> Appendix C includes the Draft Milpitas Metro Specific Plan. Revisions to this Draft Milpitas Metro Specific Plan may be made in response to any comments received on the Draft SEIR and Draft Milpitas Metro Specific Plan. The Final Milpitas Metro Specific Plan will be prepared in conjunction with the Final SEIR.

guidance on building design in the Metro Plan Area. The site and building design standards replace the TASP guidelines and are written in coordination with citywide objective design standards for mixed-use and residential buildings.

- **Chapter 4: Mobility and Circulation** – Describes strategies to create a multimodal network, reduce vehicle miles traveled through transportation demand management policies, and decrease automobile dependency.
- **Chapter 5: Infrastructure** – Describes the public infrastructure and services needed to accommodate development in the Metro Plan Area.
- **Chapter 6: Implementation** – Details the implementation of the Metro Plan by the City of Milpitas, including funding sources and timeframes for public infrastructure projects.

An overview of the location of the Metro Plan is included in Section 2.5.1; an overview of the land use program and policies in the Metro Plan is included in Section 2.5.2; an overview of the projected population growth and employment growth associated with the buildout of Metro Plan is included in Section 2.5.3; and an overview of the horizon year is included in Section 2.5.4.

## 2.5 Description of the Project Change

Implementation of the Metro Plan would result in four main changes, when compared to the TASP. These changes, which are collectively referred to as the *Project Change*, are described in detail below. Overall, the Project Change consists of the following:

1. Expansion of the original 437-acre TASP Plan Area by approximately 73 additional acres, for a total of 510 acres, in order to facilitate the development of an Innovation District east of the Milpitas Transit Center and to promote opportunities for housing development along South Main Street. In addition, the Metro Plan redefines the five Districts, such that they are bounded by major streets and are located on a mix of land uses, development densities, park placements, street grids, pedestrian connections, and proximities to the Milpitas Transit Center.
2. Changes to the land use classifications (increased allowable densities, new land use classifications, and change in location of land use classifications) and policies, compared to the TASP.
3. Additional residential and non-residential density and related population and employment growth, compared to the TASP.
4. Extension of the Metro Plan horizon year by 10 years (from 2030 to 2040), compared to the TASP.

As described in Chapter 1, *Introduction*, this SEIR evaluates the potential environmental effects that could result from the Project Change.

### 2.5.1 Geographic Expansion

The City of Milpitas is a largely residential community occupying a unique location in the southeastern Bay Area. It is located at the northern edge of Santa Clara County and is bounded by San Jose to the south and west, Fremont to the north, and unincorporated hillside lands to the east. The City is at the crossroads of I-880 and I-680, Highway 237, and the Montague Expressway. The

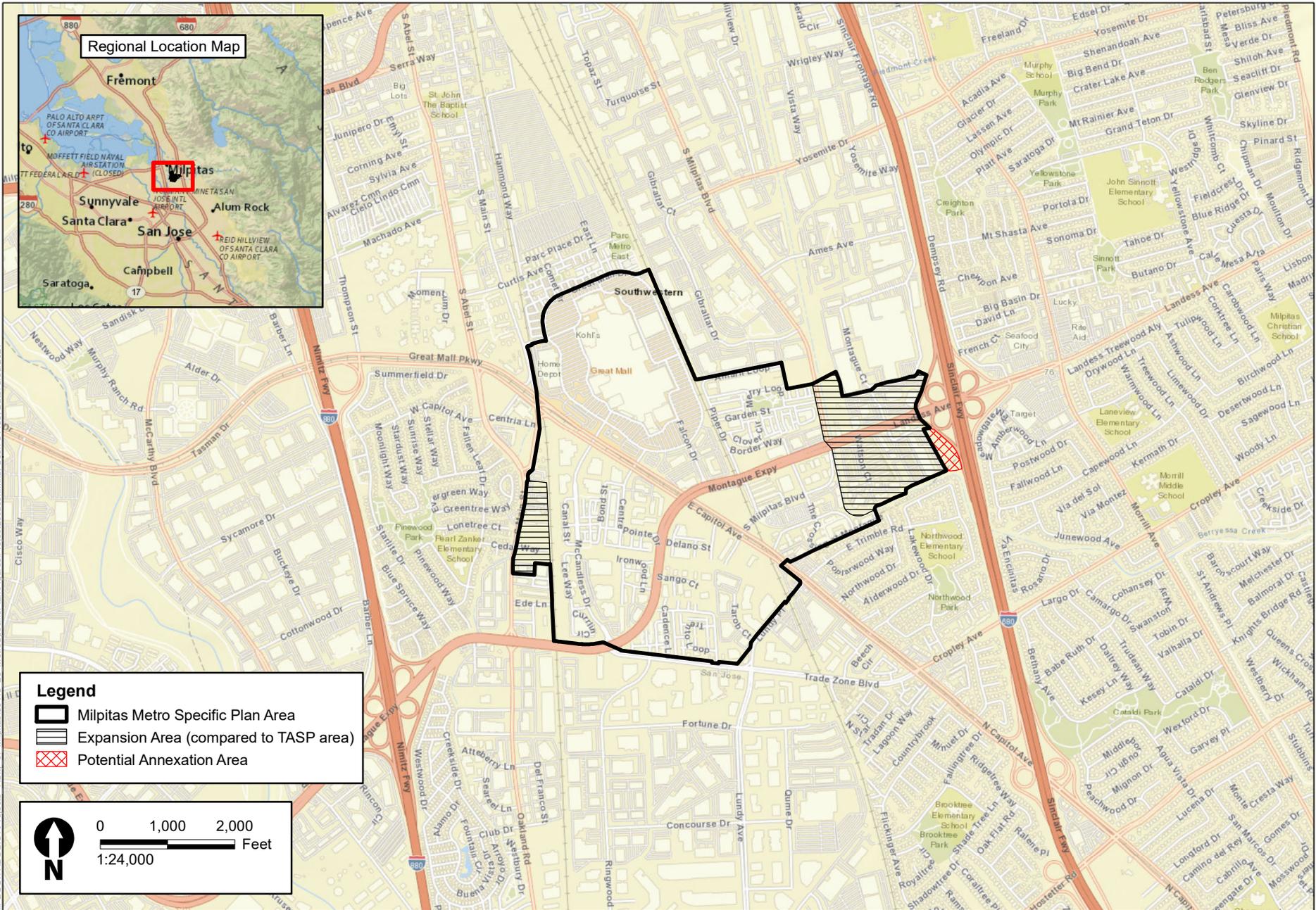
Metro Plan Area, which includes the TASP Area, lies between these major regional vehicular routes near the southern edge of the City.

The Certified EIR identifies that the TASP Area is centered on a roughly 0.5-mile radius around the Milpitas BART station. The TASP Area consists of much of the southern portion of the Midtown Plan plus the Great Mall and an area northeast of Piper Drive and Montague Expressway. Figure 2-1 shows the location of the TASP Area.

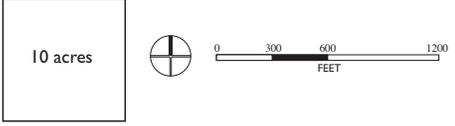
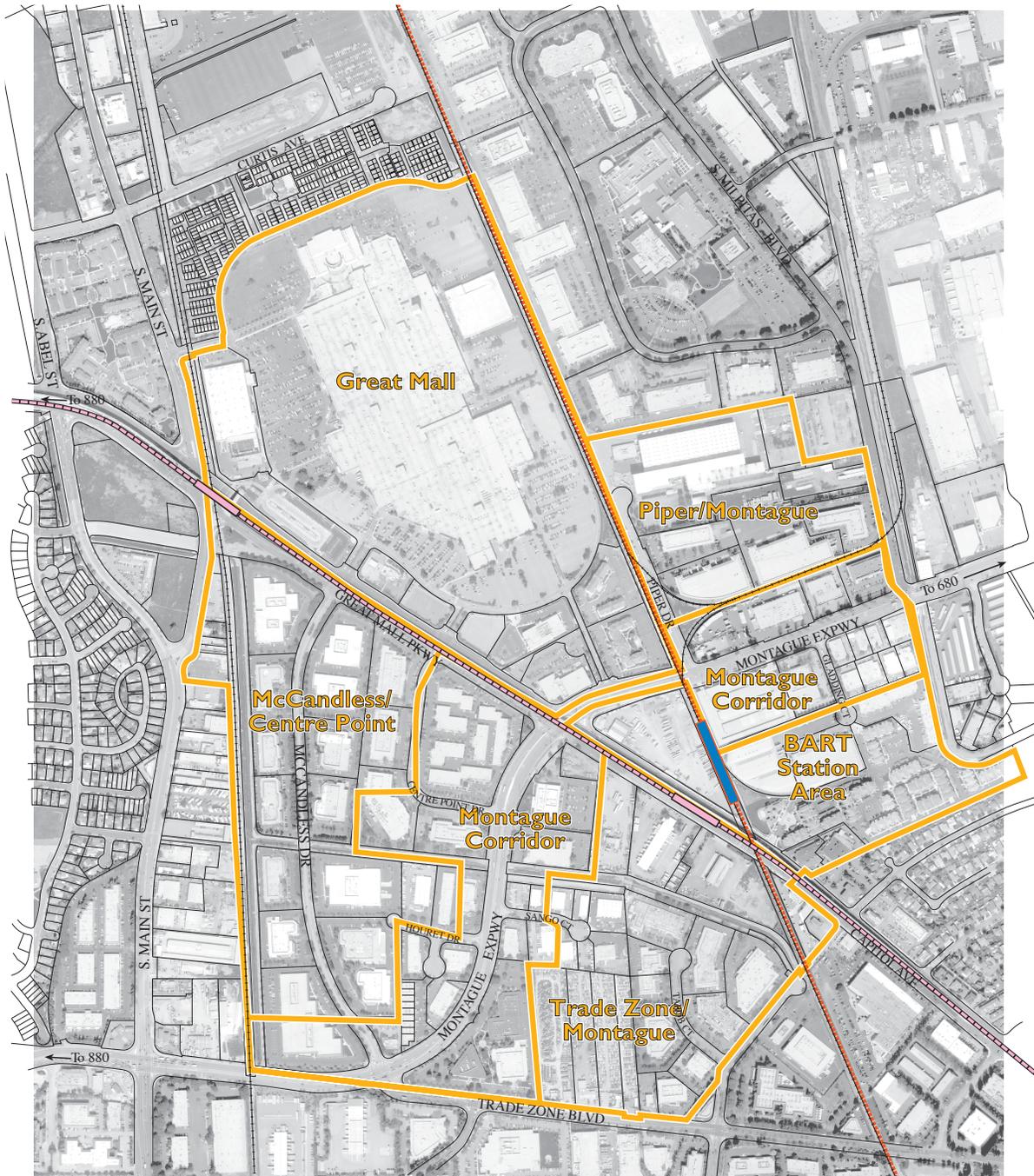
The Metro Plan Area would be located in the same overall location as the TASP with two additional areas. First, the Metro Plan Area would include an additional approximately 60 acres of land located on the east side of Penitencia Creek near I-680. Second, the Metro Plan would include an additional approximately 13 acres of land located on the west side along a portion of South Main Street. The boundaries of the Metro Plan Area are roughly the northern extent of the Great Mall, South Main Street on the west, Trade Zone Boulevard and the City limits on the south, I-680 and the San Jose border on the east, and the existing industrial area along South Milpitas Boulevard in the northeast. Figure 2-1 shows the location of the Metro Plan Area and identifies the two areas where the Metro Plan Area has been expanded.

In addition, the City of Milpitas supports a request from the property owner to annex a 3.7-acre site from the City of San Jose that would be incorporated into the Metro Plan Area. This site is located on the east side of the I-680, south of the Montague Expressway, and is adjacent to the proposed Innovation District, as shown on Figure 2-1. This annexation is under consideration by the City of San Jose at this time; therefore, this SEIR does not consider this annexation site in its environmental analysis. If the site is annexed by the City of Milpitas, then the annexation action would be reviewed by the City to determine whether additional environmental review is required. This annexation site is not discussed further in this SEIR.

In addition to geographic expansion, the Metro Plan redefines the District boundaries from the TASP. The TASP included seven subdistricts that were organized around Montague Expressway, as shown on Figure 2-2. The Metro Plan establishes new boundaries for five Districts that are separated by major roadways as shown on Figure 2-3.



**Figure 2-1**  
**Project Location Map**



- Subarea
- - - Proposed BART Line
- - - VTA Light Rail Transit
- - - Union Pacific Railroad and Railroad Spur

Graphics 00113.20 (11/22/21) AB



**Figure 2-2**  
**TASP Subdistricts**



 Milpitas Metro Boundary

 Milpitas Metro Districts

 Transit Center

Graphics 00113.20 (11/22/21) AB



**Figure 2-3  
Metro Plan Districts**

## 2.5.2 Changes in Land Use Classifications and Policies

### 2.5.2.1 Land Use Classifications

Both the TASP and the Metro Plan identified different land use categories not used elsewhere in the City that would allow for higher densities. For the Metro Plan, the land use categories also allow for decreased parking ratios. The Metro Plan updates the land use classification in three different ways. First, the Metro Plan updates the allowable densities for some of the land use classifications in the TASP. Second, the Metro Plan adds additional land use classifications that were not included in the TASP. Third, the Metro Plan updates the locations of where the land use classifications would apply.

The TASP included the following land use classifications:

- Residential – Retail High Density Mixed Use
- Boulevard Very High Density Mixed Use
- Very High Density Transit Oriented Residential
  - A Density Bonus allowing for up to a 25 percent increase in maximum allowable density was identified for certain parcels with the three land use classifications above that were located near BART and light rail.
- High Density Transit Oriented Residential
- General Commercial/Shopping Center Retail<sup>2</sup>
- Retail Mixed-Use
- Transit Facilities
- Industrial Park/Light Industrial/R&D<sup>3</sup>
- Parks/Plazas/Community Facilities
- Linear Park and Trails
- Landscaped Front Yards and Buffers

A description of these land use classifications can be found on pages 2-6 through 2-10 of the Certified EIR. As discussed in Chapter 1 of this SEIR, this information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1 of this SEIR for the locations available for the public to review the Certified EIR.

The Metro Plan includes the following land use classifications:

- *Residential Retail High Density Mixed Use (RRMU)*. This district is intended to be a mixed-use area with retail, restaurants, and services on the ground floor, and residential or office uses on floors above. The residential density is a minimum average density of 40 units per acre and a maximum of 85 units per acre. Ground floor retail and active commercial development are only

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<sup>2</sup> The TASP identified the term “General Commercial” and the TASP EIR identified the term “Shopping Center Retail.” Because both terms are used in the TASP and TASP EIR, for the purpose of clarity, both terms are used in this SEIR.

<sup>3</sup> The TASP identified the term “Industrial Park” and the TASP EIR identified the term “Light Industrial/R&D.” Because both terms are used in the TASP and TASP EIR, for the purpose of clarity, both terms are used in this SEIR.

required in designated areas. With the exception of sites identified as Housing Element opportunity sites, RRMU parcels may be developed for office and hotel uses without residential development, although ground floor retail or restaurant square footage will still be required. For non-residential projects, the maximum floor area ratio (FAR) is 2.5. However, there is no FAR limit for hotels.

- *Boulevard Very High Density Mixed Use (BVMU)*. This classification is intended to provide high-density housing, retail, and employment. Sites developed with a mix of uses, or non-residential uses, must adhere to the FAR limits: a minimum intensity of 2.5 FAR is required, with a maximum FAR of 5.0 allowed. Retail uses are required on 80 percent of building street frontages that are along Activity Streets. Residential projects shall have a minimum average density of 85 units per acre and can be built up to 250 units per acre.
- *Multi-Family Residential High Density (MFH)*. This classification supports medium-density residential neighborhoods farther from the Milpitas Transit Center. A minimum density of 30 units per acre is required, up to a maximum of 40 units per acre. Residential and related uses are allowed, but not commercial uses.
- *Multi-Family Residential Very High Density (VHD)*. This classification allows high-density residential development, such as multi-story apartments and condos. This designation requires housing to be built at an average density of at least 40 units per acre, up to a maximum of 85 units per acre. Small local-serving commercial uses are permitted with a conditional use permit at the ground floor level, including retail, restaurants, and personal services uses.
- *Urban Residential (URR)*. This classification allows for very high-density residential development along Main Street and Capitol Avenue. This designation requires multi-family housing to be built at a minimum density of 70 units per acre and up to a maximum density of 120 units per acre. Small local-serving commercial uses are permitted with a conditional use permit at the ground floor level, including retail, restaurants, and personal services uses.
- *Business Park Research & Development (BPRD)*. This non-residential designation provides for office, R&D, and hotels in the Innovation District and the Great Mall District. Limited retail uses that are business-supportive, such as fitness centers, restaurants, and daycare, are also allowed in this classification. Development shall have a minimum FAR of 1.0 and is capped at a maximum FAR of 2.5.
- *Business Park Research & Development, Limited Residential (BPRD-R)*. This classification supports office, R&D, office-supportive commercial retail, hotels, and supplemental residential uses. Development shall have a minimum FAR of 1.0 and is capped at a maximum FAR of 5.0. A minimum 1.0 FAR of office or R&D is required.
- *Public Facilities (PF)*. The Public Facilities designation applies to parcels owned by public agencies and that are intended to be accessed by the public, including schools, community facilities and transit centers.
- *Parks and Open Space (POS)*. This designation is applied to areas that are intended for parks, plazas, waterways, creek corridors, and trails.

Table 2-1 summarizes the allowed residential and non-residential densities for the land use classifications in the TASP and the Metro Plan. As shown in Table 2-1, the Metro Plan would allow for increased residential and non-residential densities, compared to the TASP.

In addition, the Metro Plan identifies four new land use classifications that were not previously included in the TASP. The two Business Park Research & Development land use classifications allow for light industrial, research and development, and office uses and would be applied to parts of the Innovation District and Great Mall District. The Urban Residential land use classification would allow for high-density residential development and would be applied to an area along Capitol Avenue.

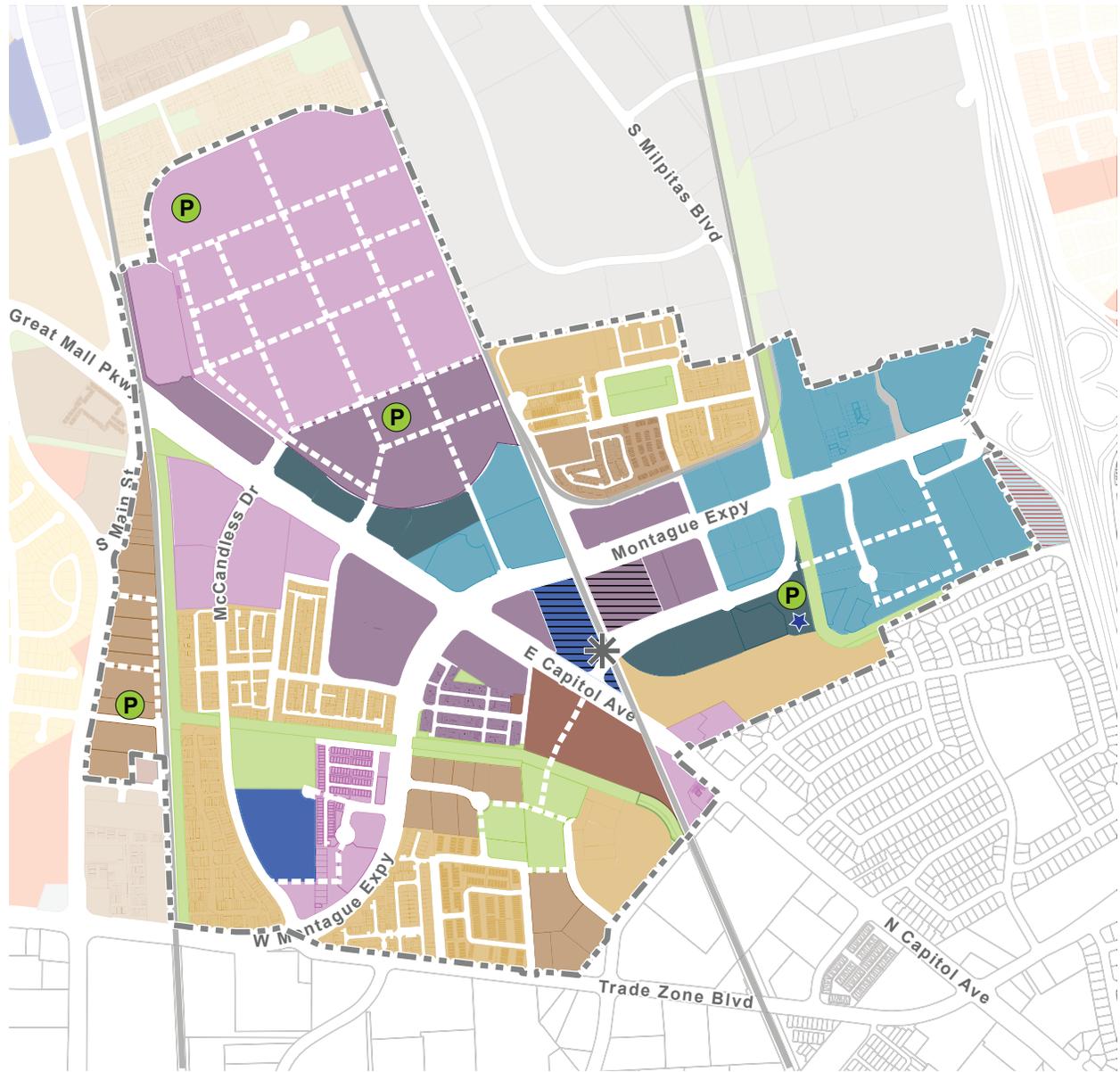
**Table 2-1. Land Use Development Standards for the TASP and Metro Plan**

<b>Land Use</b>	<b>Density Type</b>	<b>TASP</b>	<b>Metro Plan</b>
<b>Land Uses with Residential Components</b>			
Residential Retail High Density Mixed Use (RRMU)	Allowed Base Residential Density (units/acre)	31-40 (up to 50 with Density Bonus)	40-85
	Allowed Base Non-Residential Density	1.0-1.5 FAR	1.0-2.5 FAR
Boulevard Very High Density Mixed Use (BVMU)	Allowed Base Residential Density (units/acre)	41-60 (up to 75 with Density Bonus)	85-250
	Allowed Base Non-Residential Density	1.5 FAR	2.5-5.0 FAR
Metro Plan: Multi-Family Residential High Density (MFH)	Allowed Base Residential Density (units/acre)	21-40	30-40
TASP: High Density Transit Oriented Residential			
Metro Plan: Multi-Family Residential Very High Density (VHD)	Allowed Base Residential Density (units/acre)	41-60 (up to 75 with Density Bonus)	40-85
TASP: Very High Density Transit Oriented Residential			
Urban Residential (URR)	Allowed Base Residential Density (units/acre)	N/A	70-120
<b>Land Uses with Non-Residential Components</b>			
Business Park Research & Development (BPRD)	Allowed Base Non-Residential Density	N/A	1.0-2.5 FAR
Business Park Research & Development, Limited Residential (BPRD-R)	Allowed Base Non-Residential and Mixed-Use Density	N/A	1.0-5.0 FAR (minimum of 1.0 FAR of office or R&D required)

Figure 2-4 maps the new land uses associated with the Metro Plan. The Metro Plan updates the following land use classifications in the Metro Plan Area, compared to the TASP.

- *Great Mall District.* The Metro Plan updates this District by applying the Residential Retail High Density Mixed Use; Boulevard Very High Density Mixed Use; Business Park Research & Development; and Business Park Research & Development, Limited Residential land use classifications instead of the General Commercial/Shopping Center Retail and Retail Mixed Use land use classifications from the TASP.
- *Piper District.* The boundaries of this District are slightly different in the Metro Plan. The two parcels east of Border Way have been taken out of the Piper District and are part of the Innovation District under the Metro Plan. In addition, there are some changes to the locations of the Parks and Open Space land use classification to reflect existing park locations.
- *Innovation District.* The Metro Plan updates this District by applying the Boulevard Very High Density Mixed Use land use classification on a portion of land that was classified as Transit Facilities in the TASP. An area that was designated as General Commercial/ Shopping Center Retail is replaced with Residential Retail High Density Mixed Use. The Metro Plan also expands this area by approximately 60 acres and introduces the two new Business Park Research & Development land classifications in the area east of Berryessa Creek and on the parcels south of Milpitas Boulevard Extension, which were previously Very High Density Transit-Oriented Residential, High Density Transit-Oriented Residential, and Parks and Open Space.
- *Tango District.* The Metro Plan applies the Multi-Family Residential, Very High Density and Multi-Family Residential, High Density land use classification in an area previously classified for Industrial Park/Light Industrial/R&D in the TASP. The Metro Plan also applies the Urban Residential land use classification in an area that was classified for Very High Density Transit Oriented Residential and Boulevard Very High Density Mixed Use land use classifications in the TASP. Areas that were designated as General Commercial/Shopping Center Retail are replaced with Residential Retail High Density Mixed Use. There are also changes to the location of Parks and Open Space.
- *McCandless District.* The Metro Plan expands this area by approximately 13 acres along South Main Street. Existing parcels on South Main Street are changed from High Density Transit Oriented Residential to Multi-Family Residential, Very High Density, and new properties added are also classified as Multi-Family Residential, Very High Density. The Metro Plan also updates this District by applying the Boulevard Very High Density Mixed Use land use classification on properties east of Centre Point Drive. Furthermore, the Metro Plan also expands the Multi-Family Residential High Density classification for properties along Penitencia Creek in this District. Finally, there are changes to the location of Parks and Open Space, and the Public Facilities land use is added to reflect existing conditions.

As a result of these changes, the projected buildout and resulting population growth and employment from the Metro Plan are expected to be more than what was identified in the TASP. This is discussed in Section 2.5.3, *Metro Plan Buildout: Population Growth and Employment*.



- Milpitas Metro
  - \* BART Station
  - ★ Police Substation\*
  - (P) Park\*
  - Railway
  - ≡ Transit Center
  - Public Facilities (PF)
  - Permanent Open Space (POS)
  - Residential Retail High Density Mixed Use (RRMU) 40-85 units/acre; max 2.5 FAR
  - Potential Annexation Area
  - Boulevard Very High Density Mixed Use (BVMU) 85-250 units/acre; 2.5-5.0 FAR
  - Business Park Research & Development (BPRD); 1.0-2.5 FAR
  - Business Park Research & Development, Limited Residential (BPRD-R); 1.0-5.0 FAR
  - Multi-Family High Density Residential (MFH) 30-40 units/acre
  - Multi-Family Very High Density Residential (VHD) 40-85 units/acre
  - Urban Residential (URR) 70-120 units/acre
- \*Location is approximate and shall be determined through the implementation of the MMSP.

GIS data provided by: General Plan - City of Milpitas / Roads - US Census Bureau 2019 TIGER / Basemap - ESRI

Updated April 6, 2022

Graphics: 103830 (4-8-2022)\_JC



**Figure 2-4  
Land Uses**

In addition to updates to the allowed density, there have also been updates to the heights allowed for buildings within these land uses. Land uses that are unchanged from the TASP or do not have maximum height limits are not included below. The following height limit updates have been made.

- *Residential Retail High Density Mixed Use (RRMU)*. The Metro Plan identifies a maximum height of 85 feet for this land use, which is 10 feet higher than the height allowed by right under the TASP. The Metro Plan requires additional height step downs if the development is near existing residentially zoned parcels.
- *Boulevard Very High Density Mixed Use (BVMU)*. The Metro Plan identifies a maximum height of 275 feet for this land use. The TASP identified a maximum height of 150 feet, with an additional 20 stories allowed with a conditional use permit. The Metro Plan increases the maximum height for this land use by 105 feet.
- *Multi-Family Very High Density Residential (VHD)*. The Metro Plan allows a maximum height of 85 feet for this land use, which is 10 feet higher than the maximum height of 75 feet allowed by right under the TASP.
- *Urban Residential (URR)*. This is a new land use designation under the Metro Plan that allows a maximum height of 110 feet.
- *Business Park Research & Development, Limited Residential (BPRD-R)*. This is a new land use designation under the Metro Plan that allows a maximum height of 275 feet.

### 2.5.2.2 Policies

Both the TASP and Metro Plan include policies that guide the implementation of the Specific Plans, as well as reduce potential environmental impacts. The Metro Plan has updated the policies in the TASP. Table 2-2 provides a summary of the TASP policies that were identified in the Certified EIR to minimize environmental impacts, as well as the Metro Plan policies that would replace those policies.

**Table 2-2. Summary of TASP and Metro Plan Policies**

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<b><i>Aesthetics</i></b>		
Development Standard: Utilities shall be underground or in subsurface conduits and accessible.	None.	<p>The Metro Plan does not have a similar policy; however, the 2040 General Plan requires similar policies.</p> <p>Policy CD 1-10. Minimize the visual impacts of public and private communication, service, and utility facilities by requiring the provider to incorporate sensitive site design techniques, including, but not limited to the placement of facilities in less conspicuous locations, the undergrounding of facilities wherever possible, and the screening of facilities.</p> <p>Policy UCS 6-3. Require that all new power and gas lines and transformers are installed underground where feasible and promote the undergrounding of existing overhead facilities.</p> <p>Policy UCS 7-7. Require that all new telecommunication lines are installed underground where feasible and promote the undergrounding of existing overhead facilities.</p>
Policy 6.41: Construct a continuous trail network as delineated in the Transit Area Plan through land dedication and improvements by property owners in coordination with the Santa Clara Valley Water District and the City of Milpitas.	<p>Policy M 5. Trails. Develop trails that link into the citywide trail system in order to aid connectivity and provide recreational and leisure spaces.</p> <p>Policy M 5.1. Create a complete pedestrian and bicycle network that connects trails and pathways and includes continuous sidewalks and safe bike travel routes throughout the entire Milpitas Metro Area.</p>	No substantial change. The Metro Plan envisions a network of trails, similar to the TASP.

<sup>4</sup> The numbering of the policies in the TASP changed between (1) the numbers cited in the Certified EIR and (2) the numbers cited in the Final Approved TASP. Where there is a discrepancy, both numbers are identified in footnotes to this table. This SEIR, including this Table uses the numbers in the Final Approved TASP.

<sup>5</sup> The numbering of the polices from the Metro Plan are from the Draft Metro Plan. These numbers will be updated if there are any changes between the Draft SEIR and the Final SEIR.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Policy 4.4: A 40 foot wide, landscaped setback is required from the future right of way line of Montague Expressway.</p>	<p>Policy M 5.2. Create a network of trails along Penitencia Creek, Berryessa Creek, and railroad right of ways.</p> <p>Policy M 5.3. Require all properties that the proposed trail network runs through or adjacent to set aside land for the trails. This land will count towards the required public park land dedication requirement. If trail easements already exist or are acquired within the rail line or flood control right of ways, these easements may be used in lieu of land on development sites.</p>	<p>The Metro Plan updates the setbacks required on Montague Expressway. Within the Metro Plan, there would be a 20-foot setback, 6-foot sidewalk, and 9-foot planting strip.</p>
<p>Policy 4.6: Buildings will be designed with facades facing Montague Expressway.</p>	<p>Policy M 2.4: Montague Expressway. Work with County Roads to complete improvements on Montague Expressway as described in Figure 4-10 [of the Metro Plan] and with the following features:                      Deciduous trees shall be planted in the median and in planting strips on both sides of Montague Expressway.                      Pedestrian-scale street lights, avenue-scaled street lights, benches, and trash receptacles shall be located on the sidewalk.</p> <p>Policy CB 3.2. Framing Open Space. The base of towers must be designed to form and enhance open spaces and sidewalks at the ground level.</p> <p>Policy CB 4.2. Ground Floor Treatment. The base of buildings shall place active ground floor uses and primary building entrances along their primary facades oriented to adjacent streets, parks, and open space.</p> <p>Policy CB 4.3.2. Entries Activating Streets. The main entrance may not face a parking lot and must be placed to support activity on streets</p>	<p>The Metro Plan includes a policy for facades oriented to adjacent streets, parks, and open space. Overall, the updated Metro Plan policies would require that building facades face Montague Expressway.</p>

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>Policy 4.7: Planting strips and street trees shall be placed along all streets, between the curb and the sidewalk, to provide an attractive landscaped appearance for this high density neighborhood.</p>	<p>Policy SD 1.4.12. Amenity Zone. Amenity zones shall be located between the street and the Pedestrian Zone and provide amenities contributing to pedestrian comfort, convenience, safety and interest, and support positive social interaction.</p> <p>Policy PA 3.7.2. Street Trees. Street trees shall be planted in the Amenity Zone at a maximum of 30 feet apart. Street trees shall be selected from Milpitas’s Approved Street Trees list. No more than one species shall be planted per block in planters between the street and the sidewalk. Specimens may be more varied adjacent to buildings.</p>	<p>No substantial change.</p>
<p>Policy 4.13: Provide landscape buffers at least 30 feet deep along the BART track, the northern property line of the subdistrict, the railroad spur, the PG&amp;E substation, and Milpitas Boulevard.</p>	<p>Policy SC 2.1. Features. Central Corridors should include the following features:</p> <p>Bike lanes and sidewalks on both sides of the road</p> <p>Street furnishings, including ample seating, bike racks, waste and recycling bins, bollards, and human scale street lights.</p> <p>Ground-level activity that invites Central Corridor users on to Activity Streets.</p> <p>Landscaped setbacks along Great Mall Parkway, Capitol Avenue, South Main Street, and South Milpitas Boulevard to buffer uses from heavy traffic.</p> <p>Pedestrian crossing enhancements for traffic awareness and speed reduction.</p> <p>Policy SC 4. Separation from Rail Lines. Any development projects, parks, or pedestrian trails built directly adjacent to a rail line (i.e. sharing a property boundary, not separated from the rail line by a roadway) shall build continuous fencing or solid walls between the development and the rail line to ensure that there will be no pedestrian access to</p>	<p>No substantial change, except that some of these buffers (i.e., the buffer around the PG&amp;E Substation) has already been implemented.</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
Policy 4.36: Provide 30 foot landscape setbacks with a double row of trees between the BART track and residential buildings. <sup>6</sup>	<p>the line. Fencing shall be designed to deter graffiti and trespassing.</p> <p>Policy SC 4. Separation from Rail Lines. Any development projects, parks, or pedestrian trails built directly adjacent to a rail line (i.e. sharing a property boundary, not separated from the rail line by a roadway) shall build continuous fencing or solid walls between the development and the rail line to ensure that there will be no pedestrian access to the line. Fencing shall be designed to deter graffiti and trespassing.</p>	No substantial change.
Policy 4.37: Provide a minimum 20 foot landscaped buffer between Capitol Avenue and any BART garage and other BART facilities located along Capitol Avenue. <sup>7</sup>	None.	This landscaped buffer has been completed. As such, the TASP policy has been fulfilled and no longer applies.
Policy 4.46: Create a deep landscape setback along Capitol Avenue to separate residences from noise and heavy traffic on Capitol Avenue. See Figure 5-11, Chapter 5 [of the TASP]. <sup>8</sup>	<p>Policy SC 2.1. Features. Central Corridors should include the following features:</p> <p>Bike lanes and sidewalks on both sides of the road</p> <p>Street furnishings, including ample seating, bike racks, waste and recycling bins, bollards, and human scale street lights.</p> <p>Ground-level activity that invites Central Corridor users on to Activity Streets.</p> <p>Landscaped setbacks along Great Mall Parkway, Capitol Avenue, South Main Street, and South Milpitas Boulevard to buffer uses from heavy traffic.</p> <p>Pedestrian crossing enhancements for traffic awareness and speed reduction.</p>	The Metro Plan updates the policy related to Capitol Avenue. However, the Metro Plan policy would overall be similar in its requirements as the TASP policy.

<sup>6</sup> The Final Approved TASP identified this as Policy 4.36. The Certified Draft EIR identified this as Policy 4.34.

<sup>7</sup> The Final Approved TASP identified this as Policy 4.37. The Certified Draft EIR identified this as Policy 4.35.

<sup>8</sup> The Final Approved TASP identified this as Policy 4.46. The Certified Draft EIR identified this as Policy 4.44.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Policy 4.51: Create a deep landscape setback along Trade Zone Boulevard to buffer residential uses from the office/R&amp;D/industrial uses across the street in San Jose, and to provide an overall attractive street appearance. See Figure 5-12, Chapter 5 [of the TASP].<sup>9</sup></p>	<p>Policy M 2.1. Great Mall Parkway. Transform Great Mall Parkway/Capitol Avenue into multimodal complete streets that provides for the mobility needs and safety of transit users, bicyclists, pedestrians, and drivers as indicated in Figure 4-7 and by providing bike lanes and sidewalks on both sides of the road.</p> <p>Policy M 2.5. Trade Zone Boulevard. Complete multimodal street improvements on Trade Zone Boulevard as described in Figure 4-10 [of the Metro Plan] and with the following features: Provide a staggered row of deciduous trees, avenue-scaled street lights, and pedestrian-scaled street lights in the planting strip. Provide a bicycle lane on both sides of the road. Provide or require new development to provide ornamental trees at the back of the sidewalk along private frontages.</p>	<p>The Metro Plan updates the policy related to Trade Zone Boulevard. However, the Metro Plan policy would overall be similar in its requirements as the TASP policy.</p>
<p>Policy 4.53: Provide 30 foot landscape setbacks with a double row of trees between the BART track and residential buildings.<sup>10</sup></p>	<p>Policy SC 4. Separation from Rail Lines. Any development projects, parks, or pedestrian trails built directly adjacent to a rail line (i.e. sharing a property boundary, not separated from the rail line by a roadway) shall build continuous fencing or solid walls between the development and the rail line to ensure that there will be no pedestrian access to the line. Fencing shall be designed to deter graffiti and trespassing.</p>	<p>No substantial change.</p>

<sup>9</sup> The Final Approved TASP identified this as Policy 4.51. The Certified Draft EIR identified this as Policy 4.49.

<sup>10</sup> The Final Approved TASP identified this as Policy 4.53. The Certified Draft EIR identified this as Policy 4.51.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Policy 4.59: To the maximum extent feasible (and with exceptions such as removal for emergency, health, or fire hazard purposes), retain the corridor of trees along McCandless Drive and in the vicinity both as an important visual resource and a potential resource for habitat. Also maintain the existing double row of trees on Great Mall Parkway north of McCandless Drive.<sup>11</sup></p>	None.	<p>The trees mentioned in the TASP policy have been removed. As such, this policy would no longer apply.</p>
<p>Policy 4.67: Do not create new curb cuts along McCandless Drive or Centre Point Drive, in order to preserve the existing trees and to create a pedestrian environment along the street.<sup>12</sup></p>	None.	<p>The trees mentioned in the TASP policy have been removed. As such, this policy would no longer apply.</p>
<p>Development Standard: Lighting shall be designed and placed to direct lighting to appropriate surfaces and minimize glare onto adjacent areas. All external signs and lighting should be lit from the top and shine downward except where up-lighting is required for safety or security purposes. The lighting should be shielded to prevent direct glare and/or light trespass and directed to the focus area.</p>	None.	<p>The Metro Plan does not have a similar policy; however Citywide Objective Design Standards would be applied in the Metro Plan Area with similar requirements. Pertinent text from the Citywide Objective Design Standards is included below.</p> <p>Nuisance Prevention. All outdoor lighting shall be designed, located, installed, directed downward or toward structures, fully shielded, and maintained to prevent glare, light trespass, and light pollution and away from adjoining properties and public rights-of-way, so that no light fixture directly illuminates an area outside of the project site intended to be illuminated. All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties. The light level at property lines shall not exceed 0.3 foot-candles.</p>
<p>Development Standard: The light source used in outdoor lighting should provide a white light for</p>	None.	<p>The Metro Plan does not have a similar policy; however Citywide Objective Design Standards would be applied in the Metro Plan Area with</p>

<sup>11</sup> The Final Approved TASP identified this as Policy 4.59. The Certified Draft EIR identified this as Policy 4.57.

<sup>12</sup> The Final Approved TASP identified this as Policy 4.67. The Certified Draft EIR identified this as Policy 4.65.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
better color representation and to create a more pedestrian-friendly environment.		<p>similar requirements. Pertinent text from the Citywide Objective Design Standards is included below.</p> <p>Intent. To create safe, welcoming, well-lighted areas, including building entries, pedestrian pathways and plazas, parking lots and vehicle maneuvering areas; and to minimize excessive illumination on adjoining properties.</p>
Development Standard: Low pressure sodium lamps are prohibited.	None.	<p>The Metro Plan does not have a similar policy; however Citywide Objective Design Standards would be applied in the Metro Plan Area with similar requirements. Pertinent text from the Citywide Objective Design Standards is included below.</p> <p>Minimum Lighting Requirements.</p> <p>(a) Parking Areas. Lighting in parking, garage, and carport areas shall be maintained with a minimum of one foot-candle of illumination at the ground-level during hours of darkness, with a maximum of four footcandles. All lighting shall be on a timeclock or photo-sensor system. Lighting used to illuminate parking areas shall be designed and located to prevent light trespass or glare, in accordance with this Section. Illumination shall not include low pressure sodium or similar lighting techniques.</p> <p>(b) Multi-Unit Residential Developments. Aisles, passageways, and entryways/recesses related to and within the building complex shall be illuminated with an intensity of at least one-quarter foot-candles at the ground level during the hours of darkness.</p> <p>(c) Non-Residential Developments (or portions of a development). All exterior doors, during the hours of darkness, shall be illuminated with a minimum of one-quarter foot-candles of light.</p>

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
Development Standard: To reinforce the pedestrian character of the area, light standards along sidewalks should be approximately 12 to 16 feet in height.	None.	The Metro Plan does not have a similar policy; however Citywide Objective Design Standards would be applied in the Metro Plan Area with similar requirements. Pertinent text from the Citywide Objective Design Standards is included below. Maximum Height. Freestanding outdoor light fixtures shall not exceed 16 feet in height.
Development Standard: The use of uplighting to accent interesting architectural features or landscaping is encouraged.	None.	The Metro Plan does not have a similar policy; however Citywide Objective Design Standards would be applied in the Metro Plan Area with similar requirements. Pertinent text from the Citywide Objective Design Standards is included below. Design of Fixtures (a) Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet, roof, or eave of the roof. (b) Accent Lighting. Architectural features may be illuminated by up-lighting, provided that the lamps are low intensity, and fully shielded such that no glare or light trespass is produced.
<b><i>Air Quality</i></b>		
Policy 3.16: Establish and implement a travel demand management (TDM) program. Establish a funding mechanism to pay for the costs of the program, including the cost of a transportation coordinator to administer the program. The program would include a ride-matching program, coordination with regional ride-sharing organizations, and provision of transit information; and could also include sale of discounted transit passes and provision of shuttle service to major destinations.	Policy M 8. Parking and Transportation Demand Management. Establish and implement a travel demand management (TDM) program with the non-compulsory goal of reducing VMT by 15 percent or more below the regional baseline per employee or resident and efficiently provides parking that meet the needs of residents, employees, and visitors. TDM measures should be incorporated into all new development and may be implemented by individual uses or through TMA oversight.	No substantial change. Both the TASP and the Metro Plan require implementation of a TDM Program.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
Policy 3.19: In future decisions regarding street layout, street design, and allocation of public right-of-way, balance the needs of cars with those of pedestrians, bicyclists, and transit.	The Metro Plan identifies in Chapter 4 of the Metro Plan that, the Metro Plan “sets standards for street and roadway design to create a balanced multimodal transportation environment.”	The policies identified in the Mobility and Circulation Chapter of the Metro Plan balance the needs of cars with those of pedestrians, bicyclists, and transit. Overall, the policies in the Metro Plan would be similar to the policy in the TASP to slow local streets.
Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects.	Policy M 5.1. Create a complete pedestrian and bicycle network that connects trails and pathways and includes continuous sidewalks and safe bike travel routes throughout the entire Milpitas Metro Area.	No substantial change.
Policy 3.22: Private development shall be encouraged to provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.	Policy PA 1.1.5. Direct Routes. Private development is encouraged to provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.	No substantial change.
Policy 3.23: Encourage children to walk or bike to school by expanding existing safe walking and bicycling routes to schools into the Transit Area.	Policy M 6.2. Work with Safe Routes to School programs to encourage children to walk or bike to school.	No substantial change.
Policy 3.24: Design local streets for slow speeds (25 – 35 miles per hour) to improve pedestrian safety and comfort.	<p>Policy M 4. Neighborhood Streets. Create local streets within residential neighborhoods with a slower, pedestrian character.</p> <p>Policy M4.1. Provide on-street parking in coordination with the Engineering Department on at least one side of all neighborhood streets to provide parking for guests and residents, slow traffic, and buffer pedestrians on the sidewalk. Where parking only occurs on one side of the street, parking locations should be provided on alternating sides of the street for different blocks and shall utilize permeable pavers and/or decorative pavers in parking aisles.</p>	Overall, the policies in the Metro Plan would be similar to the policy in the TASP to slow local streets.

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>Policy 3.25: Improve pedestrian crossings at major intersections on Great Mall Parkway, as shown in Figure 3-3 and Figure 3-4 [of the TASP].</p>	<p>Policy M 2.1. Great Mall Parkway. Transform Great Mall Parkway/Capitol Avenue into multimodal complete streets that provides for the mobility needs and safety of transit users, bicyclists, pedestrians, and drivers as indicated in Figure 4-7 [of the Metro Plan] and by providing bike lanes and sidewalks on both sides of the road.</p> <p>Policy M 2.1.1. Maintain the number of vehicle lanes and reduce lanes widths on Great Mall Parkway to calm traffic, create a more comfortable environment for non-vehicular modes.</p> <p>Policy M 2.1.2. Provide protected bike lanes in both directions on Great Mall Parkway.</p> <p>Policy M 2.1.4. Provide a linear park and pedestrian path along Great Mall Parkway from Montague to Main Street.</p> <p>Policy M 2.1.5. Provide enhancements to pedestrian crossings along Great Mall Parkway and other major roadways through measures including curb extensions, traffic signal modifications, and/or other amenities.</p> <p>Policy M 2.2. Great Mall Parkway and Main Street Intersection. Accommodate bicycle and pedestrian improvements and improve the connection between the Great Mall VTA Light Rail Station to the Great Mall (Figure 4-8 [of the Metro Plan]).</p> <p>Policy M 2.2.1. Remove fencing and redesign the bus drive to become a multi-use path that directly connects the VTA Light Rail Station with the Great Mall.</p> <p>Policy M 2.2.2. Redesign the plaza by the Light Rail Station Elevator on the north side</p>	<p>The Metro Plan has updated policies related to improving pedestrian crossings on Great Mall Parkway. Overall, the policies in the Metro Plan would achieve the same goal of improving the safety of pedestrians on Great Mall Parkway.</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
	<p>of Great Mall Parkway to be more landscaped, more usable as a public plaza, with commercial uses oriented to it and features that activate the plaza. Coordinate with VTA and developers to improve the pedestrian and transit user experience at the LRT Station.</p> <p>Policy M 2.2.3. Use colored paving to define bike lanes, particularly in areas with potential conflict with vehicular traffic.</p> <p>Policy M 2.2.4. Remove the existing separated right turn lane at Great Mall Parkway and Main Street to expand the plaza on the south side of Great Mall Parkway at the train tracks. Replace the through lane with an optional right turn lane. Redesign the plaza to include hardscape and softscape treatment to make the plaza as activated and usable as possible</p> <p>Policy M 2.2.5. Build a new pedestrian overcrossing from the elevated level at the Great Mall Light Rail Station to the corner plaza at Main and Great Mall Parkway.</p>	
<p>Policy 3.26: Construct pedestrian/bicycle bridges over Montague Expressway to allow safe crossings of this regional roadway with heavy traffic volumes: (1) near Piper Drive, to connect the Light Rail station, BART station, and development sites on the south side with the Great Mall and the neighborhoods north of Montague Expressway; and (2) near the Penitencia Creek East channel to connect schools and neighborhoods north and south of Montague Expressway</p>	<p>None.</p>	<p>The bridge over Montague Expressway near Piper Drive has been constructed. The bridge over Montague Expressway near the Penitencia Creek East channel is undergoing environmental review and will be constructed in the future.</p>
<p>Policy 3.27: Every resident of the Transit Area shall be able to safely walk and bike to the BART and VTA light rail stations. As projects are constructed, make sure that all the routes described below are</p>	<p>Policy M 9. Pedestrian Circulation. Promote pedestrian circulation for daily trips under a half mile and to transit by implementing the proposed street improvements and safety</p>	<p>Overall, the policies in the Metro Plan would allow for residents within the Metro Plan to safely walk and bike to the Milpitas Transit Center.</p>

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>continuous and designed to be attractive and safe for pedestrians.</p>	<p>features, including pedestrian infrastructure enhancements on Great Mall Parkway (M 2.1) and intersection improvements (M 2.2). For a full list of street and circulation improvements to increase pedestrian safety, refer to Chapter 6: Implementation [of the Metro Plan].</p> <p>Policy M 10. Bicycle and Micromobility Circulation. Promote bicycle and micromobility modes (e.g. e-bikes, motorized scooters, and skateboards) for trips to local destinations (e.g. Milpitas Transit Center, neighborhood retail, parks). Determine if the Metro Area is a suitable place for implementing the one-year shared micromobility pilot program detailed in the City’s Bicycle/Pedestrian and Trails Plan.</p> <p>Policy M 10.1. Provide direct and convenient bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Milpitas’ Bicycle/ Pedestrian and Trails Plan and as shown on the Circulation Network Map (Figure 4-6 [of the Metro Plan]) as well as routes suggested above for individual roadways such as Great Mall Parkway.</p> <p>Policy M 10.2. Signage alerting pedestrians of potentially fast-moving traffic should be considered where this connectivity network intersects or runs alongside pedestrian-focused routes, particularly at intersections with the trail network described in M 5.</p> <p>Policy M 11. Transit. Connect the Milpitas Metro Plan Area to local and regional transit.</p>	

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
	<p>Policy M 11.1. Encourage the development of local circulators (by the City or property owners) as shown on the Circulation Network Map (Figure 4-6 [of the Metro Plan]).</p> <p>Policy M 11.3. Encourage multimodal infrastructure improvements near transit to improve local connectivity to transit stops, with particular focus on the Milpitas Transit Center, as per Milpitas’ Bicycle/Pedestrian and Trails Plan (2021).</p>	
<p>Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the TASP].</p>	<p>Policy M 5.1. Create a complete pedestrian and bicycle network that connects trails and pathways and includes continuous sidewalks and safe bike travel routes throughout the entire Milpitas Metro Area.</p>	<p>Overall, the Metro Plan includes policies to promote a bicycle network in the Metro Plan Area. In addition, the City would implement the bicycle facilities in the Active Transportation Plan.</p>
<p>Policy 3.29: A Class III bicycle route shall be created on the internal roadways (from the Milpitas Boulevard Extension/Capitol Avenue intersection to Tarob Court) to provide a continuous bicycle connection between Milpitas Boulevard and the existing bicycle lanes on Lundy Street, as indicated on Figure 3-5 [of the TASP].</p>	<p>Policy M 5.1. Create a complete pedestrian and bicycle network that connects trails and pathways and includes continuous sidewalks and safe bike travel routes throughout the entire Milpitas Metro Area.</p>	<p>Overall, the Metro Plan includes policies to promote a bicycle network in the Metro Plan Area. In addition, the City would implement the bicycle facilities in the Active Transportation Plan.</p>
<p>Policy 3.30: Maintain pedestrian and biking facilities.</p>	<p>Policy M 1.5. Maintain pedestrian and biking facilities</p>	<p>No substantial change.</p>
<p>Policy 3.31: Require provision of bicycle and pedestrian facilities such as weather protected bicycle parking, direct and safe access for pedestrians and bicyclists to adjacent bicycle routes and transit stations, showers and lockers for employees at the worksite, secure short-term parking for bicycles, etc.</p>	<p>Policy M 8.4. Require provision of bicycle and pedestrian facilities at workplaces, commercial centers, and residential complexes.</p> <p>Policy M 8.4.1. This includes long-term bicycle parking that is weather-protected (either indoor or in an enclosed outdoor locker) at residential complexes and workplaces and short-term parking for bicycles that is visible from the entrance of the building at commercial developments.</p>	<p>Overall, the policies in the TASP and the Metro Plan are similar and would require provisions for bicycle and pedestrian facilities.</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
	<p>Required bicycle parking ratios are listed in Table 4-2 [of the Metro Plan].</p> <p>Policy M 8.3. Development projects are encouraged to implement additional optional TDM measures to achieve VMT and trip reduction goals. Section 7.6 [of the Metro Plan] details some potential strategies. The Santa Clara Countywide VMT Evaluation Tool is another resource for selecting TDM measures.</p>	
<p>Policy 3.32: Coordinate with VTA to provide sufficient amenities (such as transit shelters) at all transit stops within the Transit Area.</p>	<p>Action IM 27. Coordinate with VTA to provide sufficient amenities (such as transit shelters) at all transit stops within the Metro Area.</p>	<p>No substantial change.</p>
<p>Policy 3.33: Require new development within the Transit Area to facilitate the use of alternative modes of transportation through programs such as carpool parking, the VTA's EcoPass Program, shuttles to transit stations and lunchtime destinations, assistance to regional and local ridesharing organizations, alternative work schedules, telecommuting, etc. Establish a Transportation Demand Management (TDM) program for this purpose, as described in Policy 3.16.</p>	<p>Policy M 7. Reduce Climate Impacts. Manage automobile demand and promote low-carbon transportation to minimize emissions in the planning area.</p> <p>Policy M 7.1. Zero and Low Emission Vehicles. Promote use of zero and low-emission vehicles through the following measures:</p> <p>Require all new multifamily residential and all new nonresidential buildings to provide at least 45 percent of parking spaces as EV capable (including the raceway and panel capacity) to support future installation of Level 2 chargers on a dedicated 40-amp, 208/240-volt branch circuit.</p> <p>Require all new multifamily residential and new nonresidential buildings to install at least 33 percent of EV capable parking spaces with EVSE Level 2. Where six Level 2 EVSE are installed, one DC Fast Charger can be installed to substitute for five Level 2 EVSEs. The DCFC shall be rated at 80 kW minimum.</p>	<p>Overall, both the policies in the TASP and the Metro Plan would promote alternative modes of transportation and TDM for new development.</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
	<p>Require all new warehouses, grocery stores, and retail stores with planned loading docks to install at least one EV capable loading dock with a raceway(s) and service panel(s) or subpanel(s) for each 25,000 square feet of floor space planned.</p> <p>Provide preferentially-located charging stations for electric vehicles (EVs) and plug-in hybrid electric vehicles (PHEVs).</p> <p>Policy M 8. Parking and Transportation Demand Management. Establish and implement a travel demand management (TDM) program with the non-compulsory goal of reducing VMT by 15 percent or more below the regional baseline per employee or resident and efficiently provides parking that meet the needs of residents, employees, and visitors. TDM measures should be incorporated into all new development and may be implemented by individual uses or through TMA oversight.</p> <p>Policy M 8.2. All projects should provide the following TDM measures at a minimum individually or as participants of the TMA:</p> <ul style="list-style-type: none"> <li>Annual monitoring reports</li> <li>Annual employee commuter survey</li> <li>Participation within the Milpitas Metro Specific Plan TMA</li> <li>Provision of bicycle parking spaces</li> <li>Fully subsidized transit passes (e.g. VTA, BART, Caltrain, etc.). At a minimum the transit subsidy should be equivalent to the cost of a monthly VTA pass</li> <li>Commuter shuttle funding</li> <li>Unbundled parking</li> <li>511.org participation</li> </ul>	

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
	<p>Production of marketing and education materials</p> <p>Policy M 8.3. Development projects are encouraged to implement additional optional TDM measures to achieve VMT and trip reduction goals. Section 7.6 [of the Metro Plan] details some potential strategies. The Santa Clara Countywide VMT Evaluation Tool is another resource for selecting TDM measures.</p>	
<p>Policy 3.34: Encourage preferential parking measures for carpool and vanpool vehicles, guaranteed ride home services and other incentives to employees choosing transportation modes other than driving. Provide preferential parking for low-emission vehicles.</p>	<p>See Policies M 7, M 7.1, M 8, M 8.2, and M 8.3 above.</p>	<p>Overall, both the policies in the TASP and the Metro Plan would promote alternative forms of transportation other than driving and would provide parking for low-emissions vehicles.</p>
<p>Policy 4.21: A small amount of neighborhood-serving retail shall be located in the Piper/Montague subdistrict as indicated in the Transit Plan Map Figure 3-1 [of the TASP] to serve its residents as well as other users of the area.<sup>13</sup></p>	<p>None.</p>	<p>The neighborhood-serving retail has been constructed. As such, this TASP policy would no longer apply.</p>
<p>Policy 4.39: Provide a small amount of neighborhood commercial use that also serves BART patrons, located adjacent or across the street from the BART station.<sup>14</sup></p>	<p>The Land Use Map in the Metro Plan identifies the Transit Center on areas designated for Public Facilities. Adjacent to the Transit Center are areas designated for Boulevard Very High Density Mixed Use, which allows for commercial uses.</p>	<p>Overall, the Metro Plan’s land use designations would allow for commercial uses that would serve BART patrons.</p>
<p>Policy 5.16: During review of specific development proposals made to the City, sponsors of individual development projects under the Specific Plan shall implement the BAAQMD’s approach to dust abatement.</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy; however, the 2040 General Plan requires a similar action.</p> <p>Action CON-7e: Require dust control measures, including those included in the Santa Clara Valley Non-point Source Pollution Control</p>

<sup>13</sup> The Final Approved TASP identified this as Policy 4.21. The Certified Draft EIR identified this as Policy 4.20.

<sup>14</sup> The Final Approved TASP identified this as Policy 4.39. The Certified Draft EIR identified this as Policy 4.37.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Policy 5.18: Day care facilities, schools, nursing homes, and other similar sensitive receptors shall be located away from sites which store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks, and additional exit routes over and above minimum code requirements.</p>	<p>Policy LU 1.6. Ensure day care facilities, schools, nursing homes, and other similar sensitive receptors are located away from sites that store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks, and additional exit routes over and above minimum code requirements.</p>	<p>Program, and BAAQMD’s Best Management Practices for fugitive dust control during construction.</p> <p>No substantial change.</p>
<p>Policy 5.19: Require the installation of temporary buffers—fences, walls, or vegetation— when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when an adjacent site is redeveloped as a non-industrial use.</p>	<p>Policy SC 9. Temporary Buffers. Require the installation of temporary buffers—fences, walls, or vegetation— when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when an adjacent site is redeveloped as a non-industrial use.</p>	<p>No substantial change.</p>
<p>Policy 5.23: Require project sponsors to inform future and/or existing sensitive receptors (such as hospitals, schools, residential uses, and nursing homes) of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot reduce these impacts.</p>	<p>Policy SC 8.2. Communication with Sensitive Receptors. Require project sponsors to inform future and/or existing sensitive receptors (such as hospitals, schools, residential uses, and nursing homes) of any potential health impacts resulting from nearby sources of dust, odors, or toxic air contaminants, and where mitigation cannot reduce these impacts.</p>	<p>No substantial change.</p>
<p>Policy 5.24: Allow only natural gas fireplaces, pellet stoves or EPA-Certified wood-burning fireplaces or stoves. Conventional open-hearth fireplaces shall not be permitted.</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy; however, the 2040 General Plan requires a similar action.</p> <p>Action CON-7g: Continue implementation of the City’s Municipal Code Chapter 15,</p>

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>Policy 5.25: For new residential development that is proposed within 500 feet of active rail lines where vehicles emit diesel exhaust, or roadways where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles per day, will, as part of its CEQA review, include an analysis of toxic air contaminants (which includes primarily diesel particulate matter (DPM)). If the results show that the carcinogenic human health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents. The above standard shall also apply to other sensitive uses such as schools, daycare facilities, and medical facilities with inpatient services.</p>	<p>Policy SC 8.1. CEQA. For new residential development that is proposed within 500 feet of active rail lines where vehicles emit diesel exhaust, or roadways where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles per day, will, as part of its CEQA review, include an analysis of toxic air contaminants (which includes primarily diesel particulate matter (DPM)). If the results show that the carcinogenic human health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents. This standard shall also apply to other sensitive uses such as schools, daycare facilities, and medical facilities with inpatient services.</p>	<p>Fireplace/Woodsmoke Pollution, in order to improve and maintain air quality conditions in the City Chapter 15 of the City’s Municipal Code includes the following text: 15-1.01. It shall be unlawful to install a wood burning device that is not a pellet-fueled device or EPA certified. 15-1.02. Only gas fireplaces, pellet-fueled devices or E.P.A. certified wood-burning devices may be installed in any new construction.</p> <p>No substantial change.</p>
<b>Biological Resources</b>		
<p>Policy 5.26: For any project sites that are either undeveloped or vacant and support vegetation, or project sites which are adjacent to such land, a pre-</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy related to burrowing owl; however, the 2040</p>

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>construction survey shall be conducted by a qualified biologist within 30 days of the onset of construction. This survey shall include two early morning surveys and two evening surveys to ensure that all owl pairs have been located. If preconstruction surveys undertaken during the breeding season (February 1<sup>st</sup> through July 31<sup>st</sup>) locate active nest burrows, an appropriate buffer around them (as determined by the project biologist) shall remain excluded from construction activities until the breeding season is over. During the non-breeding season (August 15<sup>th</sup> through January 31<sup>st</sup>), resident owls may be relocated to alternative habitat. The relocation of resident owls shall be according to a relocation plan prepared by a qualified biologist in consultation with the California Department of Fish and Game (CDFG). This plan shall provide for the owl’s relocation to nearby lands possessing available nesting habitat. Suitable development-free buffers shall be maintained between replacement nest burrows and the nearest building, pathway, parking lot, or landscaping. The relocation of resident owls shall be in conformance with all necessary state and federal permits.<sup>15</sup></p>	<p>Policy SC 9.1. Bird Habitat. To the extent feasible, future developers in the Metro Plan Area will conduct initial construction activities outside the nesting season between September 16 and January 14 including, but not limited to, tree trimming or tree removal, ground disturbance, demolition, site grading, and other activities that may compromise breeding birds or the</p>	<p>General Plan includes an action that requires mitigation for biological resources.                      Action CON-3b: Where sensitive biological habitats have been identified on or immediately adjacent to a project site, the project shall include appropriate mitigation measures identified by a qualified biologist, which may include, but are not limited to the following:                      Pre-construction surveys for species listed under the State or Federal Endangered Species Acts, or species identified as special-status by the resource agencies, shall be conducted by a qualified biologist;                      Construction barrier fencing shall be installed around sensitive resources and areas identified for avoidance or protection, and to reduce potential soil compaction in sensitive areas; and                      Pre-Construction training of contractors and sub-contractors shall be conducted by a qualified biologist to identify and avoid protected species and habitat.</p>
<p>Policy 5.27: To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Service (USFWS) and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas</p>	<p>Policy SC 9.1. Bird Habitat. To the extent feasible, future developers in the Metro Plan Area will conduct initial construction activities outside the nesting season between September 16 and January 14 including, but not limited to, tree trimming or tree removal, ground disturbance, demolition, site grading, and other activities that may compromise breeding birds or the</p>	<p>Overall, both the policies in the TASP and the Metro Plan would include measures to protect nesting birds.</p>

<sup>15</sup> The Final Approved TASP identified this as Policy 5.26. The Certified Draft EIR identified this as Policy 5.25.

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>(several hundred feet in the case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required.<sup>16</sup></p>	<p>success of their nests occurring within or outside the development site.</p> <p>If construction must occur during the migratory bird nesting season between February 1 to August 31 for small bird species, January 15 to September 15 for owls, and February 15 to September 15 for other raptors, a qualified wildlife biologist will conduct two preconstruction nesting surveys within 14 days and 48 hours prior to the start of construction or demolition. Additional surveys will be conducted 48 hours prior to the start of construction or demolition in areas that have not been previously disturbed by construction activities or after any construction breaks of 10 days or more. Typical experience requirements for a “qualified biologist” include a minimum of 4 years of academic training and professional experience in biological sciences and related resource management activities, and a minimum of 2 years of experience in biological monitoring or surveying for nesting birds. Surveys of suitable habitat will be performed in publicly accessible areas within 250 feet, 500 feet, and 1,000 feet of the construction site to locate any active passerine, small raptor (e.g., accipiters), and large raptor (e.g. buteos) nests, respectively. Surveys will be conducted at the appropriate times of day and during appropriate nesting times.</p> <p>If active nests are located during the preconstruction nesting bird surveys, a</p>	

<sup>16</sup> The Final Approved TASP identified this as Policy 5.27. The Certified Draft EIR identified this as Policy 5.26.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
	<p>qualified biologist will evaluate the construction schedule and location to determine if construction activities could affect an active nest. If so, the following measures will apply, as determined by the qualified biologist:</p> <p>If construction would not affect an active nest, construction may proceed without restriction; however, a qualified biologist will regularly monitor the nest at a frequency determined appropriate for the surrounding construction activity, to confirm that there would be no adverse effect. The frequency of spot check monitoring would be determined on a case-by-case basis, considering the scope of the particular construction activity, duration, proximity to the nest, and any physical barriers that may screen the nest. The qualified biologist may revise the determination at any time during the nesting season.</p> <p>If it is determined that construction could affect an active nest, the qualified biologist will establish a no disturbance buffer around the nest. All construction will halt within the buffer until the qualified biologist determines that the nest is no longer active. Buffer distances will be equal to the survey distances (i.e., 50 feet for passerines and 250 feet for raptors); however, the buffer may be adjusted if an obstruction, such as a building, is within the line of sight between the nest and construction.</p> <p>Modifying nest buffer distances, allowing certain construction activities within the buffer, and/or modifying construction methods in proximity to active nests will be</p>	

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
	<p>done at the discretion of the qualified biologist.</p> <p>Any construction that must occur within established no disturbance buffers will be monitored by a qualified biologist. If adverse effects in response to construction within the buffer are observed that could compromise the nest, construction within the no disturbance buffer will halt until the nest occupants have fledged.</p> <p>Any birds that begin nesting within the construction area and survey buffers amid construction activities are assumed to be habituated to construction related or similar noise and disturbance levels. Therefore, exclusion zones around nests may be reduced or eliminated in these cases, as determined by the qualified biologist. Construction may proceed around active nests as long as the nests and their occupants would not be directly affected. If inactive nests are observed within or adjacent to the construction site, removal or relocation of the inactive nests will be at the discretion of the qualified biologist. Construction may proceed around inactive nests.</p>	
<p>Policy 5.28: Development under the Specific Plan shall, to the maximum extent feasible (and with exceptions such as removal for emergency, health, or fire hazard purposes), retain the corridor of trees along McCandless Drive and corridors of trees in the vicinity both as a potential resource for habitat and as an important visual resource.<sup>17</sup></p>	<p>None.</p>	<p>The trees mentioned in the TASP policy have been removed. As such, this policy would no longer apply. In addition, significant trees would continue to be protected by following the City's Tree and Planting Ordinance.</p>

<sup>17</sup> The Final Approved TASP identified this as Policy 5.28. The Certified Draft EIR identified this as Policy 5.27.

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>Policy 5.30: Prior to new development in areas that border creeks and with potential riparian habitat, applicants will be required to coordinate with the CDFG, as required by law. Coordination will include evaluation of existing riparian habitat and development of avoidance, minimization, and/or compensatory measures sufficient to procure a Streambed Alteration Agreement with the CDFG.<sup>18</sup></p>	<p>None.</p>	<p>The Metro Plan does not include a comparable TASP policy. However, the coordination identified in this policy would be required, per state law. In addition, the 2040 General Plan includes an action that requires compliance with guidelines for land uses near streams. Action CON-3c: Cooperate with State, federal and local agencies to ensure that development does not cause significant adverse impacts to existing riparian corridors; this includes continued compliance with the “Guidelines and Standards for Land Use Near Streams” from the Santa Clara Valley Water District and Title XI, Chapter 15 (Floodplain Management Regulations) of the Milpitas Municipal Code.</p>
<p>Policy 5.31: For properties adjacent to any waterway in the study area, the following requirements shall apply: Any plans for construction over the Santa Clara Valley Water District (SCVWD) fee or easement lands require review and issuance of a permit. The SCVWD’s Milpitas Pipeline, located at the north end of the study area [of the TASP] and adjacent and parallel to the rail line continuing south onto Capital Avenue at the southern end of the study area, shall be shown on all future plans. Projects should generally be consistent with the recommendations developed by the Water Resources Protection Collaborative in the “Guidelines and Standards for Land Use Near Streams.”</p>	<p>Policy SC 8.1. Santa Clara Valley Water District. For properties adjacent to any waterway in the study area, the following requirements shall apply: Any plans for construction over the Santa Clara Valley Water District (SCVWD) fee or easement lands require review and issuance of a permit. The SCVWD’s Milpitas Pipeline, located at the north end of the study area [of the TASP] and adjacent and parallel to the rail line continuing south onto Capital Avenue at the southern end of the study area, shall be shown on all future plans. Projects should generally be consistent with the recommendations developed by the Water Resources Protection Collaborative in the “Guidelines and Standards for Land Use Near Streams.”</p>	<p>No substantial change.</p>

<sup>18</sup> The Final Approved TASP identified this as Policy 5.30. The Certified Draft EIR identified this as Policy 5.29.

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>Policy 5.32: Consistent with current City practice, all new development located on or adjacent to Penitencia and Berryessa Creek will be required to comply with the standards and guidelines for land uses near streams, as adopted by the City of Milpitas. Any development or construction activity to be conducted on or adjacent to SCVWD property or easements, such as creek crossings, shall be required to obtain applicable permits from the SCVWD prior to such construction activity</p>	<p>Policy SC 8.2. Penitencia and Berryessa Creek. Consistent with current City practice, all new development located on or adjacent to Penitencia and Berryessa Creek will be required to comply with the standards and guidelines for land uses near streams, as adopted by the City of Milpitas. Any development or construction activity to be conducted on or adjacent to SCVWD property or easements, such as creek crossings, shall be required to obtain applicable permits from the SCVWD prior to such construction activity.</p>	<p>No substantial change.</p>
<p>Development Standard Setbacks Adjacent to Creeks and Drainage Channels. Minimum 25 feet from top of bank, or from a maintenance road if one exists (in addition to required rear or side yard setbacks). See Figure 5-23 [of the TASP].</p>	<p>Policy SC 8.3. Setbacks Adjacent to Creeks and Drainage Channels. A minimum setback of 25 feet from top of bank, or from a maintenance road if one exists (in addition to required rear or side yard setbacks) shall be maintained.</p>	<p>No substantial change.</p>
<b>Cultural Resources</b>		
<p>Policy 5.33: Consider any potential impacts to historic and cultural resources during the review of any proposed alteration or demolition projects on the Great Mall property.<sup>19</sup></p>	<p>Policy SC 1 Historic Resource. For any future development project occurring within the Metro Plan area that proposes to alter or demolish a building that is more than 50 years old, the City will require the project sponsor to engage a professionally qualified historian or architectural historian to prepare a historical evaluation of the building unless a previously prepared historical evaluation is available. This requirement can be met through the preparation of California Department of Parks and Recreation 523 Forms. The historical evaluation will analyze whether</p>	<p>The Metro Plan has a similar policy to consider potential impacts to historic resources, as the TASP. However, the Metro Plan policy applies to all historic-aged built-environment resources within the entire Metro Plan Area rather than being limited to the Great Mall of the Bay Area property.</p>

<sup>19</sup> The Final Approved TASP identified this as Policy 5.33. The Certified Draft EIR identified this as Policy 5.30.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Policy 5.34: Any future ground disturbing activities, including grading, in the Transit Area shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to CEQA Guidelines § 15064.5 regarding discovery of archeological sites and burial sites, and Guidelines §15126.4(b) identifying mitigation measures for impacts on historic and cultural resources. (Reference CEQA §§ 21083.2, 21084.1.) In the event that buried cultural remains are encountered, construction will be temporarily halted until a mitigation plan can be developed. In the event that human remains are encountered, the developer shall halt work in the immediate area and contact the Santa Clara County coroner and the City of Milpitas. The coroner will then contact the Native American Heritage Commission (NAHC) which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will then have the opportunity to make a recommendation for the</p>	<p>the building meets the eligibility requirements of the California Register of Historical Resources. If the building is determined to be eligible, the project sponsor’s professionally qualified historian or architectural historian must also assess the project’s compliance with the Secretary of the Interior’s Standards for Rehabilitation. If the building is determined not to be eligible, or if the project is found to adhere to the Secretary’s Standards relative to eligible resources, no further action is required.</p>	<p>No substantial change.</p>
<p>Policy SC 7. Archaeological Resource. Any future ground-disturbing activities, including grading, in the Metro Plan Area shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to State CEQA Guidelines Section 15064.5 regarding discovery of archaeological sites and burial sites, and State CEQA Guidelines Section 15126.4(b) identifying mitigation measures for impacts on historic and cultural resources (reference CEQA Sections 21083.2 and 21084.1). A Native American monitor will also be present during future ground-disturbing activities due to the high potential for inadvertent discoveries of archaeological materials and/or human remains. Prior to commencement of ground-disturbing activities, the City shall ensure that the general contractor and those conducting ground-disturbing activities are given cultural sensitivity training. Cultural sensitivity training will</p>		

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>respectful treatment of the Native American remains and related burial goods.<sup>20</sup></p>	<p>ensure that any cultural material encountered during ground-disturbing activities is protected and treated with culturally appropriate dignity. This training will be administered by a Native American monitor and a qualified archaeologist. In the event that buried cultural materials are encountered, construction will be temporarily halted until a mitigation plan can be developed. In the event that human remains are encountered, the developer shall halt work in the immediate area and contact the Santa Clara County coroner and the City of Milpitas. The coroner will then contact the Native American Heritage Commission (NAHC), which will in turn contact the appropriate Most Likely Descendant (MLD). The MLD will then have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods.</p>	
<p>Policy 5.35: All grading plans for development projects involving ground displacement shall include a requirement for monitoring by a qualified paleontologist to review underground materials recovered. In the event fossils are encountered, construction shall be temporarily halted. The City’s Planning Department shall be notified immediately, a qualified paleontologist shall evaluate the fossils, and steps needed to photo-document or to recover the fossils shall be taken. If fossils are found during construction activities, grading in the vicinity shall be temporarily suspended while the fossils are</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy; however, the 2040 General Plan includes an action to protect paleontological resources. Action CON 4b: Require all development, infrastructure, and other ground-disturbing projects to comply with the following conditions in the event of an inadvertent discovery of cultural resources or human remains: If construction or grading activities result in the discovery of significant historic or prehistoric archaeological artifacts or unique paleontological resources, all work within 100 feet of the discovery shall cease, the Planning</p>

<sup>20</sup> The Final Approved TASP identified this as Policy 5.34. The Certified Draft EIR identified this as Policy 5.31.

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
evaluated for scientific significance and fossil recovery, if warranted. <sup>21</sup>		<p>Department shall be notified, the resources shall be examined by a qualified archaeologist, paleontologist, or historian for appropriate protection and preservation measures; and work may only resume when appropriate protections are in place and have been approved by the Planning Department.</p> <p>If human remains are discovered during any ground disturbing activity, work shall stop until the Planning Department and the County Coroner have been contacted; if the human remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) and the most likely descendants have been consulted; and work may only resume when appropriate measures have been taken and approved by the Planning Department.</p>
<b><i>Geology and Soils</i></b>		
Policy 6.50: The Fire Department shall conduct a “standards of cover” analysis to determine the Transit Plan’s precise impact on the department’s staffing and equipment, and any required facility needs. Identify and evaluate potential sites for an expanded or new fire station near the Transit Area if the standards of cover analysis determines it is warranted. <sup>22</sup>	Policy CS 8.1. Conduct a “standards of cover” analysis to determine the Metro Plan’s precise impact on the Fire Department’s staffing and equipment, and any required facility needs. Identify and evaluate potential sites for an expanded or new fire station near the Plan Area if the standards of cover analysis determines it is warranted.	No substantial change.
Policy 6.51: Additional fire department staff will be hired, equipment purchased, and facilities built to provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Transit Area. New	Policy ICS 8.2. Provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Plan Area by hiring additional fire department staff, purchasing equipment,	No substantial change.

<sup>21</sup> The Final Approved TASP identified this as Policy 5.35. The Certified Draft EIR identified this as Policy 5.32.

<sup>22</sup> The Final Approved TASP identified this as Policy 6.50. The Certified Draft EIR identified this as Policy 6.49.

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
equipment and facilities shall be funded by the Community Facilities District fee and new staff paid from the City’s General Fund. <sup>23</sup>	and building facilities. New equipment and facilities shall be funded by the Community Facilities District fee and new staff paid from the City’s General Fund. Policy ICS 8.3. These facilities are not expected to be sited within the Plan Area. Policy ICS 8.4. If a new fire station is built to meet the service needs of the Plan Area, it must be sited and developed in such a way to not create substantial adverse physical impacts or significant environmental impacts. Policy ICS 8.5. Any new facilities should minimize noise and traffic impacts on existing land uses.	
Policy 6.52: If a new fire station is built to meet the service needs of the Transit Area, it must be sited and developed in such a way to not create substantial adverse physical impacts or significant environmental impacts. <sup>24</sup>	Policy ICS 8.4. If a new fire station is built to meet the service needs of the Plan Area, it must be sited and developed in such a way to not create substantial adverse physical impacts or significant environmental impacts.	No substantial change.
Policy 6.53: The Fire Department shall update the City’s emergency and disaster response plans to take the location and type of new development, and future traffic levels, into account. <sup>25</sup>	Policy ICS 8.6. Update the City’s emergency and disaster response plans to take the location and type of new development, and future traffic levels, into account.	No substantial change.
Policy 6.54: Additional police staff will be hired and equipment purchased to provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Transit Area. New equipment shall be funded by the Community	Policy ICS 9.1. Hire additional police staff and purchase equipment provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Metro Area as well as surrounding areas. New equipment shall be funded by the Community Facilities District	No substantial change.

<sup>23</sup> The Final Approved TASP identified this as Policy 6.51. The Certified Draft EIR identified this as Policy 6.50.

<sup>24</sup> The Final Approved TASP identified this as Policy 6.52. The Certified Draft EIR identified this as Policy 6.51.

<sup>25</sup> The Final Approved TASP identified this as Policy 6.53. The Certified Draft EIR identified this as Policy 6.52.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
Facilities District fee and new staff paid from the City's General Fund. <sup>26</sup>	fee and new staff paid from the City's General Fund.	
Policy 5.35: All grading plans for development projects involving ground displacement shall include a requirement for monitoring by a qualified paleontologist to review underground materials recovered. In the event fossils are encountered, construction shall be temporarily halted. The City's Planning Department shall be notified immediately, a qualified paleontologist shall evaluate the fossils, and steps needed to photo-document or to recover the fossils shall be taken. If fossils are found during construction activities, grading in the vicinity shall be temporarily suspended while the fossils are evaluated for scientific significance and fossil recovery, if warranted. <sup>27</sup>	None.	<p>The Metro Plan does not have a similar policy; however, the 2040 General Plan includes an action to protect paleontological resources. Action CON 4b: Require all development, infrastructure, and other ground-disturbing projects to comply with the following conditions in the event of an inadvertent discovery of cultural resources or human remains:</p> <p>If construction or grading activities result in the discovery of significant historic or prehistoric archaeological artifacts or unique paleontological resources, all work within 100 feet of the discovery shall cease, the Planning Department shall be notified, the resources shall be examined by a qualified archaeologist, paleontologist, or historian for appropriate protection and preservation measures; and work may only resume when appropriate protections are in place and have been approved by the Planning Department.</p> <p>If human remains are discovered during any ground disturbing activity, work shall stop until the Planning Department and the County Coroner have been contacted; if the human remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) and the most likely descendants have been consulted; and work may only resume when appropriate measures have been taken and approved by the Planning Department.</p>

<sup>26</sup> The Final Approved TASP identified this as Policy 6.54. The Certified Draft EIR identified this as Policy 6.53.

<sup>27</sup> The Final Approved TASP identified this as Policy 5.35. The Certified Draft EIR identified this as Policy 5.32.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<b><i>Greenhouse Gas Emissions</i></b>		
<p>Policy 3.16: Establish and implement a travel demand management (TDM) program. Establish a funding mechanism to pay for the costs of the program, including the cost of a transportation coordinator to administer the program. The program would include a ride-matching program, coordination with regional ride-sharing organizations, and provision of transit information; and could also include sale of discounted transit passes and provision of shuttle service to major destinations.</p>	<p>Policy M 8. Parking and Transportation Demand Management. Establish and implement a travel demand management (TDM) program with the non-compulsory goal of reducing VMT by 15 percent or more below the regional baseline per employee or resident and efficiently provides parking that meet the needs of residents, employees, and visitors. TDM measures should be incorporated into all new development and may be implemented by individual uses or through TMA oversight.</p>	<p>No substantial change. Both the TASP and the Metro Plan require implementation of a TDM Program.</p>
<p>Policy 3.21: Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects.</p>	<p>Policy M 5.1. Create a complete pedestrian and bicycle network that connects trails and pathways and includes continuous sidewalks and safe bike travel routes throughout the entire Milpitas Metro Area.</p>	<p>No substantial change.</p>
<p>Policy 3.22: Private development shall be encouraged to provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.</p>	<p>Policy PA 1.1.5. Direct Routes. Private development is encouraged to provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.</p>	<p>No substantial change.</p>
<p>Policy 3.23: Encourage children to walk or bike to school by expanding existing safe walking and bicycling routes to schools into the Transit Area.</p>	<p>Policy M 6.2. Work with Safe Routes to School programs to encourage children to walk or bike to school.</p>	<p>No substantial change.</p>
<p>Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the TASP].</p>	<p>Policy M 5.1. Create a complete pedestrian and bicycle network that connects trails and pathways and includes continuous sidewalks and safe bike travel routes throughout the entire Milpitas Metro Area.</p>	<p>Overall, the Metro Plan includes policies to promote a bicycle network in the Metro Plan Area. In addition, the City would implement the bicycle facilities in the Active Transportation Plan.</p>
<p>Policy 3.31: Require provision of bicycle and pedestrian facilities such as weather protected bicycle parking, direct and safe access for pedestrians and bicyclists to adjacent bicycle routes and transit stations, showers and lockers for</p>	<p>Policy M 8.4. Require provision of bicycle and pedestrian facilities at workplaces, commercial centers, and residential complexes.</p>	<p>Overall, the policies in the TASP and the Metro Plan are similar and would require provisions for bicycle and pedestrian facilities.</p>

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>employees at the worksite, secure short-term parking for bicycles, etc.</p>	<p>Policy M 8.4.1. This includes long-term bicycle parking that is weather-protected (either indoor or in an enclosed outdoor locker) at residential complexes and workplaces and short-term parking for bicycles that is visible from the entrance of the building at commercial developments. Required bicycle parking ratios are listed in Table 4-2 [of the Metro Plan].</p> <p>Policy M 8.3. Development projects are encouraged to implement additional optional TDM measures to achieve VMT and trip reduction goals. Section 7.6 [of the Metro Plan] details some potential strategies. The Santa Clara Countywide VMT Evaluation Tool is another resource for selecting TDM measures.</p>	
<p>Policy 3.33: Require new development within the Transit Area to facilitate the use of alternative modes of transportation through programs such as carpool parking, the VTA's EcoPass Program, shuttles to transit stations and lunchtime destinations, assistance to regional and local ridesharing organizations, alternative work schedules, telecommuting, etc. Establish a Transportation Demand Management (TDM) program for this purpose, as described in Policy 3.16.</p>	<p>Policy M 7. Reduce Climate Impacts. Manage automobile demand and promote low-carbon transportation to minimize emissions in the planning area.</p> <p>Policy M 7.1. Zero and Low Emission Vehicles. Promote use of zero and low-emission vehicles through the following measures:</p> <p>Require all new multifamily residential and all new nonresidential buildings to provide at least 45 percent of parking spaces as EV capable (including the raceway and panel capacity) to support future installation of Level 2 chargers on a dedicated 40-amp, 208/240-volt branch circuit.</p> <p>Require all new multifamily residential and new nonresidential buildings to install at least 33 percent of EV capable parking spaces with EVSE Level 2. Where six Level 2 EVSE are installed, one DC Fast Charger can</p>	<p>Overall, both the policies in the TASP and the Metro Plan would promote alternative modes of transportation and TDM for new development.</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
	<p>be installed to substitute for five Level 2 EVSEs. The DCFC shall be rated at 80 kW minimum.</p> <p>Require all new warehouses, grocery stores, and retail stores with planned loading docks to install at least one EV capable loading dock with a raceway(s) and service panel(s) or subpanel(s) for each 25,000 square feet of floor space planned.</p> <p>Provide preferentially-located charging stations for electric vehicles (Evs) and plug-in hybrid electric vehicles (PHEVs).</p> <p>Policy M 8. Parking and Transportation Demand Management. Establish and implement a travel demand management (TDM) program with the non-compulsory goal of reducing VMT by 15 percent or more below the regional baseline per employee or resident and efficiently provides parking that meet the needs of residents, employees, and visitors. TDM measures should be incorporated into all new development and may be implemented by individual uses or through TMA oversight.</p> <p>Policy M 8.2. All projects should provide the following TDM measures at a minimum individually or as participants of the TMA:</p> <ul style="list-style-type: none"> <li>Annual monitoring reports</li> <li>Annual employee commuter survey</li> <li>Participation within the Milpitas Metro Specific Plan TMA</li> <li>Provision of bicycle parking spaces</li> <li>Fully subsidized transit passes (e.g. VTA, BART, Caltrain, etc.). At a minimum the transit subsidy should be equivalent to the cost of a monthly VTA pass</li> <li>Commute shuttle funding</li> </ul>	

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Policy 3.34: Encourage preferential parking measures for carpool and vanpool vehicles, guaranteed ride home services and other incentives to employees choosing transportation modes other than driving. Provide preferential parking for low-emission vehicles.</p>	<p>Unbundled parking 511.org participation Production of marketing and education materials Policy M 8.3. Development projects are encouraged to implement additional optional TDM measures to achieve VMT and trip reduction goals. Section 7.6 [of the Metro Plan] details some potential strategies. The Santa Clara Countywide VMT Evaluation Tool is another resource for selecting TDM measures.</p> <p>See Policies M 7, M 7.1, M 8, M 8.2, and M 8.3 above.</p>	<p>Overall, both the policies in the TASP and the Metro Plan would promote alternative forms of transportation other than driving and would provide parking for low-emissions vehicles.</p>
<p>Policy 5.4: New commercial or institutional buildings, or tenant improvements to commercial, industrial or institutional buildings shall follow the provisions of the City’s future Green Building Ordinance. In the absence of any ordinance, all new projects should be encouraged to incorporate green building measures.</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy as the TASP; however, the 2040 General Plan includes similar policies.</p> <p>Policy CON 1-2: Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen).</p> <p>Policy CON 1-3: Support innovative green building best management practices including, but not limited to, LEED certification, and encourage project applicants to exceed the most current “green” development standards in the California Code of Regulations (CCR), Title 24, as feasible.</p>
<p>Policy 5.5: Coordinate with Santa Clara County and other regional agencies to establish and implement new local regulations and standards related to</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy; however, the 2040 General Plan includes a similar policy.</p>

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
greenhouse gas emissions simultaneously across the region.		Policy CON 7-9: Coordinate with Santa Clara County and nearby cities to implement regional GHG reduction plans and to consolidate efforts to reduce GHGs throughout the county as appropriate.
Policy 5.6: Require the use of Energy Star appliances and equipment in new residential and commercial development, and new City facilities.	Policy CB 7.2. Energy. New buildings shall include features that include the most impactful methods for reducing energy uses and greenhouse gas emissions.	The Metro Plan includes policies to increase energy efficiency in the Metro Plan Area.
Policy 5.7: Require at least 50 percent of all new residential development to be pre-wired for optional photovoltaic roof energy systems and/or solar water heating.	None.	The Metro Plan does not have a similar policy; however, the 2013 Climate Action Plan includes a similar Action.  Measure 3.1, Action B. Require all new single-family and multi-family residential development to comply with the Homebuyer Solar Option, either to provide rewiring for photovoltaic roof systems or to provide an in-lieu fee for off-site solar facilities, building on current standards of the Transit Area Specific Plan.
Policy 5.8: Incorporate cost-effective energy conservation measures into all buildings being constructed by the City in the Transit Area, including construction, operations and maintenance. These measures can include but are not limited to:  Energy efficient light fixtures, including solar powered systems, for streetscapes, parks, and public buildings which have limited glare and spillover;  Automatic lighting systems in public buildings and offices; and  Life-cycle costing of capital projects so that the environmental, societal, and economic costs are evaluated over the project’s long-term operation.	Policy CB 7.1. Citywide Sustainability Policies. The Milpitas Metro Plan Area is a center of development and change in Milpitas, and will serve as an example for the implementation of sustainable building practices in the city. Additional sustainability policies are located in the City of Milpitas Climate Action Plan.  Policy CB 7.2. Energy. New buildings shall include features that include the most impactful methods for reducing energy uses and greenhouse gas emissions.  Policy CB 7.2.1. Solar Design Management Plan. All new developments shall develop a management plan for solar exposure, including optimizing natural lighting and managing passive heating and cooling.	The Metro Plan policies identify different polices than the TASP related to cost-effective energy conservation measures. Nonetheless, both the policies in the TASP and the Metro Plan identify measures for energy conservation.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
	<p>Policy CB 7.2.2. Residential Electrification. All new residential buildings shall be all-electric.</p> <p>Policy CB 7.2.3. Nonresidential Electrification. All new nonresidential buildings shall be all-electric, as feasible. Where full electrification of nonresidential buildings is infeasible, all new nonresidential buildings shall install electric water and space heaters.</p> <p>Policy CB 7.3. On-Site Energy Generation. Encourage on-site renewable energy generation, including the use of solar panels on rooftops and over parking lots.</p> <p>Policy CB 7.3.1. Solar Energy. All new nonresidential buildings shall install solar photovoltaic systems or purchase electricity from a community energy provider (e.g. Silicon Valley Clean Energy).</p> <p>Policy CB 7.3.2. Generators. All new residential and nonresidential buildings shall use zero-emission generator engines for generators with a supply of 25 kW or less.</p> <p>Policy CB 7.4. Construction Equipment. All off-road heavy-duty construction equipment shall use high-performance renewable diesel.</p> <p>Policy CB 7.8. Electric Outlets. All new development shall install sufficient exterior electrical outlets to power electric-powered landscaping equipment.</p>	
<p>Policy 5.9: Establish a program to support energy efficiency in new private development and facilitate environmentally sensitive construction practices by:</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy as the TASP; however, the 2040 General Plan and 2013 Climate Action Plan includes similar polices and actions. <u>2040 General Plan</u></p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Establishing an incentive program for projects with energy-efficient design, such as expedited permit processing;</p> <p>Promoting use of products that are durable and allow efficient end-of-life disposal (recyclable);</p> <p>Requiring demolition permits for structures and/or pavement exceeding 7,500 square feet to submit a report on recycled materials;</p> <p>Promoting the purchase of locally or regionally available materials; and</p> <p>Promoting the use of cost-effective design.</p>		<p>Policy CON 1-11: Consider incentive programs such as reduced fees, and permit expedition for projects that exceed mandatory energy requirements, incorporate alternative energy technologies, or support the City’s energy objectives.</p> <p>Policy CON 1-13: Support projects and programs such as appliance upgrades and the use of electric appliances, and energy storage options that reduce the use of and reliance on natural gas.</p> <p>Action CD-11b: Expand the City’s Green Building Program to include addition incentives, above and beyond expedited building permit processing, for projects that incorporate sustainable design approaches and/or elements that exceed local, regional, and state requirements. The incentives may include, but are not limited to, additional maximum development density/intensity, lot coverage, building height; and parking reductions.</p> <p>Action CD-11c: Provide incentives, including, but not limited to, additional maximum development density/intensity, lot coverage, building height; and parking reductions in community benefits programs of specific plans for projects that implement sustainability measures beyond minimum requirements.</p> <p><u>2013 Climate Action Plan</u></p> <p>Action 12.2A. The City will encourage new development to comply with applicable BAAQMD best management practices that reduce GHGs, including use of alternative-fueled vehicles and equipment, use of local recycled materials, and recycling of construction or demolition materials.</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<b><i>Hazards and Hazardous Materials</i></b>		
<p>Policy 5.20: Property owners shall work with the City of Milpitas Fire Department, the Santa Clara County Department of Environmental Health (SCCDEH), the California Department of Toxic Substances Control (DTSC), and/or the State Water Resources Control Board (SWRCB), whichever has jurisdiction, to resolve issues related to contamination that could potentially impact future land uses in the project area. The lateral and vertical extent of contamination shall be determined, remediation activities completed, and land use restrictions implemented, as necessary, prior to the issuance of development permits on parcels with known contamination. For parcels with known contamination, appropriate human health risk assessments (HHRAs) shall be conducted based on proposed land uses by a qualified environmental professional. The HHRAs shall compare maximum soil, soil gas, and groundwater concentrations to relevant environmental screening levels (ESLs9) and evaluate all potential exposure pathways from contaminated groundwater and soil. Based on the findings of the HHRAs, if appropriate, engineering controls and design measures shall be implemented to mitigate the potential risk of post-development vapor intrusion into buildings. For parcels with no identified contamination, a Phase I study shall be completed to review potential for ground water, soil, or other contamination related to previous land uses. If any potential for contamination is determined to exist that could adversely affect human health for residential uses, a Phase II level analysis shall be conducted per City, State, and Federal requirements. If contamination is found to</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy as the TASP; however, the 2040 General Plan includes a similar action.                      Action SA-5a Require that applications for discretionary development projects provide detailed information regarding the potential for the historical use of hazardous materials on the site, including information regarding the potential for past soil and/or groundwater contaminations. If warranted, identify and require mitigation measures to ensure the exposure to hazardous materials from historical uses has been mitigated to acceptable levels consistent with EPA and/or DTSC standards.</p>

<b>TASP Policy<sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>exist, procedures for contaminated sites as described in the paragraph above shall be followed.</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy as the TASP; however, the 2040 General Plan includes a similar policy. In addition, Section 19827.5 of the California Health and Safety Code and Titles 8 and 17 of the California Code of Regulations include similar requirements. Policy SA 5-1. Require hazardous waste generated within Milpitas to be disposed of in a safe manner, consistent with all applicable local, state, and federal laws.</p>
<p>Policy 5.21: Project applicants shall submit information to the City regarding the presence of asbestos-containing building materials, PCBs, and lead-based paint in existing buildings proposed for demolition, additions, or alterations. The information shall be verified prior to the issuance of demolition permits by the City of Milpitas Building Inspection Division for any existing structures or buildings in the project area. If it is found that painted surfaces contain lead-based paint and/or the structures contain asbestos-containing building materials, measures to ensure the safe demolition of site structures shall be incorporated into the project Demolition Plan. The Demolition Plan shall address both onsite and offsite chemical and physical hazards. Prior to demolition, hazardous building materials associated with lead-based paint and asbestos-containing building materials shall be removed and appropriately disposed of in accordance with all applicable guidelines, laws, and ordinances. The demolition of buildings containing asbestos would require retaining contractors who are licensed to conduct asbestos abatement work and notifying the Bay Area Air Quality Management District (BAAQMD) ten days prior to initiating construction and demolition activities. Regarding lead-based paint, Cal-OSHA regulates all worker exposure during construction activities associated with lead-based paint. The Cal-OSHA-specified method of compliance includes respiratory protection, protective clothing, housekeeping, hygiene facilities, medical surveillance, and training.</p>		

<b>TASP Policy<sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>Policy 5.22: At sites with known contamination issues, a Risk Management Plan (RMP) shall be prepared to protect the health and safety of construction workers and site users adjacent to construction activities. The RMP shall include engineering controls, monitoring, and security measures to prevent unauthorized entry to the construction site and to reduce hazards outside of the construction site. The RMP shall address the possibility of encountering subsurface hazards and include procedures to protect workers and the public. The RMP shall also include procedures for managing soils and groundwater removed from the site to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of in accordance with applicable regulations and permits. Protocols for the handling, transport, and disposal of both known and previously unidentified hazardous materials that may be encountered during project development shall be specified. If prescribed exposure levels are exceeded, personal protective equipment shall be required for workers in accordance with OSHA regulations. Finally, the RMP shall also include procedures for the use, storage, disposal, of hazardous materials used during construction activities to prevent the accidental release of these materials into the environment during construction.</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy as the TASP; however, the 2040 General Plan includes similar policies.</p> <p>Policy SA 5-1 Require hazardous waste generated within Milpitas to be disposed of in a safe manner, consistent with all applicable local, state, and federal laws.</p> <p>Action SA-5a Require that applications for discretionary development projects provide detailed information regarding the potential for the historical use of hazardous materials on the site, including information regarding the potential for past soil and/or groundwater contaminations. If warranted, identify and require mitigation measures to ensure the exposure to hazardous materials from historical uses has been mitigated to acceptable levels consistent with EPA and/or DTSC standards.</p>
<p><b><i>Hydrology and Water Quality</i></b></p>		
<p>Policy 5.36: Require construction projects that disturb one or more acres to prepare a Stormwater Pollution Prevention Plan (SWPPP) that, when properly implemented, would reduce or eliminate</p>	<p>None.</p>	<p>The Metro Plan does not include a comparable TASP policy. However, a SWPPP would still be required for future development per the Construction General Permit.</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
impacts on surface water quality during construction. <sup>28</sup>	None.	The Metro Plan does not include a comparable TASP policy. However, a Stormwater Plan would still be required for future development per the NPDES permit.
Policy 5.37: Require construction projects to comply with the Santa Clara County National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges. <sup>29</sup>	None.	The Metro Plan does not include a comparable TASP policy. However, a Stormwater Plan would still be required for future development per the NPDES permit.
Policy 6.1: Minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program.	Policy ICS 2.1. Minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program.	No substantial change.
Policy 6.2: New development within a FEMA-designated flood hazard zone must follow the City’s construction standards for such areas, as currently laid out in Section XI-15 ‘Floodplain Management Regulations’ of the Milpitas Municipal Code.	Policy ICS 2.2. New development within a FEMA-designated flood hazard zone must follow the City’s construction standards for such areas, as currently laid out in Section XI-15 ‘Floodplain Management Regulations’ of the Milpitas Municipal Code.	No substantial change.
Policy 6.3: New development must maintain the Transit Area’s urban design standards. In particular, first floor commercial space must be within two feet of the elevation of the public sidewalk.	Section 5.2 of the Metro Plan identifies the following: All new residential construction must have the lowest floor built to at least one foot above the Base Flood Elevation, or in the case of areas within Zone AO, at least one foot above the depth number listed on the Flood Insurance Rate Map (FIRM), or three feet above the highest adjacent grade if no depth number is shown. For non-residential construction, the lowest floor elevation can be at Base Flood Elevation. The FEMA-Designated Special Flood Hazard Areas are shown in Figure 5-2 [of the Metro Plan].	The Metro Plan includes some updates to the requirements regarding the elevation of future development. Overall, the Metro Plan policies would address potential flooding.

<sup>28</sup> The Final Approved TASP identified this as Policy 5.36. The Certified Draft EIR identified this as Policy 5.33.

<sup>29</sup> The Final Approved TASP identified this as Policy 5.37. The Certified Draft EIR identified this as Policy 5.34. Note: the Certified EIR identified the following language for this policy: *Require construction projects that disturb one or more acres to prepare a Stormwater Control Plan, as stipulated in Provision C.3 of the Santa Clara County National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges.*

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
	Policy CB 4.5.8. Flood Elevation for Non-Residential Buildings. The lowest floor of non-residential construction in the floodplain can be built at the Base Flood Elevation.	
Policy 6.4: Provide storm drain infrastructure to adequately serve new development and meet City standards.	Policy ICS 1.1. Provide storm drain infrastructure to adequately serve new development and meet City standards.	No substantial change.
Policy 6.5: Ensure that runoff in storm drains does not lower water quality within or outside of the Transit Area by implementing Best Management Practices (BMPs) in new developments within the Transit Area.	Policy ICS 1.2. Ensure that runoff in storm drains does not lower water quality within or outside of the Plan Area by implementing Best Management Practices (BMPs) in new developments within the Transit Area.	No substantial change.
<p>Policy 6.6: Construct the improvements within the Transit Area that were identified in the 2001 Storm Drainage Master Plan, and any other improvements identified in updates to the Master Plan.</p> <p>The Master Plan improvements within the Transit Area are:</p> <ul style="list-style-type: none"> <li>Constructing a new parallel 48-inch culvert beneath Montague Expressway at Piper Drive.</li> <li>Replacing an existing 30-inch pipe with a 36-inch pipe to drain the low end of Tarob Court.</li> <li>Improving Wrigley Creek (560') along Piper Drive, downstream of Montague Expressway to carry the 100-year flood.</li> <li>Constructing a parallel 24-inch pipe (390') where Wrigley Creek is crossing Railroad Spurs.</li> <li>Constructing a 54-inch (500') parallel pipe downstream of the railroad crossing Wrigley Creek.</li> <li>Constructing a 36-inch pipe (140') to drain the Piper Drive cul-de-sac.</li> </ul>	<p>Policy ICS 1.3. Construct the improvements within the Metro Area that were identified in the 2013 Storm Drainage Master Plan, and any other improvements identified in updates to the Master Plan including:</p> <ul style="list-style-type: none"> <li>South Main St. SD Improvements at Cedar Way (P2)</li> <li>Montague Expressway SD Improvements (P1)</li> <li>Montague Expressway SD Improvements at Lower Penitencia Creek (P1)</li> <li>Tarob Ct Outfall Relocation (P1)</li> <li>Lundy Place Relief Line (P1)</li> <li>Watson Ct. Relief Drain (PDB1)</li> </ul>	The Metro Plan has updated the TASP policy based on updates that have been made to the Storm Drainage Master Plan.
Policy 6.7: Prepare Master Grading and Storm Drainage Plans for each subdistrict of the Transit Area prior to approval of Zoning Permits for new buildings in that subdistrict.	None.	The Metro Plan does not include a comparable TASP policy.

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>Actions from Table 7-1, Implementation Plan, of the TASP:</p> <p>Prepare Master Grading and Storm Drainage Plans for each subdistrict of the Transit Area prior to approval of Zoning Permits for new buildings in that subdistrict.</p> <p>Establish a funding mechanism to recoup the cost of preparation of the Storm Drainage and Flooding Master Plans for each subarea.</p>	None.	The Metro Plan does not include a comparable TASP policy.
<b>Land Use and Planning</b>		
<p>Chapter 7: Implementation of the Transit Area Specific Plan lists the steps required to implement the Plan. This includes:</p> <ul style="list-style-type: none"> <li>• Amend Milpitas Midtown Specific Plan sections related to the Transit Area.</li> <li>• Amend Milpitas General Plan sections related to the Transit Area.</li> <li>• Amend Zoning Ordinance and Map to add new base districts MXD2 and MXD3 and amend R4 and MP districts and TOD Overlay. Amend other zoning code sections including parking and landscaping</li> </ul>	Chapter 6: Implementation of the Milpitas Metro Specific Plan lists the steps required to implement the Plan.	No substantial change. The Metro Plan would require a similar process as the TASP.
<p>Policy 3.35: Any development projects, parks, or pedestrian trails built adjacent to a rail line shall build continuous fencing or solid walls to ensure that there will be no pedestrian access to the line. Fencing shall be designed to be vandal-resistant in order to deter trespassing</p>	<p>Policy SC 4. Separation from Rail Lines. Any development projects, parks, or pedestrian trails built directly adjacent to a rail line (i.e. sharing a property boundary, not separated from the rail line by a roadway) shall build continuous fencing or solid walls between the development and the rail line to ensure that there will be no pedestrian access to the line. Fencing shall be designed to deter graffiti and trespassing.</p>	No substantial change.
<p>Policy 3.36: The City will maintain and enhance public safety by requiring uniform safety standards for all at-grade rail crossings.</p>	<p>Policy M 6.5. Maintain and enhance public safety by requiring uniform safety standards for all at-grade rail crossings.</p>	No substantial change.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Policy 4.15: Safety fencing or solid walls shall be installed along all Union Pacific rail lines along Piper Drive. Consultation with UPRR and CPUC will be required prior to any project related activities within UPRR right-of-ways. Improvements may be required, including but not limited to: pedestrian gates, pavement markings, and “no trespassing” signs.</p>	<p>None.</p>	<p>The requirements in in this TASP policy have been completed. As such, the TASP policy has been fulfilled and no longer applies.</p>
<p>Policy 4.23 (BART): If the Milpitas Boulevard extension is constructed prior to the termination of Union Pacific rail line at Montague, an interim at-grade crossing will need to be constructed. The crossing shall be designed with adequate controls to restrict vehicular and pedestrian access during train crossings.</p>	<p>None.</p>	<p>The Milpitas Boulevard extension has already been constructed and the rail line identified in this policy is no longer active. As such, the TASP policy has been fulfilled and no longer applies.</p>
<p>Policy 5.10: New development in the Transit Area shall adhere to the standards and guidelines in the Milpitas General Plan that govern noise levels.</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy; however, the Metro Plan would be required to adhere to the General Plan, including policies related to noise levels, as shown further below.</p>
<p>Policy 5.13: Apply the FTA groundborne vibration criteria (presented in Table 5-5 [of the TASP]) as review criteria for development projects in the vicinity of vibration sources such as BART trains and heavy rail trains</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy; however, the 2040 General Plan requires a similar measure. Action N-2b: Review new developments within 100 feet of the rail line to ensure that vibration experienced by residents and sensitive uses would not exceed the Federal Transit Administration guidelines.</p>
<p>Policy 5.14: Project applicants shall conduct a vibration impact analysis for any sites adjacent to or within 300 feet of active UPRR and BART alignments to demonstrate that interior vibration levels within all new residential development (single family and multifamily) and lodging facilities would be at acceptable levels. If needed, require mitigation measures to reduce vibration to acceptable levels.</p>	<p>None.</p>	<p>The Metro Plan does not include a comparable TASP policy. However, a vibration impact analysis would still be required, per the following policy and action in the 2040 General Plan. Policy N 2-3: Consider ground borne vibration and noise nuisance associated with rail operations prior to approving the development of sensitive uses.</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Policy 5.15: Prior to issuance of building permits, applicants shall demonstrate that noise exposure to sensitive receptors from construction activities has been mitigated to the extent feasible pursuant to the City’s Noise Abatement Ordinance.</p>	<p>None.</p>	<p>Action N-2b: Review new developments within 100 feet of the rail line to ensure that vibration experienced by residents and sensitive uses would not exceed the Federal Transit Administration guidelines.</p> <p>The Metro Plan does not include a comparable TASP policy. However, mitigation for construction noise would still be required by the following policy and action in the 2040 General Plan.</p> <p>Policy N 1-8: Require construction activities to comply with standard best practices to reduce noise exposure to adjacent sensitive receptors (see Action N 1d).</p> <p>Action N 1c: Require developers to prepare a construction management/noise mitigation plan that defines best management practices to reduce construction noise, and includes proposed truck routes (that comply with Section 12 V-100-12.05 - Truck Routes of the Milpitas Municipal Code) as part of the entitlement process.</p> <p>Action N 1d: During the environmental review process, determine if proposed construction will constitute a significant impact on nearby sensitive receptors and, if necessary, require mitigation measures in addition to the standard best practice controls. Suggested best practices for control of construction noise include:                      Noise-generating construction activities, including truck traffic coming to and from the construction site for any purpose, shall be limited to between the hours of 7:00 am and 7:00 pm. No construction shall occur on National holidays.</p> <p>All equipment driven by internal combustion engines shall be equipped with mufflers, which</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
Policy 5.17: In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses, including UPRR train	Policy LU 1.7. In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial	<p>are in good condition and appropriate for the equipment.</p> <p>The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</p> <p>At all times during project grading and construction, stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from residences. Unnecessary idling of internal combustion engines shall be prohibited for a duration of longer than five minutes.</p> <p>Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction activities, to the extent feasible.</p> <p>Neighbors located adjacent to the construction site shall be notified of the construction schedule in writing.</p> <p>The construction contractor shall designate a “noise disturbance coordinator” who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall be responsible for determining the cause of the noise complaint (e.g., starting too early, poor muffler, etc.) and instituting reasonable measures as warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.</p>
		No substantial change.

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>tracks and operations, and the permanent rights of such industrial uses to remain. Describe potential impacts including but not limited to: noise, groundborne and airborne vibration, odors, and use of hazardous materials.</p>	<p>uses, including UPRR train tracks and operations, and the permanent rights of such industrial uses to remain. Describe potential impacts including but not limited to: noise, groundborne and airborne vibration, odors, and use of hazardous materials</p>	
<p>Policy 5.18: Day care facilities, schools, nursing homes, and other similar sensitive receptors shall be located away from sites which store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks, and additional exit routes over and above minimum code requirements.</p>	<p>Policy LU 1.6. Ensure day care facilities, schools, nursing homes, and other similar sensitive receptors are located away from sites that store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks, and additional exit routes over and above minimum code requirements</p>	<p>No substantial change.</p>
<p>Policy 5.19: Require the installation of temporary buffers—fences, walls, or vegetation— when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when an adjacent site is redeveloped as a non-industrial use.</p>	<p>Policy SC 9. Temporary Buffers. Require the installation of temporary buffers—fences, walls, or vegetation— when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when an adjacent site is redeveloped as a non-industrial use.</p>	<p>No substantial change.</p>
<p>Development Standards from Table 5-1 of the TASP, including setbacks to limit the potential incompatible uses adjacent to one another.</p>	<p>The Metro Plan includes setback requirements in Table 2-2, Zoning District Setbacks. See also Policies M 2.1, M 2.4, M 2.5, SC 2.1, and SC 4 in the Aesthetics section above, which includes requirements for landscape buffers.</p>	<p>The Metro Plan makes some updates to the setback requirements and adds setback requirements for new land use categories. Nonetheless, the changes in the Metro Plan would still have the overall same effect of limiting the potential incompatible uses adjacent to one another.</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<b>Noise</b>		
<p>Policy 5.10: New development in the Transit Area shall adhere to the standards and guidelines in the Milpitas General Plan that govern noise levels. (The particular policies of note are Policies 6-I-1 through 6-I-16.)</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy; however, any new development in the Metro Plan Area would be required to adhere to the 2040 General Plan, including the guidelines governing noise.</p>
<p>Policy 5.11: Construct masonry walls to buffer residential uses from BART and UPRR train tracks.</p>	<p>Policy SC 4.1. Residential Uses next to Rail Lines. Housing units next to rail lines must be constructed to mitigate negative impacts of train noise.</p> <p>Policy SC 4.2. Acoustics for Bedrooms Adjacent to Railways. The acoustical exterior of bedrooms in areas within 200 feet of rail right of ways shall be enhanced to address the sound of the trains.</p>	<p>The Metro Plan includes policies to address noise from railways.</p>
<p>Policy 5.12: The City shall offer to pay for sound walls, sound absorptive material, and additional sound insulation for residential uses located along Great Mall Parkway, between South Main and Abel streets, if interior noise levels rise above permitted levels by the year 2030.</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy; however, the 2040 General Plan requires a similar measure.</p> <p>General Plan Policy N 1-3: Use sound walls for sound attenuation only when other measures are not practical, or when recommended by an acoustical expert as part of a mitigation measure. Sound walls shall be designed to be aesthetically pleasing, and should incorporate features such as vegetation, variations in color and texture, artwork, and other features deemed appropriate by the City.</p>
<p>Policy 5.13: Apply the FTA groundborne vibration criteria (presented in Table 5-5 [of the TASP]) as review criteria for development projects in the vicinity of vibration sources such as BART trains and heavy rail trains.</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy; however, the 2040 General Plan requires a similar measure.</p> <p>Action N-2b: Review new developments within 100 feet of the rail line to ensure that vibration experienced by residents and sensitive uses would not exceed the Federal Transit Administration guidelines.</p>

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>Policy 5.14: Project applicants shall conduct a vibration impact analysis for any sites adjacent to or within 300 feet of active UPRR and BART alignments to demonstrate that interior vibration levels within all new residential development (single family and multifamily) and lodging facilities would be at acceptable levels. If needed, require mitigation measures to reduce vibration to acceptable levels.</p>	<p>None.</p>	<p>The Metro Plan does not include a comparable TASP policy. However, a vibration impact analysis would still be required, per the following policy and action in the 2040 General Plan.</p> <p>Policy N 2-3: Consider ground borne vibration and noise nuisance associated with rail operations prior to approving the development of sensitive uses.</p> <p>Action N-2b: Review new developments within 100 feet of the rail line to ensure that vibration experienced by residents and sensitive uses would not exceed the Federal Transit Administration guidelines.</p>
<p>Policy 5.15: Prior to issuance of building permits, applicants shall demonstrate that noise exposure to sensitive receptors from construction activities has been mitigated to the extent feasible pursuant to the City’s Noise Abatement Ordinance.</p>	<p>None.</p>	<p>The Metro Plan does not include a comparable TASP policy. However, mitigation for construction noise would still be required by the following policy and action in the 2040 General Plan.</p> <p>Policy N 1-8: Require construction activities to comply with standard best practices to reduce noise exposure to adjacent sensitive receptors (see Action N 1d).</p> <p>Action N 1c: Require developers to prepare a construction management/noise mitigation plan that defines best management practices to reduce construction noise, and includes proposed truck routes (that comply with Section 12 V-100-12.05 - Truck Routes of the Milpitas Municipal Code) as part of the entitlement process.</p> <p>Action N 1d: During the environmental review process, determine if proposed construction will constitute a significant impact on nearby sensitive receptors and, if necessary, require mitigation measures in addition to the standard</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
		<p>best practice controls. Suggested best practices for control of construction noise include:</p> <p>Noise-generating construction activities, including truck traffic coming to and from the construction site for any purpose, shall be limited to between the hours of 7:00 am and 7:00 pm. No construction shall occur on National holidays.</p> <p>All equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.</p> <p>The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</p> <p>At all times during project grading and construction, stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from residences. Unnecessary idling of internal combustion engines shall be prohibited for a duration of longer than five minutes.</p> <p>Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction activities, to the extent feasible. Neighbors located adjacent to the construction site shall be notified of the construction schedule in writing.</p> <p>The construction contractor shall designate a “noise disturbance coordinator” who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall be responsible</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Policy 5.17: In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses, including UPRR train tracks and operations, and the permanent rights of such industrial uses to remain. Describe potential impacts including but not limited to: noise, groundborne and airborne vibration, odors, and use of hazardous materials.</p>	<p>Policy LU 1.7. In all rental and sale agreements, provide disclosures to future residents about all surrounding industrial uses, including UPRR train tracks and operations, and the permanent rights of such industrial uses to remain. Describe potential impacts including but not limited to: noise, groundborne and airborne vibration, odors, and use of hazardous materials</p>	<p>for determining the cause of the noise complaint (e.g., starting too early, poor muffler, etc.) and instituting reasonable measures as warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.</p> <p>No substantial change.</p>
<p>Policy 5.18: Day care facilities, schools, nursing homes, and other similar sensitive receptors shall be located away from sites which store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks, and additional exit routes over and above minimum code requirements.</p>	<p>Policy LU 1.6. Ensure day care facilities, schools, nursing homes, and other similar sensitive receptors are located away from sites that store or use hazardous materials, in accordance with State and City standards. Adequate buffers to protect occupants of these sensitive uses shall be provided, including but not limited to walls, fences, landscaping, large building setbacks, and additional exit routes over and above minimum code requirements</p>	<p>No substantial change.</p>
<p>Policy 5.19: Require the installation of temporary buffers—fences, walls, or vegetation—when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when an adjacent site is redeveloped as a non-industrial use.</p>	<p>Policy SC 9. Temporary Buffers. Require the installation of temporary buffers—fences, walls, or vegetation— when residential uses are developed adjacent to existing industrial uses. The type of buffer must be reviewed and approved by the City Planning Department. The temporary buffers may be removed if and when an adjacent site is redeveloped as a non-industrial use.</p>	<p>No substantial change.</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<b><i>Public Services and Recreation</i></b>		
Policy 6.43: Coordinate with the affected school districts on facilities needed to accommodate new students and define actions the City can take to assist or support them in their efforts. <sup>30</sup>	Policy ICS 10.1. Coordinate with the affected school districts on facilities needed to accommodate new students and define actions the City can take to assist or support them in their efforts.	No substantial change.
Policy 6.44: The City will ensure that all school impacts fees are paid from individual projects prior to the issuance of any building permits.	Policy ICS 10.2. Ensure that all school impact fees are paid from individual projects prior to the issuance of any building permits.	No substantial change.
Policy 6.45: Cooperate with the Milpitas Unified School District to identify and evaluate potential sites for the construction of a K-8 public school, within or in reasonable proximity to the Transit Area, taking the State’s school siting guidelines into consideration. <sup>31</sup>	None.	Mabel Mattos Elementary School has been constructed and is located within the Metro Plan Area. As such, the TASP policy has been fulfilled and no longer applies.
Policy 6.46: The City and the school districts located in the Transit Area should consider entering into a joint use agreement, allowing public use of a new school’s playfields when not in use by students, and public use of rooms in the school building for community meetings and events. Any new school site should include outdoor active recreation facilities, which would be counted toward the Transit Area’s public parks requirement. The school building should include facilities that can be accessed and used for community events. <sup>32</sup>	None.	A joint use agreement is in place between the City and the Milpitas Unified School District for joint use of facilities in the McCandless property, including facilities associated with the Mabel Mattos Elementary School. Because the joint use agreement is in place at the new school identified in this policy, the TASP policy no longer applies.
Policy 6.47: If a new Milpitas Unified school is not located within the Transit Area, it should be sited and developed in such a way as to be accessible to students in the Transit Area by safe continuous	None.	Mabel Mattos Elementary School has been constructed and is located within the Metro Plan Area. As such, the TASP policy no longer applies.

<sup>30</sup> The Final Approved TASP identified this as Policy 6.43. The Certified Draft EIR identified this as Policy 6.46.

<sup>31</sup> The Final Approved TASP identified this as Policy 6.45. The Certified Draft EIR identified this as Policy 6.43.

<sup>32</sup> The Final Approved TASP identified this as Policy 6.46. The Certified Draft EIR identified this as Policy 6.44.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
walking and biking routes. The City and the Milpitas Unified School District should work together to create the necessary pedestrian and bicycle connections. <sup>33</sup>		
Policy 4.74: If a school is located in the Transit Area, place it in the McCandless/Centre Point subdistrict. <sup>34</sup>	None.	Mabel Mattos Elementary School has been constructed and is located within the McCandless District. As such, the TASP policy has been fulfilled and no longer applies.
Policy 6.50: The Fire Department shall conduct a “standards of cover” analysis to determine the Transit Plan’s precise impact on the department’s staffing and equipment, and any required facility needs. Identify and evaluate potential sites for an expanded or new fire station near the Transit Area if the standards of cover analysis determines it is warranted. <sup>35</sup>	Policy ICS 8.1. Conduct a “standards of cover” analysis to determine the Metro Plan’s precise impact on the Fire Department’s staffing and equipment, and any required facility needs. Identify and evaluate potential sites for an expanded or new fire station near the Plan Area if the standards of cover analysis determines it is warranted.	No substantial change.
Policy 6.51: Additional fire department staff will be hired, equipment purchased, and facilities built to provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Transit Area. New equipment and facilities shall be funded by the Community Facilities District fee and new staff paid from the City’s General Fund. <sup>36</sup>	Policy ICS 8.2. Provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Plan Area by hiring additional fire department staff, purchasing equipment, and building facilities. New equipment and facilities shall be funded by the Community Facilities District fee and new staff paid from the City’s General Fund. Policy ICS 8.3. These facilities are not expected to be sited within the Plan Area. Policy ICS 8.4. If a new fire station is built to meet the service needs of the Plan Area, it must be sited and developed in such a way	No substantial change.

<sup>33</sup> The Final Approved TASP identified this as Policy 6.47. The Certified Draft EIR identified this as Policy 6.45.

<sup>34</sup> The Final Approved TASP identified this as Policy 4.76. The Certified Draft EIR identified this as Policy 4.74.

<sup>35</sup> The Final Approved TASP identified this as Policy 6.50. The Certified Draft EIR identified this as Policy 6.49.

<sup>36</sup> The Final Approved TASP identified this as Policy 6.51. The Certified Draft EIR identified this as Policy 6.50.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Policy 6.52: If a new fire station is built to meet the service needs of the Transit Area, it must be sited and developed in such a way to not create substantial adverse physical impacts or significant environmental impacts.<sup>37</sup></p>	<p>to not create substantial adverse physical impacts or significant environmental impacts.                      Policy ICS 8.5. Any new facilities should minimize noise and traffic impacts on existing land uses.</p>	<p>No substantial change.</p>
<p>Policy 6.53: The Fire Department shall update the City's emergency and disaster response plans to take the location and type of new development, and future traffic levels, into account.<sup>38</sup></p>	<p>Policy ICS 8.4. If a new fire station is built to meet the service needs of the Plan Area, it must be sited and developed in such a way to not create substantial adverse physical impacts or significant environmental impacts.</p>	<p>No substantial change.</p>
<p>Policy 4.9: Create a street grid with small size blocks of 2-3 acres that provides easy and direct access for pedestrians to walk from the Piper/Montague subdistrict to BART, light rail, and the Great Mall.</p>	<p>None.</p>	<p>The Metro Plan does not have a similar policy; however Citywide Objective Design Standards would be applied in the Metro Plan Area with similar requirements. Pertinent text from the Citywide Objective Design Standards is included below.                      Block Structure                      Intent                      Integrate new large-scale development projects into the fabric of the existing community (LU 5-1)                      Reduced block size in new developments to develop a grid or modified grid network to enhance walkability (CIR 1-5)                      Provide pedestrian and vehicular connections with cross-access easements within and</p>

<sup>37</sup> The Final Approved TASP identified this as Policy 6.52. The Certified Draft EIR identified this as Policy 6.51.

<sup>38</sup> The Final Approved TASP identified this as Policy 6.53. The Certified Draft EIR identified this as Policy 6.52.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Policy 5.3: All streets (public &amp; private) shall be consistent with the street sections in Chapter 5 [of the proposed Plan] and shall meet any additional Milpitas Fire Department fire apparatus design requirements for access and firefighting operations.</p>	<p>Policy M 1.2. Provide an intuitive hierarchy of streets that includes a continuum from bustling on boulevards and retail concentrated streets to contemplative and neighborhood-oriented in character. These streets shall meet all Milpitas Fire Department fire apparatus design requirements for access and firefighting operations, and should follow the hierarchy and actions provided in M 2 – M 5:</p> <ul style="list-style-type: none"> <li>• Central Corridors</li> <li>• Shopping Streets</li> <li>• Neighborhood Streets</li> <li>• Trails</li> </ul>	<p>between the existing developments to encourage walking. (CD 10-11)</p> <p>No substantial change.</p>
<p>Policy 6.54: Additional police staff will be hired and equipment purchased to provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Transit Area. New equipment shall be funded by the Community Facilities District fee and new staff paid from the City’s General Fund.<sup>39</sup></p>	<p>Policy ICS 9.1. Hire additional police staff and purchase equipment provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Metro Area as well as surrounding areas. New equipment shall be funded by the Community Facilities District fee and new staff paid from the City’s General Fund.</p>	<p>No substantial change.</p>
<p>Policy 3.35: The open space requirements of the Midtown Milpitas Specific Plan (Policy 3.24) shall apply to the entire area of the Transit Area Specific Plan.<sup>40</sup></p> <p>Midtown Milpitas Specific Plan Policy 3.24: Require new residential development to provide public parks at a ratio of 3.5 acres per 1,000 persons, of</p>	<p>Section 2.8.2: Determining Park Demand: Acres Ratio vs Recreation Value System</p> <p>The General Plan establishes an overall goal of 2 acres of open space per 1,000 residents in the Milpitas Metro Area. The Milpitas Metro Specific Plan maintains this ratio as a standard, but provides additional nuance by</p>	<p>The Metro Plan would include the same requirement of 3.5 acres per 1,000 residents as the Plan. However, the Metro Plan also provides an update by identifying a hybrid approach of using both an acre ratio and a Recreational Value System to assess public space facilities and identify opportunities for growth.</p>

<sup>39</sup> The Final Approved TASP identified this as Policy 6.54. The Certified Draft EIR identified this as Policy 6.53.

<sup>40</sup> The Final Approved TASP identified this as Policy 3.38. The Certified Draft EIR identified this as Policy 3.35.

<b>TASP Policy</b> <sup>4</sup>	<b>Comparable Metro Plan Policy</b> <sup>5</sup>	<b>Summary of Change</b>
which up to 1.5 acres per 1,000 persons can be developed as private or common open space.	using the Recreational Value System to quantify a public space’s level of service. Policy PPS 3.1. Use the Recreational Value System to guide existing and future park improvements to ensure all parks provide a diversity of active, contemplative, and social gathering experiences.	
Policy 3.39: Develop between 32 and 47 acres of public park space in the Transit Area, with a goal of around 36 acres. <sup>41</sup>	Policy PPS 3.1. Use the Recreational Value System to guide existing and future park improvements to ensure all parks provide a diversity of active, contemplative, and social gathering experiences.	The Metro Plan provides an update by identifying a hybrid approach of using both an acre ratio and a Recreational Value System to assess public space facilities and identify opportunities for growth. As described in Section 2.8.2 of the Milpitas Metro Specific Plan, the Recreational Value System provides a quantitative system for evaluating existing and proposed public parks on their capacity to provide social gathering, contemplative, and active recreational opportunities; ensures that parks are meeting their maximum potential in providing residents and workers with flexible and usable space; and prioritizes the variety of experiences, access and proximity to experiences, and a comprehensive range of spaces.
Policy 3.40: Locate and size parks as shown on Figure 3-6, Parks, Public Spaces, and Trails [of the TASP]. <sup>42</sup>	Figure 2-6, Existing and Proposed Parks identifies existing parks, proposed parks, and potential locations for new parks.	The Metro Plan has updated the location of parks.
Policy 3.41: Park land dedication and in-lieu fees required of new development. <sup>43</sup>	Policy COS 1. Private development must provide on-site open space at a rate of 100 square feet of private or common space per unit. If developments are unable to provide the required private open space, they may	Both the TASP and the Metro Plan identify requirement for developers to dedicate land parks/open space or payment of in-lieu fees for parks/open space.

<sup>41</sup> The Final Approved TASP identified this as Policy 3.39. The Certified Draft EIR identified this as Policy 3.36.

<sup>42</sup> The Final Approved TASP identified this as Policy 3.40. The Certified Draft EIR identified this as Policy 3.37.

<sup>43</sup> The Final Approved TASP identified this as Policy 3.41. The Certified Draft EIR identified this as Policy 3.38.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
	<p>pay an in-lieu fee as described in Chapter 1 Section 9 of the Municipal Zoning Code on a project-by-project basis, as determined at the time of project entitlements.</p> <p>Policy COS 3. At least 5 percent of the total open space provided should be publicly accessible. Developers may provide at least one of the following types of public open spaces as part of their development project:</p> <ul style="list-style-type: none"> <li>• i. Park</li> <li>• ii. Plaza</li> <li>• iii. Garden</li> <li>• iv. Public sitting area</li> </ul> <p>Policy PPS 4. Public/Private Partnership and Requirements for New Development. Work with property owners to develop public parks and open spaces as a part of the entitlement and/or Development Agreement process for development projects.</p>	
<p>Policy 3.42: If a public utility easement (such as the one existing between Capitol Avenue and Penitencia Creek East Channel) is developed as a publicly-accessible pathway or linear park that connects two public streets, it can be counted toward a development’s park dedication requirement.<sup>44</sup></p>	<p>Policy PPS 2.3. If a public utility easement (such as the one existing between Capitol Avenue and Penitencia Creek East Channel) is developed as a publicly-accessible pathway or linear park that connects two public streets, it can be counted toward a development’s park dedication requirement.</p>	<p>No substantial change.</p>
<p>Policy 3.43: New development must pay for the construction of public parks and streets surrounding the parks (or half-streets if bordering an adjacent development site).<sup>45</sup></p>	<p>Policy COS 1. Private development must provide on-site open space at a rate of 100 square feet of private or common space per unit. If developments are unable to provide the required private open space, they may</p>	<p>Overall, both the policies in the TASP and the Metro Plan include a policy for new developments providing open space or in-lieu fees for open space.</p>

<sup>44</sup> The Final Approved TASP identified this as Policy 3.42. The Certified Draft EIR identified this as Policy 3.39.

<sup>45</sup> The Final Approved TASP identified this as Policy 3.43. The Certified Draft EIR identified this as Policy 3.40.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
	pay an in-lieu fee as described in Chapter 1 Section 9 of the Municipal Zoning Code on a project-by-project basis, as determined at the time of project entitlements.	
Policy 3.44: The design and programming of new parks must be approved by the City’s Parks and Recreation Department. <sup>46</sup>	Policy PPS 5.5. The design and programming of new parks must be approved by the City’s Parks and Recreation Department.	No substantial change.
Policy 3.42: Private development within the Transit Area must meet the private open space requirements on a project-by-project basis. <sup>47</sup>	Private Open Space Requirements Requirements. The design of private open spaces must comply with the following standards. POS 1. Private open space must be at least 4 feet by 6 feet to ensure that the space is large enough to be usable. POS 2. Examples of private open space that can be built include, but are not limited to balconies, private yards, terraces, decks, and porches. POS 3. Private open space construction, irrigation and planting must be completed before the occupation of a building.	Overall, both the policies in the TASP and the Metro Plan include requirements for private open space.
Policy 3.43: Parks in the Piper Montague subdistrict shall be small urban neighborhood parks with passive recreation facilities that include tot lots, barbeques, and opportunities for dog-walking. <sup>48</sup>	None.	Bob McGuire Park has been constructed in the Piper District. As such, the TASP policy has been fulfilled and no longer applies.
Policy 3.44: The park along Berryessa Creek shall provide a staging area for access to the citywide trail system. <sup>49</sup>	Policy PPS 1.3. Design the parks adjacent to Penitencia Creek and Berryessa Creek to provide trailheads for accessing the citywide creek trail system.	No substantial change. The Metro Plan identifies a proposal park along Berryessa Creek.

<sup>46</sup> The Final Approved TASP identified this as Policy 3.44. The Certified Draft EIR identified this as Policy 3.41.

<sup>47</sup> The Final Approved TASP identified this as Policy 3.45. The Certified Draft EIR identified this as Policy 3.42.

<sup>48</sup> The Final Approved TASP identified this as Policy 3.46. The Certified Draft EIR identified this as Policy 3.43.

<sup>49</sup> The Final Approved TASP identified this as Policy 3.47. The Certified Draft EIR identified this as Policy 3.44.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
Policy 3.48: The park along the Penitencia Creek East Channel shall provide a pedestrian path along the creek; BBQ's; a tot lot; open space areas for frisbee and similar informal recreation, and other passive recreation facilities. <sup>50</sup>	Figure 2-6, Existing and Proposed Parks identifies a proposed park along Berryessa Creek.  Policy PPS 1.3. Design the parks adjacent to Penitencia Creek and Berryessa Creek to provide trailheads for accessing the citywide creek trail system.  Figure 2-6, Existing and Proposed Parks identifies a proposed park along the Penitencia Creek East Channel.	No substantial change. The Metro Plan identifies a proposal park along the Penitencia Creek East Channel.
Policy 3.49: The park site in the McCandless/Centre Point subdistrict shall include a school and/or community center along with play fields and areas for passive recreation. <sup>51</sup>	None.	McCandless Park is currently under construction in the McCandless District, next to the Mabel Mattos Elementary School, which has been constructed. The McCandless Park is expected to be completed in 2021. Because this TASP policy is in the process of being fulfilled, there is no comparable policy in the Metro Plan.
Policy 3.50: The park in the center of the Trade Zone/Montague subdistrict shall provide sports fields for soccer, baseball, basketball, and/or other sports that have a high demand in Milpitas. <sup>52</sup>	None.	August Rathbone Park has been constructed in the Tango District. As such, the TASP policy has been fulfilled and no longer applies.
Policy 3.51: Parks will have public streets abutting at least three sides. <sup>53</sup>	Policy PPS 1.2. Ensure that at least three sides of a park shall be accessible by pedestrians and bicyclists via a sidewalk, pathway, or trail.	The Metro Plan policy includes a similar policy of the TASP for parks to be accessible by three sides. Overall, there would be no substantial change.
Policy 3.52: Provide a plaza or other type of public space in the Mixed Use District at Great Mall Parkway/ McCandless/ Centre Point. <sup>54</sup>	Policy PPS 4.2. Activate the Great Mall Subdistrict with flexible urban public open spaces that support a range of purposes,	McCandless Park is currently under construction in the McCandless District and is expected to be completed in 2021. The Metro Plan identifies the locations of potential open

<sup>50</sup> The Final Approved TASP identified this as Policy 3.48. The Certified Draft EIR identified this as Policy 3.45.

<sup>51</sup> The Final Approved TASP identified this as Policy 3.49. The Certified Draft EIR identified this as Policy 3.46.

<sup>52</sup> The Final Approved TASP identified this as Policy 3.50. The Certified Draft EIR identified this as Policy 3.47.

<sup>53</sup> The Final Approved TASP identified this as Policy 3.51. The Certified Draft EIR identified this as Policy 3.48.

<sup>54</sup> The Final Approved TASP identified this as Policy 3.52. The Certified Draft EIR identified this as Policy 3.49.

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
	including social gatherings. Minimum requirements are as follows: Development of one large public park, measuring at least two acres. Development of one smaller public park, measuring at least one acre. Require developer to fund and construct a new public plaza at the Great Mall. Ownership and maintenance of the plaza will be negotiated between the developer and the City. Prior to the granting of entitlements for the 1,000 <sup>th</sup> unit, a parkland space for at least 2 acres must be secured for design and construction prior to our concurrent with those entitled units. Figure 2-6, Existing and Proposed Parks identifies the location of potential parks in the Great Mall, as well as McCandless Park.	space in the Great Mall. The Metro Plan also includes policies for a new public plaza in the Great Mall. Overall, the Metro Plan envisions public space in the Great Mall Parkway/ McCandless/ Centre Point area.
Policy 3.53: Create an attractive and comfortable plaza at the future BART Station that provides a place for BART, light rail, and bus patrons waiting for a ride. <sup>55</sup>	None.	The plaza referenced in this policy has been constructed.
Policy 3.54: Include a network of trails along Penitencia Creek and railroad right of ways. <sup>56</sup>	Policy M 5.2. Create a network of trails along Penitencia Creek, Berryessa Creek, and railroad right of ways.	No substantial change.
Policy 3.55: Complete a Trail Loop connecting the whole Transit Area. <sup>57</sup>	Policy M 5.1. Create a complete pedestrian and bicycle network that connects trails and pathways and includes continuous sidewalks and safe bike travel routes throughout the entire Milpitas Metro Area.	No substantial change.

<sup>55</sup> The Final Approved TASP identified this as Policy 3.53. The Certified Draft EIR identified this as Policy 3.50.

<sup>56</sup> The Final Approved TASP identified this as Policy 3.54. The Certified Draft EIR identified this as Policy 3.51.

<sup>57</sup> The Final Approved TASP identified this as Policy 3.55. The Certified Draft EIR identified this as Policy 3.52.

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>Policy 3.56: Connections shall be created across Montague Expressway with overhead bridges or undercrossings to create a continuous trail network; allow pedestrians and bicyclists to cross safely; and connect neighborhoods, schools, and parks.<sup>58</sup></p>	<p>None.</p>	<p>The bridge over Montague Expressway near Piper Drive has been constructed.</p>
<p>Policy 3.57: All properties along the trail network will need to set aside land for the trails. This land will count towards the required public park land dedication requirement. Refer to Figure 3-7 [of the TASP] for required dimensions. If trail easements already exist or are acquired within the rail line or flood control right of ways, these easements may be used in lieu of land on development sites.<sup>59</sup></p>	<p>Policy M 5.3. Require all properties that the proposed trail network runs through or adjacent to set aside land for the trails. This land will count towards the required public park land dedication requirement. If trail easements already exist or are acquired within the rail line or flood control right of ways, these easements may be used in lieu of land on development sites.</p>	<p>No substantial change.</p>
<b>Transportation</b>		
<p>Policy 3.15: Review individual development applications to ensure that adequate street right-of-way, bicycle facilities, pedestrian facilities and landscaping are provided and are consistent with the Transit Area Plan circulation policies and street design standards in Chapter 5.</p>	<p>Policy M 1.6. Review individual development applications to ensure that adequate street right-of-way, bicycle facilities, pedestrian facilities and landscaping are provided and are consistent with the policies and standards in Chapter 3: Site and Building Design Standards and Guidelines [of the Metro Plan].</p>	<p>No substantial change.</p>
<p>Policy 3.28: Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the TASP].</p>	<p>Policy M 5.1. Create a complete pedestrian and bicycle network that connects trails and pathways and includes continuous sidewalks and safe bike travel routes throughout the entire Milpitas Metro Area.</p>	<p>Overall, the Metro Plan includes policies to promote a bicycle network in the Metro Plan Area. In addition, the City would implement the bicycle facilities in the Active Transportation Plan.</p>
<p>Policy 3.29: A Class III bicycle route shall be created on the internal roadways (from the Milpitas Boulevard Extension/Capitol Avenue intersection to Tarob Court) to provide a continuous bicycle</p>	<p>Policy M 5.1. Create a complete pedestrian and bicycle network that connects trails and pathways and includes continuous</p>	<p>Overall, the Metro Plan includes policies to promote a bicycle network in the Metro Plan Area. In addition, the City would implement the</p>

<sup>58</sup> The Final Approved TASP identified this as Policy 3.56. The Certified Draft EIR identified this as Policy 3.53.

<sup>59</sup> The Final Approved TASP identified this as Policy 3.57. The Certified Draft EIR identified this as Policy 3.54.

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
connection between Milpitas Boulevard and the existing bicycle lanes on Lundy Street, as indicated on Figure 3-5 [of the TASP].	sidewalks and safe bike travel routes throughout the entire Milpitas Metro Area.	bicycle facilities in the Active Transportation Plan.
Policy 3.32: Coordinate with VTA to provide sufficient amenities (such as transit shelters) at all transit stops within the Transit Area.	None.	
Policy 3.35: Any development projects, parks, or pedestrian trails built adjacent to a rail line shall build continuous fencing or solid walls to ensure that there will be no pedestrian access to the line. Fencing shall be designed to be vandal-resistant in order to deter trespassing	<p>Policy SC 10. Separation from Rail Lines: Any development projects, parks, or pedestrian trails built directly adjacent to a rail line (i.e. sharing a property boundary, not separated from the rail line by a roadway) shall build continuous fencing or solid walls between the development and the rail line to ensure that there will be no pedestrian access to the line. Fencing shall be designed to be vandal-resistant in order to deter graffiti and trespassing.</p> <p>Policy SC 4. Separation from Rail Lines. Any development projects, parks, or pedestrian trails built directly adjacent to a rail line (i.e. sharing a property boundary, not separated from the rail line by a roadway) shall build continuous fencing or solid walls between the development and the rail line to ensure that there will be no pedestrian access to the line. Fencing shall be designed to deter graffiti and trespassing.</p>	No substantial change.
Policy 3.36: The City will maintain and enhance public safety by requiring uniform safety standards for all at-grade rail crossings.	Policy M 6.5. Maintain and enhance public safety by requiring uniform safety standards for all at-grade rail crossings.	No substantial change.
Policy 3.37: Consult with the Union Pacific Railroad and the Public Utilities Commission prior to any improvements to segments of Milpitas Boulevard, Capitol Avenue, and Montague Expressway that include at-grade rail crossings, to determine if improvements to existing at-grade highway-rail crossings are warranted.	Action IM 43. Consult with the Union Pacific Railroad and the Public Utilities Commission prior to any improvements to segments of Milpitas Boulevard, Capitol Avenue, and Montague Expressway that include at-grade rail crossings, to determine	No substantial change.

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>Policy 4.15: Safety fencing or solid walls shall be installed along all Union Pacific rail lines along Piper Drive. Consultation with UPRR and CPUC will be required prior to any project related activities within UPRR right-of-ways. Improvements may be required, including but not limited to: pedestrian gates, pavement markings, and “no trespassing” signs.</p>	<p>if improvements to existing at-grade highway-rail crossings are warranted.</p>	
<p>Policy 4.15: Safety fencing or solid walls shall be installed along all Union Pacific rail lines along Piper Drive. Consultation with UPRR and CPUC will be required prior to any project related activities within UPRR right-of-ways. Improvements may be required, including but not limited to: pedestrian gates, pavement markings, and “no trespassing” signs.</p>	<p>None.</p>	<p>The requirements in in this TASP policy have been completed. As such, the TASP policy has been fulfilled and no longer applies.</p>
<p>Policy 6.32: The City shall establish and assess a transportation impact fee program to contribute toward traffic improvements to be undertaken in whole or in part by the County of Santa Clara or City of San Jose. This fee will go toward the Montague Expressway Widening project east of Trade Zone Boulevard, the Calaveras Boulevard (SR 237) Overpass Widening project, and Capitol Avenue improvements within the City of San Jose.</p>	<p>Action IM 47. Update the TADIF to reflect changes in expected development, public investments and improvements, and transportation projects, including the Montague Expressway and Calaveras Boulevard Widening Project.</p>	<p>No substantial change.</p>
<p>Policy 6.33: The City shall establish and assess a transportation impact fee program to provide improvements to mitigate future traffic operations on the roadway segments within the City of Milpitas. All projects within the Transit Area Plan will be required to pay this fee.</p>	<p>Action IM 47. Update the TADIF to reflect changes in expected development, public investments and improvements, and transportation projects, including the Montague Expressway and Calaveras Boulevard Widening Project.</p>	<p>No substantial change.</p>
<p><b><i>Utilities and Service Systems</i></b></p>		
<p>Policy 6.8: Construct the improvements to the wastewater collection system within the Transit Area that were identified in the 2007 Sewer Master Plan Update, which include the following: Upsize 990 feet of existing 18-inch pipe to 27-inch, 370 feet of 12-inch pipe to 27-inch, and 560 feet of 18-inch pipe to 21-inch along South Main Street north of Great Mall Parkway. Upsize 1,460 feet of 15-inch pipe to 21-inch along South Abel Street north of Curtis Avenue.</p>	<p>Policy ICS 4.3. Construct improvements within the Plan Area as required to serve new projects. Participate in fair share contributions to downstream improvements that were identified as deficient in the 2021 Sewer Master Plan, and any other improvements identified in updates to the Master Plan.</p>	<p>The Metro Plan has a similar policy to the TASP; however, it has been updated per the 2021 Sewer Master Plan.</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Upsize 450 feet of 10-inch pipe to 15-inch, 1,820 feet of 10-inch pipe to 18-inch, and 360 feet of 15-inch pipe with 18-inch along Great Mall Parkway between South Main Street and Montague Expressway.</p> <p>Upsize 325 feet of 8-inch pipe to 12-inch, 20 feet of 8 inch pipe to 15-inch and 885 feet of 10-inch pipe to 12-inch along Montague Expressway.</p> <p>Upsize 2,060 feet of 8-inch pipe with 12-inch along South Main Street south of Great Mall Parkway.</p> <p>Upsize 1,415 feet of 18-inch pipe with 21-inch and 690 feet of 15-inch pie with 18-inch along East Curtis Avenue north of the Great Mall.</p> <p>Upsize 495 feet of 10-inch pipe with 12-inch along Montague Expressway west of Gladding Avenue.</p> <p>Upsize 500 feet of 15-inch pipe to 18-inch south of Calaveras Boulevard and north of South Abbott Avenue</p>	<p>Policy ICS 4.3. Construct improvements within the Plan Area as required to serve new projects. Participate in fair share contributions to downstream improvements that were identified as deficient in the 2021 Sewer Master Plan, and any other improvements identified in updates to the Master Plan.</p>	<p>No substantial change. Implementation of the Sewer Master Plan would ensure the reliability of sewer infrastructure.</p>
<p>Policy 6.10: The City of Milpitas will acquire up to 1.0 mgd of wastewater treatment capacity at the WPCP if necessary. The final amount to be acquired, if any, and the timing of the acquisition will be based on studies of actual usage and the pace of development in the city. The City shall monitor the increase in actual sewage flows and the amount of new development approved on an annual basis to determine when additional capacity is required.</p>	<p>Policy ICS 4.2. Consider additional review of available wastewater treatment capacity if development in the Metro Area exceeds 7,000 housing units.</p>	<p>The Milpitas General Plan EIR from 2020 identifies that the City has purchased 1.0 mgd of capacity at the plant from West Valley Sanitation District and 0.75 mgd of capacity from Cupertino Sanitary District to bring the City's total contracted peak week flow capacity at the plant to 14.25 mgd (City of Milpitas 2020). As such, the TASP policy has been fulfilled.</p>

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>Policy 6.13: Provide water supply for the Transit Area from the Santa Clara Valley Water District per the Water Supply Assessment.</p>	<p>Policy ICS 3.1. Provide water supply for the Milpitas Metro Area from the City’s portfolio of water supplies, including potable water from Valley Water District and San Francisco Public Utilities and groundwater and recycled water from South Bay Water Recycling, per the Water Master Plan. No development is entitled to municipal water until a building permit is issued by the City. Policy ICS 3.3. Update the Water Supply Assessment if development in the Plan Area exceeds water demand estimated in the Water Supply Assessment.</p>	<p>No substantial change.</p>
<p>Policy 6.16: Reduce water consumption through a program of water conservation measures, such as use of recycled water, water-saving features, and drought-tolerant landscaping</p>	<p>Policy ICS 3.4. Reduce overall water consumption and particularly potable water consumption through water conservation measures, including but not limited to the following: use of recycled water water-saving features drought-tolerant landscaping</p>	<p>No substantial change.</p>
<p>Policy 6.17: The City of Milpitas will require that water saving devices, as required by the California Plumbing Code, be installed in all residential, commercial, industrial and institutional facilities within the Transit Area. Such devices are capable of reducing the amount of water used indoors, resulting in substantial wastewater flow reductions.</p>	<p>Policy ICS 3.5. Require installation of water saving devices, as required by the California Building Code, in all residential, commercial, industrial and institutional facilities within the Plan Area. Such devices are capable of reducing the amount of water used indoors, resulting in substantial wastewater flow reductions.</p>	<p>No substantial change.</p>
<p>Policy 6.18: Construct recycled water mains along Great Mall Parkway, Capitol Avenue, as Montague Expressway, Sango Court, and into the Piper/Montague subdistrict, as shown in Figure 6-3 [of the proposed Plan].</p>	<p>Policy ICS 3.1. Provide water supply for the Milpitas Metro Area from the City’s portfolio of water supplies, including potable water from Valley Water District and San Francisco Public Utilities and groundwater and recycled water from South Bay Water Recycling, per the Water Master Plan. No</p>	<p>No substantial change.</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Policy 6.19: Per the Midtown Specific Plan, require new development to include recycled water lines for irrigation.</p>	<p>development is entitled to municipal water until a building permit is issued by the City. Policy ICS 3.10. Recycled water mains shall be installed up to and across the frontage of parcels that do not have access to recycled water. The cost of extending recycled water mains, excluding the length across the frontage, shall be funded through the TADIF.</p> <p>Policy CB 7.5.3. Recycled Water for Residential and Nonresidential Uses. All new residential and nonresidential development shall include a separate piping system for recycled water (i.e. purple pipes) to be used for irrigation and other outdoor water uses, as feasible.</p> <p>Policy CB 7.5.4. On-site Recycled Water. All new development projects shall install on-site recycled water systems (i.e., greywater systems) and rainwater harvesting systems, consistent with all State and County Health Codes and standards and in compliance with regional water agency requirements.</p>	<p>No substantial change. Similar requirement for new development to use recycled water.</p>
<p>Policy 6.20: The City of Milpitas will require that recycled water be used to irrigate all parks, plazas, community facilities, linear parks, landscaped front yards and buffer zones. Recycled water may also be used for landscape irrigation on vegetated setbacks and private common areas. The City shall also require, where reasonable and feasible, that commercial uses, schools and non-residential mixed use developments be provided with dual plumbing to enable indoor recycled water use for non-potable uses to the extent feasible.</p>	<p>Policy ICS 3.6. Require that recycled water be used for all irrigation, including parks, plazas, community facilities, linear parks, landscaped front yards, buffer zones, vegetated setbacks, and private common areas.</p> <p>Policy ICS 3.7. Require, where reasonable and feasible, that commercial uses, schools, and non-residential mixed-use developments include dual plumbing to enable indoor recycled water use for non-potable uses to the extent feasible.</p>	<p>No substantial change.</p>

<b>TASP Policy <sup>4</sup></b>	<b>Comparable Metro Plan Policy<sup>5</sup></b>	<b>Summary of Change</b>
<p>Policy 6.21: Require existing irrigation users to convert to recycled water when it becomes available</p>	<p>Policy CB 7.5.2. Recycled Water for Industrial Uses. Incorporate the use of recycled water for industrial uses and landscape irrigation where feasible, within the parameters of State and County Health Codes and standards and in compliance with regional agency requirements.</p> <p>Policy CB 7.5.3. Recycled Water for Residential and Nonresidential Uses. All new residential and nonresidential development shall include a separate piping system for recycled water (i.e. purple pipes) to be used for irrigation and other outdoor water uses, as feasible.</p> <p>Policy CB 7.5.4. On-site Recycled Water. All new development projects shall install on-site recycled water systems (i.e., greywater systems) and rainwater harvesting systems, consistent with all State and County Health Codes and standards and in compliance with regional water agency requirements.</p>	<p>No substantial change. Similar requirement to use recycled water.</p>
<p>Policy 6.22: Upgrade and expand the water distribution system such that it will be adequate to serve new development in the Transit Area.</p>	<p>Policy ICS 3.8. Upgrade and expand the water distribution system in accordance with the Water Master Plan such that it will be adequate to serve new development in the Plan Area.</p>	<p>No substantial change.</p>
<p>Policy 6.23: All new development shall participate to the maximum extent practical in solid waste source reduction and diversion programs.</p>	<p>Policy CB 7.7. Solid Waste. Building construction and operations shall incorporate measures to screen waste areas from view, reduce waste generation and maximize waste diversion from landfills and reuse.</p> <p>Policy CB 7.7.2. Waste Diversion. All construction and demolition projects shall achieve a 75 percent diversion waste rate.</p> <p>Policy CB 7.7.3. Organic Waste Collection for Residential. All multifamily residential</p>	<p>No substantial change. Similar requirement to reduce solid waste generation.</p>

TASP Policy <sup>4</sup>	Comparable Metro Plan Policy <sup>5</sup>	Summary of Change
<p>Policy 6.24: Before the expiration of its current waste disposal contract, the City shall negotiate new agreements to handle the long-term disposal of its solid waste past the closure of the Newby Island Sanitary Landfill.</p>	<p>None.</p>	<p>The Metro Plan does not include a comparable policy because the City of Milpitas no longer disposes of solid waste at the Newby Island Sanitary Landfill. Solid waste is disposed of through the Franchise Hauler Agreement that the City has with Milpitas Sanitation, Inc. (MSI). This TASP policy is no longer applicable.</p>

## 2.5.3 Metro Plan Buildout: Population Growth and Employment

Full development under the Metro Plan is referred to as *buildout*. Although the Metro Plan applies a 20-year planning horizon, it is not intended to specify or anticipate when buildout will actually occur; nor does the designation of a site for a certain use necessarily mean the site will be redeveloped with that use in the next 20 years. This section describes the assumptions included in the Metro Plan regarding buildout in terms of future population, housing units, and jobs.

The buildout associated with the Metro Plan would be in addition to the buildout already planned for in the TASP. The buildout planned for in the TASP is summarized in Table 2-3, which also summarizes the development that has been built or entitled since 2008.

The Metro Plan identifies that significant development has occurred as part of the TASP, including entitling approximately 92 percent of the residential uses planned for in the TASP. However, there are still several large areas where development could still occur, including the Great Mall area and the new expanded areas. Based on the capacity of the remaining undeveloped parcels, an anticipated buildout for the Metro Plan was developed. Table 2-3 summarizes the new development that is projected by 2040 under the Metro Plan.

**Table 2-3. Comparison of Existing Growth Under the TASP and Additional Growth Under the Metro Plan**

Land Use	2008 Existing Development	TASP Planned New Development	Total TASP Planned Development	Entitled by 2019 <sup>1</sup>	Additional Projected Development for Metro Plan by 2040	Total Planned Development (TASP plus Metro Plan)
Dwelling Units	468	7,109	7,577	6,955	7,000	14,577
Office (sf)	52,780	993,843	1,050,000	10,630	3,000,000 <sup>2</sup>	4,050,000
Retail (sf)	1,970,000	287,075	2,240,000	186,500	300,000	2,540,000
Hotel (rooms)	292	350	642	0 <sup>3</sup>	700	1,342

<sup>1</sup> Entitled, under construction, or constructed/occupied.

<sup>2</sup> Includes 500,000 sf of industrial uses

<sup>3</sup> Currently there are concept plans for a high-rise hotel.

Note: The Metro Plan would also allow for a police station to be developed in the Innovation District, with a potential location shown on Figure 2-4. The potential police station use is discussed in this Draft SEIR where relevant to the impact analysis.

sf = square feet

## 2.5.4 Horizon Year

The Metro Plan applies until the 2040 planning horizon year, which updates the TASP, which had a buildout horizon year of 2030.

## 2.6 Additional Metro Plan Features

### 2.6.1 Sustainability

Chapter 3 of the Metro Plan identifies some sustainability strategies that would apply for new development in the Metro Plan Area. The Metro Plan identifies several requirements that would promote sustainability in the Metro Plan Area (see Policy CB 7, Sustainability). This includes the following requirements for energy use:

- Include features in new buildings to reduce energy use and greenhouse gas emissions;
- Require new residential buildings to be all-electric;
- Require non-residential buildings to be all-electric (unless uses essential to the key functions of the internal business require natural gas);
- Install solar photovoltaic systems or purchase electricity from a community energy provider (e.g., Silicon Valley Clean Energy) for all non-residential buildings;
- Encourage onsite renewable energy generation;
- Use zero-emission generator engines for all new residential and nonresidential buildings;
- Use high-performance renewable diesel for all off-road heavy-duty equipment during construction; and
- Install sufficient exterior electrical outlets to power electric-powered landscaping equipment.

In addition, new development in the Metro Plan Area would be required to comply with additional sustainability policies in the Climate Action Plan.

The Metro Plan also includes requirements for sustainable water usage, including the following requirements: design of buildings using Low Impact Development principles (Policy CB 7.6); encouraging incorporation of water collection and retention devices (Policy CB 7.6.1); encouraging incorporation of water runoff strategies (Policy CB 7.6.2); requiring ultra-low-flow fixtures in residential and non-residential development (Policy 7.5.1); and requiring the use of recycled water, where feasible (Policies CB 7.5.2, CB 7.5.3, and CB 7.5.4). The Metro Plan also includes sustainability requirements for solid waste, with the following requirements: provide waste and recycling facilities for all buildings (Policy 7.7.1); achieve a 75 percent diversion waste rate for construction and demolition projects (Policy CB 7.7.2); provide organic waste collection services for multifamily residential buildings (Policies CB 7.7.3 and CB 7.7.4); and provide collection containers for organic waste and recyclables for non-residential buildings (Policies CB 7.7.3 and CB 7.7.4).

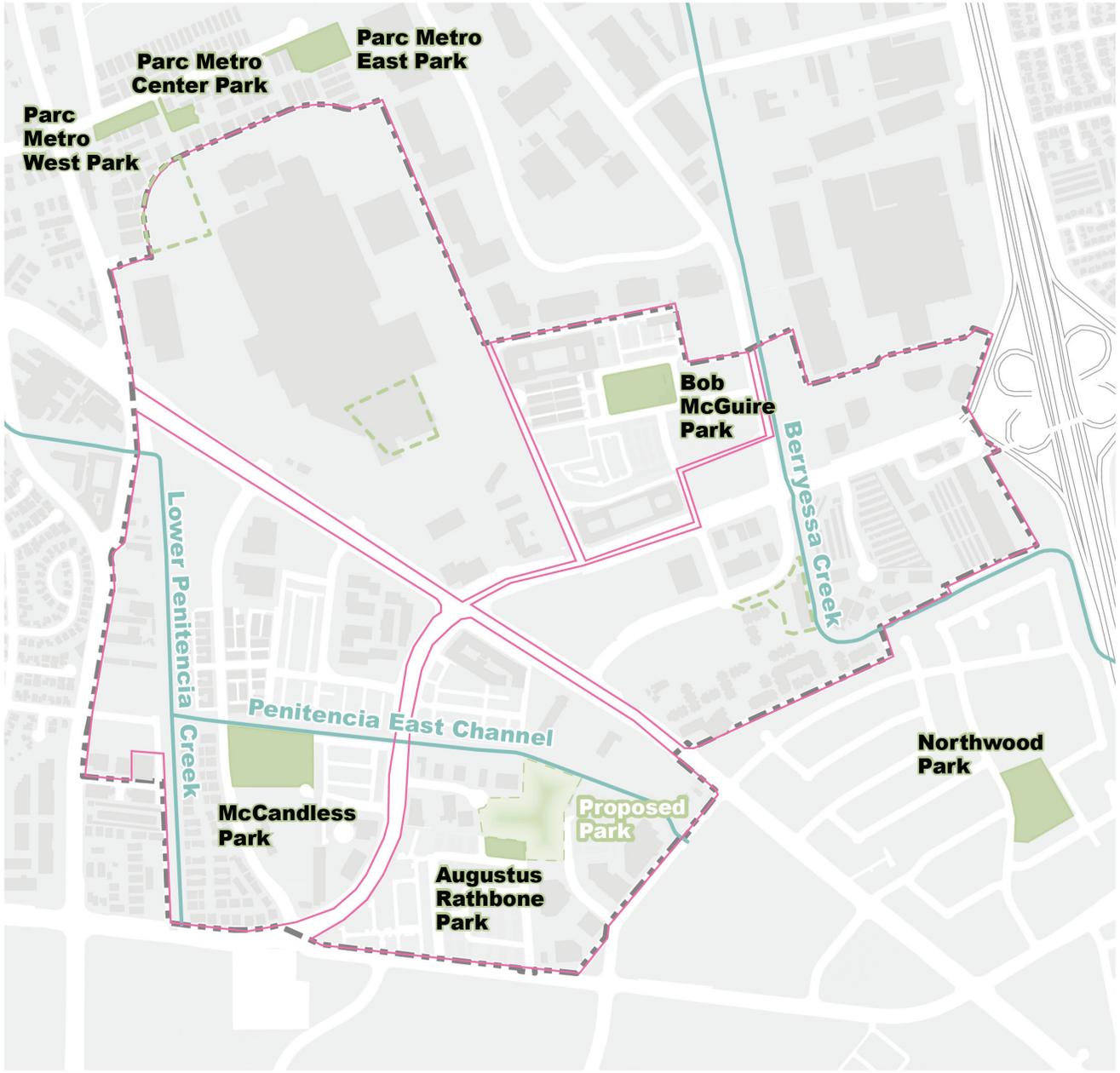
### 2.6.2 Transportation Demand Management

TDM is typically categorized as a set of strategies aimed at encouraging transit use, walking, biking, and carpooling while reducing single occupant vehicle trips, vehicle miles traveled, and parking demand. The Metro Plan requires TDM measures for all new development projects within the Metro Plan Area and encourages TDM strategies for existing uses. The Metro Plan would ensure that TDM measures are followed through the establishment of a Transportation Management Association (TMA) for the Metro Plan Area, as required by Action IM 28. The TMA will be responsible for

monitoring trip reduction, vehicle miles traveled (VMT) targets, and services within the Metro Plan Area.

### **2.6.3 Open Space**

The need for additional public outdoor spaces in the Metro Plan Area was identified as a top priority by members of the community. The Metro Plan identifies several opportunities for additional open space to be developed. This includes the following publicly accessible open space opportunities: a park north of the existing August Rathbone Park; improvements to the Penitencia Creek Trail, which is planned for in the Bicycle/Pedestrian and Trails Master Plan (City of Milpitas 2021); multiple parks and plazas in the Great Mall District; a park north of Mabel Mattos Elementary School; a park along Main Street in the McCandless District; improvements to trails along Berryessa Creek; and a park in the Innovation District. These proposed and potential parks are identified on Figure 2-5. In addition, the Metro Plan includes a policy to “generate publicly-accessible private open space to supplement public open space in meeting the outdoor and recreational needs of residents” (Policy PPS 3.2).



- Milpitas Metro
- Park Areas
- Proposed Parks
- Potential Location for Required Parks
- Streams
- Buildings
- District Boundary

GIS data provided by: Protected Park Area - California Protected Areas Database / City Park Areas - City of Milpitas / Roads - US Census Bureau 2019 TIGER / Basemap - ESRI



Graphics 103830 (4-8-2022)\_JC



**Figure 2-5**  
**Metro Plan Existing and Proposed Parks**

## 2.6.4 Construction

Although the construction characteristics of individual Metro Plan proposals within the Metro Plan Area would vary, generally, buildout of the Metro Plan would involve demolition, grading, excavation, and construction activities to build new structures, roadway improvements, infrastructure, landscaping improvements, and open space. Heavy construction equipment, including cranes, bulldozers, excavators, scrapers, and loaders, would be used. The number of construction workers on the project site would vary according to the stage of construction and whether or not construction phases are undertaken concurrently. As required by the Metro Plan, all construction and demolition projects would be required to achieve a 75 percent diversion waste rate. In addition, all development projects would be required to perform geotechnical investigations in accordance with state law.

## 2.7 Implementation

The Metro Plan provides specific policy guidance for the implementation of its initiatives and establishes a basis for coordinated action by the City, adjacent jurisdictions, Santa Clara County, VTA, and regional and state agencies. The Metro Plan's Implementation Program describes, in general terms, the responsibilities for implementation by City department. It also outlines specific implementation actions that will be initiated after adoption. The Implementation Program will be updated as often as deemed necessary to ensure that it reflects the City's implementation and strategic priorities.

### 2.7.1 Policy And Regulatory Implementation

The major implementation process for the land use proposals will be the administration of the Zoning Ordinance through the Zoning Map. The Zoning Ordinance and Zoning Map will need to be amended to be consistent with the Metro Plan's policies. Amendments to the General Plan and Milpitas Gateway-Main Street Specific Plan (formerly Midtown Milpitas Specific Plan) will also be needed to reflect the newly adopted Metro Plan's boundaries. Additionally, the use of a Development Agreement (DA) may be an effective tool for both the City and the developer of larger sites, particularly the Great Mall and the Innovation District, either or both of which may involve multiple sites aggregation or subdivision and long term or phased development.

### 2.7.2 Physical Implementation

#### 2.7.2.1 Areawide Infrastructure

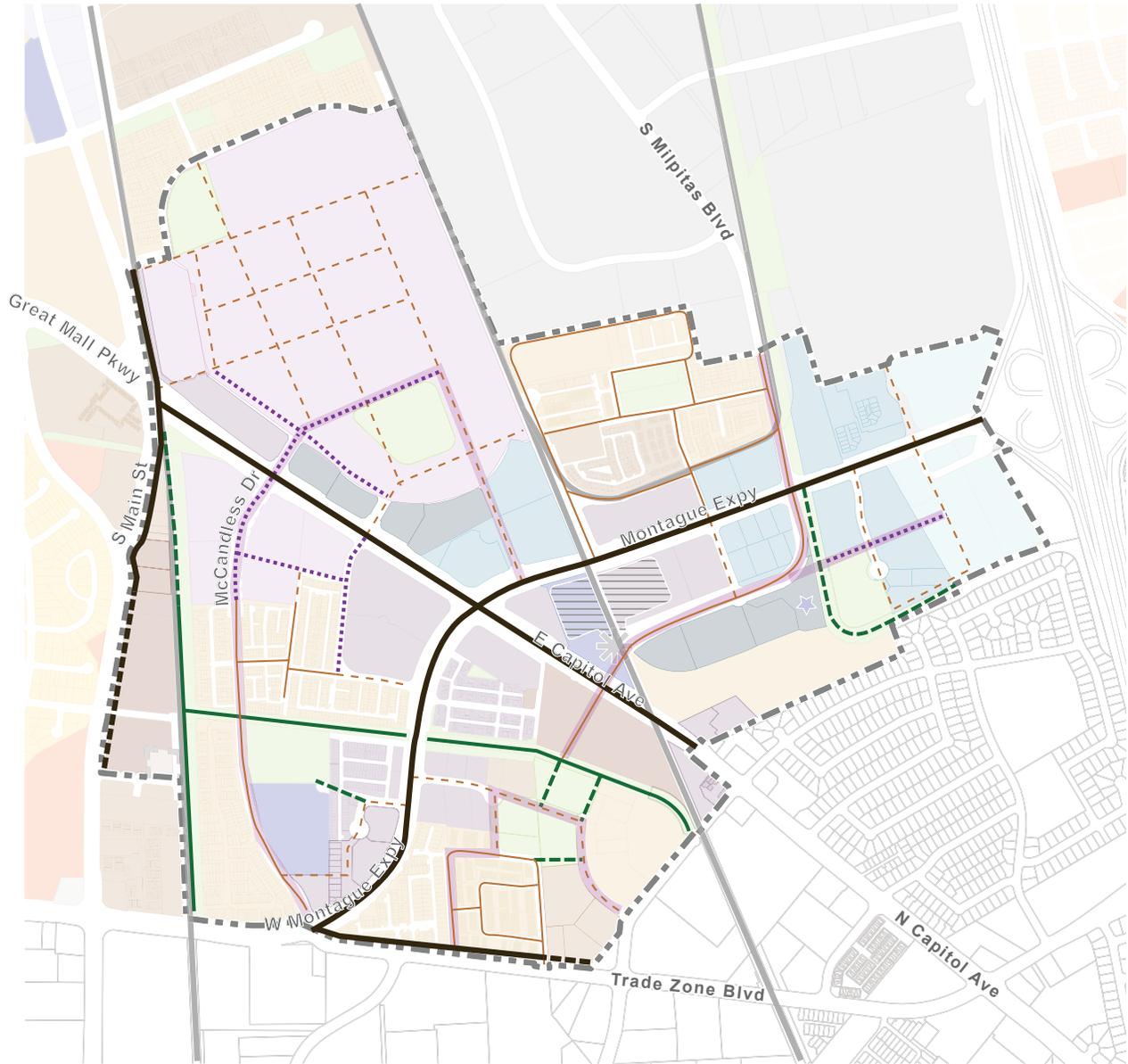
A series of area-wide infrastructure improvements will take place to accommodate and benefit residential, commercial, and mixed-use development; make it more accessible to and comfortable for pedestrians; improve vehicle navigability; provide open space amenities; and reduce obstructions to development. Streetscape improvements and a system of signature bridges and pedestrian overcrossings are particularly important to give identity to the area and make it amenable to walking and bicycles. Recommended improvements that are additive to improvements planned for in the TASP include the following specific projects:

- Develop public broadband infrastructure to allow for continuous connectivity in public areas.

- Promote new trails along Berryessa Creek.
- Construct public parkland in the Innovation District adjacent to Berryessa Creek.
- Construct public parkland in the McCandless District along South Main Street
- Pave city-owned trails with multi-weather, permeable surfacing.
- Construct new streets and pedestrian paseos (as indicated on Figure 2-6).
- Construct pedestrian connections between Districts, including the following at-grade bridges and crossings and overhead pedestrian bridges :
  - Pedestrian bridge across East Penitencia Creek to connect Mabel Mattos Elementary.
  - Pedestrian bridge across Montague Expressway at Penitencia Creek East.
  - Multimodal bridge over Berryessa Creek to connect the Innovation District to the Milpitas Transit Center.
  - Enhanced at-grade pedestrian crossings at the South Milpitas Boulevard Extension and Capitol Avenue and Great Mall Parkway and Main Street.
  - Overhead pedestrian bridge from the Great Mall light rail station and the corner of Main Street and Great Mall Parkway.
  - Enhanced connection between the Great Mall District and neighborhoods to the north.
  - Enhanced connection between the Innovation District and neighborhoods to the south.
  - Pedestrian connection across the railroad and Lower Penitencia Creek from the eastern McCandless District to Main Street.
- Construct storm drainage improvements as identified in the Storm Drainage Master Plan.
- Upgrade and expand the water distribution system in accordance with the Water Master Plan.
- Expand recycled water infrastructure into the Innovation District, along Main Street, and in the Tango District.
- Construct sewer infrastructure improvements as identified in the Sewer Master Plan.
- Construct a police substation in the Innovation District.
- Construct a community facilities building/small conference center in the Innovation District.

### 2.7.2.2 Circulation Improvements

The Metro Plan identifies three different kinds of streets within the Metro Plan. First, there are Central Corridors, which are wide arterials that support multiple lanes of traffic and include facilities for active transportation within and beyond the Metro Plan Area. Second, there are Activity Streets, which typically are two-lane roads that are pedestrian-oriented and support high levels of retail and active uses (there are two configurations for Activity Streets: one with a parking lane and another with accommodations for bike lanes and transit). Third, there are Neighborhood Streets, which are local streets within residential neighborhoods that support slower speeds and have a pedestrian character. Neighborhood Streets have two configurations: one with parallel parking on alternating sides of the street and another that accommodates parking on both sides of the street as well as bike lanes. The Metro Plan proposes Central Corridors, Activity Streets, and Neighborhood Streets to serve the buildout associated with the Metro Plan. The proposed locations for these streets are shown on Figure 2-6; however, exact alignments would be determined by developers and City.



- |                    |                         |                         |             |
|--------------------|-------------------------|-------------------------|-------------|
| --- Milpitas Metro | <b>Existing Streets</b> | <b>Proposed Streets</b> |             |
| * BART Station     | — Central Corridor      | — Central Corridor      | — Bike Path |
| — Railway          | — Activity Street       | — Activity Street       |             |
|                    | — Neighborhood Street   | — Neighborhood Street   |             |
|                    | — Trail                 | — Trail                 |             |

Note that proposed street grid on the Great Mall parcel are conceptual. Underlying land uses shall be consistent with the MMSP.

GIS data provided by: General Plan - City of Milpitas / Roads - US Census Bureau 2019 TIGER / Basemap - ESRI

### 2.7.2.3 Development Issues

A series of development issues must be resolved within certain portions of the Metro Plan Area during the implementation of the Metro Plan. These include:

- Identifying and cleaning soil or groundwater contamination.
- Providing new drainage and/or detention facilities to serve properties within the flood zone.
- Determining the alignment of the new proposed streets, including the street grid in the Great Mall District, streets in the Innovation District, connections between Houret Court and McCandless Boulevard, and connections in the Tango District.
- Determining location of new publicly accessible open spaces in the Great Mall District.
- Providing pedestrian connections across the expressway, major thoroughfares, creeks, and railroad tracks.

### 2.7.3 Financing Recommendations

There are a variety of infrastructure projects planned for future years, as described above. These will be costly, but necessary to the successful development of the Metro Plan Area according to the Metro Plan. Different agencies and interested parties will need to co-operate and participate in infrastructure funding in various ways. Some of these include: The City of Milpitas, VTA, BART, and property owners. Residential development will also contribute to City operating costs as the area develops. Some financing tools recommended to assist with operations expenses include updating the Transit Area Development Impact Fees and the private maintenance of street landscaping and public spaces, where appropriate. In addition, Chapter 6 of the Metro Plan identifies that the Community Facilities District (CFD) would require that new residential development pay an annual special tax to cover the cost of additional public service provision.

### 2.7.4 Implementation

The City will use a variety of regulatory mechanisms and administrative procedures to implement the Metro Plan. Overall responsibility for plan implementation is vested in the City Council, Planning Commission, Planning Director, and Director of Engineering.

To ensure that the Metro Plan is consistent with other citywide plans, the adoption of the Metro Plan will be coordinated with the following:

- Milpitas 2040 General Plan
- Midtown/Gateway Specific Plan
- Parks and Recreation Master Plan
- Bicycle, Pedestrian, and Trails Master Plan
- Urban Water Management Plan
- Water Master Plan
- Sewer Master Plan
- Climate Action Plan

The City's Zoning Ordinance will translate Metro Plan policies into specific land use regulations, development standards, objective design standards, and performance criteria that will govern development on individual properties. The Metro Plan calls for eight new zoning districts.

Regulations for these districts will be established as part of the zoning amendment undertaken concurrently with the adoption of the Metro Plan. Density and intensity limits consistent with the Metro Plan's land use classifications will also be established. At the time of Plan adoption, the City will bring both the Zoning Ordinance and the Zoning Map into conformance with the Metro Plan.

In addition, the City will implement the Citywide Objective Design Standards. Citywide Objective Design Standards will provide design standards and guidelines for all multifamily development in the City of Milpitas, as well as other development as relevant. Citywide Objective Design Standards will include standards for key design features, such as setbacks, height limits, and lighting standards. These design standards will ensure high-quality development that is visually compatible with the surrounding area. The City of Milpitas is currently developing Objective Design Standards for residential development, including residential-only and mixed-use development. When adopted, these standards will apply in the Metro Plan Area and elsewhere in the City. The City anticipates that the Citywide Objective Design Standards will be adopted before approval of the Metro Plan.

The Metro Plan includes an implementation program, which lists the actions, responsible parties, and timeframes needed to enact the Metro Plan. These mechanisms will require the involvement of the City government: Planning, Economic Development, Public Works, Engineering, Parks and Recreation, Building, Police, Fire, and Finance. The City will take the lead in coordinating the areawide actions and will implement many of them. In some instances, the City will establish funding mechanisms that will cover costs for capital projects ahead of time.

## Chapter 3

# Setting, Impacts, and Mitigation Measures

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This chapter provides analyses of the physical impacts on the environment that could occur as a result of implementing the Project Change and identifies whether those impacts would change the impact significance determinations in the *Final Environmental Impact Report for the Milpitas Transit Area Specific Plan* (Certified EIR). There is a separate section for each resource analyzed, as listed below. Each section presents a description of the environmental and regulatory setting for that resource, focusing on any changes that have occurred since the Certified EIR, significance criteria and methodology used in the impact analysis, and potential impacts that were not in the Certified EIR.

This chapter comprises the following sections.

- 3.1, *Air Quality*
- 3.2, *Greenhouse Gas Emissions*
- 3.3, *Land Use and Planning*
- 3.4, *Noise*
- 3.5, *Population and Housing*
- 3.6, *Public Services and Recreation*
- 3.7, *Transportation*
- 3.8, *Utilities and Service Systems*

As discussed in Chapter 1, *Introduction*, the Project Change would not have the potential to change the impact significance determinations for the Milpitas Metro Specific Plan (Metro Plan or Project) in the Certified EIR for the following resources. Therefore, these topics are not discussed further.

- *Aesthetics*
- *Agricultural and Forestry Resources*
- *Biological Resources*
- *Cultural Resources*
- *Energy*
- *Geology and Soils*
- *Hazards and Hazardous Materials*
- *Hydrology and Water Quality.*
- *Mineral Resources*
- *Tribal Cultural Resources*
- *Wildfire*

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## 3.1 Air Quality

This section discloses and analyzes the potential change in Project impacts on air quality that would result from implementing the Project Change.

### 3.1.1 Regulatory Setting

The regulatory setting for air quality is described on pages 3.6-4 to 3.2-8 of the Certified EIR. These regulations include the federal Clean Air Act and California Clean Air Act (CCAA), including the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS), and the Bay Area Air Quality Management District's (BAAQMD) Clean Air Plan. This information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1, *Introduction*, of this SEIR for the locations available for the public to review the Certified EIR.

There have been no substantial new regulations related to air quality beyond those described in the Certified EIR. However, there have been updates to existing regulations and guidelines since the Certified EIR was prepared that are relevant to the Project Change. Updates to the regulatory setting are discussed in the sections that follow.

#### 3.1.1.1 Federal

##### National Ambient Air Quality Standards

Since the Certified EIR was prepared, the NAAQS for ozone has been revised from 0.075 parts per million (ppm) to 0.070 ppm. The most current NAAQS and CAAQS are shown in Table 3.1-1.

**Table 3.1-1. Current National and State Ambient Air Quality Standards**

Criteria Pollutant	Average Time	California Standards	National Standards <sup>1</sup>	
			Primary	Secondary
Ozone	1-hour	0.09 ppm	None	None
	8-hour	0.070 ppm	0.070 ppm	0.070 ppm
Respirable Particulate Matter (PM10)	24-hour	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>
	Annual mean	20 µg/m <sup>3</sup>	None	None
Fine Particulate Matter (PM2.5)	24-hour	None	35 µg/m <sup>3</sup>	35 µg/m <sup>3</sup>
	Annual mean	12 µg/m <sup>3</sup>	12.0 µg/m <sup>3</sup>	15.0 µg/m <sup>3</sup>
Carbon Monoxide	8-hour	9.0 ppm	9 ppm	None
	1-hour	20 ppm	35 ppm	None
Nitrogen Dioxide	Annual mean	0.030 ppm	0.053 ppm	0.053 ppm
	1-hour	0.18 ppm	0.100 ppm	None
Sulfur Dioxide	Annual mean	None	0.030 ppm	None
	24-hour	0.04 ppm	0.014 ppm	None
	3-hour	None	None	0.5 ppm
	1-hour	0.25 ppm	0.075 ppm	None

Criteria Pollutant	Average Time	California Standards	National Standards <sup>1</sup>	
			Primary	Secondary
Lead	30-day Average	1.5 µg/m <sup>3</sup>	None	None
	Calendar quarter	None	1.5 µg/m <sup>3</sup>	1.5 µg/m <sup>3</sup>
	3-month average	None	0.15 µg/m <sup>3</sup>	0.15 µg/m <sup>3</sup>
Sulfates	24-hour	25 µg/m <sup>3</sup>	None	None
Hydrogen Sulfide	1-hour	0.03 ppm	None	None
Vinyl Chloride	24-hour	0.01 ppm	None	None

Source: California Air Resources Board 2016.

<sup>1</sup> National standards are divided into primary and secondary standards. Primary standards are intended to protect public health, whereas secondary standards are intended to protect public welfare and the environment.

µg/m<sup>3</sup> = micrograms per cubic meter

### 3.1.1.2 Local

#### Bay Area Air Quality Management District/2017 Clean Air Plan

In May 2017, the BAAQMD updated their CEQA guidelines (Bay Area Air Quality Management District 2017a). While the Certified EIR used the 1999 BAAQMD's CEQA guidelines to determine significance, this SEIR uses their 2017 CEQA guidelines.

The Certified EIR discussed the BAAQMD 2005 Bay Area Ozone Strategy for its Air Quality Management Plan (AQMP) consistency. On April 19, 2017, the BAAQMD Board of Directors adopted the 2017 Clean Air Plan (Bay Area Air Quality Management District 2017b).

The 2017 Clean Air Plan guides the region's air quality planning efforts to attain the CAAQS. The current plan contains district-wide control measures to reduce ozone (O<sub>3</sub>) precursor emissions (e.g., reactive organic gases [ROGs] and nitrogen oxides [NO<sub>x</sub>]), particulate matter, and greenhouse gas (GHG) emissions. Specifically, the Clean Air Plan provides the following:

- Describes the BAAQMD plan for attaining all state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities.
- Defines a vision for transitioning the region to the post-carbon economy needed to achieve ambitious GHG reduction targets for 2030 and 2050.
- Provides a regional climate protection strategy that will put the Bay Area on a pathway to achieving GHG reduction targets.
- Identifies a wide range of control measures to (1) decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, O<sub>3</sub>, and toxic air contaminants (TACs); (2) reduce emissions of methane and other GHGs with high global warming potential that are potent climate pollutants in the near term; and (3) decrease emissions of carbon monoxide (CO) by reducing fossil fuel combustion.

Both the 2005 Bay Area Ozone Strategy and the 2017 Clean Air Plans focus on protecting public health and contain control measures aimed at reducing air pollution in the region.

#### Milpitas 2040 General Plan

On March 9, 2021, the City of Milpitas adopted an update to the General Plan, which is referred to as the 2040 General Plan. The 2040 General Plan is an update to the 1994 General Plan and supersedes

and replaces the 1994 General Plan. Policies from the 2040 General Plan relevant to air quality include the following:

- **Goal CON-7:** Implement a proactive approach to maintain and improve air quality within Milpitas and the region.
- **Policy CON 7-1:** Ensure that land use and transportation plans support air quality goals through a logical development pattern that focuses growth in and around existing urbanized areas, locates new housing near places of employment, encourages alternative modes of transportation, supports efficient parking strategies, reduces vehicle miles traveled, and requires projects to mitigate significant air quality impacts.
- **Policy CON 7-2:** Minimize exposure of the public to toxic or harmful air emissions and odors through requiring an adequate buffer or setback distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors, including but not limited to industrial, manufacturing, and processing facilities, high-volume roadways, and industrial rail lines. New sensitive receptors, such as residences (including residential care and assisted living facilities for the elderly), childcare centers, schools, playgrounds, churches, and medical facilities shall be located away from existing point sources of air pollution such that excessive levels of exposure do not result in unacceptable health risks. Compliance shall be verified through the preparation of a Health Risk Assessment when deemed necessary by the Planning Director.
- **Policy CON 7-3:** Require projects which generate high levels of air pollutants, such as heavy industrial, manufacturing facilities and hazardous waste handling operations, to incorporate air quality mitigations in their design to reduce impacts to the greatest extent feasible.
- **Policy CON 7-4:** Require projects to adhere to the requirements of the Bay Area Air Quality Management District (BAAQMD).
- **Policy CON 7-5:** Use the City's development review process and the California Environmental Quality Act (CEQA) to evaluate and mitigate the local and cumulative effects of new development on air quality.
- **Policy CON 7-6:** Coordinate with the California Air Resources Board (CARB) and the Bay Area Air Quality Management District to properly measure air quality emission sources and enforce the standards of the Clean Air Act
- **Policy CON 7-7:** Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source.
- **Policy CON 7-8:** Consider the health risks associated with Toxic Air Contaminants (TACs) when reviewing development applications.
- **Policy CON 7-10:** Implement policies and action from the Land Use and Circulation Elements to provide mixed-use developments, locate high-density uses near transit facilities, provide neighborhood-serving retail uses convenient to residential neighborhoods, and other Transportation Demand Management (TDM) programs that would reduce vehicle trips and vehicle miles traveled, thus reducing air-pollutant emissions.
- **Policy CON 7-12:** Encourage and prioritize infrastructure investments and improvements that promote safe walking, bicycling and increased transit ridership.

- **Policy CON 7-13:** Implement energy policies and actions that have co-benefits of reduced air pollution and greenhouse gases by increasing energy efficiency, conservation, and the use of renewable resources.
- **Action CON-7c:** Require site-specific air quality Health Risk Assessments (HRAs) for developments that would place sensitive receptors closer than 500 feet from the edge of a regional roadway facility (including I-680, I-880, and SR-237), or for development projects that would place significant point sources of air pollution such as gas station and dry cleaning facilities, or other industrial facilities that emit toxic air contaminants TACs within 500 feet of a sensitive receptor.
- **Action CON-7e:** Require dust control measures, including those included in the Santa Clara Valley Non-point Source Pollution Control Program, and BAAQMD’s Best Management Practices for fugitive dust control during construction.
- **Action CON-7f:** Use the BAAQMD “Air Quality Guidelines”, as amended, or replaced, in identifying thresholds, evaluating the potential project and cumulative impacts, and determining appropriate mitigation measures. Review development, infrastructure, and planning projects for consistency with BAAQMD requirements during the CEQA review process. Require project applicants to prepare air quality analyses to address BAAQMD, and General Plan requirements, which includes analysis and identification of:
  - Air pollutant emissions associated with the project during construction, project operation, and cumulative conditions;
  - Potential exposure of sensitive receptors to toxic air contaminants;
  - Significant air quality impacts associated with the project for construction, project operation, and cumulative conditions; and
  - Mitigation measures to reduce significant impacts to less than significant or the maximum extent feasible where impacts cannot be mitigated to less than significant
- **Action CON-7i:** Require construction activity plans, and grading and drainage plans to include and/or provide for dust management to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Project applicants, or their assigned agents/contractors, shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project grading and construction.

## TASP Policies

Table 2-2 in Chapter 2, *Project Description*, provides a summary of the TASP policies related to air quality. Table 2-2 identifies policies that require the following:

- **Pedestrian Access.** Create a complete pedestrian and bicycle network that connects trails and pathways and includes continuous sidewalks and safe bike travel routes through the entire Milpitas Metro Area.
- **Bicycle Lanes.** Create multimodal complete streets that provide for the mobility needs and safety of bicyclists. This includes protected bike lanes and encouraging micro-mobility circulation. Encourage children and individuals to bike to school or work, as well as provide bicycle facilities.

- *Alternative Forms of Transportation.* Encourage individuals within the Milpitas Metro Area to walk, bike, or take transit by building the necessary infrastructure to support these alternative forms of transportation. Require development projects to implement TDM measures to help achieve VMT and trip reduction goals.
- *Sensitive Receptors.* New residential development that is proposed within 500 feet of active rail lines where vehicles emit diesel exhaust, or roadways where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles per day, will, as part of its CEQA review, include an analysis of TACs (which includes primarily diesel particulate matter [DPM]). If the results show that the carcinogenic human health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents.

### 3.1.2 Environmental Setting

The environmental setting for air quality at the TASP Area is described on pages 3.6-1 to 3.6-9 of the Certified EIR. This discussion describes the regional climate conditions within the San Francisco Bay Area Air Basin (SFBAAB), pollutants of greatest concern, air quality conditions, and attainment status of Santa Clara County. This information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1 of this SEIR for the locations available for the public to review the Certified EIR.

The setting with regard to air quality has not changed substantially since the Certified EIR was prepared. Air quality conditions were reported for the 2001–2005 period in Table 3.6-1 of the Certified EIR. Since the Certified EIR was prepared, air quality monitoring data have become available for more recent years (2018, 2019, 2020) and data for these years are shown in Table 3.1-2 to supplement the air quality monitoring data in the Certified EIR. Similar to the Certified EIR, the air quality monitoring data in Table 3.1-2 is from the San Jose – Jackson Street Station. No substantial changes in the climate conditions, pollutants of concern, or attainment status of the City have occurred since the Certified EIR was prepared.

**Table 3.1-2. Ambient Air Quality Data for the Metro Plan Area (2018–2020)**

Pollutant Standards	2018	2019	2020
<b>Ozone (O<sub>3</sub>) at San Jose – Jackson Street Station</b>			
Maximum 1-hour concentration (ppm)	0.078	0.095	0.106
Maximum 8-hour concentration (ppm)	0.61	0.081	0.085
Fourth highest 8-hour concentration (ppm)	0.053	0.060	0.068
Number of days standard exceeded			
CAAQS 1-hour standard (> 0.09 ppm)	0	1	1
CAAQS 8-hour standard (> 0.070 ppm)	0	2	2
NAAQS 8-hour standard (> 0.070 ppm)	0	2	2
<b>Carbon Monoxide (CO) at San Jose – Jackson Street Station</b>			
Maximum 8-hour concentration (ppm)	2.1	1.3	1.5
Maximum 1-hour concentration (ppm)	2.5	1.7	1.8
Number of days standard exceeded			

<b>Pollutant Standards</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
NAAQS 8-hour standard ( $\geq 9$ ppm)	0	0	0
CAAQS 8-hour standard ( $\geq 9.0$ ppm)	0	0	0
NAAQS 1-hour standard ( $> 35$ ppm)	0	0	0
CAAQS 1-hour standard ( $\geq 20$ ppm)	0	0	0
<b>Nitrogen Dioxide (NO<sub>2</sub>) at San Jose – Jackson Street Station</b>			
Maximum state 1-hour concentration (ppm)	0.861	0.598	0.519
Number of days standard exceeded			
CAAQS 1-hour standard (0.18 ppm)	0	0	0
NAAQS 1-hour standard (0.100 ppm)	0	0	0
<b>Respirable Particulate Matter (PM<sub>10</sub>) at San Jose – Jackson Street Station</b>			
Maximum state 24-hour concentration ( $\mu\text{g}/\text{m}^3$ )	121.8	77.1	137.1
Maximum national 24-hour concentration ( $\mu\text{g}/\text{m}^3$ )	115.4	75.4	134.9
National annual average concentration	20.9	18.4	24.1
Measured number of days standard exceeded			
CAAQS 24-hour standard (50 $\mu\text{g}/\text{m}^3$ )	4	4	10
NAAQS 24-hour standard (150 $\mu\text{g}/\text{m}^3$ )	0	0	0
<b>Fine Particulate Matter (PM<sub>2.5</sub>) at San Jose – Jackson Street Station</b>			
Maximum state 24-hour concentration ( $\mu\text{g}/\text{m}^3$ )	133.9	34.4	120.5
Maximum national 24-hour concentration ( $\mu\text{g}/\text{m}^3$ )	133.9	27.6	120.5
National annual average concentration	12.7	9.0	11.5
Measured number of days standard exceeded			
NAAQS 24-hour standard ( $> 35$ $\mu\text{g}/\text{m}^3$ )	15	0	12

Sources: California Air Resources Board 2021, U.S. Environmental Protection Agency 2022.

**Notes:**

An exceedance is not necessarily a violation.

State statistics are based on local conditions data; state statistics are based on California-approved samplers.

National statistics are based on standard conditions data. In addition, national statistics are based on samplers, using federal reference or equivalent methods.

State criteria for ensuring data are adequate for calculating valid annual averages are more stringent than national criteria.

2020 is the last year of available air quality monitoring data.

### 3.1.3 Impacts and Mitigation

This section describes the change in Project impacts on air quality that would occur with the Project Change. It describes the methods used to evaluate the impacts and the thresholds used to determine whether an impact would be significant. The Certified EIR found that, with implementation of the policies in the TASP, impacts on air quality would be significant and unavoidable, even with implementation of the TASP policies. No feasible mitigation measures were identified to reduce or avoid the significant impact. Because the Metro Plan policies would replace policies in the TASP, the analysis includes a comparison of the TASP policies and the Metro Plan policies to determine if any

changes in policies would result in an impact. If new mitigation measures are needed to reduce new impacts that would result from the Project Change, those measures are listed below.

This SEIR analysis evaluates the change in Project impacts with the Project Change, and, if applicable, changes in circumstances or new information that was not available at the time the Certified EIR was prepared. The analysis does not reevaluate the impacts of the Project that were already disclosed in the Certified EIR and are not altered due to the Project Change. Based on the change in the Project impact due to the Project Change, a determination is made as to whether there would be changes to the impact significance determinations for the Project in the Certified EIR.

### **3.1.3.1 Significance Criteria**

The State CEQA Guidelines Appendix G (14 California Code of Regulations 15000 et seq.) identifies significance criteria to be considered for determining whether a project could have significant impacts on air quality.

An impact would be considered significant if construction or operation of the Project would do any of the following.

- Conflict with or obstruct implementation of the applicable air quality plan.
- Result in a cumulatively considerable net increase in any criteria pollutant for which the project region is classified as a nonattainment area under an applicable federal or state ambient air quality standard.
- Expose sensitive receptors to substantial pollutant concentrations.
- Result in other emissions (such as those leading to odors) that would adversely affect a substantial number of people.

According to the State CEQA Guidelines, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make significance determinations for potential impacts on environmental resources.

### **Regional Emissions**

This analysis evaluates the impacts of regional emissions generated from the Metro Plan following the plan-level guidance recommended by BAAQMD in their CEQA guidelines (BAAQMD 2017a). Specifically, this analysis considers whether the Metro Plan would conflict with the most recent air quality plan (2017 Clean Air Plan), consistent with BAAQMD guidance for programmatic analyses (BAAQMD 2017a, 2017b). The impact analysis evaluates whether the Project supports the primary goals of the 2017 Clean Air Plan, including applicable control measures from the 2017 Clean Air Plan, and whether it would disrupt or hinder implementation of any 2017 Clean Air Plan control measure.

While BAAQMD has quantitative project-level thresholds, they were developed to analyze emissions generated by a single project and, thus, do not lend well to an evaluation of emissions from a land use plan being evaluated at a programmatic level. Large-scale land use plans that consist of numerous individual developments will, by their nature, produce more criteria pollutants than single developments, even if the plans include efficiency measures to reduce future emissions. Use of the project-level thresholds to evaluate land use plans may therefore unfairly penalize the plans, yielding a significant and unavoidable conclusion simply due to scale. Thus, this EIR uses the BAAQMD's plan-level thresholds for evaluation of potential impacts due to the Metro Plan, rather

than comparing the totality of Metro Plan buildout to BAAQMD's project-level thresholds. The use of BAAQMD's plan-level thresholds (i.e., consistency with the most recently adopted attainment plan) is a common industry practice for CEQA review, and they are the most appropriate standards to apply.

### 3.1.3.2 Methods

The Certified EIR qualitatively analyzed the construction and operational impact from the TASP. Specifically, As discussed in Chapter 2 of this SEIR, the Metro Plan would add 7,000 dwelling units, 3 million square feet of office space, 300,000 square feet of retail space, and 700 hotel rooms, in addition to the development of the TASP. For the Project Change, impacts on air quality and criteria pollutants emissions from operations were quantified using industry-standard methodology and land use emissions model, the California Emissions Estimator Model (CalEEMod). Specifically, CalEEMod version 2020.4.0 is used in this analysis. Additionally, CARB's 2021 Emission Factor (EMFAC 2021) Model was utilized to model mobile emissions. This section describes the key methods used to quantify emissions and estimate potential impacts for the Project Change. Assumptions used in the air quality analysis can be found in Appendix D, *Air Quality and Greenhouse Gas Data and Calculations*.

#### Construction

Implementation of the Project Change would generate emissions of VOC, NO<sub>x</sub>, CO, sulfur oxides (SO<sub>x</sub>), respirable particulate matter (PM<sub>10</sub>), and fine particulate matter (PM<sub>2.5</sub>) during construction activities. Implementation of the Project Change would result in the construction of additional development, which could result in short-term impacts on ambient air quality within the City.

Sources of construction emissions would include mobile and stationary construction equipment exhaust, employee and haul truck vehicle exhaust, land clearing and material movement, paving, and application of architectural coatings. However, the specific size, location, and construction techniques and scheduling that would be used for each individual development project occurring in the City from implementation of the Project Change is not currently known. With a horizon year of 2040, development of the various land uses associated with the Project would occur over an extended period and would depend on factors such as local economic conditions, market demand, and other financing considerations.

As such, without specific project-level details, it is not possible to develop a refined construction inventory.<sup>1</sup> Consequently, the determination of construction air quality impacts for each individual development project, or a combination of these projects, would require the City to speculate regarding such potential future project-level environmental impacts. Therefore, in the absence of the necessary construction information required to provide an informative and meaningful analysis, the evaluation of potential construction-related impacts resulting from implementation of the Project is conducted qualitatively. The analysis discusses the potential for future individual developments in the City to generate construction emissions that, where necessary, would apply best management practices and/or mitigation measures to reduce those emissions.

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<sup>1</sup> Project-level information includes details such as the size and scale of the project to be constructed, construction schedule, equipment fleet, construction worker crew estimates, and demolition and grading quantities.

## Operation

Buildout of the Metro Plan would result in a change in emissions relative to the development proposed in the TASP. Operation of the potential new dwelling units, office uses, retail uses, and hotel uses would generate criteria pollutants and precursor emissions that could result in long-term impacts on ambient air quality within the City. Emissions would result from motor vehicle travel; area sources, such as landscaping, consumer products, and architectural coatings; and natural gas consumption associated with space and water heating. Due to the adoption of BAAQMD Regulation 6: Rule 3, *Wood-Burning Devices*, in 2015, it was assumed that new development would be constructed without the installation of permanent wood-burning fireplaces, stoves, or other devices.

Given that the Metro Plan requires General Plan Amendments and rezoning of land throughout the City, the operational emissions analysis accounts for the net change in emissions due to the Metro Plan. Area and energy (natural gas) emissions for these land uses were estimated using CalEEMod, version 2020.4.0 based off the total potential buildout of the Metro Plan. Because the No Project scenario would be the modeled and approved TASP (i.e., full TASP buildout in 2030), only the Project Change was analyzed.

Air quality impacts from motor vehicles associated with the Metro Plan were evaluated using the EMFAC 2021 emissions model. The mobile source emission factors (grams per mile and grams per trip) were averaged in EMFAC 2021 based on vehicle and fuel types at aggregated speeds for the vehicle fleet operating within the SFBAAB at the horizon year of 2040. The emission factors were applied to the Project-specific daily vehicle miles traveled (VMT) estimates and average daily trips (ADT) outlined in Table 3.1-3 to generate mobile-source emission estimates. An annual factor of 260 days was used to calculate yearly VMT and emissions, per industry practice recommended from traffic engineers that conducted the Transportation analysis for the Metro Plan. Refer to Appendix D for additional information on the assumptions and model data used to estimate the Project's potential future operational emissions.

**Table 3.1-3. VMT Changes with Implementation of the Metro Plan**

2040 Horizon Year Scenario – Metro Plan Area	Daily VMT	Average Daily Trips (ADT)	Average Trip Length
2040 – No Project (Metro Plan TAZs) <sup>1</sup>	1,548,069	132,169	11.71
2040 – Plus Project (Metro Plan TAZs) <sup>2</sup>	2,086,360	180,517	11.56
<i>Project-Only Net Change</i>	<i>538,291</i>	<i>48,349</i>	<i>11.13</i>

Source: Appendix D.

<sup>1</sup> The No Project scenario would be the full buildout of the approved TASP.

<sup>2</sup> The Plus Project Scenario would be the full buildout of the Metro Plan.

TAZs = Traffic Analysis Zones.

This analysis assumes that the updated policies in the Metro Plan would be implemented. Table 2-2 in Chapter 2 of this SEIR provides a summary of the policies in the Metro Plan related to Air Quality. In summary, Table 2-2 identifies policies that require the following:

- *Sensitive Receptors.* New residential development that is proposed within 500 feet of active rail lines where vehicles emit diesel exhaust, or roadways where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles per day, will, as part of its CEQA review, include an analysis of toxic air contaminants (which includes primarily DPM). If the results show that the carcinogenic human health risk exceeds the 10 people in a million standard for carcinogenic human health impacts established by the BAAQMD, the City may

require upgraded ventilation systems with high efficiency filters, or other equivalent mechanisms, to minimize exposure of future residents.

- *Zero and Low Emissions Vehicles.* Promote use of zero and low-emission vehicles through the following measures. Specifically, require all new multifamily residential and all new nonresidential buildings to provide at least 45 percent of parking spaces as electric vehicle (EV) capable (including the raceway and panel capacity) to support future installation of Level 2 chargers on a dedicated 40-amp, 208/240-volt branch circuit.
- *VMT.* Establish and implement a travel demand management (TDM) program with the non-compulsory goal of reducing VMT by 15 percent or more below the regional baseline per employee or resident and efficiently provides parking that meet the needs of residents, employees, and visitors. TDM measures should be incorporated into all new development and may be implemented by individual uses or through Transportation Management Association (TMA) oversight.

### 3.1.3.3 Impacts and Mitigation Measures

This section includes a discussion of each impact as it corresponds to the significance criteria presented in Section 3.1.3.1, *Significance Criteria*.

#### **Impact AQ-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to conflicting with or obstructing implementation of an applicable air quality plan.**

##### **Summary of Certified EIR Impact Analysis**

The Certified EIR concluded that the TASP would result in future individual projects within the TASP Area that would generate population growth and air quality impacts due to new development, and thus would be inconsistent with the population assumptions in the 2005 Bay Area Ozone Strategy (see Impact Discussion 3.6-1 of the Certified EIR). The Certified EIR concluded that a significant and unavoidable impact would occur even with the incorporation of the 1994 General Plan and TASP policies.

The Certified EIR concluded that while the TASP would be inconsistent with the growth projections of the 2005 Bay Area Ozone Strategy, the TASP would be consistent with the Transportation Control Measures (TCMs) found within the 2005 Bay Area Ozone Strategy (see Impact Discussion 3.6-2 of the Certified EIR). Consistency with the TCMs would reduce adverse impacts associated with motor vehicle use, such as poor air quality, and would promote use of transit and other modes of transportation. Consistency with the TCMs found in the 2005 Bay Area Ozone Strategy would reduce the TASP impacts to less than significant.

##### **Impact Analysis**

The CAA requires that a State Implementation Plan (SIP) or an air quality control plan be prepared for areas with air quality violating the NAAQS. The SIP sets forth the strategies and pollution control measures that states will use to attain the NAAQS. The CCAA requires attainment plans to demonstrate a 5 percent per year reduction in nonattainment air pollutants or their precursors, averaged every consecutive 3-year period, unless an approved alternative measure of progress is developed. Air quality attainment plans (AQAP) outline emissions limits and control measures to

achieve and maintain these standards by the earliest practical date. The current AQAP for the SFBAAB is the 2017 Clean Air Plan.

According to BAAQMD's CEQA guidelines, the determination of 2017 Clean Air Plan consistency should consider the following for plan-level analyses (BAAQMD 2017a):

1. Does the plan support the primary goals of the 2017 Clean Air Plan?
2. Does the plan include applicable control measures from the 2017 Clean Air Plan?
3. Does the plan disrupt or hinder implementation of any 2017 Clean Air Plan control measure?

Each of these questions are addressed below for the Metro Plan.

### ***Support of 2017 Clean Air Plan Goals***

The primary goals of the 2017 Clean Air Plan are to:

1. Reduce emissions and decrease concentrations of harmful pollutants.
2. Safeguard public health by reducing exposure to air pollutants that pose the greatest health risk.
3. Reduce GHG emissions and protect the climate.

The Metro Plan includes numerous policies and improvements that will support regional attainment of the CAAQS and NAAQS. For example, the Metro Plan and 2040 General Plan include recommended sustainability measures, such as green building and Leadership in Energy and Environmental Design (LEED) certification that would support sustainable building design, reduction in GHG emissions, and coordination at the local and regional levels to improve local and regional air quality. Several land use, transportation, and urban design policies in the Metro Plan promote alternative modes of transportation, such as walking, biking, and transit, as well as alternative transportation development and VMT reductions (see Policy M 2.1, Policy M 4, Policy M 5.1, Policy M 8, Policy M 9, Policy M 10, and Policy M 11).

The proposed transportation improvements identified in the Metro Plan would create stronger links for the pedestrian and bicycle network within the Metro Plan Area. For instance, the Metro Plan aims to create complete pedestrian and bicycle networks that connect trails and paths, maintain pedestrian and biking facilities, increase bicycle parking availability, construct street improvements and safety features to promote pedestrian trips, and install pedestrian-oriented signage to alert of potentially fast-moving traffic. Additionally, the Metro Plan encourages strengthening access and connection between the Metro Plan Area and the regional transit systems, including Milpitas BART and VTA transit centers, consistent with the BAAQMD 2017 Clean Air Plan Measure TR-8. The Metro Plan also aims to effectively manage transportation demand and parking by supporting programs such as guaranteed ride home program, carshare spaces, bike share, parking cash-out, and childcare services. Several policies further support the maintenance and expansion of the transportation network to enhance connectivity, accessibility, and safety (see Policy M5, Policy M6, and Policy M7). Together, the proposed improvements and policies would lessen the severity of growth-oriented criteria pollutants by reducing VMT, encouraging transit use, fostering bicycle and pedestrian infrastructure, and supporting sustainable land use patterns, including mixed-use design and increased density and intensity. With implementation of the Metro Plan, VMT per capita would decrease compared to the TASP. Reductions in VMT per capita would further help the region attain the ambient air quality standards.

The Metro Plan also includes policies to protect public health and reduce GHG emissions. Specifically, Policy SC 8.1 requires new development near TAC sources be designed to minimize any potential health risks to adjacent existing receptors. Operational activities would be further guided by Policies CB 7.2.2 and CB 7.2.3, which supports the full electrification of new development to help reduce natural gas consumption and subsequent natural gas emissions. Strategies that reduce VMT (see Policy M 8) and energy consumption will also lower public health effects of adverse air quality as they will reduce overall emissions generated by the Metro Plan. Based on the above analysis, the Metro Plan would support the primary goals of the 2017 Clean Air Plan.

### ***Applicable Control Measures***

To meet the primary goals, the 2017 Clean Air Plan recommends specific control measures and actions. These control measures are grouped into various categories and include stationary source measures, mobile-source measures, and transportation control measures. The 2017 Clean Air Plan recognizes that community design dictates individual travel mode and that a key long-term control strategy to reduce emissions of criteria pollutants, air toxics, and GHGs from motor vehicles is to channel future Bay Area growth into vibrant urban communities where goods and services are close at hand and people have a range of viable transportation options. To this end, the 2017 Clean Air Plan includes control measures that are aimed at reducing air pollution in the SFBAAB.

The measures most applicable to the Metro Plan are transportation, energy, building, waste management, water, and stationary source control measures. These include the following:

- TR1: Clean Air Teleworking Initiative – Develop teleworking best practices for employers and develop additional strategies to promote telecommuting. Promote teleworking on Spare the Air Days.
- TR2: Trip Reduction Programs – Implement the regional Commuter Benefits Program (Rule 14-1) that requires employers with 50 or more Bay Area employees to provide commuter benefits. Encourage trip reduction policies and programs in local plans, e.g., general plan and specific plans while providing grants to support trip reduction efforts. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to adopt transit benefits ordinances in order to reduce transit costs to employees, and to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips. Fund various employer-based trip reduction programs.
- TR8: Ridesharing, Last-Mile Connection – Promote carpooling and vanpooling by providing funding to continue regional and local ridesharing programs and support the expansion of carsharing programs. Provide incentive funding for pilot projects to evaluate the feasibility and cost-effectiveness of innovative ridesharing and other last-mile solution trip reduction strategies. Encourage employers to promote ridesharing and carsharing to their employees.
- TR9: Bicycle and Pedestrian Access and Facilities – Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and Metro Plans, fund bike lanes, routes, paths and bicycle parking facilities.
- TR13: Parking Policies – Encourage parking policies and programs in local plans, e.g., reduce minimum parking requirements; limit the supply of off-street parking in transit-oriented areas; unbundle the price of parking spaces; support implementation of demand-based pricing (such as “SF Park”) in high-traffic areas.

- TR14: Cars and Light Trucks – Commit regional clean air funds toward qualifying vehicle purchases and infrastructure development. Partner with private, local, state and federal programs to promote the purchase and lease of battery-electric and plug-in hybrid electric vehicles
- TR15: Public Outreach and Education – Implement the Spare the Air Every Day Campaign including Spare the Air alerts, employer program, and community resource teams, a PEV Outreach campaign and the Spare the Air Youth Program.
- TR19: Medium and Heavy Duty Trucks – Directly provide, and encourage other organizations to provide, incentives for the purchase of 1) new trucks with engines that exceed ARB’s 2010 NOX emission standards for heavy-duty engines, 2) new hybrid trucks, and 3) new zero-emission trucks. The Air District will work with truck owners, industry, CARB, the California Energy Commission, and others to demonstrate additional battery-electric and hydrogen fuel cell zero-emission trucks.
- TR23: Lawn and Garden Equipment – Seek additional funding to expand the Commercial Lawn and Garden Equipment Replacement Program into all nine Bay Area counties. Explore options to expand Lawn and Garden Equipment Program to cover shredders, stump grinders and commercial turf equipment.
- EN2: Decrease Electricity Demand – Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.
- BL1: Green Buildings – Collaborate with partners such as KyotoUSA to identify energy-related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG’s BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.
- BL2: Decarbonize Buildings – Explore potential Air District rulemaking options regarding the sale of fossil fuel-based space and water heating systems for both residential and commercial use. Explore incentives for property owners to replace their furnace, water heater or natural-gas powered appliances with zero-carbon alternatives. Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters.
- BL4: Urban Heat Island Mitigation – Develop and urge adoption of a model ordinance for “cool parking” that promotes the use of cool surface treatments for new parking facilities, as well as existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or re-roofing/roofing upgrades for commercial and residential multi-family housing. Collaborate with expert partners to perform outreach to cities and counties to make them aware of cool roofing and cool paving techniques, and of new tools available.
- NW2: Urban Tree Planting – Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting

recommendations, the Air District's technical guidance, best practices for local plans and CEQA review.

- WA3: Green Waste Diversion – Develop model policies to facilitate local adoption of ordinances and programs to reduce the amount of green waste going to landfills.
- WA4: Recycle and Waste Reduction – Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.
- WR2: Support Water Conservation – Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.
- SS32: Emergency Backup Generators – Reduce emissions of diesel particulate matter and black carbon from backup generators through Draft Rule 11-18, resulting in reduced health risks to impacted individuals, and in climate protection benefits.

The Metro Plan includes policies that encourage mixed-used and dense development, which aims to reduce VMT. For instance, the Metro Plan aims to create complete pedestrian and bicycle networks that connect trails and paths, maintain pedestrian and biking facilities, increase bicycle parking availability, construct street improvements and safety features to promote pedestrian trips, and install pedestrian-oriented signage to alert of potentially fast-moving traffic. Additionally, the Metro Plan encourages strengthening access and connection between the Metro Plan Area and the regional transit systems, including Milpitas BART and VTA transit centers. The Metro Plan also aims to effectively manage transportation demand and parking by supporting programs such as guaranteed ride home program, carshare spaces, bike share, parking cash-out, and childcare services. Several Metro Plan policies further support the maintenance and expansion of the transportation network to enhance connectivity, accessibility, and safety (see Policy M 5, Policy M 6, and Policy M 7). These policies would encourage alternative methods of transportation and help achieve a VMT reduction of at least 15 percent. Furthermore, operational activities would be further guided by Policies CB 7.2.2 and CB 7.2.3, which supports the full electrification of new development to help reduce natural gas consumption and subsequent natural gas emissions. Therefore, the Metro Plan would support the applicable control measures identified in the 2017 Clean Air Plan to meet its primary goals.

#### ***Disrupt or Hinder Implementation of 2017 Clean Air Plan Control Measures***

As discussed above, the Metro Plan includes numerous policies that promote mixed-use development, alternative modes of transportation, renewable energy, and sustainable land use design. The Metro Plan would not cause the disruption, delay, or otherwise hinder implementation of any applicable control measure from the 2017 Clean Air Plan. Rather, the Metro Plan would support and facilitate their implementation. For example, the Metro Plan encourages sustainability measures, such as promotion of zero and low emission vehicles, sustainable building design (e.g., sustainable building and paving materials), and supporting local and regional transit services, such as VTA and BART. The Metro Plan would allow future developments the ability to reduce parking requirements with a parking management or TDM plan and would not disrupt or hinder implementation of any applicable 2017 Clean Air Plan control measure related to parking. Rather the Metro Plan contains additional parking policies to reduce motor vehicle travel (see Policy M 8).

Based on the above analysis, the Project would support implementation of the 2017 Clean Air Plan. Accordingly, development under the Metro Plan would not fundamentally conflict with the 2017

Clean Air Plan and would have a less-than-significant impact related to conflicting with or obstructing implementation of an applicable air quality plan.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation for impacts related to conflicting with or obstructing implementation of an applicable air quality plan.

### **New Mitigation Measures**

The Project Change would not result in the need for any new mitigation measures to reduce Project impacts.

### **Conclusions for Impact AQ-1**

The Certified EIR determined that the Project would have a significant and unavoidable impact with regard to conflicts with air quality plans, except for the TCMs of the 2005 Ozone Plan. Based on the analysis above, with incorporation of the Project Change, the Project would have a less-than-significant impact with regard to conflicts with air quality plans. The Project Change would have less of an impact related to conflicts with air quality plans than the TASP. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

**Impact AQ-2a: Construction of the Metro Plan would result in a new significant air quality impact that was not identified in the Certified EIR related to a cumulatively considerable net increase in any criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or state ambient air quality standard.**

### **Summary of Certified EIR Impact Analysis**

The Certified EIR concluded that the TASP would be in full compliance with the BAAQMD's construction Best Management Practices (BMPs), and, thus, construction and demolition related air quality impacts would be less than significant (see Impact Discussion 3.6-3 of the Certified EIR).

### **Impact Analysis**

Construction of future development associated with the Metro Plan would result in temporary generation of ozone precursors (ROG, NO<sub>x</sub>), CO, and particulate matter emissions, which could result in short-term impacts on ambient air quality within the Metro Plan Area. Emissions would originate from mobile and stationary construction equipment exhaust, employee and haul truck vehicle exhaust, haul trucks carrying TAC materials, land clearing, demolition, architectural coatings, and asphalt paving. Construction-related emissions would vary substantially depending on the level of activity, length of the construction period, specific construction operations, types of equipment, number of personnel, wind and precipitation conditions, and soil moisture content.

The Project does not propose any specific development. As discussed in Chapter 2 of this SEIR, the Metro Plan would add 7,000 dwelling units, 3 million square feet of office space, 300,000 square feet of retail space, and 700 hotel rooms, in addition to the development of the TASP. The exact types and sizes of future development for the Metro Plan would be driven by market conditions. It is

anticipated that throughout the course of the buildout period, multiple land use development projects would be constructed intermittently within the Metro Plan Area. As the timing, density, and intensity of future development projects are not known at this time, the precise effects of construction activities associated with buildout of the Metro Plan cannot be accurately quantified.

The BAAQMD's project-level thresholds were developed to analyze emissions generated by a single project. While the construction emission impacts associated with each new individual development would be short-term in nature (relative to the buildout year) and limited to the period of time when construction activity is taking place for that particular development, the concurrent construction of a multitude of individual development projects due to the Project Change would generate combined criteria pollutant emissions on a daily basis that could exceed BAAQMD's project-level thresholds. Additionally, depending on the size and scale of an individual development project, along with its construction schedule and other parameters, there may also be instances where the daily construction emissions generated by a single development project within the Metro Plan Area could exceed BAAQMD's criteria pollutant thresholds. As such, construction emissions generated by implementation of the Project Change would result in a potentially significant impact on air quality. These emissions could contribute to ozone formation and other air pollution in the SFBAAB, which at certain concentrations, can contribute to short- and long-term human health effects, if left unmitigated.

During construction of a development project, the activity that typically generates the highest  $\text{NO}_x$  and PM exhaust emissions is the operation of off-road equipment, whereas the activity that typically generates the highest ROG emissions is the application of architectural coatings. Per Mitigation Measures AQ-1 through AQ-4, the use of at least Tier 4 engines and renewable diesel for off-road equipment, which is commercially available in Santa Clara County, newer trucks to reduce  $\text{NO}_x$  and PM exhaust emission levels, and use of low-VOC paints to reduce ROG emission levels would be required during construction activities within the Metro Plan Area. Additionally, while the BAAQMD considers impacts from fugitive  $\text{PM}_{10}$  and  $\text{PM}_{2.5}$  dust emissions significant without the application of standard BMPs, Mitigation Measure AQ-5 would require construction projects within the Metro Plan Area to implement BMPs (as recommended by BAAQMD) to reduce these fugitive dust emissions. Thus, the implementation of BMPs by future development projects associated with the Metro Plan would reduce fugitive  $\text{PM}_{10}$  and  $\text{PM}_{2.5}$  emissions to less-than-significant levels.

However, with respect to ROG,  $\text{NO}_x$ , and  $\text{PM}_{10}$  and  $\text{PM}_{2.5}$  exhaust emissions, there could be foreseeable conditions under the Metro Plan where the amount of construction activity for an individual development project, or a combination of projects, could result in the generation of pollutant emissions that exceed their respective BAAQMD significance thresholds (i.e., 54 pounds/day for ROG and  $\text{NO}_x$ , 82 pounds per day for exhaust  $\text{PM}_{10}$ , and 54 pounds/day for exhaust  $\text{PM}_{2.5}$ ). Moreover, even with implementation of Mitigation Measures AQ-1 through AQ-5, as well as the policies described under Impact AQ-1, emissions of ROG,  $\text{NO}_x$ ,  $\text{PM}_{10}$ , and  $\text{PM}_{2.5}$  exhaust may not be reduced to levels below BAAQMD's thresholds when multiple construction projects are concurrently ongoing within the Metro Plan Area.

Accordingly, additional mitigation would be required to reduce these emissions impacts. Pursuant to Mitigation Measure AQ-6, applicants would be required to assess and determine the estimated total emissions from proposed construction activities (subject to City review and approval), and coordinate with BAAQMD or a third-party or governmental entity to determine the mitigation fees for each development project's applicant to pay on a pro rata basis to BAAQMD or a third-party or

governmental entity to offset their pollutant emissions as necessary, such that BAAQMD's daily pollutant thresholds would not be exceeded.

Based on recent experience of offsets being feasibly available for other large projects in the Bay Area, it is reasonable to assume that offset programs will be available in the future and that emissions can, therefore, be reduced below threshold levels. Should offsets programs be available for future development, Mitigation Measure AQ-6 would ensure that the construction-related emissions would not contribute to a significant level of air pollution, such that regional air quality within the SFBAAB would be degraded and project impacts on air quality could be less than significant with mitigation. However, because it cannot be concluded that offset programs would always be available in the future at the time and in the amount needed for any given future development, for the purposes of this SEIR analysis, construction air quality impacts are conservatively assumed to be significant and unavoidable.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation measures for air quality impacts related to criteria pollutants due to construction of the TASP.

### **New Mitigation Measures**

The following mitigation measures would be required for the Metro Plan.

#### **Mitigation Measure AQ-1: Require at Least Tier 4 Final Engines on Construction Equipment**

All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to further reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities, shall operate on at least an Environmental Protection Act (EPA)-approved Tier 4 Final or newer engine. Exemptions can be made for specialized equipment where Tier 4 engines are not commercially available within 200 miles of the Metro Plan Area. The construction contract must identify these pieces of equipment, document their unavailability, and ensure that they operate on no less than an EPA-approved Tier 3 engine.

#### **Mitigation Measure AQ-2: Require Use of Diesel Trucks with 2010-Compliant Model Year Engines**

All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to use diesel trucks that have 2010 model year or newer engines, but no less than the average fleet mix for the current calendar year as set forth in the CARB's EMFAC database. In the event that 2010 model year or newer diesel trucks cannot be obtained, the contractor must provide documentation to the City showing that a good faith effort to locate such engines was conducted.

#### **Mitigation Measure AQ-3: Require Construction Fleet to Use Renewable Diesel**

All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 hp and operating for more than 20 total

hours over the entire duration of construction activities shall operate on renewable diesel (such as high performance renewable diesel).

#### **Mitigation Measure AQ-4: Require Low-VOC Coatings During Construction**

All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that low-VOC coatings that have a VOC content of 10 grams/liter (g/L) or less are used during construction. The project applicant will submit evidence of the use of low-VOC coatings to City prior to the start of construction.

#### **Mitigation Measure AQ-5: Require Fugitive Dust Best Management Practices**

All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to reduce construction-related fugitive dust by implementing BAAQMD's basic control measures at all construction and staging areas. The following measures would be implemented.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material offsite will be covered.
- All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads, driveways, or driving surfaces shall be limited to 15 miles per hour (mph).
- All roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used.
- A publicly visible sign will be posted with the telephone number and the name of the person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The phone number of the BAAQMD will also be visible to ensure compliance.

#### **Mitigation Measure AQ-6: Purchase Mitigation Credits for Construction Emissions Exceeding BAAQMD's Daily Pollutant Thresholds**

Applicants proposing development of projects within the Metro Plan Area shall compare their project size with the BAAQMD screening sizes appropriate to their project for construction criteria pollutants found in Table 3-1 in BAAQMD's current CEQA guidelines (2017). The screening limit for general office buildings, office park, or government office building is 277,000 square feet. There are different screening limits for residential, retail, hotels, and other developments based off specific land use type (e.g., single-family housing, apartments, low-rise, hotels, strip malls). If the project is less than the screening limit for its project type, then applicants shall confirm to the City whether construction-related activities would include any of the following:

- Demolition.

- Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously) or construction would occur simultaneous with other Metro Plan development.
- Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high density infill development).
- Extensive site preparation (i.e., greater than default assumptions used by the CalEEMod model for grading, cut/fill, or earth movement).
- Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

If the project is less than the screening limit for the project type and construction would involve none of the five conditions above, no further action is required.

Project applicants not excluded by the conditions above shall estimate annual average emissions for each year of construction and compare the annual average emissions for each year of construction to the applicable BAAQMD thresholds at the time of analysis. The emissions estimate shall be provided as part of the project's initial application to the City. The City will review the estimate and confirm whether offsets are required for construction. Should the City-confirmed estimate indicate that the proposed development estimate would not result in construction emissions exceeding BAAQMD's daily pollutant thresholds, no further action will be required.

For proposed developments that are estimated to result in exceedances of thresholds, the applicants shall coordinate with a third-party (e.g., Bay Area Clean Air Foundation) or governmental entity to pay for criteria pollutant offsets for every year in which construction emissions are estimated to exceed the BAAQMD thresholds. If the estimate shows exceedances of multiple criteria pollutants above the BAAQMD thresholds, then offsets must be obtained to address each pollutant above the thresholds. Emission reduction projects and fee will be determined in consultation between the applicant and the third-party or governmental entity and will include offset provider administrative costs. The agreement that specifies fees and timing of payment shall be provided to the City for review and signed by the applicant and the third-party or governmental entity. The emission reductions shall be secured prior to any year in which construction activity is estimated to result in an exceedance. The payment for the emissions can either be on an annual basis or done once upfront, prior to construction.

To qualify under this mitigation measure, the specific emissions reduction project(s) must result in emission reductions in the SFBAAB that are real, surplus, quantifiable, and enforceable, and that would not otherwise be achieved through compliance with existing regulatory requirements of any other legal requirement.

### **Conclusions for Impact AQ-2a**

The Certified EIR concluded that after implementation of policies included in the TASP, criteria air pollutant impacts due to construction would be less than significant. Based on the analysis above, with incorporation of the Project Change, construction of the Metro Plan would result in a significant and unavoidable impact related to a cumulatively considerable net increase in criteria pollutants, even with implementation of Mitigation Measures AQ-1 through AQ-6. While it may be possible for

Impact AQ-2a to be reduced to less than significant with mitigation (Mitigation Measure AQ-6), offsets cannot be guaranteed in the types and amounts that may be needed in the future and, thus, this analysis conservatively concludes a significant and unavoidable impact. Therefore, the Project Change would result in a change to the Certified EIR's impact determination related to criteria air pollutants from construction. The Project Change would result in a new significant and unavoidable impact that was not identified in the Certified EIR.

**Impact AQ-2b: Operation of the Metro Plan would result in a substantially more severe significant air quality impact than that identified in the Certified EIR related to a cumulatively considerable net increase in any criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or state ambient air quality standard.**

### Summary of Certified EIR Impact Analysis

The Certified EIR concluded that implementation of the TASP would further contribute to an exceedance of regional air pollutant emission during operations, and this would result in a significant and unavoidable impact (see Impact Discussion 3.6-5 of the Certified EIR).

### Impact Analysis

The Metro Plan would be constructed in multiple phases, with operations occurring concurrently with construction. Therefore, operational emissions would include overlapping construction emissions. As described above, this analysis provides a quantified analysis of operational emissions based on the proposed land use mix and trip volumes and a qualitative analysis of construction emissions because specific construction details for individual developments are not known at this time.

Buildout of the Metro Plan has the potential to result in air quality impacts from area, energy, and mobile sources. Area sources would include landscaping equipment, off-gassing (release of VOCs) during the reapplication of architectural coatings, and consumer products (e.g., solvents, cleaning supplies, cosmetics, toiletries). Energy sources would include onsite natural gas combustion for space and water heating. Mobile sources would include vehicle trips generated by land uses proposed within the Metro Plan. Each of these sources was taken into account in calculating the Project Change long-term operational emissions, which were quantified using the CalEEMod model (for area and energy sources) and EMFAC2021 (for mobile sources), as described above.

Table 3.1-4 summarizes the unmitigated and mitigated operational emissions for the Project Change. To evaluate the magnitude of the change in the air quality environment due to implementation of the Project Change, the emissions under the Metro Plan buildout in 2040 are compared to the General Plan buildout in 2040, which includes full buildout of the TASP. The quantifiable mitigation included in the analysis is the restriction of natural gas infrastructure in future development, which would eliminate all the energy source criteria pollutant emissions. For specifics on the additional projected development for the Metro Plan for the buildout year 2040, please see Table 2-3 in Chapter 2 of this SEIR.

**Table 3.1-4. Unmitigated and Mitigated Project Change Criteria Pollutant Operational Emissions**

Source	Pollutant Emissions (pounds per day)					
	ROG	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Unmitigated Emissions</b>						
Mobile Sources	70.5	115.4	776.9	3.4	383.4	97.2
Area Sources	254.8	5.3	437.1	<0.1	2.4	2.4
Energy Sources	4.5	40	27.5	0.2	3.1	3.1
Total Unmitigated Project Emissions	<b>329.9</b>	<b>160.7</b>	<b>1,241.5</b>	<b>3.7</b>	<b>388.9</b>	<b>102.7</b>
<b>Mitigated Emissions <sup>1</sup></b>						
Mobile Sources	70.5	115.4	776.9	3.4	383.4	97.2
Area Sources	254.8	5.3	437.1	<0.1	2.4	2.4
Energy Sources	0	0	0	0	0	0
Total Mitigated Project Emissions	<b>325.4</b>	<b>120.6</b>	<b>1,213.9</b>	<b>3.44</b>	<b>385.8</b>	<b>99.6</b>

Source: CalEEMod and mobile emissions modeling output provided in Appendix D.

<sup>1</sup> Quantifiable mitigation includes the restriction of natural gas infrastructure in future development, which would eliminate all the energy source criteria pollutant emissions. Actual energy-source emissions may be greater if it is not feasible for a development to eliminate gas-powered equipment. See Mitigation Measure AQ-7.

Note: Totals may not add up exactly due to rounding.

As shown in Table 3.1-4, buildout of the Project Change with incorporation of mitigation would result in an increase of approximately 325.4 pounds of ROG, 120.6 pounds of NO<sub>x</sub>, 385.8 pounds of PM<sub>10</sub>, and 99.6 pounds of PM<sub>2.5</sub>. These emissions could contribute to ozone formation and other air pollution in the SFBAAB, which at certain concentrations, can contribute to short- and long-term human health effects, if left unmitigated.

As discussed above, BAAQMD's project-level thresholds were developed to analyze emissions generated by a single project, and as such offer an extremely conservative evaluation of emissions from the entire Metro Plan. Accordingly, operational air quality impacts of the Metro Plan are evaluated for consistency with the 2017 Clean Air Plan to determine whether criteria pollutant emissions attributed to population and economic growth are significant (refer to Impact AQ-1, above). The analysis demonstrates that the Metro Plan would support the goals of the 2017 Clean Air Plan, including all applicable control measures, and would not conflict with its implementation.

While the Metro Plan would reduce the severity of growth-oriented criteria pollutants by fostering bicycle, transit, and pedestrian infrastructure, and support sustainable land use patterns, including mixed-use design and increased density and intensity, individual projects developed under the Metro Plan may still generate emissions in excess of BAAQMD's project-level thresholds. Accordingly, operational criteria pollutant emissions associated with development under the Metro Plan are conservatively identified as potentially significant.

The Metro Plan includes numerous proposed improvements and policies to reduce VMT (Policy M 8), increase energy efficiency (Policy CB 7.2), and reduce energy consumption (Policy CB 7.2). For instance, the Metro Plan aims to create complete pedestrian and bicycle networks that connect trails and paths, maintain pedestrian and biking facilities, increase bicycle parking availability, construct street improvements and safety features to promote pedestrian trips, and install pedestrian-oriented signage to alert of potentially fast-moving traffic. Additionally, the Metro Plan encourages strengthening access and connection between the Metro Plan Area and the regional transit systems,

including Milpitas BART and VTA transit centers. The Metro Plan also aims to effectively manage transportation demand and parking by supporting programs such as the guaranteed ride home program, carshare spaces, bike share, parking cash-out, and childcare services. Several policies further support the maintenance and expansion of the transportation network to enhance connectivity, accessibility, and safety (see Policy M 5, Policy M 6, and Policy M 7). Together, the proposed improvements and policies would lessen the severity of growth-oriented criteria pollutants by reducing VMT, encouraging transit use, fostering bicycle and pedestrian infrastructure, and supporting sustainable land use patterns, including mixed-use design and increased density and intensity.

Despite these Metro Plan policies, it is reasonably foreseeable that projects developed under the Metro Plan would generate emissions in excess of BAAQMD's project-level thresholds. Mitigation Measure AQ-7 is required to reduce operational area source emissions to the extent feasible. Mitigation Measure AQ-8 is further required to offset operational criteria pollutant emissions through the purchase of mitigation credits. Through implementation of Mitigation Measures AQ-8, applicants would determine the estimated total emissions for operational activities, and BAAQMD would determine the mitigation fees for each development project's applicant to pay on a pro rata basis to BAAQMD to offset their pollutant emissions as necessary, such that BAAQMD's daily pollutant thresholds would not be exceeded. Offsetting emissions below BAAQMD's threshold levels would ensure future development under the Metro Plan would not contribute a significant level of air pollution such that regional air quality within the SFBAAB would be degraded. Based on recent experience of offsets being feasibly available for other large recent projects in Santa Clara County, it is reasonable to assume that offset programs will be available in the future and thus that emissions can be reduced below threshold levels. Should offset programs be available for future development, operational criteria pollutant emissions under the Metro Plan would be less than significant with mitigation. However, because it cannot be concluded that offset programs would always be available in the future at the time and in the amount needed for any given future development, for the purposes of this EIR analysis, operational air quality impacts are conservatively assumed to be significant and unavoidable.

Additionally, the Project's operational emissions would potentially exceed BAAQMD's regional significance thresholds for ROG, NO<sub>x</sub>, and CO. Implementation of Mitigation Measure AQ-7 and Mitigation Measure AQ-8 would help ensure that the individual developments within the City would not contribute a significant level of air pollution such that regional air quality within the Basin would be degraded. However, because cumulative development within the City would potentially exceed the BAAQMD regional significance thresholds, the Project Change could contribute to an increase in health effects in the SFBAAB until the attainment standards are met. Accordingly, health impacts related to regional criteria pollutants would be significant and unavoidable.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation measures for air quality impacts related to criteria pollutants due to operation of the TASP.

### **New Mitigation Measures**

The following mitigation measures would be required for the Metro Plan.

**Mitigation Measure AQ-7: Restrict Use of Natural Gas in New Development**

Future development within the Metro Plan Area shall utilize electric space and water heating to the maximum extent feasible or to the extent required by existing or future local building regulations. Natural gas infrastructure and appliances shall be installed to the extent feasible as determined by the availability and capacity of electrical power distribution infrastructure.

**Mitigation Measure AQ-8: Purchase Mitigation Credits for Operational Emissions Exceeding BAAQMD's Daily Pollutant Thresholds**

Applicants proposing development of projects within the Metro Plan Area shall compare their project size with the BAAQMD screening sizes appropriate to their project for operational criteria pollutants found in Table 3-1 in BAAQMD's current CEQA guidelines (2017). The screening limit for general office buildings, office park, or government office building is 346,000 square feet, 323,000 square feet, and 61,000 square feet, respectively. There are different screening limits for residential, retail, hotels, and other developments based off specific land use type (e.g., single-family housing, apartments, low-rise, hotels, strip malls)

If the project is less than the screening limit for the project type, then no further action is required.

Project applicants not excluded by the condition above shall estimate annual average operational emissions for each operational year over the life of the project (20 years) and compare the annual average emissions for each year of operations to the BAAQMD thresholds used in the EIR for criteria pollutants. The emissions estimate shall be provided as part of the project's initial application to the City for the project. The City will review the estimate and confirm whether offsets are required for operation. Should the City-confirmed estimate indicate that the proposed development estimate would not result in operational emissions exceeding BAAQMD's daily pollutant thresholds, no further action is required.

For proposed developments that are estimated to result in exceedances of thresholds during any year of the project's life, the applicants shall coordinate with a third-party (e.g., Bay Area Clean Air Foundation) or governmental entity to pay for criteria pollutant offsets for every year in which operational emissions are estimated to exceed the BAAQMD thresholds. If the estimate shows exceedances of multiple criteria pollutants above the BAAQMD thresholds, then offsets must be obtained to address each pollutant above the thresholds. Emission reduction projects and fee will be determined in consultation between the applicant and the third-party or governmental entity and will include offset provider administrative costs. The agreement that specifies fees and timing of payment shall be provided to the City for review and signed by the applicant and the third-party or governmental entity. The emission reductions shall be secured prior to any year in which operational activity is estimated to result in an exceedance. The payment for the emissions can either be on an annual basis or done once upfront prior to operation.

To qualify under this mitigation measure, the specific emissions reduction project(s) must result in emission reductions in the SFBAAB that are real, surplus, quantifiable, and enforceable, and that would not otherwise be achieved through compliance with existing regulatory requirements of any other legal requirement.

### **Conclusions for Impact AQ-2b**

The Certified EIR concluded that even after implementation of policies included in the 1994 General Plan, criteria air pollutant (ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>) impacts due to operation, for which the SFBAAB is in nonattainment, would be significant and unavoidable. Based on the analysis above, with incorporation of the Project Change, operation of the Metro Plan would result in a significant and unavoidable impact related to a cumulatively considerable net increase in criteria pollutants for which the SFBAAB is in nonattainment, even with implementation of Mitigation Measure AQ-7 and Mitigation Measure AQ-8. The Project Change would not result in a change to the Certified EIR's impact related to criteria air pollutants from operation. Nonetheless, the magnitude of the impact would be greater with operation of the Metro Plan, and the Project Change would result in a substantially more severe impact than what was identified in the Certified EIR.

### **Impact AQ-3: Implementation of the Metro Plan would result in a new significant air quality impact that was not identified in the Certified EIR related to exposing sensitive receptors to substantial pollutant concentrations.**

#### **Summary of Certified EIR Impact Analysis**

The Certified EIR concluded that CO emissions from the TASP would not exceed the BAAQMD thresholds and would decrease by 2030 (see Impact Discussion 3.6-4 of the Certified EIR). Thus, the Certified EIR determined that the TASP would not result in localized air quality impacts. The Certified EIR concluded that with compliance of BAAQMD's construction BMPs and TASP Policy 5.23, which requires new residential developers to inform future residents of TAC-related health effects and the potential for exposure, the TASP would not expose sensitive receptors to substantial TACs (see Impact Discussion 3.6-6 of the Certified EIR). Impacts were found to be less than significant for the TASP.

#### **Impact Analysis**

##### ***Criteria Pollutants***

The California Supreme Court's 2018 decision in *Sierra Club v. County of Fresno* (6 Cal. 5th 502) (hereafter referred to as the Friant Ranch Decision) reviewed the long-term, regional air quality analysis contained in the EIR for the proposed Community Plan Update and Friant Ranch Specific Plan (Friant Ranch Project). The Friant Ranch Project is a 942-acre master-plan development in unincorporated Fresno County within the San Joaquin Valley Air Basin, an air basin currently in nonattainment under the NAAQS and CAAQS for ozone and PM<sub>2.5</sub>. The Court found that the EIR's air quality analysis was inadequate because it failed to provide enough detail "for the public to translate the bare [criteria pollutant emissions] numbers provided into adverse health impacts or to understand why such a translation is not possible at this time." The Court's decision clarifies that environmental documents must attempt to connect a project's air quality impacts to specific health effects or explain why it is not technically feasible to perform such an analysis.

Adverse health effects induced by regional criteria pollutant emissions generated by the Metro Plan (ozone precursors and PM) are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, the number and character of exposed individuals [e.g., age, gender]). Ozone precursors (ROG and NO<sub>x</sub>) contribute to the formation of ground-borne ozone on a regional scale. Emissions of ROG and NO<sub>x</sub> generated in one area may not equate to a specific ozone concentration in that same area. Similarly, some types of

particulate pollution may be transported over long distances or formed through atmospheric reactions. As such, the magnitude and locations of specific health effects from exposure to increased ozone or regional PM concentrations are the product of emissions generated by numerous sources throughout a region, as opposed to a single individual project. Moreover, exposure to regional air pollution does not guarantee that an individual will experience an adverse health effect—as discussed above, there are large individual differences in the intensity of symptomatic responses to air pollutants. These differences are influenced, in part, by the underlying health condition of an individual, which cannot be known.

Models and tools have been developed to correlate regional criteria pollutant emissions to potential community health impacts. Appendix D summarizes many of these tools, identifies the analyzed pollutants, describes their intended application and resolution, and analyzes whether they could be used to reasonably correlate project-level emissions to specific health consequences. As described in Appendix D, while there are models capable of quantifying ozone and secondary PM formation and associated health effects, these tools were developed to support regional planning and policy analysis and have limited sensitivity to small changes in criteria pollutant concentrations induced by individual projects. Therefore, translating project-generated criteria pollutants to the locations where specific health effects could occur or the resultant number of additional days of nonattainment cannot be achieved with any degree of accuracy.

Technical limitations of existing models to correlate project-level regional emissions to specific health consequences are recognized by air quality management districts throughout the state, including the San Joaquin Valley Air Pollution Control District (SJVAPCD) and South Coast Air Quality Management District (SCAQMD), who provided amici curiae briefs<sup>2</sup> for the Friant Ranch legal proceedings. In its brief, SJVAPCD (2015) acknowledges that while health risk assessments for localized air toxics, such as DPM, are commonly prepared, “it is not feasible to conduct a similar analysis for criteria air pollutants because currently available computer modeling tools are not equipped for this task.” SJVAPCD further notes that emissions solely from the Friant Ranch project (which equate to less than one-tenth of one percent of the total NO<sub>x</sub> and VOC in the Valley) is not likely to yield valid information,” and that any such information should not be “accurate when applied at the local level.” SCAQMD (2015) presents similar information in their brief, stating that “it takes a large amount of additional precursor emissions to cause a modeled increase in ambient ozone levels”.<sup>3</sup> The Sacramento Metropolitan Air Quality Management District (2019) also acknowledges “neither the Sac Metro Air District nor any other air district currently have methodologies that would provide Lead Agencies and CEQA practitioners with a consistent, reliable, and meaningful analysis to correlate specific health impacts that may result from a proposed project’s mass emissions.”

As discussed above, BAAQMD’s regional thresholds consider existing air quality concentrations and attainment or nonattainment designations under the NAAQS and CAAQS. The NAAQS and CAAQS are informed by a wide range of scientific evidence that demonstrates there are known safe

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<sup>2</sup> Latin for “friend(s) of the court”; a person or group who is not a party to an action, but has a strong interest in the matter, will petition the court for permission to submit a brief in the action with the intent of influencing the court’s decision.

<sup>3</sup> For example, SCAQMD’s analysis of their 2012 Air Quality Attainment Plan showed that modeled NO<sub>x</sub> and ROG reductions of 432 and 187 tons per day, respectively, only reduced ozone levels by 9 parts per billion. Analysis of SCAQMD’s Rule 1315 showed that emissions of NO<sub>x</sub> and ROG of 6,620 and 89,180 pounds per day, respectively, contributed to 20 premature deaths per year and 89,947 school absences (South Coast Air Quality Management District 2015).

concentrations of criteria pollutants. While recognizing that air quality is a cumulative problem, BAAQMD considers projects that generate criteria pollutant and ozone precursor emissions below these thresholds to be minor in nature, such that they would not adversely affect air quality to the extent that the health-protective NAAQS or CAAQS would be exceeded. Regional emissions generated by a project could increase photochemical reactions and the formation of tropospheric ozone and secondary PM, which at certain concentrations, could lead to increased incidence of specific health consequences. Although these health effects are associated with ozone and particulate pollution, the effects are a result of cumulative and regional emissions. Thus, the Metro Plan's incremental contribution cannot be traced to specific health outcomes on a regional scale, and a quantitative correlation of project-generated regional criteria pollutant emissions to specific human health impacts is not included in this analysis. All feasible mitigation is being applied to reduce construction- and operational-generated emissions of ozone precursors and PM to the extent possible.

As discussed above under Impact AQ-2a, construction emissions resulting from individual projects developed under the Metro Plan could exceed BAAQMD's regional ROG, NO<sub>x</sub>, and PM thresholds. Mitigation Measures AQ-1 through AQ-6 would reduce regional emissions of ROG, NO<sub>x</sub>, and PM below BAAQMD's regional thresholds (assuming offset programs are available in the future). Similarly, long-term operation of development under the Metro Plan would result in an increase of approximately 325.4 pounds of ROG, 120.6 pounds of NO<sub>x</sub>, 385.8 pounds of PM<sub>10</sub>, and 99.6 pounds of PM<sub>2.5</sub>. Mitigation Measure AQ-7 and Mitigation Measure AQ-8 would reduce regional emissions of ROG, NO<sub>x</sub>, and PM of individual projects developed under the Metro Plan below BAAQMD's regional thresholds (assuming offset programs are available in the future). Based on recent experience of offsets being feasibly available for other large recent projects in the Bay Area, it is reasonable to assume that offset programs will be available in the future and thus that emissions can be reduced below threshold levels. Should offset programs be available for future development, health impacts related to criteria pollutant emissions under the Metro Plan would be less than significant with mitigation, as discussed above. Because it cannot be concluded that offset programs per Mitigation Measure AQ-6 and Mitigation Measure AQ-8 would be available in the future at the time and in the amount needed for any given future development, for the purposes of this SEIR analysis, health impacts related to regional criterial pollutants are conservatively assumed to be significant and unavoidable.

During grading and excavation activities associated with construction, localized fugitive dust would be generated. The amount of dust generated by a project is highly variable and dependent on the size of the disturbed area at any given time, the amount of activity, soil conditions, and meteorological conditions. BAAQMD's CEQA air quality guidelines consider dust impacts to be less than significant if BAAQMD's construction BMPs are employed to reduce such emissions. Because BAAQMD's Basic Construction Mitigation Measures would be implemented, per Mitigation Measure AQ-5, construction-related fugitive dust emissions would be less than significant and would not expose receptors to substantial pollutant concentrations or risks.

Continuous engine exhaust may elevate localized CO concentrations, resulting in hot spots. Receptors exposed to these CO hot spots may have a greater likelihood of developing adverse health effects. CO hot spots are typically observed at heavily congested intersections where a substantial number of gasoline-powered vehicles idle for prolonged durations. Peak-hour traffic volumes at 12 intersections in the vicinity of the Metro Plan were analyzed to determine whether CO emitted by Project-generated traffic would exceed BAAQMD screening criteria. Maximum traffic volumes at the intersections under all scenarios would be less than BAAQMD's recommended screening criterion of

44,000 vehicles per hour. Also, intersection traffic volumes under all scenarios would not exceed the screening criterion of 24,000 vehicles per hour that BAAQMD recommends for areas where vertical and/or horizontal mixing is substantially limited. For these reasons, the Proposed Project would be consistent with the requirements of the City/County Association of Government's Congestion Management Plan as discussed in Section 3.7, *Transportation*. The Project would not result in, or contribute to, a localized concentration of CO that would exceed the applicable NAAQS or CAAQS. This impact would be less than significant.

### **Toxic Air Contaminants**

The California Supreme Court has held that lead agencies are not required to analyze the impacts of the environment on a project's future users or residents, unless the project exacerbates existing environmental hazards (see *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.41h 369) or when the legislature has indicated the requirement by specific Public Resources Code sections (21096, 21151.8, 21155.1, 21159.21, 21159.22, 21159.23, and 21159.24). Some specifically defined environmental hazards are associated with airport noise and safety, school projects, certain kinds of infill housing, and transit priority projects and must be addressed. The Metro Plan would guide future development within the Metro Plan Area. Certain land use types proposed under the Metro Plan may introduce emission sources (e.g., generators, delivery trucks) that would exacerbate existing environmental TAC hazards. The Metro Plan could introduce new sensitive receptors to the Metro Plan Area, including residences and daycares, that may be exposed to the exacerbated existing TAC hazard. Accordingly, this analysis considers both potential effects of Metro Plan development on existing receptors, as well as effects of the environment on Metro Plan receptors.

Demolition of existing structures results in particulates that may disperse asbestos-containing materials (ACM) to adjacent sensitive receptor locations. ACM were commonly used as fireproofing and insulating agents prior to the 1970s. The U.S. Consumer Product Safety Commission banned use of most ACM in 1977 due to their link to mesothelioma. However, buildings constructed prior to 1977 that would be demolished by the development supported by the Metro Plan may have used ACM and could expose receptors to asbestos, which may become airborne with other particulates during demolition.

All demolition activities would be subject to EPA's asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP), if asbestos is present at the existing facilities. The asbestos NESHAP regulations protect the public by minimizing the release of asbestos fibers during activities involving the processing, handling, and disposal of ACM. The asbestos NESHAP regulations for demolition and renovation are outlined in BAAQMD Regulation 11, Rule 2. In addition to demolition and renovation measures, BAAQMD Regulation Rule 2 also includes measures to address ACM during haul truck transport. More specifically, it includes provisions such as treating ACM with water prior to transport and placing such materials in leak-tight containers for haul truck transport to disposal sites. Consequently, regulatory mechanisms exist that would ensure that impacts from ACM, if present during demolition activities within the Metro Plan Area, would be less than significant.

Development under the Metro Plan may result in the installation or operation of new stationary sources of TACs (e.g., generators). While it is unknown what specific sources would be installed or where they would operate, all new stationary sources would be subject to the permit authority of BAAQMD. BAAQMD will not issue a permit for a new permitted source that results in an operational

cancer risk in excess of 10.0 cases per million or a hazard index in excess of 1.0. Consequently, regulatory mechanisms exist that would ensure that cancer and health hazard impacts from stationary sources developed under the Project would be less than significant. However, BAAQMD's permit does not specifically address PM<sub>2.5</sub> impacts. Therefore, while BAAQMD's permitting would achieve some reductions in PM<sub>2.5</sub>, it may not be sufficient to address PM<sub>2.5</sub> impacts if the source results in significant PM<sub>2.5</sub> concentrations.

CARB (2005) recommends avoiding new sensitive land uses within 500 feet of a freeway or urban roads with 100,000 vehicles per day. Epidemiological studies indicate that the distance from the roadway and truck traffic densities were key factors in the correlation of health effects, particularly in children. The increase in traffic from the Metro Plan would generate additional vehicle-related TACs (including DPM). As I-880 and I-680 are currently classified as freeways with high volumes (per CARB's land use handbook), the future traffic levels from the Metro Plan would exacerbate existing cumulative health risks. Consequently, both new and existing receptors near these roadways may be exposed to significant health risks from mobile source TACs.

Construction activities of future development projects under the Metro Plan would generate DPM and PM<sub>2.5</sub> that could expose adjacent receptors to significant health risks. Without specific details on the locations of building footprints or their construction schedules, a quantitative evaluation of potential health risk impacts is not possible. Depending on the size and scale of an individual development project, along with its construction schedule and proximity to receptors, there may also be instances where DPM emissions could result in cancer or non-cancer health risks that exceed BAAQMD's thresholds, resulting in a potentially significant impact.

The potentially significant impacts resulting from exposure of receptors to PM<sub>2.5</sub> exhaust from new stationary sources, TAC emissions from increased traffic volumes, and TACs generated during project construction activities would be reduced by Metro Plan policies and mitigation measures. Mitigation Measure AQ-1 would require BMPs to minimize construction emissions. In addition, Policy SC 8.1 in the Metro Plan requires the installation of high-efficiency filters should new sensitive receptors be sited within 500 feet of major roadways and highways in the Metro Plan Area. Reductions achieved by this measure cannot currently be quantified as the locations of these receptors are unknown.

Even with these Metro Plan policies and BMPs, additional emissions generated by new stationary sources, vehicle trips, and construction activity could expose receptors to cancer and non-cancer risks in excess of BAAQMD significance thresholds during construction and operational activities. Figure 2-1 shows that the proposed developments within the Metro Plan Area are within 1,000 feet of existing sensitive receptors. Mitigation Measure AQ-9 requires applicants to provide a project-level evaluation of construction- and operational-related health risks from future projects. However, because it cannot be concluded what the result of the project level evaluation will be without speculation, it is possible that mitigation for future project health risks may be inadequate to reduce impacts below BAAQMD's threshold level. This impact would be significant and unavoidable.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation measures related to exposing sensitive receptors to substantial toxic air contaminants. .

## New Mitigation Measures

The following mitigation measure would be required for the Metro Plan.

### Mitigation Measure AQ-9: Prepare a Health Risk Assessment

All applicants proposing development of projects in the Metro Plan Area within 1,000 feet of existing sensitive receptors, as defined by BAAQMD (e.g., residential), shall prepare a site-specific construction and operational Health Risk Assessment (HRA). The HRA shall include all reasonably foreseeable sources of TAC, consistent with BAAQMD guidelines. If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures or PM<sub>2.5</sub> concentrations for adjacent receptors would be less than BAAQMD project-level thresholds, then additional mitigation would be unnecessary. However, if the HRA demonstrates that health risks or PM<sub>2.5</sub> concentrations would exceed BAAQMD project-level thresholds, additional feasible on- and offsite mitigation would be analyzed by the applicant to help reduce risks to the greatest extent practicable. Mitigation may include installation of indoor air filters (MERV 13 or higher) at sensitive receptor locations and planting of vegetation and trees as pollution buffers.

### Conclusions for Impact AQ-3

The Certified EIR concluded that, after implementation of policies included in the TASP, impacts related to exposing sensitive receptors to substantial toxic air contaminants would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a significant and unavoidable impact with regard to exposing sensitive receptors to particulate matter pollution during construction and operation. Thus, the Project Change would result in a change to the Certified EIR's impact determination with regard to exposing sensitive receptors to substantial TACs. The Project Change would result in a new significant and unavoidable impact that was not identified in the Certified EIR.

**Impact AQ-4: Implementation of the Metro Plan would not result in new or substantially more severe impacts than those identified in the Certified EIR related to creating objectionable odors affecting a substantial number of people.**

### Summary of Certified EIR Impact Analysis

The Certified EIR, as amended during the response to comments made by BAAQMD, concluded that future development within the TASP Area would be subject to further CEQA review to evaluate project-level impacts of odors, and that odor impacts would be less than significant.

### Impact Analysis

#### *Construction*

Construction of the Project Change would result in additional heavy-duty equipment and paved surfaces that could generate temporary odors. These odors would be of a nearly identical nature to the odors generated by the TASP. Because the odors would be temporary, localized, and similar to the TASP, the Project Change would not create objectionable odors that would affect a substantial number of people. Impacts would be less than significant.

**Operation**

During operation of the Metro Plan, diesel exhaust from landscaping equipment and occasional trash pick-up could create unpleasant exhaust odors. Such odors would be temporary and localized, and would only occur in the immediate vicinity of either the landscaping equipment or trash truck during the relatively short duration of the activity. As such, these activities would not expose a substantial number of people to objectionable odors. Impacts would be less than significant.

**Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation measures for impacts related to creating odors. .

**New Mitigation Measures**

The Project Change would not result in the need for new mitigation measures to reduce Project impacts.

**Conclusions for Impact AQ-4**

The Certified EIR determined that the Project would have a less-than-significant impact with regard to odors. Based on the analysis above, with incorporation of the Project Change, the Project would have a less-than-significant impact with regard to odors. The Project Change would not alter the Certified EIR's impact determination for impacts related to odors. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

## 3.2 Greenhouse Gas Emissions

This section discloses and analyzes the potential change in Project impacts on greenhouse gas (GHG) emissions that would result from implementing the Project Change.

### 3.2.1 Regulatory Setting

The regulatory setting for GHG and climate change is described on pages 3.12-4 to 3.12-6 of the Certified EIR. These regulations include federal regulations concerning fuel economy and greenhouse gases, state executive orders, the state's GHG goals, and regional plans. This information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1, *Introduction*, of this SEIR for the locations available for the public to review the Certified EIR.

The regulatory environment for the Project concerning greenhouse gases is largely the same as regulatory setting discussed in the Certified EIR. However, some noteworthy new regulations since the release of the Certified EIR in 2008 are summarized below.

#### 3.2.1.1 Federal

##### Corporate Average Fuel Economy Standards

As discussed in Section 3.2, *Air Quality*, the National Highway Traffic Safety Administrative (NHTSA) sets the Corporate Average Fuel Economy Standards (CAFE) to improve the average fuel economy and reduce GHG emissions generated by cars and light duty trucks. NHTSA and United States Environmental Protection Agency (EPA) have proposed to amend the current fuel efficiency standards for passenger cars and light trucks and establish new standards covering model years 2021 through 2026 by maintaining the current model year 2020 standards through 2026 (Safer Affordable Fuel-Efficient [SAFE] Vehicles Rule). California, 22 other states, the District of Columbia, and two cities filed suit against the proposed action on September 20, 2019 (*California et al. v. United States Department of Transportation et al.*, 1:19-cv-02826, U.S. District Court for the District of Columbia). The lawsuit requests a “permanent injunction prohibiting Defendants from implementing or relying on the Preemption Regulation,” but does not stay its implementation during legal deliberations. Part 1 of the SAFE Vehicles Rule went into effect on November 26, 2019. Part 2 of the Rule was finalized on March 30, 2020. The SAFE Vehicles Rule will decrease the stringency of CAFÉ standards to 1.5 percent each year through model year 2026, as compared with the standards issued in 2012, which would have required about 5 percent annual increases.

#### 3.2.1.2 State

##### Assembly Bill 1493—Pavley Rules (2002, amendments 2009)/Advanced Clean Cars (2011)

Known as Pavley I, AB 1493 provided the nation's first GHG standards for automobiles. AB 1493 required CARB to adopt vehicle standards that will lower GHG emissions from new light-duty autos to the maximum extent feasible beginning in 2009. Additional strengthening of the Pavley standards (referred to previously as *Pavley II* and now referred to as the *Advanced Clean Cars* [ACC] measure)

was adopted for vehicle model years 2017–2025 in 2012. Together, the two standards are expected to increase average fuel economy to roughly 54.5 mpg in 2025.

### **Senate Bills 1078/107/X 1-2—Renewables Portfolio Standard and Renewable Energy Resources Act (2002, 2006, 2011)**

SBs 1078 and 107, California’s Renewables Portfolio Standard (RPS), obligated investor-owned utilities, energy service providers, and Community Choice Aggregations to procure an additional one percent of retail sales per year from eligible renewable sources until 20 percent is reached by 2010. The California Public Utilities Commission and California Energy Commission (CEC) are jointly responsible for implementing the program. SB X 1-2, called the California Renewable Energy Resources Act, obligates all California electricity providers to obtain at least 33 percent of their energy from renewable resources by 2020. As noted below, SB 350 increased the RPS to 50 percent for 2030, and SB100 increased the RPS to 100 percent by 2045.

### **Assembly Bill 32—California Global Warming Solutions Act (2006)**

The scoping plan for AB 32 identifies specific measures to reduce GHG emissions to 1990 levels by 2020 and requires CARB and other state agencies to develop and enforce regulations and other initiatives to reduce GHG emissions. The AB 32 Scoping Plan, first adopted in 2008, comprises the state’s roadmap for meeting AB 32’s reduction target. Specifically, the scoping plan articulates a key role for local governments by recommending that they establish GHG emissions-reduction goals for both their municipal operations and the community that are consistent with those of the state (i.e., approximately 15 percent below 2005 levels by 2020) (CARB 2008).

CARB re-evaluated its emissions forecast in light of the economic downturn and updated the projected 2020 emissions to 545 million metric tons of carbon dioxide equivalent (MMTCO<sub>2e</sub>). Two reduction measures (Pavley I and RPS [12–20 percent]) that were not previously included in the 2008 scoping plan baseline were incorporated into the updated baseline, further reducing the 2020 statewide emissions projection to 507 MMTCO<sub>2e</sub>. The updated forecast of 507 MMTCO<sub>2e</sub> is referred to as the AB 32 2020 baseline. An estimated reduction of 80 MMTCO<sub>2e</sub> is necessary to lower statewide emissions to the AB 32 target of 427 MMTCO<sub>2e</sub> by 2020 (CARB 2014).

CARB approved the *First Update to the Scoping Plan* (First Update) on May 22, 2014. The First Update includes both a 2020 element and a post-2020 element. The 2020 element focuses on the state, regional, and local initiatives that are being implemented now to help the State meet the 2020 goal.

On December 14, 2017, CARB approved the *2017 Climate Change Scoping Plan Update* (referred to as 2017 Scoping Plan herein), which is the proposed strategy for achieving California’s 2030 GHG emissions target. In addition to building on established programs, such as cap-and-trade regulation, and the low-carbon fuel standard (LCFS), the update addresses, for the first time, GHG emissions related to agriculture and forestry in California (CARB 2017).

### **Executive Order S-01-07—Low Carbon Fuel Standard (2007)**

Executive Order (EO) S-01-07, the Low-Carbon Fuel Standard (LCFS), mandates (1) that a statewide goal be established to reduce the carbon intensity of California’s transportation fuels by at least 10 percent by 2020, with a reduction in the carbon content of fuel by a quarter of a percent starting in 2011, and (2) that a low carbon fuel standard for transportation fuels be established in California.

This regulation was amended to increase the statewide goal to a 20-percent reduction in carbon intensity of California's transportation fuels by at least by 2030.

### **Senate Bill 375 (2008)**

SB 375, signed into law by Governor Schwarzenegger on September 30, 2008, became effective January 1, 2009. This law requires the state's 18 Metropolitan Planning Organizations to develop the sustainable communities strategies (SCS) as part of their Regional Transportation Plans (RTPs) through integrated land use and transportation planning, and to demonstrate an ability to attain the GHG emissions reduction targets that the CARB established for the region by 2020 and 2035. This would be accomplished through either the financially constrained SCS as part of the RTP or an unconstrained alternative planning strategy. If regions develop integrated land use, housing, and transportation plans that meet the SB 375 targets, new projects in these regions can be relieved of certain CEQA review requirements.

### **Assembly Bill 341 (2011)**

In 2011, AB 341 modified the California Integrated Waste Management Act and directed CalRecycle to develop and adopt regulations for mandatory commercial recycling. The resulting Mandatory Commercial Recycling Regulation (2012) requires that on and after July 1, 2012, certain businesses that generate 4 cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of 5 units or more must arrange recycling services. To comply with this requirement, businesses may either separate recyclables and self-haul them or subscribe to a recycling service that includes mixed waste processing. AB 341 also established a statewide recycling goal of 75 percent by 2020.

### **Cap-and-Trade (2011, 2017)**

CARB adopted the cap-and-trade program in October 2011. The California Cap-and-Trade program is a market-based system with an overall emissions limit for affected emission sources. Affected sources include in-state electricity generators, hydrogen production, petroleum refining, and other large-scale manufacturers and fuel suppliers and distributors. The original Cap-and-Trade program set a compliance schedule through 2020. AB 398 extends the program through 2030 and requires CARB to make refinements, including establishing a price ceiling. Revenue generated from the Cap-and-Trade program is used to fund various programs. AB 398 established post-2020 funding priorities, to include (1) Air Toxics and Criteria Pollutants, (2) Low and Zero Carbon Transportation, (3) Sustainable Agricultural Practices, (4) Healthy Forests and Urban Greening, (5) Short-lived Climate Pollutants, (6) Climate Adaptation and Resiliency, and (7) Climate and Clean Energy Research.

### **Senate Bill 1383 (2013)**

SB 1383, adopted in 2013, requires CARB to develop and implement a Short-Lived Climate Pollutant (SLCP) Strategy. SB 1383 directed CARB to approve and implement the SLCP Reduction Strategy to achieve the following reductions in SLCPs.

- 40 percent reduction in methane below 2013 levels by 2030.
- 40 percent reduction in hydrofluorocarbon gases below 2013 levels by 2030.
- 50 percent reduction in anthropogenic black carbon below 2013 levels by 2030.

The bill also establishes the following targets for reducing organic waste in landfills and methane emissions from dairy and livestock operations.

- 50 percent reduction in organic waste disposal from the 2014 level by 2020.
- 75 percent reduction in organic waste disposal from the 2014 level by 2025.
- 40 percent reduction in methane emissions from livestock manure management operations and dairy manure management operations below the dairy sector's and livestock sector's 2013 levels by 2030.

CARB adopted the SLCP Reduction Strategy in March 2017 as a framework for achieving the methane, hydrofluorocarbon, and anthropogenic black carbon reduction targets set by SB 1383. The SLCP Reduction Strategy includes 10 measures to reduce SLCPs, which fit within a wide range of ongoing planning efforts throughout the State. CARB and CalRecycle are currently developing regulations to achieve these goals.

### **Executive Order B-30-15 (2015)**

Governor Jerry Brown signed EO B-30-15 on April 29, 2015. EO B-30-15 established a medium-term goal for 2030 of reducing GHG emissions by 40 percent below 1990 levels and requires the CARB to update its current AB 32 Scoping Plan to identify measures to meet the 2030 target. EO B-30-15 supports EO S-3-05 but is only binding on state agencies.

### **Senate Bill 350 (2015)**

SB 350 (De León, also known as the "Clean Energy and Pollution Reduction Act of 2015") was approved by the California legislature in September 2015 and signed by Governor Brown in October 2015. Its key provisions are to require the following by 2030: (1) an RPS of 50 percent and (2) a doubling of efficiency for existing buildings.

### **Senate Bill 32, California Global Warming Solutions Act of 2006: Emissions Limit, and Assembly Bill 197, State Air Resources Board, Greenhouse Gases, Regulations (2016)**

SB 32 (Pavley) bill requires CARB to ensure that statewide GHG emissions are reduced to at least 40 percent below the 1990 level by 2030, consistent with the target set forth in EO B-30-15. The bill specifies that SB 32 shall become operative only if AB 197 (Garcia) is enacted and becomes effective on or before January 1, 2017. AB 197 creates requirements to form the Joint Legislative Committee on Climate Change Policies; requires CARB to prioritize direct emission reductions from stationary sources, mobile sources, and other sources and consider social costs when adopting regulations to reduce GHG emissions beyond the 2020 statewide limit; requires CARB to prepare reports on sources of GHGs, criteria air pollutants, and toxic air contaminants; establishes 6-year terms for voting members of CARB; and adds two legislators as non-voting members of CARB. Both bills were signed by Governor Brown in September 2016.

CARB approved the 2017 Scoping Plan Update in December 2017, which builds on the programs set in place as part of the previous Scoping Plan that was drafted to meet the 2020 reduction targets per AB 32. The 2017 Scoping Plan Update proposes meeting the 2030 goal by accelerating the focus on zero and near-zero technologies for moving freight, continued investment in renewables, greater use of low-carbon fuels including electricity and hydrogen, stronger efforts to reduce emissions of

short-lived climate pollutants (methane, black carbon, and fluorinated gases), further efforts to create walkable communities with expanded mass transit and other alternatives to traveling by car, continuing the cap-and-trade program, and ensuring that natural lands become carbon sinks to provide additional emissions reductions and flexibility in meeting the target. The Scoping Plan Update also recommends that local governments aim to achieve community-wide efficiency of 6 metric tons of CO<sub>2</sub>e (MTCO<sub>2</sub>e) per capita by 2030 and 2 MTCO<sub>2</sub>e per capita by 2050 to be used in local climate action planning. These efficiency targets would replace the “15 percent from 2008 levels by 2020” approach recommended in the initial Scoping Plan, which would allow for local governments to grow in a sustainable manner (CARB 2016).

### **SB 743 (2013)**

Under SB 743, in 2013, the Governor’s Office of Planning and Research (OPR) implemented changes to the State CEQA Guidelines, including the addition of Section 15064.3, which requires CEQA transportation analyses to move away from a focus on vehicle delay and level of service (OPR 2017a). In support of these changes, OPR published its Technical Advisory on Evaluating Transportation Impacts in CEQA, which recommends that the determination of the transportation impact of a project be based on whether project-related vehicle miles traveled (VMT) per capita (or VMT per employee) would be 15 percent lower than that of existing development in the region. OPR’s technical advisory explains that this criterion is consistent with Section 21099 of the California Public Resources Code, which states that the criteria for determining significance must “promote the reduction in greenhouse gas emissions”(OPR 2017b). This metric is intended to replace the use of vehicle delay and level of service to measure transportation-related impacts.

### **Senate Bill 100 (2018)**

SB 100 (De León, also known as the “California Renewables Portfolio Standard Program: emissions of greenhouse gases”) was approved by the California legislature and signed by Governor Brown in September 2018. The bill increases the RPS in 2030 from 50 percent to 60 percent and establishes a goal of 100 percent RPS by 2045. SB 100 is a legislative action that was signed into law after the 2017 Scoping Plan was adopted. The Scoping Plan modeling is based on the SB 350 target of 50 percent renewables by 2030. However, the new SB 100 targets of 60 percent renewables by 2030 and 100 percent renewables by 2045 supersede the goals of SB 350 and will be included in future Scoping Plan updates.

### **Executive Order B-55-18 (2018)**

EO B-55-18 was approved by the California legislature and signed by Governor Brown in September 2018. EO B-55-18 acknowledges the environmental, community, and public health risks posed by future climate change. It further recognizes the climate stabilization goal adopted by 194 states and the European Union under the Paris Agreement. While the United States was not party to the agreement, California is committed to meeting the Paris Agreement goals and going beyond them wherever possible. Based on the worldwide scientific agreement that carbon neutrality must be achieved by midcentury, EO B-55-18 establishes a new state goal to achieve carbon neutrality as soon as possible, and no later than 2045, and to achieve and maintain net negative emissions thereafter. The EO charges the CARB with developing a framework for implementing and tracking progress towards these goals. It extends EO S-3-05 but is only binding on state agencies. However, given this directive, it is likely that the carbon neutral goal by 2045 will make its way into future updates to the Scoping Plan, which must be updated every five years.

## Green Building Code and Title 24 Updates

The California Green Building Standards (CALGreen) Code (proposed Part 11, Title 24) was adopted as part of the California Building Standards Code (24 CCR). Part 11 established voluntary standards that became mandatory under the 2010 edition of the code. These involved sustainable site development, energy efficiency (in excess of CEC requirements), water conservation, material conservation, and internal air contaminants. The current energy efficiency standards were adopted in 2018 and took effect on January 1, 2020. The CEC is responsible for adopting, implementing, and updating the standards every 3 years.

### 3.2.1.3 Local

#### Bay Area Air Quality Management District/2017 Clean Air Plan

As discussed in Section 3.1, *Air Quality*, the BAAQMD is responsible for air quality planning within the SFBAAB, including projects in the City of Milpitas. On April 19, 2017, the BAAQMD Board of Directors adopted an update to the 2010 Clean Air Plan, the *2017 Clean Air Plan* (Bay Area Air Quality Management District 2017b). The 2017 Clean Air Plan focuses on protecting public health and protecting the climate and contains control measures aimed at reducing air pollution in the region. BAAQMD has adopted advisory emission thresholds to assist CEQA lead agencies in determining the level of significance of a project's GHG emissions, including long range plans (e.g., general plans, specific plans), which are outlined in its *California Environmental Quality Act: Air Quality Guidelines* (BAAQMD 2017a). The State CEQA Guidelines also outline methods for quantifying GHG emissions, as well as potential mitigation measures.

In December 2021, BAAQMD hosted a Public Workshop to discuss its proposed updates to the CEQA GHG thresholds of significance from the 2017 CEQA Guidelines. These proposed GHG thresholds of significance were updated to consider newer state reduction targets (e.g., SB 32) and eventual carbon neutrality by 2045, as well as evolving case law. Of particular note with these updated thresholds is BAAQMD's emphasis on (1) avoiding developing fossil fuel infrastructure in new buildings that will be in place for decades and thus conflict with carbon neutrality by 2045, and (2) consistency with a qualified greenhouse reduction strategy (also known as a Climate Action Plan).

#### Metropolitan Transportation Commission

The Metropolitan Transportation Commission (MTC) is the Metropolitan Planning Organization for the nine counties that comprise the San Francisco Bay Area and the SFBAAB, which includes the City of Milpitas. As described above, SB 375 requires the metropolitan planning organizations to prepare regional transportation plans/sustainable community strategies (RTPs/SCSs) that present integrated regional land use and transportation approaches to reduce VMT and their associated GHG emissions. CARB identified the initial goal for the SFBAAB as a reduction in VMT per capita by 7 percent for 2020 and by 15 percent by 2035 compared to 2005 levels. MTC adopted an RTP/SCS in 2013 known as *Plan Bay Area* which was updated in 2021 as *Plan Bay Area 2050* (Plan Bay Area 2050). The Plan Bay Area 2050 includes 35 different strategies across the elements of housing, economy, transportation, and the environment to help make the Bay Area more equitable for all residents. In total, the Plan Bay Area 2050 has 80 specific actions for the MTC, Association of Bay Area governments (ABAG), and other partners to help achieve the goals of the Plan Bay Area 2050.

In 2018, CARB updated the per-capital GHG emissions reduction targets to be a 10 percent per capita GHG reduction by 2020 and 19 percent per capita reduction by 2035 from 2005 levels

(California Air Resources Board 2018a). Plan Bay Area 2050 is relevant to the Project because CEQA guidelines require assessment of a project's consistency with plans to reduce GHG emissions. Future CEQA review of new development applications under the Metro Plan should be based on the most current Plan Bay Area and RTP/SCS.

## City of Milpitas Climate Action Plan

On May 7, 2013, the City adopted a qualified Climate Action Plan (2013 CAP) with the goal of creating a more sustainable community by reducing GHG emissions. The 2013 CAP looked at five key sectors: energy use, vehicle miles, waste production, water usage, and off-road activities. The 2013 CAP incorporated best practices to produce a blueprint for achieving GHG emissions reductions in the City, consistent with the state-reduction goals in AB 32 and SB 375. Specifically, the 2013 CAP identified reduction measures and implementation strategies to help the City achieve the AB 32 reduction goal of GHG emissions 15 percent below 2005 emissions by 2020. Furthermore, the 2013 CAP was designed to streamline environmental review of future development projects within the City (City of Milpitas 2013).

The City is currently working on updating the 2013 CAP with a planned draft release in spring of 2022. This CAP update will focus on the City's goal to achieve carbon neutrality by 2040 and will discuss the different pathways of doing so. However, this CAP update has not been publicly adopted as of the writing of this Draft SEIR.

## 2040 Milpitas General Plan

On March 9, 2021, the City of Milpitas adopted an update to the General Plan, which is referred to as the 2040 General Plan. The 2040 General Plan is an update to the 1994 General Plan and supersedes and replaces the 1994 General Plan. Policies from the 2040 General Plan relevant to the Project's physical impacts on the environment include the following:

- **Policy CD 11-2:** Encourage passive solar design and energy-efficient concepts, including, but not limited to natural heating and/or cooling, sun and wind exposure and orientation, and other solar energy opportunities.
- **Policy CD 11-5:** Encourage the use of building materials that conserve energy and material resources.
- **Policy CON 1-2:** Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen).
- **Policy CON 1-3:** Support innovative green building best management practices including, but not limited to, LEED certification, and encourage project applicants to exceed the most current "green" development standards in the California Code of Regulations (CCR), Title 24, as feasible
- **Policy CON 1-9:** Encourage site planning and building techniques that promote energy conservation. Where feasible, encourage projects to take advantage of shade, prevailing winds, landscaping, sunscreens, building orientations, and material choices that reduce energy use.
- **Policy LU-3.1:** Support regional efforts that promote higher densities near major transit and travel facilities, and reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit. Support local and regional land use decisions that promote safe access to and the use of alternatives to auto transit.

- **Policy LU-3.2:** Continue to utilize planning tools (including specific plans and overlay districts) that promote transit-oriented and mixed-use development objectives near the Milpitas Transit Center.
- **Policy LU-4.3:** Support conveniently located neighborhood-serving commercial centers that provide desired services to local neighborhoods workers and visitors, reduce automobile dependency, and contribute positively to the surrounding neighborhoods.
- **Policy LU-6.6:** Encourage redevelopment and intensification of mixed-use areas by allowing stand-alone vertical mixed-use, or integrated horizontal mixed-use projects in mixed use areas, consistent with the Land Use Map and policies and actions included in this element.
- **Policy LU-4.2:** Emphasize efforts to reduce regional vehicle miles traveled by supporting land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit.
- **Policy CIR-2.1:** Promote multimodal transportation options by developing an interconnected system of streets, roads, bridges, and highways that provides continuous, efficient, safe and convenient travel for all users regardless of mode, age or ability and encourage users to walk, ride a bicycle, or use transit for shorter, local trips.
- **Policy CIR-3-1:** Coordinate with VTA and BART to design and implement capital improvements that support safety and access to rail stations and bus stops.
- **Policy CIR-3-2:** Coordinate transit planning and provision of transit-supportive infrastructure with Caltrans, VTA, BART, and other service providers to provide seamless service for users across transit modes and to facilitate transfers dedicated staff to work closely with communities throughout the City on ongoing education and encouragement efforts.

#### 3.2.1.4 TASP Policies

Table 2-2 in Chapter 2, *Project Description*, of this SEIR provides a summary of the policies in the TASP related to Public Services. Table 2-2 identifies policies that require the following:

- *Reduced VMT.* Establish and implement a travel demand management (TDM) program with the non-compulsory goal of reducing VMT by 15 percent or more below the regional baseline per employee or resident and efficiently provides parking that meet the needs of residents, employees, and visitors
- *Alternative forms of Transportation.* Encourage individuals within the Metro Plan Area to walk, bike, or take transit by building the necessary infrastructure to support these alternative forms of transportation. Require development projects to implement TDM measures to help achieve VMT and trip reduction goals.
- *Electric Vehicles.* Reduce VMT and Climate Impacts by managing automobile demand and promoting low-carbon transportation to minimize emissions in the planning area
- *Sustainability.* New buildings shall include features that include the most impactful methods for reducing energy uses and greenhouse gas emissions. Specifically, all new residential and non-residential shall be all electric, as feasible.

## 3.2.2 Environmental Setting

The environmental setting for GHG is described on pages 3.12-1 to 3.12-3 of the Certified EIR. This discussion describes the background of climate change, including the principal greenhouse gases, regional and local GHG inventories, and the impacts of climate change. This information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1 of this SEIR for the locations available for the public to review the Certified EIR.

The setting with regard to GHG has not changed substantially since the Certified Plan was prepared. However, some setting details require updating based on new analyses and data that have become available since the Certified EIR. Primarily, the GHG warming potentials, shown in Table 3.2-1, and the inventories developed for some jurisdictions have been updated with more recent analysis years. The jurisdictions with updated GHG emissions are shown in Table 3.2-1.

### Greenhouse Gases

The principle anthropogenic (human-made) GHGs contributing to global warming are CO<sub>2</sub>, methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated compounds, including sulfur hexafluoride (SF<sub>6</sub>), hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs). Water vapor, the most abundant GHG, is not included in this list because its natural concentrations and fluctuations far outweigh its anthropogenic sources. The primary GHGs of concern associated with the Metro Plan are CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O. Principal characteristics of these pollutants are discussed below.

- Carbon dioxide enters the atmosphere through fossil fuels (oil, natural gas, and coal) combustion, solid waste decomposition, plant and animal respiration, and chemical reactions (e.g., manufacture of cement). CO<sub>2</sub> is also removed from the atmosphere (or *sequestered*) when it is absorbed by plants as part of the biological carbon cycle.
- Methane is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices and from the decay of organic waste in municipal solid waste landfills.
- Nitrous oxide is emitted during agricultural and industrial activities, as well as during combustion of fossil fuels and solid waste.

Methods have been set forth to describe emissions of GHGs in terms of a single gas to simplify reporting and analysis. The most commonly accepted method to compare GHG emissions is the global warming potential (GWP) methodology defined in Intergovernmental Panel on Climate Change (IPCC) reference documents. IPCC defines the GWP of various GHG emissions on a normalized scale that recasts all GHG emissions in terms of CO<sub>2</sub>e, which compares the gas in question to that of the same mass of CO<sub>2</sub> (CO<sub>2</sub> has a global warming potential of 1 by definition). Table 3.2-1 lists the global warming potential of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O and their lifetimes in the atmosphere.

**Table 3.22-1. Lifetimes and Global Warming Potentials of Key Greenhouse Gases**

Greenhouse Gas	Global Warming Potential (100 years)	Lifetime (years)
CO <sub>2</sub>	1	50–200
CH <sub>4</sub>	25	9-15
N <sub>2</sub> O	298	114

Source: California Air Resources Board 2021.

All GWPs used for CARB’s GHG inventory and to assess attainment of the state’s 2020 and 2030 reduction targets are considered over a 100-year timeframe (as shown in Table 3.4-1). However, CARB recognizes the importance of short-lived climate pollutants and reducing these emissions to achieve the state’s overall climate change goals. Short-lived climate pollutants have atmospheric lifetimes on the order of a few days to a few decades, and their relative climate forcing impacts, when measured in terms of how they heat the atmosphere, can be tens, hundreds, or even thousands of times greater than that of CO<sub>2</sub> (CARB 2017b). Recognizing their short-term lifespan and warming impact, short-lived climate pollutants are measured in terms of CO<sub>2</sub>e using a 20-year time period. The use of GWPs with a time horizon of 20 years better captures the importance of the short-lived climate pollutants and gives a better perspective on the speed at which emission controls will impact the atmosphere relative to CO<sub>2</sub> emission controls.

The Short-Lived climate Pollutant Reduction Strategy, which is discussed in Section 3.2.1, *Regulatory Setting*, addresses methane, hydrofluorocarbon gases, and anthropogenic black carbon. Methane has a lifetime of 12 years and a 20-year GWP of 72. Hydrofluorocarbon gases have lifetimes of 1.4 to 52 years and a 20-year GWP of 437 to 6,350. Anthropogenic black carbon has a lifetime of a few days to weeks and a 20-year GWP of 3,200 (CARB 2017b).

### Greenhouse Gas Reporting

A GHG inventory is a quantification of all GHG emissions and sinks<sup>1</sup> within a selected physical and/or economic boundary. GHG inventories can be performed on a large scale (e.g., for global and national entities) or on a small scale (e.g., for a building or person). Although many processes are difficult to evaluate, several agencies have developed tools to quantify emissions from certain sources. Table 3.2-2 outlines the most recent global, national, statewide, regional, and local GHG inventories to help contextualize the magnitude of potential project-related emissions.

**Table 3.2-2. Global, National, State, and Regional Greenhouse Gas Emission Inventories**

Emissions Inventory	CO <sub>2</sub> e (metric tons)
2010 IPCC Global GHG Emissions Inventory	52,000,000,000
2019 EPA National GHG Emissions Inventory	6,558,300,000
2017 CARB State GHG Emissions Inventory	424,100,000
2015 BAAQMD GHG Emissions Inventory	85,000,000
2005 City of Milpitas GHG Emissions Inventory	642,670

Sources: Intergovernmental Panel on Climate Change 2014; U.S. Environmental Protection Agency 2021; California Air Resources Board 2019; Bay Area Air Quality Management District 2017b; City of Milpitas 2013.

### 3.2.3 Impacts and Mitigation

This section describes the change in Project impacts on greenhouse gas emissions that would occur with the Project Change. It describes the methods used to evaluate the impacts and the thresholds used to determine whether an impact would be significant. The Certified EIR found that with implementation of the policies in the TASP, impacts on greenhouse gas emissions would be less than significant, and additional mitigation measures were not required. Because the policies have been changed from the TASP to the Metro Plan, the analysis includes a comparison of the TASP policies and the Metro Plan policies to determine if any changes in policies would result in an impact. If new

<sup>1</sup> A GHG sink is a process, activity, or mechanism that removes a GHG from the atmosphere.

mitigation measures are needed to reduce new impacts that would result from the Project Change, those measures are listed below.

This SEIR analysis evaluates the change in Project impacts with the Project Change, and, if applicable, changes in circumstances or new information that was not available at the time the Certified EIR was prepared. The analysis does not reevaluate the impacts of the Project that were already disclosed in the Certified EIR and are not altered due to the Project Change. Based on the change in the Project impact due to the Project Change, a determination is made as to whether there would be changes to the impact significance determinations for the Project in the Certified EIR.

### 3.2.3.1 Significance Criteria

State CEQA Guidelines Appendix G (14 CCR 15000 et seq.) has identified significance criteria to be considered for determining whether a project could have significant impacts on existing GHG emissions. An impact would be considered significant if construction or operation of the Project would have any of the following consequences.

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

The California Supreme Court's decision in *Center for Biological Diversity v. Department of Fish and Wildlife* (62 Cal.4th 204) confirmed that there are multiple potential pathways for evaluating GHG emissions consistent with CEQA. Several air quality management agencies throughout the state have also drafted or adopted varying threshold approaches and guidelines for analyzing GHG emissions in CEQA documents. Common threshold approaches include (1) compliance with a qualified GHG reduction strategy, (2) performance-based reductions, (3) numeric "bright-line" thresholds, (4) efficiency-based thresholds, and (5) compliance with regulatory programs.

As discussed above, the BAAQMD is proposing updates to the CEQA GHG thresholds of significance from the 2017 CEQA Guidelines. Specifically, the BAAQMD is proposing the following updated thresholds of significance (BAAQMD 2021b).

For project-level analyses of land-use projects, there are two options for evaluating significance.

#### **Land-Use Projects** (must include either option A or option B):

- A. Projects must include, at a minimum, the following project design elements:
  - 1) Buildings
    - a) No natural gas infrastructure (residential and non-residential).
  - 2) Transportation:
    - a) Achieve compliance with electric vehicle requirements in the most recently adopted version of CalGreen Tier 2.
    - b) Achieve SB 743 target of 15 percent reduction in VMT per capita below regional average.
- B. Be consistent with a local GHG reduction strategy that meets the criteria under the CEQA Guidelines section 15183.5(b)

For plan-level analyses, there are also two options for evaluating significance.

**Plan-Level Projects** (must include either option A or option B):

- A. Meet the State goal to achieve 40 percent emissions below 1990 levels by 2030, and carbon neutrality by 2045; or
- B. Be consistent with a local GHG reduction strategy that meets the criteria under the CEQA Guidelines section 15183.5(b)

For projects that involve stationary sources, such as generators, BAAQMD is proposing the following updated bright-line threshold.

**Stationary Sources:**

- A. Compliance with Cap-and-Trade; or
- B. 2,000 MTCO<sub>2</sub>e/year

BAAQMD has noted that a justification report containing evidence and rationale for the proposed thresholds will be made available in early 2022. BAAQMD also noted that adoption of these thresholds is expected to occur in Spring 2022. While the City's most current cap, the 2013 CAP, is a qualified local GHG reduction strategy, the 2013 CAP analyzed a buildout year of 2020 and the AB 32 goals, which are no longer applicable. Thus, until the City's updated CAP is released and approved as a local GHG reduction strategy, the Project Change will analyze its ability to achieve the 40 percent emissions reduction below 1990 levels by 2030 and Carbon Neutrality by 2045. This approach is used to evaluate the Project Change operational emissions.

Additionally, BAAQMD confirmed during their Public Workshop that the existing methodology for analyzing construction GHG impacts is valid. BAAQMD recommends that GHG emissions from construction be quantified and disclosed, and that a determination regarding the significance of these GHG emissions be made with respect to whether a project is consistent with the emission reduction goals. BAAQMD further recommends incorporation of BMPs to reduce GHG emissions during construction, as feasible and applicable. This approach is used to evaluate construction-generated emissions.

### 3.2.3.2 Methods

GHG impacts associated with construction and operation of the Project Change were assessed and quantified (where applicable) using standard and accepted software tools, techniques, and emission factors. Specifically, GHG emissions from operations were quantified using industry-standard methodology and land use emissions model, the California Emissions Estimator Model (CalEEMod). Specifically, CalEEMod version 2020.4.0 is used in this analysis. Additionally, CARB's 2021 Emission FACTor (EMFAC 2021) Model was utilized to model mobile emissions. This section describes the key methods used to quantify emissions and estimate potential impacts for the Project Change. Assumptions used in the GHG analysis can be found in Appendix D. A summary of the methodology is provided below. A full list of assumptions can be found in Appendix D.

#### Construction

Land uses that could be developed under the Metro Plan would generate construction-related GHG emissions from mobile and stationary construction equipment exhaust, employee and haul truck vehicle exhaust, electricity consumption, and tree removal. The specific size, location, construction

techniques, and scheduling that would be utilized for each individual development project occurring on the Metro Plan Area from implementation of the proposed Metro Plan is not currently known. With an anticipated buildout year of 2040, development of the various land uses associated with the Metro Plan would occur over an extended period of time and would depend on factors such as local economic conditions, market demand, and other financing considerations. As such, without specific project-level details it is not possible to develop a refined construction inventory.<sup>2</sup> Consequently, the determination of construction-related GHG impacts for each individual development project, or a combination of these projects, would require the City to speculate regarding such potential future project-level environmental impacts. Thus, in the absence of the necessary construction information required to provide an informative and meaningful analysis, the evaluation of potential construction-related impacts resulting from implementation of the Specific Plan is conducted qualitatively in this SEIR.

## Operation

Given that the Metro Plan requires General Plan Amendments and rezoning of land throughout the City, the operational emissions analysis accounts for the net change in emissions due to the Metro Plan. The land use changes, and proposed land use assumptions are outlined in **Error! Reference source not found.** CalEEMod version 2020.4.0 quantifies operational GHG emissions for area sources (such as landscaping equipment), energy sources (such as lighting electricity), and water and waste emissions based on the size and type of a project's land use.

GHG impacts from motor vehicles associated with the Metro Plan were evaluated using the EMFAC 2021 emissions model. The mobile source emission factors (grams per mile and grams per trip) were averaged in EMFAC2021 based on vehicle and fuel types at aggregated speeds for the vehicle fleet operating within the SFBAAB at the horizon year of 2040. The emission factors were applied to the Project-specific daily VMT estimates and average daily trips (ADT) outlined in Table 3.1-3 in Section 3.1 to generate mobile-source emission estimates. An annual factor of 260 days was used to calculate yearly VMT and emissions per recommendation from the traffic engineers. Refer to Appendix D for additional information on the assumptions and model data used to estimate the Metro Plan's potential future operational emissions.

This analysis assumes that the updated policies in the Metro Plan would be implemented. Table 2-2 in Chapter 2 of this SEIR provides a summary of the policies in the Metro Plan related to GHG emissions. Table 2-2 identifies policies that require the following:

- *Electric Vehicles.* Reduce VMT and Climate Impacts by managing automobile demand and promoting low-carbon transportation to minimize emissions in the planning area
- *Sustainability.* New buildings shall include features that include the most impactful methods for reducing energy uses and greenhouse gas emissions. Specifically, all new residential and non-residential shall be all electric, as feasible.
- *Construction Equipment.* All off-road heavy-duty construction equipment shall use high-performance renewable diesel.
- *Electric Outlets.* All new development shall install sufficient exterior electrical outlets to power electric-powered landscaping equipment.

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<sup>2</sup> Project-level information includes details such as the size and scale of the project to be constructed, construction schedule, equipment fleet, construction worker crew estimates, and demolition and grading quantities.

- *Generators.* All new residential and nonresidential buildings shall use zero-emission generator engines for generators with a supply of 25 kW or less.

### 3.2.3.3 Impacts and Mitigation Measures

This section includes a discussion of each impact as it corresponds to the significance criteria presented in Section 3.2.3.1, *Significance Criteria*.

**Impact GHG-1: Implementation of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to the generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.**

#### Summary of Certified EIR Impact Analysis

The Certified EIR conclude that the TASP would not result in a substantial increase in total VMT, and would not lead to an increase in GHG emissions that would prevent the state from achieving the statewide GHG emission reduction goal of 1990 levels. The Certified EIR concluded that GHG impacts would be less than significant. At the time of Certified EIR analysis (2008), the Certified EIR did not need to analyze consistency with applicable GHG plans, policies, or regulations, as this was not an Appendix G significance criterion.

#### Impact Analysis

##### *Construction*

Construction associated with future developments under the Metro Plan would result in the temporary generation of GHG emissions. Emissions would originate from mobile and stationary construction equipment exhaust and employee and haul truck vehicle exhaust. Construction-related GHG emissions would vary substantially depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel.

By its nature as a planning document, the Metro Plan does not propose any specific development projects. As discussed in Chapter 2 of this SEIR, the Metro Plan would add 7,000 dwelling units, 3 million square feet of office space, 300,000 square feet of retail space, and 700 hotel rooms, in addition to the development of the TASP. The exact types and sizes of future development under the Metro Plan would be driven by market conditions. It is anticipated that throughout the course of the buildout period, multiple development projects would be constructed intermittently within the Metro Plan Area. As the timing, density, and intensity of future development projects is not known, the precise effects of construction activities associated with buildout of the Metro Plan cannot be accurately quantified at this time. Impacts could be significant without mitigation.

BAAQMD has not established a quantitative threshold for assessing construction-related GHG emissions. Rather, BAAQMD recommends evaluating whether construction activities would conflict with statewide emission reduction goals and implement feasible BMPs. Therefore, construction-related GHG emissions from the Metro Plan would be required to comply with Mitigation Measure GHG-1, which would reduce construction emissions consistent with BAAQMD guidance and statewide emission reduction goals. Accordingly, this impact is less than significant with mitigation.

## Operation

Operation of the Metro Plan would generate direct and indirect GHG emissions. Sources of direct emissions include mobile vehicle trips, natural gas combustion, and landscaping activities. Indirect emissions would be generated by electricity consumption, waste and wastewater generation, and water use. The analysis accounts for benefits achieved by policies in the Metro Plan that are required or otherwise mandatory, including electrical outlets for landscaping equipment (Policy CB 7.8), zero-emission generator engines (Policy CB 7.3.2), onsite solar panels (Policy CB 7.3 and CB 7.3.1), and required compliance with the most current CALGreen code (i.e., installation of low-flow fixtures). The analysis also accounts for implementation of quantifiable state measures that will reduce GHG emissions (e.g., SB 100), as well as incorporation of Mitigation Measure GHG-2, which restricts natural gas infrastructure from being installed within the Metro Plan Area and promotes renewable energy (Policies CB 7.2.2 and CB 7.2.3). To evaluate the magnitude of the change in the GHG emissions due to implementation of the Project Change, the emissions under the Metro Plan buildout in 2040 are compared to the full buildout of the TASP. For specifics on the additional projected development for the Metro Plan for the buildout year 2040, please see Table 2-3 in Chapter 2. Table 3.2-3 presents the results of the analysis.

**Table 3.22-3. Estimated Annual Metro Plan Operational GHG Emissions (metric tons)**

Condition/Source	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e	Percent of Total CO <sub>2</sub> e
<b>Project Change</b>					
Area Sources	59	<1	0	61	<1%
Energy Sources	9,839	<1	<1	9,907	18%
Mobile Sources	41,382	1	2	41,975	78%
Waste Generation	348	21	<1	863	2%
Water Consumption	388	28	1	1,272	2%
<b>Total Unmitigated Emissions</b>	<b>52,017</b>	<b>50</b>	<b>3</b>	<b>54,077</b>	
Area Sources	59	<1	0	61	<1%
Energy Sources	1,695	<1	<1	1,715	4%
Mobile Sources	41,382	1	2	41,975	91%
Waste Generation	348	21	<1	863	2%
Water Consumption	388	28	1	1,272	3%
<b>Total Mitigated Emissions</b>	<b>43,874</b>	<b>49</b>	<b>3</b>	<b>45,885</b>	

Source: Refer to Appendix D for CalEEMod model outputs and mobile emissions calculations.

Notes:

As noted above, the emissions analysis reflects implementation of quantifiable state measures that will reduce GHG emissions (e.g., SB 100), including a Metro Plan policy related to use of green consumer products and compliance with CALGreen, which requires the installation of low-flow fixtures, solar panels, and electric vehicle (EV) charging. In addition, this includes Mitigation Measure GHG-2, which restricts future GHG infrastructure within the Metro Plan Area.

Values may not add due to rounding

The estimated emissions from the Metro Plan with incorporation of the Metro Plan policies and Mitigation Measure GHG-2 in 2040 are 45,885 MTCO<sub>2</sub>e. These emissions are an increase compared to the full TASP buildout. The Metro Plan would achieve additional GHG reductions through sustainability features that encourage alternative transportation, onsite energy generation, and other GHG-reducing measures. However, these strategies were not quantified because the exact

number of installed systems and affected structures are currently unknown. As discussed above, the new proposed BAAQMD thresholds do not have an applicable quantitative operational threshold for plan-level documents.

### **SB 32 and EO B-55-18 Consistency**

As discussed above, the BAAQMD proposed GHG significance thresholds require that a plan-level project, such as the Metro Plan, show consistency with meeting the state's goal of achieving 40 percent emissions reduction below 1990 levels by 2030 (SB 32) and carbon neutrality by 2045 (EO-55-18). The following discussion presents a sector-by-sector analysis of the Metro Plan's operational GHG impacts and its consistency with the proposed BAAQMD plan-level GHG significance thresholds.

### ***Mobile Source Emissions***

GHG emissions associated with on-road mobile sources would be generated from workers, visitors, and delivery vehicles visiting the Metro Plan Area. As shown in Table 3.2-3, emissions from mobile sources represent the largest source of emissions from the Metro Plan (91 percent). This increase is primarily driven by the additional VMT expected as a result of the new Metro Plan land uses, highlighted in Table 3.1-3. The proposed transportation improvements identified in the Metro Plan would create stronger links for the pedestrian and bicycle network within the Metro Plan Area. For instance, the Metro Plan aims to create complete pedestrian and bicycle networks that connect trails and paths, maintain pedestrian and biking facilities, increase bicycle parking availability, construct street improvements and safety features to promote pedestrian trips, and install pedestrian-oriented signage to alert of potentially fast-moving traffic. Additionally, the Metro Plan encourages strengthening access and connection between the Metro Plan Area and the regional transit systems, including Milpitas BART and VTA transit centers. The Metro Plan also aims to effectively manage transportation demand and parking by supporting programs such as the guaranteed ride home program, carshare spaces, bike share, parking cash-out, and childcare services. Several policies further support the maintenance and expansion of the transportation network to enhance connectivity, accessibility, and safety (see Policy M 5, Policy M 6, and Policy M 7). Together, the proposed improvements and policies would lessen the severity of growth-oriented criteria pollutants by reducing VMT, encouraging transit use, fostering bicycle and pedestrian infrastructure, and supporting sustainable land use patterns, including mixed-use design and increased density and intensity.

CARB acknowledges that reductions in VMT are required to meet the state's long-term climate change goals. Recent CARB analysis demonstrates that a 14.3 percent reduction of VMT per service population by 2050 (compared to a 2015–2018 average) would be needed statewide to meet their GHG planning goals through 2050. As discussed in Section 3.7, *Transportation*, the Metro Plan would decrease the Metro Plan Area's VMT per service population because it would diversify land uses and provide additional employment that would ultimately reduce the distance people need to travel for work. As shown in Section 3.7, the Metro Plan would achieve a VMT per service population of 15.9 in 2040, which is a 25 percent reduction compared to the regional 2040 threshold. Therefore, the Metro Plan would be consistent with the CARB VMT reduction goal

However, it is infeasible at this time to confirm that the entire Metro Plan Area mobile fleet mix would be 100 percent electric by 2040. Thus, the Metro Plan may still have mobile source GHG emissions and thus would conflict with the state's long-term emission reduction trajectory, and impacts would be potentially significant.

### ***Area Source Emissions***

Area source GHG emissions from the Metro Plan would be generated by landscaping-related fuel combustion sources, such as lawn mowers. The Metro Plan would encourage all new development to install sufficient exterior outlets to power electric-powered landscaping equipment (Policy CB 7.8). The Scoping Plan does not include specific measures or 2030 emissions reduction requirements for landscaping equipment. However, achieving the state's long-term carbon neutral goal under EO B-55-18 (if legislatively adopted) will inevitably require the transition away from fossil-fuel power energy sources, including but not limited to landscaping equipment. The state has recently adopted AB 1346, which requires CARB, consistent with federal law, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines (e.g., landscaping equipment) by July 1, 2022. These regulations will be applicable to engines produced on or after January 1, 2024. As the full buildout of this Metro Plan is the year 2040, it is assumed in this analysis that all landscaping equipment will be electric by the buildout year and those area sources will be consistent with EO B-55-18; therefore, a less-than-significant impact would occur.

### ***Energy Emissions***

GHGs are emitted directly from buildings through the combustion of any type of fuel (e.g., natural gas for cooking). GHGs can also be emitted indirectly from the generation of electricity. The Scoping Plan outlines strategies to reduce energy demand and fossil fuel use, while increasing energy efficiency and renewable energy generation. These strategies include transitioning to cleaner fuels, achieving greater efficiency in existing buildings, and electrifying end uses in commercial sectors.

The Metro Plan requires building design features that reduce energy consumption and increase renewable energy generation, consistent with the Scoping Plan. This includes the electrification of all new developments by prohibiting natural gas infrastructure (Policies CB 7.2.2 and CB 7.2.3), installation of photovoltaic solar systems and implementing solar management plans (Policies CB 7.2.1 and Policy CB 7.3.1), onsite renewable energy generation (Policy CB 7.3), and overall energy reduction uses to help reduce GHG emissions (Policy CB 7.2). Furthermore, the City's 2040 General Plan Policy CON 1-3 recommends that new development achieve LEED certification and exceed the most current CalGreen codes. These policies would be consistent with the 2017 Scoping Plan's overall goal of reducing building energy emissions to meet the state's 2030 GHG reduction target.

The Metro Plan and Mitigation Measure GHG-2 requirements would ensure that new development include all-electric building design and green roofs (Policy 3-25), where feasible, consistent with the Scoping Plan and OPR recommendations to meet the state's expressed 2045 climate neutrality goal (EO B-55-18). Because SB 100 obligates utilities to supply 100 percent carbon-free electricity by 2045, all-electric buildings that do not consume any natural gas would not generate any emissions. Thus, with the prohibition of natural gas infrastructure (Mitigation Measure GHG-2) and Metro Plan Policies CB 7.2.2 and CB 7.2.3, the Metro Plan would be consistent with the energy goals of the Scoping Plan (SB 32) and EO B-55-18. Energy emissions would be less than significant with mitigation incorporated.

### ***Land Use Emissions***

The Metro Plan would encourage tree planting and landscaping that would increase carbon sequestration. As discussed in Section 3.6, *Public Services and Recreation*, the Metro Plan would include and require the development of open space for residents in the Metro Plan Area.

Additionally, the Metro Plan requires that private development must provide onsite open space at a rate of 100 feet per unit (Policy PPS 3.3). Thus, the Metro Plan would be consistent with the Scoping Plan's overall goal of avoiding losses in carbon sequestration and would assist with meeting the state's goals for climate neutrality (e.g., EO B-55-18) beyond 2030. Land use emissions would be less than significant.

### ***Waste Emissions***

Solid waste may be disposed of in landfills or diverted for recycling, composting, or reuse. GHG emissions from landfills are generated through anaerobic breakdown of material. The Scoping Plan aims to reduce waste emissions by diverting waste away from landfills through waste reduction, reuse, composting, and material recovery. In addition, AB 341 requires mandatory recycling for certain commercial businesses. The Metro Plan would encourage use of recycled building materials and require recycling and composting programs (Policy CB 7.7). These features, if implemented, would be consistent with the Scoping Plan and would support AB 341's overall goal of reducing landfill waste. Furthermore, as discussed in BAAQMD's 2017 CEQA Guidelines, biogenic CO<sub>2</sub> emissions should not be included in the quantification of GHG emissions for a project. Biogenic CO<sub>2</sub> emissions result from materials that are derived from living cells, as opposed to CO<sub>2</sub> emissions derived from fossil fuels, limestone and other materials that have been transformed by geological processes<sup>3</sup>. However, the Metro Plan waste emissions would include CH<sub>4</sub> and N<sub>2</sub>O emissions. There is currently no State legislation on reducing these emission sources by 2045 and thus, the Metro Plan's waste emissions would not meet the State's carbon neutrality goal by 2045. Waste impacts would be potentially significant within the Metro Plan Area.

### ***Water and Wastewater Emissions***

Indirect GHG emissions result from the production of electricity used to convey, treat, and distribute water and wastewater. The amount of electricity required to convey, treat, and distribute water depends on the volume of water as well as the sources of water. Additional wastewater emissions include CH<sub>4</sub> and N<sub>2</sub>O, although these are generated by wastewater treatment at individual wastewater treatment plants (WWTP). The project does not include any new WWTPs.

The Scoping Plan outlines objectives and goals to reduce GHGs in the water sector, including using and reusing water more efficiently through greater water conservation, drought-tolerant landscaping, stormwater capture, and water recycling. Regulations have further targeted water supply and water conservation (e.g., SB X7-7) through building and landscaping efficiency (e.g., Title 24). The Metro Plan does not include any features that would conflict with these measures and programs. The Metro Plan would encourage water conservation features that would reduce indoor and outdoor water use. These features include encouraging water-efficient landscaping and water conserving appliances (Policy ICS 3.4 and Policy ICS 3.5). These voluntary features, if implemented, would be consistent with the Scoping Plan's water measures and the state's regulatory programs within the water sector. Additionally, because SB 100 obligates utilities to supply 100 percent carbon-free electricity by 2045, any electrical consumption in order to convey, treat, and distribute water and wastewater would be carbon free.

However, as noted, the Metro Plan wastewater emissions would include CH<sub>4</sub> and N<sub>2</sub>O emissions. There is currently no state legislation on reducing these emission sources by 2045 and thus, the

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<sup>3</sup> Biogenic CO<sub>2</sub> contains carbon that is present in organic materials that include, but are not limited to, wood, paper, vegetable oils, animal fat, food, and animal and yard waste.

Metro Plan's waste emissions would not meet the state's carbon neutrality goal by 2045. Wastewater impacts would be potentially significant within the Metro Plan Area.

### **Conclusion**

As discussed in Section 3.7, the Metro Plan would achieve the 14.3 percent VMT per service population reduction target by buildout year (2040). Achievement of the VMT per service population reduction target would ensure that the Metro Plan is consistent with regulatory programs such as SB 743 that expressly aims to reduce VMT consistent with the state's climate change goals. In addition to the VMT per service population reduction target, the Metro Plan would also be subject to ongoing regulatory programs related to fuel and vehicle efficiency (e.g., Pavley standards/Advanced Clean Cars, Low Carbon Fuel Standard). Vehicle electrification is also rapidly becoming part of the state's approach to reducing mobile source emissions (e.g., Title 24), and the state's cap-and-trade program continues to reduce emissions from transportation fuels. The Metro Plan would not conflict with these ongoing statewide efforts. Furthermore, the Metro Plan includes policies that would prioritize transit and pedestrian connectivity, support transit priority measures, and enhance existing and construct new transit infrastructure to reduce per service population VMT. However, it is infeasible at this time to confirm that the Metro Plan Area fleet mix would be 100 percent electric and thus would potentially still have GHG emissions by 2045. Thus, mobile emissions from the Metro Plan would not achieve the state's carbon neutrality goal by 2045.

The Metro Plan policies represent a robust suite of possible strategies that will reduce emissions from building energy consumption, area sources, water consumption, and waste generation. These features are consistent with the Scoping Plan (e.g., SB 32), and if fully implemented by all land uses within the Metro Plan would significantly reduce GHG emissions from these sources consistent with the state's near-term (2030) and long-term (2045) climate change goals. While the City, through the Metro Plan, would encourage implementation of voluntary sustainability features, there is no guarantee that all of these measures will be incorporated into the designs of all future developments. Furthermore, as discussed above, the Metro Plan Area will have waste and wastewater GHG emissions in 2045. Thus, this is a potentially significant impact.

Implementation of Mitigation Measure GHG-2 is therefore required to reduce operational GHG emissions in the sectors with the largest amount of emissions. Mitigation Measure GHG-2, which includes requirements for LEED certification or equivalent, electric space and water heating, solar roofs, and waste diversion programs, would ensure consistency with the Scoping Plan and the long-term statewide reduction trajectory. Should all measures included in Mitigation Measure GHG-2 be implemented by a future project sponsor within the Metro Plan Area, that development would be consistent with the Metro Plan and the state's reduction targets for 2030.

Additionally, because the extent of implementation of Mitigation Measure GHG-2 is currently unknown (e.g., applicability and feasibility), impacts from future development could remain significant for some sectors if all strategies are not implemented for a particular project or equivalent measures are not identified by a project sponsor. For projects where all of the requirements of Mitigation Measure GHG-2 (or their equivalent) are not implemented, implementation of Mitigation Measure GHG-3 is further required to reduce net operational GHG emissions through purchase of GHG mitigation credits. Furthermore, even with implementation of Mitigation Measures GHG-2 and Mitigation Measure GHG-3, the Metro Plan Area may still have GHG emissions by 2045 (as discussed above) and thus would not achieve carbon neutrality. Thus, operations of the Metro Plan would result in a significant and unavoidable impact.

## Certified EIR Mitigation Measures

The Certified EIR did not include mitigation measures for GHG impacts during construction and operations of the TASP.

## New Mitigation Measures

### Mitigation Measure GHG-1: Require Implementation of BAAQMD-Recommended Construction Best Management Practices

All applicants within the Metro Plan Area shall require their contractors, as a condition of contracts, to reduce construction-related GHG emissions by implementing BAAQMD's recommended BMPs, including the following measures (based on BAAQMD's 2017 CEQA Guidelines):

- Ensure alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment make up at least 15 percent of the fleet.
- Use at least 10 percent local building materials (sourced from within 100 miles of the Metro Plan Area).
- Recycle and reuse at least 50 percent of construction waste or demolition materials.

### Mitigation Measure GHG-2: Implement Operational GHG Reduction Measures or Their Equivalent

Applicants of future projects within the Metro Plan Area shall implement the following operational GHG emissions reduction strategies where feasible or demonstrate why a measure is not feasible, and implement equivalent GHG reductions to the foregone measure, or pay a mitigation fee per Mitigation Measure GHG-3 (see below) to compensate for any foregone GHG reductions not implemented. Applicants of future projects that do not propose to implement all of the strategies described below shall prepare a feasibility study outlining why the declined strategies were not implemented (e.g., feasibility, not applicable, etc.), estimating the foregone GHG reductions, and identifying any equivalent GHG reduction measures proposed (or proposal to pay a mitigation fee instead) for the City's review and concurrence prior to the issuance of building permits.

- **LEED Certification.** The United States Green Building Council (USGBC) is a private 501(c)3, non-profit organization that promotes sustainability in building design, construction, and operation. The USGBC developed the LEED program, which provides a rating system that awards points for new construction based on energy use, materials, water efficiency, and other sustainability criteria. LEED has certification systems for both commercial and residential use.

While LEED allows some flexibility in choice of measures to meet LEED criteria, new construction shall be required to include specific committed measures in use of recycled and sustainable materials in construction, water efficiency, and efficiency of energy use. New development in the Metro Plan Area shall be required to achieve LEED Silver certification or equivalent, or a higher certification, or provide equivalent GHG reductions through proposed new measures or payment of a fee per Mitigation Measure GHG-3.

- **Natural Gas Infrastructure.** Future development within the Metro Plan Area shall utilize electric space and water heating to the maximum extent feasible or to the extent required by existing or future regulations. Natural gas infrastructure and appliances shall not be installed to the extent feasible as determined by the availability and capacity of electrical power distribution infrastructure.
- **Solar Roofs.** Mounted rooftop electricity-generating solar panels convert solar energy to electricity for use in commercial and residential buildings.

New construction in the Metro Plan Area shall be required to either employ solar roofs on at least 30 percent of roof square footage or provide equivalent GHG reductions through proposed new measures or pay a mitigation fee per Mitigation Measure GHG-3. The inclusion of solar roofs may be part of meeting LEED Silver or equivalent requirements.

- **Waste Minimization Programs.** For waste that is generated by non-residential uses, recycling, composting of food waste and other organics, and the use of reusable products instead of disposal products diverts solid waste from the landfill stream.

New non-residential uses in the Metro Plan Area shall be required to implement recycling (including organics recycling) and reusable product use programs or provide equivalent GHG reductions through proposed new measures or pay a mitigation fee per Mitigation Measure GHG-3. The inclusion of these measures may be part of meeting LEED Silver or equivalent requirements.

### **Mitigation Measure GHG-3: Purchase GHG Mitigation Credits**

Where a future project in the Metro Plan Area does not propose to implement all of the GHG reduction measures in Mitigation Measure GHG-2 and does not propose equivalent reduction measures to compensate for the measures not implemented, the project applicant shall be required to pay on a pro rata basis for net operational GHG emissions to compensate for emissions foregone from not implementing all measure in Mitigation Measure GHG-2 or providing equivalent reductions.

Applicants may purchase GHG credits from a voluntary GHG credit provider<sup>4</sup> that has an established protocol that requires projects generating GHG credits to demonstrate that the reduction of GHG emissions are real, permanent, quantifiable, verifiable, enforceable, and additional (per the definition in California Health and Safety Code Sections 38562(d)(1) and (2)). Definitions for these terms are as follows.

- **Real:** Estimated GHG reductions should not be an artifact of incomplete or inaccurate emissions accounting. Methods for quantifying emission reductions should be conservative to avoid overstating a project's effects. The effects of a project on GHG emissions must be comprehensively accounted for, including unintended effects (often referred to as "leakage"). To ensure that GHG reductions are real, the reduction must be a direct reduction within a confined project boundary.
- **Additional:** GHG reductions must be additional to any that would have occurred in the absence of the Climate Action Reserve, or of a market for GHG reductions generally.

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<sup>4</sup> Examples of potential GHG credit sources include the Climate Action Reserve Voluntary Offset Registry and Climate Forward program, the American Carbon Registry, or other providers using the Verified Carbon Standard.

“Business as usual” reductions (i.e., those that would occur in the absence of a GHG reduction market) should not be eligible for registration.

- **Permanent:** To function as offsets to GHG emissions, GHG reductions must effectively be “permanent.” This means, in general, that any net reversal in GHG reductions used to offset emissions must be fully accounted for and compensated through the achievement of additional reductions.
- **Quantifiable:** GHG reductions or GHG removal enhancements must be able to be accurately measured and calculated relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary, while accounting for uncertainty and activity-shifting leakage and market-shifting leakage.
- **Verified:** GHG reductions must result from activities that have been verified. Verification requires third-party review of monitoring data for a project to ensure the data are complete and accurate.
- **Enforceable:** The emission reductions from offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system in the country in which the offset project occurs or through other compulsory means. Please note that per this mitigation measure, only credits originating within the United States are allowed.

GHG credits must also meet the following requirements:

- GHG credits may be in the form of GHG offsets for prior reductions of GHG emissions verified through protocols or forecasted mitigation units for future committed GHG emissions meeting protocols.
- All credits shall be documented per protocols functionally equivalent in terms of stringency to CARB’s protocol for offsets in the cap and trade program. The applicant must provide the protocols from the credit provider and must document why the protocols are functionally equivalent.
- Applicants shall identify GHG credits in geographies closest to Santa Clara County first and only turn to larger geographies (i.e., California, United States, global) if adequate credits cannot be found in closer geographies, or the procurement of such credits would create an undue financial burden. Applicants shall provide the following justification for not using credits in closer geographies in terms of either availability or cost prohibition:
  - Lack of enough credits available in closer geographies.
  - Prohibitively costly credits in closer geographies are defined as credits costing more than 300 percent the amount of the current costs of credits in the regulated CARB offset market.
  - Documentation submitted supporting GHG credit proposals shall be prepared by individuals qualified in GHG credit development and verification and such individuals shall certify the following: (1) proposed credits meet the definitions for the criteria provided in this measure; and (2) the protocols used for the credits meet or exceed the standards for stringency used in CARB protocols for offsets under the California cap-and-trade system.

This mitigation includes the following specific requirements for applicants of future projects within the Metro Plan Area:

- Applicants shall provide the City with a 30-year operational GHG emissions estimate for the final design that includes two scenarios: (1) project operations including all Mitigation Measure GHG-2 reduction measures; and (2) project operations only including those Mitigation Measure GHG-2 reduction measures the applicant proposes to implement and any alternative GHG reduction measures proposed by the applicant. The emissions estimate can be focused exclusively on the sectors where Mitigation Measure GHG-2 measures will not be fully implemented. The difference between the Scenario 1 and Scenario 2 operational emissions will define the amount of needed annual GHG reductions to be addressed through purchase of GHG mitigation credits. The City shall review the emission estimates to ensure they are representative and determine the total amount of annual GHG emissions required to be addressed through purchase of mitigation credits.
- Applicants shall purchase GHG mitigation credits meeting the above requirements and provide documentation to the City of how the credits meet the above requirements. Applicants shall provide the City with documentation of the retirement of sufficient GHG credits to meet the annual GHG reduction amount prior to January 1 of each calendar year for the following year. This requirement shall apply to operations for up to 30 years. Applicants may purchase credits up front or in advance as they choose.

### **Conclusions for Impact GHG-1**

The Certified EIR concluded that after implementation of policies included in the TASP, GHG impacts would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would result in a significant and unavoidable impact related to operational GHG emissions and would be inconsistent with the state's carbon neutrality goal by 2045, even with implementation of Mitigation Measures GHG-2 and GHG-3. Thus, the Project Change would result in a change to the Certified EIR's impact determination related to GHG emissions. The Project Change would result in a new significant and unavoidable impact that was not identified in the Certified EIR.



## 3.3 Land Use and Planning

This section discloses and analyzes the potential change in Project impacts on land use and planning that would result from implementing the Project Change.

### 3.3.1 Regulatory Setting

The regulatory setting for land use and planning is described on pages 3.1-3 through 3.1-6 of the Certified EIR. These regulations include the Santa Clara County General Plan, 1994 Milpitas General Plan, Milpitas Midtown Specific Plan, and Milpitas Zoning Code. This information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1, *Introduction*, of this SEIR for the locations available for the public to review the Certified EIR.

This analysis includes the following two updated regional plans that were not available at the time the Certified EIR was prepared: Plan Bay Area 2050 and the Comprehensive Airport Land Use Plan for Santa Clara County. The City completed an update to their General Plan (referred to as the 2040 General Plan), which contains new information that was not known at the time the Certified EIR was prepared. In addition, the Milpitas Midtown Specific Plan was updated in 2010 and has been redesignated in the 2040 General Plan. For pertinent policies related to these plans, please refer to Impact LU-2 in Section 3.3.2.5, *Impacts and Mitigation Measures*.

#### 3.3.1.1 Regional Plans

##### Plan Bay Area 2050

On October 21, 2021, the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) jointly adopted Plan Bay Area 2050 and its related supplemental reports. Plan Bay Area 2050 is a long-range, 30-year strategic plan for the nine-county Bay Area region that focuses on the interrelated elements of housing, the economy, transportation, and the environment. It focuses on short-term, tangible actions that ABAG, MTC, and their partners can take to realize the vision of Plan Bay Area 2050, which aims to chart a course for a Bay Area that is affordable, connected, diverse, healthy, and vibrant for all residents through 2050 and beyond (Association of Bay Area Governments and Metropolitan Transportation Commission, 2021). Guiding principles of Plan Bay Area 2050 include the following:

1. Advance equity, particularly for people living in Equity Priority Communities.
2. Increase resilience (e.g., in the areas of economy, population growth, natural hazards, societally, and technologically).
3. Share a vision, through agency partnerships and collaboration.
4. Strategize for the future.
5. Plan for what's next with concrete action items.

##### Santa Clara County Airport Land Use Commission

The Santa Clara County Airport Land Use Commission (ALUC) was established to provide appropriate development of areas surrounding public airports in Santa Clara County. It is intended

to minimize the public's exposure to excessive noise and safety hazards, and to ensure that the approaches to airports are kept clear of structures that could pose an aviation safety. The Comprehensive Airport Land Use Plan for Santa Clara County for Norman Y. Mineta San Jose International Airport was adopted by the ALUC in 2011 and amended in 2016. The Metro Plan Area is approximately 5 miles to the northeast of Norman Y. Mineta San Jose International Airport, and is outside of the airport influence area (AIA) regarding noise, height, and safety policies. Policies T-1 and T-2 apply countywide and would pertain to the Metro Plan (Santa Clara County Airport Land Use Commission, 2016). For a discussion of these policies, see Impact LU-2.

### 3.3.1.2 Local Plans

#### 2040 Milpitas General Plan

On March 9, 2021, the City of Milpitas adopted an update to the General Plan, which is referred to as the 2040 General Plan. The 2040 General Plan is an update to the 1994 General Plan and supersedes and replaces the 1994 General Plan. The 2040 General Plan carries forward some of the major goals of the 1994 General Plan but has been substantially updated to address current local conditions and community priorities and goals. It has also been reorganized to make the document more user-friendly and straightforward.

Major objectives and visions for the 2040 General Plan include a focus on Milpitas's community character and sense of community; providing high-quality housing options; attracting and retaining businesses and industries that provide high-quality and high-paying jobs; environmental sustainability; expansion and improvement of neighborhood-serving shopping areas; multimodal transportation opportunities; strong fiscal sustainability to provide efficient and adequate public services; compliance with state law; and emerging transportation, housing, and employment trends. The 2040 General Plan focuses new residential and commercial growth on infill sites distributed throughout the City, with higher density uses focused around major transportation corridors, VTA's Light Rail lines, and the Milpitas Transit Center. The 2040 General Plan also includes goals and policies to support strong local job growth and economic development opportunities, and a range of housing types that are accessible to all income levels. The 2040 General Plan updates and changes some of the identified locations of various land use designations in the City. Land use designations in the 2040 General Plan include: residential; mixed use; commercial; industrial, manufacturing and business park; specific plan; and public, semi-public and conservation.

Section 65359 of the Government Code states that all new development occurring within each of the Specific Plan Areas of the City must adhere to the General Plan and to the development standards and guidelines established by the relevant Specific Plan. The Project Change involves an update of the original TASP land use plan, renaming it the Milpitas Metro Specific Plan. The Metro Plan includes all necessary actions needed for implementation and to make it consistent with the 2040 General Plan and other relevant master plans and land development regulations. Refer to Appendix C of this SEIR to see the land use and open space strategy and regulations for the Metro Plan (Chapter 2: Land Use and Public Space).

The 2040 General Plan states the following:

The Milpitas Metro Specific Plan [formerly the TASP] designation creates a structure for a walkable, transit-oriented area with a mix of land uses, which encourages walking, biking, and transit trips and minimizes vehicle trips and reduces vehicle miles traveled (VMT). Development allowed within the Specific Plan area accommodates substantial growth, while minimizing impacts on local roadways,

and reduces urban sprawl at the periphery of the region. All new development occurring within the Milpitas Metro Specific Plan designation adheres to the development standards and guidelines established in the Specific Plan.

### **Milpitas Midtown Specific Plan**

Originally adopted in 2002, the Milpitas Midtown Specific Plan was amended in 2008 and updated in 2010 (City of Milpitas 2010). At the time of the Certified EIR, the Milpitas Midtown Specific Plan Area included the entire TASP Area. An amendment in 2008 removed approximately 100 acres and changed the boundaries of the Milpitas Midtown Specific Plan Area (City of Milpitas 2010). In addition, in 2010 the Milpitas Midtown Specific Plan was updated, such that the Milpitas Midtown Specific Plan Area did not overlap with the TASP Area. The boundaries of the Metro Plan would expand the original TASP boundaries to include additional parcels along Main Street (western expansion area), which were formerly part of the Milpitas Midtown Specific Plan. The City is currently updating the Midtown Specific Plan and renaming it the Milpitas Gateway-Main Street Specific Plan and will update its boundaries in conjunction with the adoption of the Metro Plan (City of Milpitas 2021b). As such, under the Project Change, the Metro Plan would no longer be included in the Milpitas Midtown Specific Plan Area.

#### **3.3.1.3 TASP Policies**

Table 2-2 in Chapter 2, *Project Description* provides a summary of the policies in the TASP related to land use and planning. Table 2-2 identifies policies that require the following:

- *Fencing, Walls, and Safety.* Requirements for fencing or walls near the rail line; uniform safety standards for all at-grade rail crossings; safety fencing or solid walls installed along all Union Pacific rail lines along Piper Drive; an interim at-grade crossing for if the Milpitas Boulevard extension is constructed prior to the termination of Union Pacific rail line.
- *Noise and Vibration.* Requirements to adhere to noise levels in the General Plan; apply the FTA ground-borne vibration criteria for development projects in the vicinity of vibration sources; conduct a vibration impact analysis for developments near UPRR and BART alignments and if needed apply mitigation; mitigation to the extent possible of noise exposure to sensitive receptors during construction.
- *Disclosures.* Requirements to disclose to future residents potential impacts including but not limited to noise, ground-borne and airborne vibration, odors, and use of hazardous materials.
- *Sensitive Receptors.* Requirements to locate sensitive receptors away from sites which store or use hazardous materials and requirements for adequate buffers.
- *Temporary Buffers.* Requirement of temporary buffers when residential uses are developed adjacent to existing industrial uses.
- *Setback Requirements.* Setback requirements to limit potential incompatible uses.

### **3.3.2 Environmental Setting**

#### **3.3.2.1 Regional Setting**

Located on the southern tip of San Francisco Bay in Santa Clara County, Milpitas is often called the “Crossroads of Silicon Valley” with most of its 13.63 square miles of land situated generally between

two major freeways (I-880 and I-680), and crossed by State Route 237, and a County expressway. The Milpitas BART station was completed near the Great Mall in 2018, within VTA's Milpitas Transit Center. It is the northernmost BART station in Santa Clara County but one of the southeasternmost stations in the BART system, and is part of the 10-mile BART to Silicon Valley extension from Fremont to San Jose. The Milpitas Transit Center opened in 2019 for bus and light rail service and opened for BART service in June 2020. It is central to the TASP as BART system's gateway to Silicon Valley, serving as a key local and regional connection to the high-tech, job-rich northwestern areas of Santa Clara County.

## TASP Area

The environmental setting for land use for the TASP Area is described on pages 3.1-1 through 3.1-3 of the Certified EIR. This discussion includes the physical setting of the TASP including the TASP location, descriptions and location of existing land uses in the TASP Area and adjacent areas, and information on population in the area. This information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1 of this SEIR for the locations available for the public to review the Certified EIR.

When the Certified EIR was prepared in 2008, the existing uses in the TASP Area were primarily industrial uses (50 percent) and retail/commercial uses (28 percent), with very little residential uses (3 percent). By 2019, 6,955 dwelling units; 10,630 square feet of office space; and 186,500 square feet of retail space was entitled in the TASP Area. Overall, through implementation of the TASP, land uses have changed in the TASP Area, in the form of transforming an industrial area into a more transit-oriented development area. Much of the vision to create a vibrant neighborhood surrounding the future Milpitas BART station has become a reality with the newly opened Milpitas BART station, new housing, parks, a grocery store, and other shops under development. Several large areas remain where development could still occur, including, but not limited to, the Great Mall area and the proposed geographic expansion areas, discussed below. Full buildout of the TASP is expected to occur by 2030.

### 3.3.2.2 Geographic Expansion Areas

The Metro Plan includes two geographic expansion areas, relative to the TASP Area. The 13-acre western expansion area is currently characterized as industrial with uses such as automotive services and some recent residential development. The 60-acre eastern expansion area is currently used for mini-storage, industrial, manufacturing, and R&D uses.

This section describes the change in Project impacts on land use and planning that would occur with the Project Change. It describes the methods used to evaluate the impacts and the thresholds used to determine whether an impact would be significant. The Certified EIR found that with implementation of the policies in the TASP, impacts on land use and planning would be less than significant, and mitigation measures were not required. Because the policies have been changed and, in some cases, eliminated from the TASP, the analysis includes a comparison of the TASP policies and the Metro Plan policies to determine if any changes in policies would result in an impact. If new mitigation measures are needed to reduce new impacts that would result from the Project Change, those measures are listed below.

This SEIR analysis evaluates the change in Project impacts with the Project Change, and, if applicable, changes in circumstances or new information that was not available at the time the Certified EIR was prepared. *The analysis does not reevaluate the impacts of the Project that were*

*already disclosed in the Certified EIR and are not altered due to the Project Change.* Based on the change in the Project impact due to the Project Change, a determination is made as to whether there would be changes to the impact significance determinations for the Project in the Certified EIR.

### 3.3.2.3 Significance Criteria

The State CEQA Guidelines Appendix G (14 California Code of Regulations 15000 et seq.) identifies significance criteria to be considered for determining whether a project could have significant impacts on land use and planning. An impact would be considered significant if construction or operation of the Project would do any of the following.

- Physically divide an established community.
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

### 3.3.2.4 Methods

This analysis considers current and proposed policies and goals for Plan Bay Area 2050, the Comprehensive Airport Land Use Plan for Santa Clara County, the 2040 General Plan, the existing and proposed land use conditions within the Metro Plan, and applicable regulations and guidelines. The Metro Plan buildout horizon has been updated compared to the TASP and would apply until the 2040 planning horizon year.

This analysis considers the potential impacts from the geographic expansion. The Metro Plan includes two geographic expansion areas, relative to the TASP Area. Under the Metro Plan, the western expansion area would permit mostly residential and mixed-use development; the eastern expansion area would create a focused Innovation District that would allow business park development with light industrial, R&D, and office uses, along with supporting service and retail uses.

In addition, this analysis considers the potential impacts from changes in the land use categories in the Metro Plan, compared to the TASP. Both the TASP and the Metro Plan identified different land use categories that would allow for higher densities. For the Metro Plan, the land use categories also allow for decreased parking ratios. The Metro Plan updates the land use classification in three different ways.

- First, the Metro Plan updates the allowable densities for some of the land use classifications in the TASP.
- Second, the Metro Plan adds additional land use classifications that were not included in the TASP.
- Third, the Metro Plan updates the locations of where the land use classifications would apply.

Section 2.5.2.1, *Land Use Classifications*, in Chapter 2 of this SEIR, provides a description of the land use designations in the TASP and the Metro Plan. Table 2-1 summarizes the differences in the development standards and density thresholds between the TASP and the Metro Plan. Overall, as summarized in Table 2-1, the Metro Plan would increase the allowable density, compared to the TASP. In addition, the Metro Plan identifies four new land use classifications that were not previously included in the TASP. Two new Business Park Research & Development land use classifications allow for light industrial, research and development, and office uses and would be

applied to parts of the Innovation District (eastern expansion area) and Great Mall District. The new Urban Residential land use classification would allow for high-density residential development and would be applied to an area along Capitol Avenue. The Metro Plan would also increase the allowable heights for buildings within designations for Residential Retail High Density Mixed Use (from 75 feet in the TASP to 85 feet in the Metro Plan), Boulevard Very High Density Mixed Use (from 170 feet in the TASP to 275 feet in the Metro Plan), and Multi-Family Very High Density Residential (from 75 feet in the TASP to 85 feet in the Metro Plan). The Metro Plan would allow buildings to a height of 100 feet in the new Urban Residential land use designation and 275 feet in the new Business Park Research & Development, Limited Residential land use designation.

This analysis assumes that the updated policies in the Metro Plan would be implemented. Table 2-2 in Chapter 2 provides a summary of the policies in the Metro Plan related to land use and planning. Table 2-2 identifies policies that require the following:

- *Fencing, Walls, and Safety.* Requirements for fencing or walls near the rail line.
- *Disclosures.* Requirements to disclose to future residents potential impacts including but not limited to noise, ground-borne and airborne vibration, odors, and use of hazardous materials.
- *Sensitive Receptors.* Requirements to locate sensitive receptors away from sites which store or use hazardous materials and requirements for adequate buffers.
- *Temporary Buffers.* Requirement of temporary buffers when residential uses are developed adjacent to existing industrial uses.
- *Setback Requirements.* Setback requirements to limit potential incompatible uses.

### 3.3.3 Impacts and Mitigation Measures

This section includes a discussion of each impact as it corresponds to the significance criteria presented in Section 3.3.3.1, *Significance Criteria*.

**Impact LU-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to physically dividing an established community.**

#### Summary of Certified EIR Impact Analysis

The Certified EIR concluded that the TASP would not physically divide an established community because only one residential neighborhood existed within the area and because the TASP would provide improved connections for the existing residents and employees in the TASP Area. The Certified EIR determined that the TASP would have no impact on the physical division of an established community.

#### Impact Analysis

The Metro Plan would not divide an established community. In fact, the Metro Plan would create street and trail connections, and pedestrian bridges across major thoroughfares, thereby connecting the Metro Plan Area's existing and future residents and employees with jobs, services, parks, and transit. The overall urban design and development standards of the Metro Plan would contribute to fewer incompatible uses in the Metro Plan Area. Implementation of the Metro Plan would ensure

that the proposed land use changes do not conflict with adjacent uses or the established pattern of development.

### ***Geographic Expansion***

The Metro Plan would not result in any new significant impacts or more severe impacts regarding the division of an established community due to the proposed geographic expansion of the Metro Plan Area. The eastern expansion area is currently used for industrial, manufacturing, and R&D uses, and does not contain neighborhoods. It would be incorporated into the Innovation District in the Metro Plan.

The western expansion area currently contains an existing residential assisted living facility, as well as industrial and automotive service uses. The western expansion area would become part of the McCandless District in the Metro Plan. The Metro Plan would therefore enhance community connectivity for the existing residential uses in the Metro Plan Area because it would add more similar uses to the McCandless District. In addition, the Metro Plan would continue implementing similar goals as the TASP regarding community connectivity, including providing safer and more attractive multimodal connections for walking and biking; developing parks that provide pedestrian connectivity in each District; and implementing street, trail, and bridge improvements to connect existing residents and employees with jobs, services, parks, and transit. The additional development that would occur within the Metro Plan Area would generate additional impact fees that would help pay for this additional infrastructure. As such, the Project Change would not create a new or more severe impact regarding the division of an established community due to the geographic expansion of the Metro Plan.

### ***Metro Plan Buildout: Population Growth and Employment***

The Metro Plan would not result in any new significant impacts or more severe impacts regarding the division of an established community due to the additional growth that would be allowed due to the proposed changes in land use classifications of the Metro Plan. Most of the land use classification changes in the Metro Plan, such as changes to parking and density allowances, would not affect community division. However, changes to height limits and land use classifications could cause the physical division of an established community, if they were to allow for new uses that could create a height-related or other physical barrier between communities with buildings, passages, or utilities that were not designed or appropriately located. The Metro Plan would reduce the likelihood of community division, similar to the TASP, because its land use classification system would combine similar and compatible uses within Districts. For example, in the McCandless District, which contains existing residential uses, the Project Change would expand residential uses and would designate the new properties added into the McCandless District as Urban Residential. Similarly, the development of the Great Mall site, as envisioned in the Metro Plan, would expand residential and mixed uses and connect existing residential neighborhoods north of the Great Mall with similar new neighborhoods surrounding the Great Mall. Like the TASP, implementation of the Metro Plan, due to its policies and standards, would ensure that the proposed land use changes do not conflict with neighboring uses or the established pattern of development. The policies contained in the Metro Plan would also support community connectivity. As such, the Project Change would not create a new or more severe impact regarding the division of an established community due to the buildout associated with the Metro Plan.

### ***Changes in Land Use Classifications and Policies***

The Metro Plan would not result in any new significant impacts or more severe impacts regarding the division of an established community due to policy changes in the Metro Plan. The Metro Plan updates the policies in the TASP, including deleting some policies in the TASP; however, this would not result in any substantial changes to the requirements related to reducing impacts on the physical division of an established community. Changes to the TASP policies, as shown in Table 2-2 in Chapter 2 of this SEIR are either not substantially changed from the equivalent TASP policy, or the TASP policy is similarly and adequately covered under a 2040 General Plan policy, to which the Metro Plan would be required to adhere. Connectivity is typically provided by roadways, pedestrian paths, and bicycle paths. The Metro Plan would continue implementing similar goals as the TASP regarding community connectivity, including providing connections for walking and biking; developing parks that provide pedestrian connectivity in each District; and implementing street, trail, and bridge improvements to connect existing residents and employees with jobs, services, parks, and transit. As such, the Project Change would not create a new or more severe impact regarding the division of an established community due to the changes in policies in the Metro Plan.

### **Certified EIR Mitigation Measures**

The Certified EIR included no mitigation measures for impacts related to physical division of an established community.

### **New Mitigation Measures**

The Project Change would not result in the need for new mitigation measures to reduce Project impacts.

### **Conclusions for Impact LU-1**

The Certified EIR determined that the Project would not physically divide an established community. Based on the analysis above, with incorporation of the Project Change, the Project would have no impact related to physical community division. The Project Change would not alter the result of the Certified EIR's impact determination related to physical community division. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

**Impact LU-2: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to causing a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.**

### **Summary of Certified EIR Impact Analysis**

The Certified EIR determined that the TASP would significantly change the land use designations and change the pattern of development within the TASP Area. New residential uses would be built in an existing industrial area causing periods of time when incompatible uses would be adjacent to each other. However, the Certified EIR concluded that with the implementation of TASP policies and programs regarding the reduction of incompatible uses as an overarching goal, the impact at final

buildout would be less than significant. The TASP was determined to be largely consistent with other applicable land use plans and included policies to ensure that the impact of inconsistency would be less than significant.

### **Impact Analysis**

The Metro Plan updates the policies in the TASP, including deleting some policies in the TASP. Several land use-related policies identified in the TASP, specifically TASP Policy 4.15 (requiring safety barriers along all Union Pacific rail lines along Piper Drive) and TASP Policy 4.23 (regarding the now-completed Milpitas Boulevard extension, on which the rail line identified in the policy is no longer active) are no longer applicable because the requirements in the policy have been completed. As such, these policies have been fulfilled and are no longer needed to reduce impacts on land use and planning. The Metro Plan would not result in any substantial changes to the requirements identified in the other TASP policies (listed on pages 3.1-11 and 3.1-12 of the Certified EIR) related to reducing impacts from a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Changes to the other TASP policies, as shown in Table 2-2 in Chapter 2 of this SEIR are either not substantially changed from the equivalent TASP policy or the TASP policy is similarly and adequately covered under a 2040 General Plan policy, to which the Metro Plan would be required to adhere.

The Metro Plan would support the goals and policies of the 2040 General Plan with its focus on creating walkable, transit-oriented areas with a mix of neighborhood-serving uses; creating new opportunities for jobs near transit; providing more affordable and market-rate housing; and encouraging non-vehicular modes of transportation. Pertinent goals related to land use and planning from the 2040 General Plan, which the Metro Plan would be consistent with, are as follows:

- **Land Use Goals:**

- **Goal LU-1.** Accommodate a well-balanced mix of land uses that meets the diverse needs of Milpitas residents, businesses, and visitors with places to live, work, shop, be entertained and culturally enriched.
- **Goal LU-2.** Promote land use objectives and development patterns in special planning areas consistent with adopted specific plans, overlay districts, and density bonus provisions.
- **Goal LU-3.** Participate in coordinated local and regional land use planning activities.
- **Goal LU-4.** Coordinate and integrate land use and transportation objectives.
- **Goal LU-5.** Ensure that new development is compatible with existing development in order to maintain a high quality of life for residents, while supporting successful business operations.
- **Goal LU-6.** Support commercial centers that serve residential neighborhoods and provide for a variety of convenient, successful and attractive commercial uses throughout the city.
- **Goal LU-7.** Promote the continued evolution of Milpitas' job generating land uses to support existing and future businesses.

- **Transportation and Circulation Goals**

- **Goal CIR-1.** Provide a transportation system that efficiently, equitably and effectively supports the City's land use vision, minimizes vehicle miles traveled (VMT), enhances connectivity of the existing network, and supports the use of all modes of transportation.

- **Goal CIR-2.** Provide safe, healthy, comfortable, equitable and efficient transportation choices for all modes of transportation that enable people of all races, cultures, ethnicities, religions, sexual orientation, genders, income levels, ages and abilities, especially people of color and those disproportionately affected by access to a personal vehicle, systemic transportation inequities, racism, oppression, and poverty to increase safe physical activity, reduce usage of personal vehicles, access goods and services, employment opportunities, and for personal travel; to provide for efficient goods movement.
- **Goal CIR-3.** Support the development and maintenance of the public transit system to provide integrated, accessible, convenient, safe, equitable, health-promoting, comfortable, and effective mobility options.
- **Goal CIR-4.** Promote, provide, and maintain an expanded, safe, convenient and comprehensive network of facilities for pedestrians and bicyclists of all ages and abilities to support walking and bicycling as viable modes of transportation, for recreational use, and to promote public health.
- **Goal CIR-5.** Implement measures that increase transit use and other non-motorized travel modes that lead to improved utilization of the existing transportation system, such as accessibility improvements to public transit stops and stations by walking and biking, and provide transit stops near employment centers and higher density residential developments and in areas where infrastructure is lacking and access without a car is unsafe.
- **Community Design Goals**
  - **Goal CD-5.** Provide appropriate transitions between land uses to avoid conflicts and perpetuate the community's harmonious character.
  - **Goal CD-6.** Enhance the corridors, pathways, and edges that form physical boundaries and provide transitions and connections throughout the community.

The Project Change supports the above Land Use, Transportation and Circulation, and Community Design goals because the vision of the Metro Plan is to expand and promote higher density and intensity development opportunities in the Metro Plan Area (Goal LU-4 and Goal CIR-5), and in doing so create a more complete neighborhood that includes a variety of services (Goal LU-1). The Metro Plan would also further enable a walkable and transit-oriented community (Goal LU-2 and Goals CIR-1, CIR-2, CIR-3, CIR-4, and CIR-5) that is reflective of the progressive social conditions and growing economy. It would accommodate a vibrant mix of lifestyle retail and amenities, high density housing, and high intensity offices within the Metro Plan Area (Goals LU-5, LU-6, and LU-7) and would provide safer and more attractive multimodal connections for walking and biking (Goals CIR-1, CIR-2, CIR-3, CIR-4, and CIR-5; Goals CD-5 and CD-6). The Metro Plan would also promote the improvement and use of the City and County transportation network (Goal LU-3). As such, the Metro Plan would not conflict with the goals identified in the 2040 General Plan.

Furthermore, although the Metro Plan currently overlaps with the Midtown Plan, the boundaries of the Midtown Plan would be updated to remove the overlap when the Metro Plan is considered for approval by the City Council. Likewise, the land use map in the 2040 General Plan would be similarly updated when the Metro Plan is considered for approval by the City Council. As such, the policies and land use designations in the Midtown Plan would not apply to the Metro Plan.

The Metro Plan would be consistent with the guiding principles of Plan Bay Area 2050, regarding the interrelation of housing, the economy, transportation, and the environment by supporting more

affordable and market-rate housing near transit, increasing jobs near transit, and encouraging non-vehicular modes of transportation to reduce GHG emissions. The Project Change would support the Plan Bay Area 2050 vision because it would provide high to very high-density housing and/or high intensity office and employment uses along arterials, the light rail, and close to the BART station to support transit ridership and complementary activities. The Project Change would promote retail and amenities, high density housing, and high intensity offices within the Metro Plan Area and particularly within the Great Mall District, which is a transit hub. The Project Change would support housing near transit by accommodating up to 7,000 additional affordable and market-rate housing units to help the City meet its regional housing needs requirements and support transit ridership, and would aim to attract business investments and generate employment opportunities through commercial development near transit. The Project Change would also focus on improving the City and County transportation network and promote walking and bicycling. As such, the Metro Plan would not conflict with the vision of Plan Bay Area 2050 and, in fact, would promote the kind of projects envisions in Plan Bay Area 2050.

The Metro Plan would not conflict with the relevant policies of the Comprehensive Airport Land Use Plan for Santa Clara County for Norman Y. Mineta San Jose International Airport. Policies that apply countywide include the following:

- **Policy T-1:** The applicant for any proposed project anywhere in the County for construction or alteration of a structure (including antennas) higher than 200 feet above ground level shall submit to the FAA a completed copy of FAA Form 7460-1, Notice of Proposed Construction or Alteration. A copy of the submitted form shall be submitted to the Santa Clara County ALUC as well as a copy of the FAA's response to this form.
- **Policy T-2:** T-2 Any proposed project anywhere in the County for construction or alteration of a structure (including antennas) higher than 200 feet above ground level shall comply with FAR 77.13(a)(1) and shall be determined inconsistent if deemed to be a hazard by the FAA or if the ALUC determines that the project has any impact on normal aircraft operations or would increase the risk to aircraft operations.

The Metro Plan would allow for buildings in certain land use designations to be over 200 feet. Nonetheless, all future projects undertaken in the Metro Plan Area would be required to adhere to the relevant policies of the Comprehensive Airport Land Use Plan for Santa Clara County for Norman Y. Mineta San Jose International Airport. Because future projects would follow the protocols identified in Policy T-1 and Policy T-2, the Metro Plan would not conflict with the Comprehensive Airport Land Use Plan for Santa Clara County for Norman Y. Mineta San Jose International Airport.

Similar to the findings in the Certified EIR, with the implementation of the Metro Plan's policies and programs, this impact will be less than significant at final buildout. Thus, the Project Change would not result in new significant impacts or more severe significant impacts than what was identified in the Certified EIR regarding conflicts with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation measures for impacts related to conflicts with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

**New Mitigation Measures**

The Project Change would not result in the need for new mitigation measures to reduce Project impacts.

**Conclusions for Impact LU-2**

The Certified EIR determined that the TASP would result in a less-than-significant impact related to conflicts with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Based on the analysis above, with incorporation of the Project Change, the Project would have a less-than-significant impact related to conflicts with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The Project Change would not alter the result of the Certified EIR's impact determination related to conflicts with a land use plan, policy, or regulation. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

## 3.4 Noise

This section discloses and analyzes the potential change in Project noise and vibration impacts that would result from implementing the Project Change.

### 3.4.1 Regulatory Setting

The regulatory setting for noise is described on pages 3.7-6 through 3.7-9 of the Certified EIR. These regulations include Title 24 of the California Code of Regulations, policies from the City of Milpitas 1994 General Plan, and the City of Milpitas Noise Abatement Ordinance. Much of this information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. However, since the publication of the Certified EIR, the City completed and adopted an update to the General Plan (referred to as the 2040 General Plan). Therefore, a summary of relevant noise regulations for the Metro Plan, including pertinent components of the 2040 General Plan, is included below. Refer to Chapter 1, *Introduction*, of this SEIR for the locations available for the public to review the Certified EIR.

#### 3.4.1.1 Federal

The Federal Transit Administration (FTA) has developed guidelines for the assessment of vibration effects, which are commonly used for the assessment of operational vibration from sources such as rail. Table 3.4-1 presents the FTA's general assessment criteria for evaluating potential construction-generated vibration effects. This identifies potential annoyance effects related to interference with interior operations, sleep, and institutional daytime use as a function of the frequency of the vibration event. The guidelines include three land use categories based on the types of uses occupying a given building.

**Table 3.4-1. Federal Transit Administration Ground-borne Vibration Impact Criteria**

Land Use Category	GVB Impact Levels (VdB re 1 micro-inch/second)		
	Frequent Events <sup>1</sup>	Occasional Events <sup>2</sup>	Infrequent Events <sup>3</sup>
Category 1: Buildings where vibration would interfere with interior operations	65 <sup>4</sup>	65	65
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	80

Source: Federal Transit Administration 2018.

- <sup>1</sup> "Frequent events" are defined as more than 70 vibration events from the same source per day. Most rapid transit projects fall into this category.
  - <sup>2</sup> "Occasional events" are defined as between 30 and 70 vibration events from the same source per day. Most commuter trunk lines have operations in this range.
  - <sup>3</sup> "Infrequent events" are defined as fewer than 30 vibration events of the same kind per day. This category includes most commuter rail branch lines.
  - <sup>4</sup> This criterion limit is based on levels that are acceptable for most moderately sensitive equipment, such as optical microscopes. For equipment that is more sensitive, a detailed vibration analysis must be performed.
- GVB = ground-borne vibration; VdB = vibration decibels.

Except for long-term occupational exposure, vibration levels rarely affect human health. Instead, most people consider vibration to be an annoyance that can affect concentration or disturb sleep. People may tolerate infrequent, short-duration vibration levels, but human annoyance to vibration becomes more pronounced if the vibration is continuous or occurs frequently.

### 3.4.1.2 State

#### California Code of Regulations

The California Noise Insulation Standards (California Code of Regulations, Title 24, Section 1207.4) establish requirements for new residential units that may be subject to relatively high levels of exterior noise. In this case, the noise insulation criterion is 45 decibels (dB) day-night average sound level ( $L_{dn}$ )/Community Noise Equivalent Level (CNEL) inside noise-sensitive spaces.

#### California Department of Transportation

The California Department of Transportation (Caltrans) provides guidelines regarding vibration damage and annoyance associated with construction and operation of transportation infrastructure. Caltrans vibration criteria are commonly used throughout the state of California in the assessment of vibration-related impacts under CEQA for a variety of development project types.

Table 3.4-2 provides Caltrans' vibration guidelines for potential damage to different types of structures. With respect to vibration annoyance, people are generally more sensitive to vibration during nighttime hours, when sleeping, rather than daytime hours. Numerous studies have been conducted to characterize the human response to vibration. Table 3.4-3 provides Caltrans' guidelines regarding vibration annoyance potential expressed as peak particle velocity (PPV).

**Table 3.4-2. Caltrans Vibration Guidelines for Potential Damage to Structures**

Structure Type and Condition	Maximum Peak Particle Velocity (PPV, inch/second)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings (ruins, ancient monuments)	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5

Source: California Department of Transportation 2020.

Note: Transient sources create a single, isolated vibration event (e.g., blasting or the use of drop balls). Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

**Table 3.4-3. Caltrans Guidelines for Vibration Annoyance Potential**

Human Response	Maximum PPV (inch/second)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Barely perceptible	0.04	0.01
Distinctly perceptible	0.25	0.04
Strongly perceptible	0.9	0.10
Severe	2.0	0.4

Source: California Department of Transportation 2020.

Note: Transient sources create a single, isolated vibration event (e.g., blasting or the use of drop balls). Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

### 3.4.1.3 Local

#### 2040 Milpitas General Plan

On March 9, 2021, the City of Milpitas adopted an update to the General Plan, which is referred to as the 2040 General Plan. The Noise Element of the 2040 General Plan includes goals, policies, and actions intended to help control and reduce environmental noise in the City and contains land use compatibility standards that outline acceptable outdoor noise environment standards for various land use categories. Policies from the 2040 Milpitas General Plan relevant to the Project's physical impacts on the environment, include the following:

- **Goal N-1:** Preserve a nuisance-free noise environment for existing and future land uses by minimizing exposure to harmful and excessive noise level.
- **Policy N 1-1:** Consider the noise compatibility of existing and future development when making land use planning decisions. Require development and infrastructure projects to be consistent with the land use compatibility standards contained in Tables N-1 and N-2 [included as Tables 3.4-4 and 3.4-5 below] to ensure acceptable noise exposure levels for existing and future development.
- **Policy N 1-2:** Require new development to mitigate excessive noise to the standards indicated in Tables N-1 and N-2 [included as Tables 3.4-4 and 3.4-5 below] through best practices, including building location and orientation, building design features, placement of noise-generating equipment away from sensitive receptors, shielding of noise-generating equipment, placement of noise-tolerant features between noise sources and sensitive receptors, and use of noise-minimizing materials.

**Table 3.4-4. Land Use Compatibility for Community Noise Environment (General Plan Table N-1)**

Land Use Category	Exterior Noise Exposure (Ldn)					
	55	60	65	70	75	80
Single-Family Residential		Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Multi-Family Residential, Hotels, and Motels		Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable	Unacceptable
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds		Normally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Schools, Libraries, Museums, Hospitals, Personal Care, Public Assembly		Normally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Office Buildings, Business Commercial, and Professional		Normally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable
Industrial		Normally Acceptable	Conditionally Acceptable	Unacceptable	Unacceptable	Unacceptable

Note: Residential components of Mixed-Use developments are subject to the Multi-Family Residential Noise Standards unless otherwise allowed in conjunction with Policy N 2-2.

	<p><b>NORMALLY ACCEPTABLE</b> Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special insulation requirements</p>
	<p><b>CONDITIONALLY ACCEPTABLE</b> Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design</p>
	<p><b>UNACCEPTABLE</b> New construction or development should generally not be undertaken because mitigation was found to be infeasible to comply with noise element policies</p>

**Table 3.4-5. Stationary (Non-Transportation) Noise Source Standards (General Plan Table N-2)**

Land Use Receiving Noise	Hourly Noise Level Descriptor	Exterior Noise-Level Standard (dBA)	
		Daytime (7:00 a.m. to 10:00 p.m.)	Nighttime (10:00 p.m. to 7:00 a.m.)
Residential	$L_{eq}$	55	45
	$L_{max}$	70	65

**Notes:**

The residential standards apply to all properties that are zoned for residential use. The exterior noise level standard is to be applied at the property line of the receiving land use or at a designated outdoor activity area. For mixed-use projects, the exterior noise level standard may be waived in conjunction with Policy N 2-2 (at the discretion of the decision-making body) if the residential portion of the project does not include a designated activity area and mitigation of property line noise is not practical.

Each of the noise levels specified above shall be lowered by 5 dBA for tonal noises characterized by a whine, screech, or hum, noises consisting primarily of speech or music, or recurring impulsive noises. In no case shall mitigation be required to a level that is less than existing ambient noise levels, as determined through measurements conducted during the same operational period as the subject noise source.

In situations where the existing noise level exceeds the noise levels indicated in the above table, any new noise source must include mitigation that reduces the noise level of the noise source to the existing level plus 3 dB.

dBA = A-weighted decibels;  $L_{eq}$  = equivalent continuous sound level;  $L_{max}$  = maximum sound level.

- **Policy N 1-4:** Ensure that new development does not result in indoor noise levels exceeding 45 dBA  $L_{dn}$  for residential uses by requiring the implementation of construction techniques and noise reduction measures for all new residential development.
- **Policy N 1-5:** Require acoustical studies for new discretionary developments and transportation improvements that have the potential to affect existing noise-sensitive uses such as schools, hospitals, libraries, care facilities, and residential areas; and for projects that would introduce new noise-sensitive uses into an area where existing noise levels may exceed the thresholds identified in this element.
- **Policy N 1-6:** For projects that are required to prepare an acoustical study to analyze noise impacts, the following criteria shall be used to determine the significance of those impacts:

**Stationary and Non-Transportation Noise Sources**

- A significant impact will occur if the project results in an exceedance of the noise level standards contained in this element [refer to Table 3.4-5, shown previously, and Table 3.4-6, included below]. In instances where the ambient noise level is already above the standards contained in this element, a significant impact will occur if the project will result in an increase in ambient noise levels by more than 3 dB. This does not apply to temporary construction activities.

**Transportation Noise Sources**

- Where existing traffic noise levels are 60 dB  $L_{dn}$  or less at the outdoor activity areas of noise-sensitive uses, a +5 dB  $L_{dn}$  increase in roadway noise levels will be considered significant;
- Where existing traffic noise levels are greater than 60 dB  $L_{dn}$  and up to 65 dB  $L_{dn}$  at the outdoor activity areas of noise-sensitive uses, a +3 dB  $L_{dn}$  increase in roadway noise levels will be considered significant; and
- Where existing traffic noise levels are greater than 65 dB  $L_{dn}$  at the outdoor activity areas of noise-sensitive uses, a + 1.5 dB  $L_{dn}$  increase in roadway noise levels will be considered significant.

**Table 3.4-6. Stationary (Non-Transportation) Noise Source Standards (Commercial Mixed-Use and Transit-Oriented (General Plan Table N-3))**

Land Use Receiving Noise	Hourly Noise Level Descriptor	Exterior Noise-Level Standard (dBA)		
		Daytime (7:00 a.m. to 10:00 p.m.)	Late Night (10:00 p.m. to 12:00 a.m.)	Nighttime (12:00 a.m. to 7:00 a.m.)
Residential (Sunday Night – Thursday Night)	$L_{eq}$	60	55	50
	$L_{max}$	70	65	65
Residential (Friday Night- Saturday Night)	$L_{eq}$	65	60	55
	$L_{max}$	75	70	65

- **Policy N 1-7:** Support noise-compatible land uses along Interstates 680 and 880, Highway 237, and other high-volume roadways.
- **Policy N 1-8:** Require construction activities to comply with standard best practices to reduce noise exposure to adjacent sensitive receptors (see Action N-1d).
- **Policy N 1-9:** Implement a range of traffic control measures, including but not limited to, light timing, asphalt alternatives (such as rubberized asphalt), and speed reduction measures to reduce roadway noise.
- **Policy N 1-10:** Work with Regional, State, and Federal agencies, including but not limited to, Caltrans, BART, VTA, and Santa Clara County to ensure that adequate noise studies are prepared prior to the approval of State and Regional transportation and infrastructure projects. Strongly encourage these agencies to ensure that adequate noise mitigation measures are incorporated into future projects to protect Milpitas residents and businesses from exposure to excessive noise levels.
- **Policy N 1-12:** Require non-transportation related noise from site specific noise sources to comply with the standards shown in Table N-2 [Table 3.4-5 of this report].
- **Policy N 1-15:** Temporary emergency operations or emergency equipment usage authorized by the City shall be exempt from noise standard criteria set by this element.
- **Policy N 2-3:** Consider ground borne vibration and noise nuisance associated with rail operations prior to approving the development of sensitive uses.

#### **Actions in Support of Goal N-1:**

- **Action N-1a:** Require that new development projects are reviewed for compliance with the noise requirements established in this element, including the standards established in Tables N-1 and N-2, prior to project approval.
- **Action N-1b:** Require acoustical studies for new development projects which have the potential to generate noise impacts which exceed the standards identified in this element. The studies shall include representative noise measurements, estimates of existing and projected noise levels, and mitigation measures necessary to ensure compliance with the noise standards included in this element. Studies shall be conducted by a qualified acoustical professional.

- **Action N-1c:** Require developers to prepare a construction management/noise mitigation plan that defines best management practices to reduce construction noise, and includes proposed truck routes (that comply with Section 12 V-100-12.05 - Truck Routes of the Milpitas Municipal Code) as part of the entitlement process.
- **Action N-1d:** During the environmental review process, determine if proposed construction will constitute a significant impact on nearby sensitive receptors and, if necessary, require mitigation measures in addition to the standard best practice controls. Suggested best practices for control of construction noise include:
  - Noise-generating construction activities, including truck traffic coming to and **from** the construction site for any purpose, shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. No construction shall occur on National holidays.
  - All equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
  - The construction contractor shall utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
  - At all times during project grading and construction, stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from residences.
  - Unnecessary idling of internal combustion engines shall be prohibited for a duration of longer than five minutes.
  - Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction activities, to the extent feasible.
  - Neighbors located adjacent to the construction site shall be notified of the construction schedule in writing.
  - The construction contractor shall designate a “noise disturbance coordinator” who will be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall be responsible for determining the cause of the noise complaint (e.g., starting too early, poor muffler, etc.) and instituting reasonable measures, as warranted, to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site
- **Action N-1k:** Update Title V, Chapter 213 – (Noise Abatement) of the Milpitas Municipal Code as necessary to comply with noise standards and criteria set by this element.

### City of Milpitas Municipal Code

The City of Milpitas Municipal Code contains noise regulations to protect the community from excessive noise, which are outlined in Chapter 213 of the Municipal Code. According to Section V-213-3(a) of the Municipal Code, it is unlawful for any person in any district zoned for residential use to generate any noise that increases the ambient noise level by 3 dB as measured from the property line of the noise source, or to a noise level of more than 65 dB as measured from the property line of the noise source, whichever is more restrictive. In addition, Section V-213-3(b) of the Municipal

Code states that construction activities are limited to between the hours of 7:00 a.m. and 7:00 p.m. daily. Construction is permitted to happen any day of the week, except for on holidays, as outlined in Section V-213-2-2.05 of the Municipal Code.

According to 2040 General Plan Action N-1k cited above, the City plans to update the Municipal Code to align with the noise standards contained in the 2040 General Plan Noise Element. The 2040 General Plan Noise Element includes more specific and detailed noise standards, which are commonly used in the assessment of noise impacts for CEQA by the City.

#### 3.4.1.4 TASP Policies

Table 2-2 from Chapter 2, *Project Description*, of this SEIR provides a summary of the policies in the TASP related to noise and vibration. Table 2-2 identifies policies that require the following:

- *General Plan and Noise Abatement Ordinance*. Requires compliance with guidelines in the 1994 General Plan and the Noise Abatement Ordinance.
- *Masonry Walls, Sound Walls, Temporary Buffers*. Requires installation of masonry walls, sound walls, temporary walls, landscaping, and setbacks to reduce noise impacts on receptors.
- *Vibration*. Requires application of the FTA ground-borne vibration criteria for projects in the vicinity of rail and requires a vibration impact analysis for sites near rail.
- *Disclosures*. Requirements to disclose potential impacts, including but not limited to noise, ground-borne and airborne vibration, odors, and use of hazardous materials, to future residents.

### 3.4.2 Environmental Setting

The environmental setting for noise within the Project area is described starting on page 3.7-5 of the Certified EIR. In addition, the Certified EIR includes a technical background discussion describing the fundamentals of noise and vibration, starting on page 3.7-1 of the Certified EIR. Existing noise measurement data is also included on page 3.7-6 of the Certified EIR. This information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1 of this SEIR for the locations available for the public to review the Certified EIR.

The noise environment in the Project area has changed since the Certified Plan was prepared due to additional growth in the area. For example, the recent BART extension to the City began passenger service to Milpitas in 2020. The 2005 noise levels for the TASP Area included in the Certified EIR, which is when the noise measurements were taken, may not be representative of conditions in the Metro Plan Area at this time. Therefore, new noise measurements were collected to ensure ambient noise in the Metro Plan vicinity is more accurately documented. The results of the 2021 noise measurements are included below.

#### 3.4.2.1 2005 Noise Measurements

To quantify the existing noise environment, five short-term measurements were completed on October 10, 2005, for the Certified EIR. Measured noise levels ranged from 54 dBA  $L_{eq}$  to 72 dBA  $L_{eq}$ , and from 61 dBA  $L_{max}$  to 86 dBA  $L_{max}$ . The primary contributors to the noise environment were traffic, overhead aircraft, pedestrians, and wildlife (e.g., birds). Table 3.7-1 on page 3.7-6 of the Certified EIR provides details about these measurements. As noted above, due to the age of these measurements (approximately 17 years old), this measurement data may not accurately represent

the existing ambient noise levels in the Metro Plan Area. As a result, new measurements were conducted in 2021, as described below.

### 3.4.2.2 2021 Noise Measurements

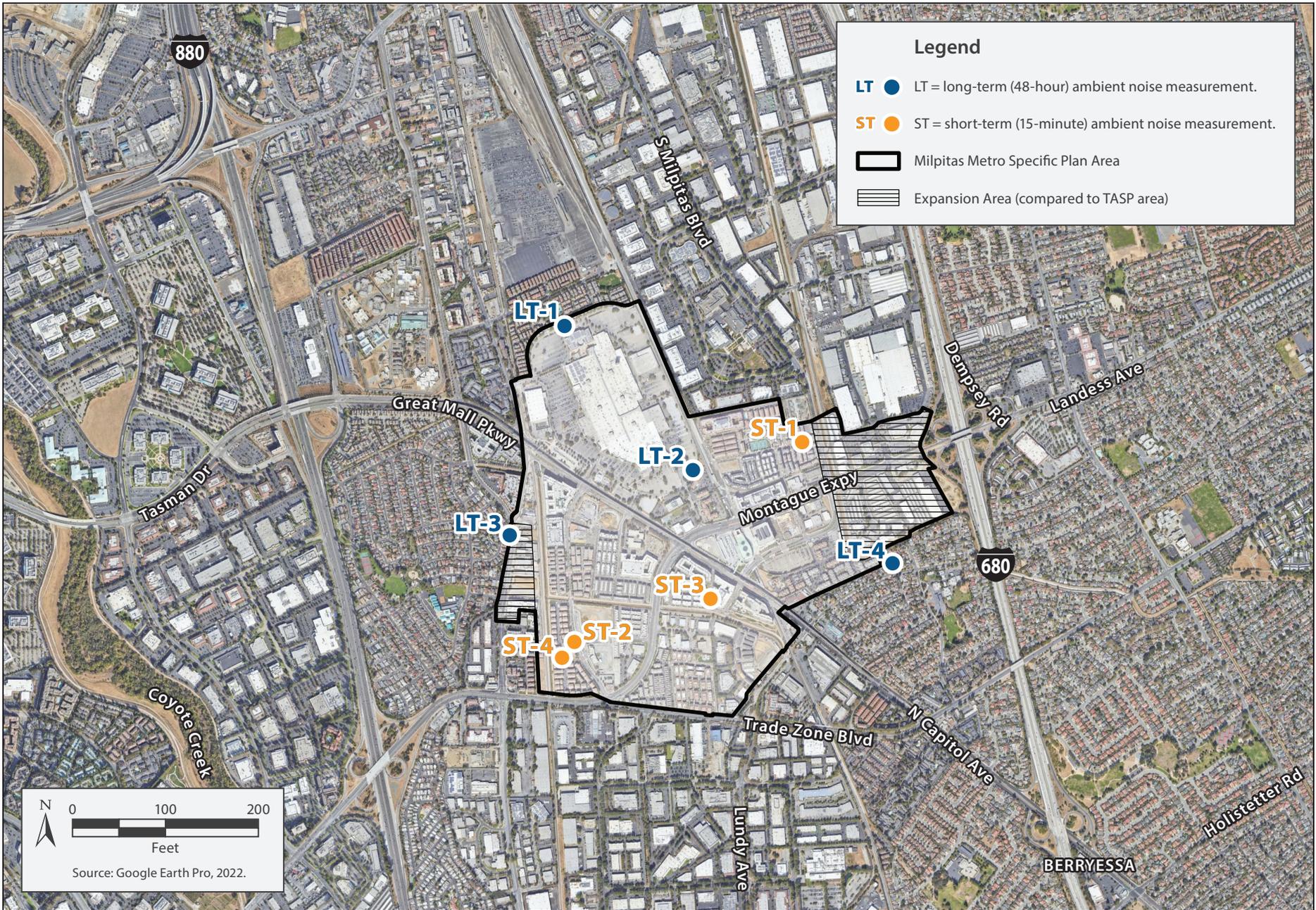
To quantify existing ambient noise levels in the Metro Plan Area, short- and long-term ambient noise measurements were conducted between Tuesday, September 14, 2021, and Thursday, September 16, 2021. Long-term measurements were conducted using Piccolo Type 2 sound level meters (SLM) for a period of approximately 48 hours. Measurement data was used to calculate 1-hour  $L_{eq}$  and 24-hour average noise levels. Short-term measurements (of approximately 15 minutes in duration) were conducted using a Larson Davis LxT Type 1 SLM. Data from the short-term measurements included the  $L_{max}$ ,  $L_{min}$ , and 15-minute average  $L_{eq}$  noise level. Weather conditions were clear and sunny when the measurements were conducted, with an average wind speed of 1.2 mph and temperatures ranging from 77.2 to 96 degrees Fahrenheit.

Monitoring locations were selected to capture noise levels in areas that are sensitive to noise or representative of ambient levels throughout the day and night for areas in the vicinity of the Metro Plan. Measurement locations LT-3 and ST-4 are located near the western geographic expansion area, and measurement locations LT-4 and ST-1 are located near the eastern geographic expansion area. These measurement locations provide representative existing noise levels for these portions of the Metro Plan Area. Long-term data was used to calculate  $L_{dn}$ , CNEL, and average 12-hour  $L_{eq}$  noise levels for daytime hours (7:00 a.m. to 7:00 p.m.). In addition, recorded data was reviewed to determine the highest and lowest 1-hour  $L_{eq}$  recorded during the measurement window. Note that the  $L_{dn}$  includes the application of an artificial 10-dB increase (or penalty) applied to each hour in the 10:00 p.m. to 7:00 a.m. window. CNEL applies a 5-dB increase (or penalty) to each hour during the evening hours of 7:00 p.m. to 10:00 p.m., as well as a 10-dB increase to each hour during the nighttime hours of 10:00 p.m. to 7:00 a.m.

Existing noise levels in the Metro Plan Area vary between measurement location, as some readings were taken near major roadways while others were conducted in more residential areas. Existing ambient noise levels in the Project vicinity were heavily influenced by the traffic on major and local roadways in the area. The locations of the noise measurement sites are shown on Figure 3.4-1. Appendix E includes the complete noise measurement data from the noise field survey.

#### Short-Term Noise Monitoring

Four short-term monitoring locations in and around the Project vicinity were selected to collect short-term ambient noise data. Noise levels during the short-term measurements ranged from 51.7 dBA  $L_{eq}$  to 62.6 dBA  $L_{eq}$ . Table 3.4-7 provides a summary of the short-term noise measurement results.



Graphics ... 1038310 (3-9-2022)/JC



Figure 3.4-1  
Noise Measurements Map

ST-1 was located north of Garden Street, immediately to the west of 845 Garden Street, and approximately 170 feet west of South Milpitas Boulevard. Noise at this location was measured as 56.2 dBA  $L_{eq}$  during the 15-minute measurement interval. The dominant source of noise was vehicle traffic on South Milpitas Boulevard.

ST-2, located west of McCandless Drive and approximately 230 feet north of DeLong Lane, is considered representative of nearby residential land uses. Measurements from this site showed ambient noise levels of 62.6 dBA  $L_{eq}$ . The dominant noise source during this measurement was vehicle traffic along McCandless Drive and temporary construction across McCandless Drive, near Mabel Mattos Elementary School, approximately 415 feet from the measurement location.

ST-3 was located on the southwest corner of Delano Street and Vineyard Avenue, approximately 400 feet south of East Capital Avenue. The recorded noise level was 51.7 dBA  $L_{eq}$  during the 15-minute measurement interval. Overall noise levels were dominated by light traffic at the intersection of Delano Street and Vineyard Avenue. Intermittent aircraft overflight noise also influenced the measurement.

ST-4 was located on the west side of Lee Way, approximately 110 feet north of DeLong Lane. This measurement was taken to capture noise in the vicinity of ST-2, but farther from the active construction near Mabel Mattos Elementary School (with additional buildings located between the construction activity and the measurement location). Noise levels from this location were measured to be 59.4 dBA  $L_{eq}$ , and the dominant noise sources during this measurement was vehicular traffic along Lee Way.

**Table 3.4-7. Short-Term Noise Measurement Results**

Noise Measurement	Site Description	Measurement Start Time	Measurement			Dominant Noise Sources
			$L_{eq}$	$L_{max}$	$L_{min}$	
ST-1	845 Garden Street	09/14/2021 1:29 p.m.	56.2	71.1	40.4	Roadway traffic noise primarily from S Milpitas Avenue
ST-2	1747 McCandless Drive	09/14/2021 12:43 p.m.	62.6	77.0	46.2	Roadway traffic noise primarily from McCandless Drive
ST-3	422 Vineyard Avenue	09/14/2021 2:22 p.m.	51.7	62.8	44.8	Light traffic along Delano Street and Vineyard Avenue
ST-4	Across the Street from 1900 Lee Way	09/16/2021 2:08 p.m.	59.4	83.5	42.4	Light traffic along Lee Way

Note: See Appendix E for additional noise measurement data.  
ST = short-term (15-minute) ambient noise measurement.  
All noise levels are reported in A-weighted decibels (dBA).

### Long-Term Noise Monitoring

Four long-term monitoring locations were selected throughout the Metro Plan Area to collect long-term ambient noise data. Measurements were conducted for a period of approximately 48 hours from September 14 to September 16, 2021. The 24-hour  $L_{dn}$  noise levels from the long-term measurements ranged from 57.5 dBA  $L_{dn}$  to 71.1 dBA  $L_{dn}$ .

LT-1, located on Great Mall Drive, north of Century 20 Great Mall, had an  $L_{dn}$  of approximately 62.2 dBA for day one and 64.2 dBA for day two. LT-2, also positioned along Great Mall Drive, was located north of TownePlace Suites and near the Marriott Milpitas Silicon Valley. LT-2 had a measured  $L_{dn}$  of 65.5 dBA for day one and 66.3 dBA for day two. LT-3, located across the street from 1400 South Main Street and approximately 800 feet north of Cedar Way had a measured noise level of 67.7 dBA  $L_{dn}$  for day one and 71.1 dBA  $L_{dn}$  for day two. Finally, LT-4, located approximately 160 feet north of the Trimble Road and Muirwood Court intersection, had a measured noise level of 58.2 dBA  $L_{dn}$  for day one and 57.5 dBA  $L_{dn}$  for day two. Table 3.4-8 provides a summary of the long-term noise measurement results.

**Table 3.4-8. Long-Term Noise Measurement Results**

Noise Measurement	Site Description	Time Period	$L_{dn}$	Peak 1-hr $L_{eq}$ <sup>1</sup>	
				Time of Occurrence	12-Hour $L_{eq}$ Day 1
LT-1	North of Century 20 Great Mall and XD, on Great Mall Drive	09/14/2021 to 9/15/2021	62.2	65.2	62.1
		9/15/2021 to 9/16/2021	64.2	7:00 p.m.	62.3
LT-2	North of TownePlace Suites by Marriott, on Great Mall Drive	09/14/2021 to 9/15/2021	65.5	67.9	66.3
		9/15/2021 to 9/16/2021	66.3	2:00 p.m.	66.6
LT-3	Across the Street from 1400 S Main Street	09/14/2021 to 9/15/2021	71.0	71.4	69.2
		9/15/2021 to 9/16/2021	71.5	6:00 p.m.	69.4
LT-4	2141 Muirwood Court	09/14/2021 to 9/15/2021	59.9	67.6	60.8
		9/15/2021 to 9/16/2021	57.5	9:00 a.m.	55.2

<sup>1</sup> Peak  $L_{eq}$  is the highest calculated  $L_{eq}$  level during a 48-hour period.

Note: See Appendix E for additional noise measurement data.

LT = long-term (48-hour) ambient noise measurement.

All noise levels are reported in A-weighted decibels (dBA).

Primary noise source at all measurement locations was roadway traffic.

### 3.4.3 Impacts and Mitigation

This section describes the change in Project impacts on noise and vibration that would occur with the Project Change. It describes the methods used to evaluate the impacts and the thresholds used to determine whether an impact would be significant. The Certified EIR found that with implementation of policies in the TASP, along with the application of 1994 General Plan policies, impacts related to noise and vibration would be less than significant, and mitigation measures were not required. Because the Metro Plan policies would replace policies in the TASP, the analysis includes a comparison of the TASP policies and the Metro Plan policies to determine if any changes

in policies would result in an impact. If new mitigation measures are needed to reduce new impacts that would result from the Project Change, those measures are identified below.

This SEIR analysis evaluates the change in Project impacts with the Project Change, and, if applicable, changes in circumstances or new information that was not available at the time the Certified EIR was prepared. The analysis does not reevaluate the impacts of the Project that were already disclosed in the Certified EIR and are not altered due to the Project Change. Based on the change in the Project impact due to the Project Change, a determination is made as to whether there would be changes to the impact significance determinations for the Project in the Certified EIR.

### 3.4.3.1 Significance Criteria

The State CEQA Guidelines Appendix G (14 California Code of Regulations 15000 et seq.) identifies significance criteria to be considered for determining whether a project could have significant impacts on noise. An impact would be considered significant if construction or operation of the Project would do any of the following.

- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Generation of excessive ground-borne vibration or ground-borne noise levels.
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, exposure of people residing or working in the project area to excessive noise levels.

### 3.4.3.2 Methods

#### Construction Noise

Noise levels associated with the Project Change are analyzed using the same general approach as discussed in the Certified EIR for the Project. Typical noise levels from individual equipment are presented, and combined noise levels from typical construction subphases are estimated. Because the Metro Plan proposes no specific development projects, a general analysis of construction noise from future projects is appropriate. In addition to the presentation of individual equipment noise levels, combined noise from given subphases of construction activities are evaluated by combining the noise levels of the three loudest pieces of equipment that would likely be used during a given activity. Noise levels for each equipment type are identified based on the noise reference levels in the Federal Highway Administration's (FHWA) *Roadway Construction Noise Model User's Guide* (Federal Highway Administration 2006). Estimated noise levels from typical construction activities are then compared to the applicable thresholds in the City. According to the Milpitas Municipal Code, during both daytime and nighttime hours, construction noise impacts may result if noise levels greater than 65 dBA, or increases in noise levels of 3 dB or more over the existing ambient sound level, occur at nearby sensitive land uses.

#### Operational Traffic Noise

Traffic data, in the form of daily turning movement volumes for intersections in the study area was provided by Kittelson & Associates Inc. The data included roadway speeds and estimated vehicle

mix percentages (i.e., the proportion of automobiles, medium trucks, and heavy trucks). The data was provided for the following scenarios: Existing conditions (2017, prior to the Coronavirus Pandemic), Year 2040 No Project, and Year 2040 with Project. Refer to Appendix E for the provided data.

Intersection turning movement data was converted into roadway segment Average Daily Traffic (ADT) data. Traffic noise modeling was then conducted using a spreadsheet based on the FHWA Traffic Noise Model, version 2.5. This spreadsheet calculates the traffic noise level at a fixed distance from the centerline of a roadway (50 feet), based on traffic volumes, roadway speeds, and vehicle mix percentages. Potential traffic noise impacts were evaluated based on the traffic noise threshold described in General Plan Policy N 1-6. The following thresholds were applied to determine the potential significance of Project-related traffic noise increases:

1. Where existing traffic noise levels are 60 dB  $L_{dn}$  or less at the outdoor activity areas of noise-sensitive uses (e.g., residential backyards), a +5 dB  $L_{dn}$  increase in roadway noise levels will be considered significant;
2. Where existing traffic noise levels are greater than 60 dB  $L_{dn}$  and up to 65 dB  $L_{dn}$  at the outdoor activity areas of noise-sensitive uses, a +3 dB  $L_{dn}$  increase in roadway noise levels will be considered significant; and
3. Where existing traffic noise levels are greater than 65 dB  $L_{dn}$  at the outdoor activity areas of noise-sensitive uses, a + 1.5 dB  $L_{dn}$  increase in roadway noise levels will be considered significant.

## Operational Mechanical Equipment

Future development projects under the Metro Plan are not specifically known at this time; as such, the types and locations of future mechanical equipment is not known. The analysis of noise impacts related to mechanical equipment (e.g., heating, cooling and ventilation equipment, emergency generators) is therefore based on general source noise levels of equipment types that may be installed for future development in the Metro Plan Area. Equipment noise levels are compared to applicable local thresholds to determine the likelihood of noise exceedances.

## Construction Vibration

As discussed previously, the full details of future development projects under the Metro Plan are not known at this time. Therefore, to estimate vibration impacts from future construction for development under the Metro Plan, a general analysis of vibration impacts from typical construction equipment has been conducted. Vibration source data from the Federal Transit Administration, shown in Table 3.4-9, is used to evaluate the likelihood for future construction to result in excessive vibration. Estimated vibration levels from typical construction equipment at various distances are compared to Caltrans vibration-related annoyance and damage criteria, shown in Tables 3.4-2 and 3.4-3.

**Table 3.4-9. Estimated Vibration Levels of Typical Construction Equipment**

<b>Equipment</b>	<b>PPV at 25 Feet</b>
Pile Driver (Impact)	1.518
Pile Driver (Vibratory)	0.734
Vibratory roller	0.210
Large bulldozer <sup>1</sup>	0.089
Auger drill	0.089
Loaded trucks	0.076
Small bulldozer <sup>2</sup>	0.035

Source: Federal Transit Administration 2018.

<sup>1</sup> Representative of an excavator or other similarly-sized earth-moving equipment

<sup>2</sup> Representative of a front-end loader, small backhoe, or other similarly sized small earth-moving equipment.

### 3.4.3.3 Impacts and Mitigation Measures

This section includes a discussion of each impact as it corresponds to the significance criteria presented in Section 3.4.3.1, *Significance Criteria*.

**Impact NOI-1: Construction of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to generating a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies.**

#### Summary of Impacts from the Certified EIR

Construction noise for the TASP was evaluated in Impact 3.7-4 of the Certified EIR. Typical noise levels during different stages of construction were analyzed based on typical noise levels produced by various types of construction equipment. According to the construction noise analysis, construction activities could result in combined noise levels of 84 to 105 dBA at a distance of 50 feet to the nearest equipment,<sup>1</sup> and construction equipment noise from individual equipment could be in the range of 76 to 101 dBA at 50 feet. The analysis concluded that sensitive receptors could be exposed to high noise levels during construction activities, and construction noise levels could be substantially greater than existing noise levels at nearby sensitive receptor locations. Compliance with the 1994 General Plan, TASP, and City's Noise Abatement Ordinance were determined to reduce construction noise impacts to less-than-significant levels.

#### Impact Analysis

Construction of future development associated with the Metro Plan would generate noise, and temporarily increase noise levels at nearby land uses. The noise levels generated during construction would depend on the construction equipment used, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive receptors.

<sup>1</sup> Average Noise levels correspond to a distance of 50 feet from the noisiest piece of equipment associated with a given phase of construction and 200 feet from the rest of the equipment associated with that phase.

Construction activities are allowed in the City between the hours of 7:00 a.m. and 7:00 p.m., daily, except for holidays, as outlined in Section V-213-2-2.05 of the Municipal Code. The Municipal Code includes exemptions to these allowable hours for certain circumstances, including emergency construction and repair, or particular circumstances where the City Manager deems that an exemption would be appropriate. In addition, and as stated in Section V-213-3 of the City of Milpitas Municipal Code, noise in the City is limited to 65 dBA or to a 3-dB increase over the local ambient noise level, whichever is more stringent, when measured from the property line of the receiving land use.

Table 3.4-10 includes individual equipment noise levels for typical construction equipment. As shown in this table, individual equipment noise levels could be in the range of 74 to 101 dBA  $L_{max}$  and 70 to 94 dBA  $L_{eq}$  at a distance of 50 feet. A similar table (which included slightly fewer pieces of construction equipment) was included in the Certified EIR (refer to Table 3.7-6 of the Certified EIR).

**Table 3.4-10. Project Construction Equipment Noise Levels**

Construction Equipment	$L_{max}$ at 50 feet (dBA) <sup>1</sup>	$L_{eq}$ at 50 feet (dBA)
Air compressor	78	74
Backhoe/loader	78	74
Concrete mixer truck	79	75
Concrete pump truck	81	74
Concrete saw	90	83
Crane	81	73
Dozer	82	78
Excavator	81	77
Forklift <sup>2</sup>	84	80
Generator	81	78
Impact Pile driver	101	94
Paver	77	74
Rollers	80	73
Tractor	84	80
Water truck <sup>3</sup>	76	72
Welders	74	70

Sound data source: Federal Highway Administration. 2006.

<sup>1</sup> These values represent noise levels generated by each equipment type at a distance of 50 feet.

<sup>2</sup> Represented by "tractor" from the FHWA User's Guide.

<sup>3</sup> Represented by "dump truck" from the FHWA User's Guide.

$L_{eq}$  value, or the equivalent sound level value, is calculated from  $L_{max}$  values using standard Federal Highway Administration (estimated) utilization factors (the percentage of time each piece of construction equipment is typically operating at full power over the specified time period).

Although the construction characteristics of individual Metro Plan developments within the Metro Plan Area would vary, buildout of development generally involves similar construction subphases (e.g., demolition, site preparation) and the use of similar equipment. For example, most development projects require site preparation, grading, building construction, paving, and architectural coating phases. Other or additional phases may also be included, depending on the development. If existing land uses are located on a site proposed for construction, a demolition

phase is also typical. Reasonable worst-case construction noise levels can be estimated for typical construction phases and can help approximate construction noise levels near a given development.

Table 3.4-11 shows estimated noise levels from a variety of construction activities or phases that could occur for a typical project (and assuming typical equipment usage) at a distance of 100 feet. These estimated combined noise levels are calculated by combining noise from the loudest three pieces of equipment typically used for each type of construction activity (in accordance with the FHWA recommendation for analyzing combined construction noise).

**Table 3.4-11. Typical Construction Activity Noise Levels**

<b>Construction Activity<sup>1</sup></b>	<b>Assumes the Following Equipment</b>	<b>Combined L<sub>max</sub> at 100 Feet</b>	<b>Combined L<sub>eq</sub> at 100 Feet</b>
Demolition	Tractor, Concrete Saw, Excavator	85	79
Site Preparation	Excavator, Dump Truck, Backhoe	78	74
Grading	Dozer, Grader, Compactor	82	78
Building and Utilities	Crane, Forklift, Concrete Pump	81	76
Architectural Coating	2 Air Compressors	75	71
Paving	2 Pavers, Roller	77	72

Source: Federal Highway Administration 2006.

<sup>1</sup> Includes the three pieces of typical equipment used for each type of activity.

As shown in Table 3.4-11, combined noise levels from construction activities at a distance of 100 feet could be in the range of approximately 71 to 79 dBA L<sub>eq</sub>, depending on the construction phase and the equipment used. Many developments under the Metro Plan may not require the use of pile driving; however, if pile driving were to occur, construction noise levels could be even higher, with noise levels of 95 dBA L<sub>max</sub> and 88 dBA L<sub>eq</sub> at a distance of 100 feet from pile driving alone.

Construction associated with future development under the Metro Plan would result in temporary increases in ambient noise levels in the vicinity of a construction site. Construction activities would typically be limited to the daytime allowable hours for construction defined in the Municipal Code. However, some construction activities for future development may occur outside of these daytime hours (e.g., when road closures are needed, when concrete pours must occur during nighttime hours, or in order to meet construction schedules or deadlines). In addition, during both daytime and nighttime hours, construction noise may result in noise levels greater than 65 dBA or greater than 3 dB over the existing ambient at nearby sensitive land uses.

Due to the temporary nature of construction noise, noise increases from construction activities would not lead to ongoing or long-term exceedances of the City's noise standards. In addition, according to the 2040 General Plan EIR, the ambient noise standards established by the General Plan are not intended to apply to temporary noise sources, such as construction activities, occurring during allowable hours (City of Milpitas 2020). However, because the construction noise from future development under the Metro Plan could occur during nighttime hours and/or could result in a substantial temporary increase in ambient noise levels in the City during daytime or nighttime hours, construction noise impacts from implementation of the Metro Plan would be considered potentially significant.

Construction noise would be reduced by General Plan Policies N 1-5 and N 1-8, as well as Action N-1b, Action N-1c, and Action N-1d. Compliance with these policies and actions would help minimize the construction noise impacts from development under the Metro Plan to nearby sensitive uses.

For example, Policy N 1-8 of the General Plan requires construction activities to comply with standard best practices to reduce noise exposure to adjacent sensitive receptors. In addition, General Plan Action N-1d requires that projects be evaluated individually during the environmental review process to determine if project construction would constitute a significant impact on nearby sensitive receptors. If impacts are identified, mitigation measures pertaining to construction noise would be required in addition to the standard best practices required in Action N-1d of the General Plan. Suggested best practices for control of construction noise under this Action include limiting construction activities to between 7:00 a.m. and 7:00 p.m. (except holidays), requiring all equipment engines be equipped with mufflers in good condition and appropriate for the equipment, requiring the use of “quiet” models of air compressors and other stationary noise sources where technology exists, locating stationary noise-generating equipment as far as practicable from sensitive receptors, prohibiting unnecessary idling of internal combustion engines for longer than 5 minutes, notifying neighbors of looming construction, and designating a “noise disturbance coordinator” who will be responsible for responding to any local complaints about construction noise.

The requirements in Action N-1d of the General Plan, which would apply to all development under the Metro Plan, would reduce impacts related to construction noise in the Metro Plan Area. However, it is not possible to ensure that in all instances and for all future projects, mitigation measures would reduce construction noise to less-than-significant levels. For example, certain projects may require construction noise during nighttime hours for various reasons (e.g., projects that require road closures, concrete pour activities that require early morning starts to prevent concrete curing prematurely). Therefore, even with the requirement that mitigation measures be applied to reduce construction noise for future projects, some future projects may result in significant construction noise impacts that cannot be reduced to less-than-significant levels with mitigation.

Therefore, the Project Change would result in a new impact related to construction noise that was not disclosed in the Certified EIR and impacts related to construction noise would be significant and unavoidable.

#### ***Certified EIR Mitigation Measures***

The Certified EIR did not include mitigation for impacts related to construction noise.

#### ***New Mitigation Measures***

The Project Change does not include additional mitigation measures beyond what would be required through implementation of the 2040 General Plan policies and actions.

#### **Conclusions for Impact NOI-1**

The Certified EIR concluded that after implementation of policies included in the 1994 General Plan and TASP, construction noise impacts would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would result in a significant and unavoidable impact related to construction noise even with implementation of applicable General Plan policies. Thus, the Project Change would result in a change to the Certified EIR’s impact determination related to construction noise. The Project Change would result in a new significant and unavoidable impact that was not identified in the Certified EIR.

**Impact NOI-2: Operation of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to generating a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies.**

**Summary of Impacts from the Certified EIR**

***Traffic Noise***

To assess the traffic noise impacts from development under the TASP, noise levels were projected in the Certified EIR using the FHWA noise prediction model for all intersections analyzed in the traffic study. According to the Certified EIR, the TASP would cause significant noise impacts (a 3-dB increase or greater from existing conditions) along segments of Alder Drive, Centre Point Drive, Great Mall Parkway, and McCandless Drive, with noise increases ranging from 3.1 to 6.3 dBA. The analysis determined that these residential uses would be significantly impacted by the roadway noise generated by the TASP. According to the Certified EIR, there are no existing residential uses or sensitive receptors along the other roadway segments (besides the segment identified above) expected to experience a significant increase in noise levels. The Certified EIR also notes that none of the predicted future noise levels along analyzed roadway segments would exceed the “conditionally acceptable” noise standards in the City.

In addition to the assessment of roadway noise impacts on existing land uses, the Certified EIR also evaluated traffic noise impacts on future uses. The analysis stated that proposed multi-family residential and hotel land uses along Great Mall Parkway between Centre Point Drive and Montague Expressway may experience noise levels that are considered normally unacceptable. Impacts were determined to be potentially significant. However, the Certified EIR stated that roadway noise impacts on new residential or hotel uses along this segment would be mitigated by policies from the 1994 General Plan and the TASP. Therefore, the conclusion related to roadway noise in the Certified EIR was that impacts related to roadway noise would be less than significant with the implementation of policies.

***Noise Impacts Related to Mixed-Use and Transit-Oriented Development***

Mixed-use and transit-oriented development was evaluated under Impact 3.7-2 of the TASP. The analysis considered noise exposure to new and existing development near railroad and BART tracks as well as major thoroughfares that bound and intersect the TASP Area. For example, existing Union Pacific railroad tracks are located along the western edge of the TASP Area. According to the analysis, residences located within 300 feet of the rail lines could be exposed to noise levels of 60 to 70  $L_{dn}$ . In addition, the analysis states that the extension of the BART rail line (which intersects the TASP Area and is now completed) would expose residences located within 300 feet to noise levels of 60 to 70  $L_{dn}$ .

This impact analysis also considered noise exposure at proposed residential land uses from Montague Expressway. Noise levels along Montague Expressway were projected using Year 2030 peak hour traffic volumes with the TASP and the FHWA noise prediction model. Peak hour roadside noise levels were projected to be 69 dBA  $L_{eq}$  at locations 120 feet from the roadway center.

The Certified EIR concluded that mixed-use and transit-oriented development from the TASP could result in the exposure of existing and proposed residences to transportation noise, but that any

residential or sensitive uses proposed for development under the TASP would be required to incorporate adequate attenuation features to reduce noise impacts from BART to below 45  $L_{dn}$  (interior). In addition, the construction of specified sound walls (from VTA) would be required for the BART extension. For these reasons, with implementation of specified TASP policies in conjunction with the mitigation measures from the BART extension SEIR, impacts related to mixed-use and transit-oriented development were determined to be less than significant.

### ***Operational Mechanical Equipment Noise***

While the Certified EIR evaluated effects from operational sources of noise such as traffic and rail, the document did not include an evaluation of noise impacts from mechanical equipment associated with future development under the TASP.

## **Impact Analysis**

### ***Traffic Noise***

Implementation of the Project Change would result in changes to the land use classifications (i.e., increased allowable densities and intensities, new land use classifications, and change in location of land use classifications) within the Metro Plan Area and could, therefore, result in increases in traffic in certain portions of the Metro Plan Area or in the redistribution of traffic along new or different segments.

Traffic noise modeling was conducted for Existing Conditions, Year 2040 (No Project), and Year 2040 (Plus Project) using the project-specific traffic data provided by the project traffic engineer (Kittelson & Associates). The Year 2040 (No Project) condition is a scenario in which development would occur as currently anticipated, with implementation of the TASP as described in the Certified EIR. The differences between the Year 2040 (No Project) and the Year 2040 (Plus Project) condition represents the differences in traffic noise expected to occur due to the Metro Plan, relative to the TASP.

As recommended by Policy 1-6 from the 2040 General Plan:

- Where existing traffic noise levels are 60 dB  $L_{dn}$  or less at the outdoor activity areas of noise-sensitive uses, a +5 dB  $L_{dn}$  increase in roadway noise levels will be considered significant.
- Where existing traffic noise levels are greater than 60 dB  $L_{dn}$  and up to 65 dB  $L_{dn}$  at the outdoor activity areas of noise-sensitive uses, a +3 dB  $L_{dn}$  increase in roadway noise levels will be considered significant.
- Where existing traffic noise levels are greater than 65 dB  $L_{dn}$  at the outdoor activity areas of noise-sensitive uses, a + 1.5 dB  $L_{dn}$  increase in roadway noise levels will be considered significant.

According to the General Plan Noise Element, noise levels of up to 65 dBA  $L_{dn}$  are considered normally acceptable for multi-family residential land uses, and noise levels of up to 60 dBA  $L_{dn}$  are considered normally acceptable for single-family residential land uses. Refer to Table 3.4-12 for the traffic noise modeling results and Appendix E for the full traffic noise modeling results.

**Table 3.4-12. Modeled Traffic Noise Levels**

<b>Roadway</b>	<b>Segment Location</b>	<b>Existing<sup>1</sup> dBA L<sub>dn</sub></b>	<b>Year 2040 No Project dBA L<sub>dn</sub></b>	<b>Year 2040 Plus Project dBA L<sub>dn</sub></b>	<b>Year 2040 No Project to Year 2040 Plus Project Noise Increase (dB)</b>
Centre Pointe Drive	South of Great Mall Parkway	49.7	63.6	64.2	0.6
Dempsey Road	North of Landess Avenue	62.8	64.3	64.4	0.1
Fairlane Drive	North of Great Mall Parkway	60.3	61.1	61.4	0.3
Great Mall Parkway	East of Centre Point Drive/Mustang Drive	69.0	70.0	70.0	0.0
Great Mall Parkway	West of Centre Pointe Drive/Mustang Drive	68.4	70.2	70.7	0.5
Great Mall Parkway	East of McCandless Drive/Fairlane Drive	68.4	70.2	70.6	0.5
Great Mall Parkway	West of McCandless Drive/Fairlane Drive	69.0	71.0	71.2	0.2
Great Mall Parkway	East of Montague Expressway	70.5	71.3	71.2	-0.1
Great Mall Parkway	West of Montague Expressway	69.5	70.2	70.3	0.0
Great Mall Parkway	East of South Abel Street	68.3	69.2	69.7	0.5
Great Mall Parkway	West of South Abel Street	69.3	70.1	70.1	0.0
Great Mall Parkway	East of South Main Street	68.9	71.0	71.1	0.1
Great Mall Parkway	West of South Main Street	68.2	69.0	69.6	0.6
Landess Avenue	East of Dempsey Road/ I680 NB Off Ramp	70.2	70.5	70.6	0.1
Landess Avenue	West of Dempsey Road/ I680 NB Off Ramp	69.1	69.7	70.0	0.3
McCandless Drive	North of Montague Expressway	58.8	62.2	61.7	-0.5
McCandless Drive	South of Great Mall Parkway	58.4	61.0	60.0	-1.0
McCarthy Boulevard	North of Montague Expressway	66.4	70.1	70.1	-0.1
Montague Expressway	East of McCandless Drive/Trade Zone Boulevard	72.3	74.5	74.5	0.0

<b>Roadway</b>	<b>Segment Location</b>	<b>Existing<sup>1</sup> dBA L<sub>dn</sub></b>	<b>Year 2040 No Project dBA L<sub>dn</sub></b>	<b>Year 2040 Plus Project dBA L<sub>dn</sub></b>	<b>Year 2040 No Project to Year 2040 Plus Project Noise Increase (dB)</b>
Montague Expressway	West of McCandless Drive/Trade Zone Boulevard	74.1	75.1	75.5	0.4
Montague Expressway	East of McCarthy Boulevard/O'Toole Avenue	75.1	75.6	75.7	0.1
Montague Expressway	West of McCarthy Boulevard/O'Toole Avenue	75.1	76.1	76.2	0.1
Montague Expressway	East of South Main Street/Oakland Road	74.4	75.3	75.6	0.3
Montague Expressway	West of South Main Street/Oakland Road	75.5	76.0	76.0	0.1
Montague Expressway	East of South Milpitas Boulevard	71.2	72.2	72.4	0.2
Montague Expressway	West of South Milpitas Boulevard	71.5	72.8	72.4	-0.4
Montague Expressway	North of Great Mall Parkway	71.6	73.3	73.9	0.6
Montague Expressway	South of Great Mall Parkway	68.4	71.7	72.1	0.4
Mustang Drive	North of Great Mall Parkway	58.7	60.9	60.4	-0.4
Oakland Road	South of Montague Expressway	67.5	71.5	71.6	0.1
O'Toole Avenue	South of Montague Expressway	63.1	65.9	66.0	0.1
South Abel Street	North of Great Mall Parkway	66.8	70.1	70.1	0.0
South Abel Street	South of Great Mall Parkway	66.3	69.5	69.6	0.1
South Main Street	North of Great Mall Parkway	64.6	68.2	68.9	0.8
South Main Street	South of Great Mall Parkway	62.7	66.2	66.0	-0.3
South Main Street	North of Montague Expressway	66.6	69.9	69.4	-0.4
South Milpitas Boulevard	North of Montague Expressway	63.8	70.1	69.9	-0.2
South Milpitas Boulevard	South of Montague Expressway	44.5	69.2	68.8	-0.4

Roadway	Segment Location	Existing <sup>1</sup> dBA L <sub>dn</sub>	Year 2040 No Project dBA L <sub>dn</sub>	Year 2040 Plus Project dBA L <sub>dn</sub>	Year 2040 No Project to Year 2040 Plus Project Noise Increase (dB)
Tasman Drive/GMP	East of I-880 SB Ramps	69.9	70.4	70.6	0.1
Tasman Drive/GMP	West of I-880 SB Ramps	70.5	71.1	71.2	0.1
Tasman Drive/GMP	East of Thompson Street	69.1	69.9	70.0	0.1
Tasman Drive/GMP	West of Thompson Street	69.5	70.0	70.3	0.2
Thompson Street	North of Tasman Drive/GMP	61.2	63.1	63.5	0.5
Trade Zone Boulevard	South of Montague Expressway	68.2	69.9	69.4	-0.5

<sup>1</sup> Existing = Year 2017 (Year 2017 used to capture existing conditions prior to the Coronavirus Pandemic).  
Note: All Segments modeled at a fixed distance of 50 feet from the roadway centerline.

As shown in Table 3.4-12, the modeling results demonstrate that traffic noise increases along the roadway segments in the Metro Plan Area could be up to 0.8 dB, with some instances of noise reduction (i.e., a decrease in noise of up to 1 dB). Because the traffic noise increases along all analyzed roadway segments would be below the 1.5 dB, 3 dB, and 5 dB thresholds (described previously), traffic noise impacts from implementation of the Metro Plan would be less than significant.

Although traffic noise impacts from implementation of the Metro Plan would be less than significant, General Plan Policies N 1-5, N 1-6, N 1-7, N 1-9, and N 1-10 would further reduce traffic noise effects in the Metro Plan Area.

#### **Noise Impacts Related to Mixed-Use and Transit-Oriented Development**

When the Certified EIR was completed, the standard approach to CEQA analyses included an assessment of the effects of the existing environment on the project (i.e., an analysis of noise at future proposed land uses under the project). The California Supreme Court concluded in its 2015 *CBIA v. BAAQMD* decision that “CEQA generally does not require an analysis of how existing environmental conditions will affect a project’s future users or residents.” With this ruling, CEQA no longer considers the impact of the environment on a project, such as the impact of an existing road or railroad noise on planned development to be an impact requiring consideration under CEQA, unless the project could exacerbate an existing environmental hazard.

Although the Metro Plan could result in an increase or redistribution in vehicle traffic, the Metro Plan would not directly result in the relocation of rail or BART tracks, or in increases in rail or BART activity. Therefore, because CEQA requires an evaluation of a project’s impacts on the environment (and not an evaluation of the impacts of the environment on a project), because the Metro Plan would not result in increases in noise to rail or BART activity, impacts associated with noise from rail and BART activity on developments associated with the Metro Plan would not be considered a CEQA impact. Noise impacts resulting from project-related increases in construction noise, operational noise, and construction vibration are evaluated under Impacts NOI-1, NOI-2, and NOI-3 of this assessment.

### ***Operational Mechanical Equipment Noise***

Future development within the Metro Plan Area would be expected to include the installation and operation of stationary sources of noise, such as heating, ventilation, and air-conditioning (HVAC) equipment and emergency generators, which could expose existing adjacent land uses to excessive noise. In the City, non-transportation sources of stationary noise are limited to 55 dBA  $L_{eq}$  during the daytime hours of 7:00 a.m. to 10:00 p.m., and 45 dBA  $L_{eq}$  during the nighttime hours of 10:00 p.m. to 7:00 a.m., as measured at the property line of the receiving land use (refer to Table N-2 in the 2040 General Plan).

Because specific details for future development projects under the Metro Plan are not known at this time, the types of future mechanical equipment and the exact sizes and locations of future mechanical equipment are also unknown. Noise from HVAC equipment can vary depending on the type and size of the equipment. A typical air-handling unit with condensing units and fans can generate sound levels in the range of 70 to 75 dBA at 50 feet.<sup>2</sup> In addition, a large exhaust or ventilation fan can generate a noise level of 79 dBA at 50 feet,<sup>3</sup> a chiller (depending on the cooling capacity) can generate a noise level of 65 to 71 dBA at 50 feet,<sup>4</sup> and a typical boiler generates a noise level of 64 to 67 dBA at 50 feet.<sup>5</sup>

Emergency generator noise is typically considered exempt during actual emergencies. According to 2040 General Plan Policy N 1-15, temporary emergency operations or emergency equipment usage authorized by the City is considered to be exempt from the noise standards included in the 2040 General Plan. However, emergency generators may also result in excessive noise during testing (and the noise exemption does not apply during this time). For example, a Cummins 1,250 kilowatt (kW) generator model can result in an unattenuated noise level of up to 103 dBA at 50 feet (combined exhaust and engine noise), without accounting for attenuation from mufflers or weather and/or sound enclosures.<sup>6</sup> Even smaller generators can result in high noise levels. For example, a Cummins 500 kW generator (Qsx15 series) can result in an estimated unattenuated noise level of up to 89 dBA at 7 meters, which equates to approximately 82 dB at 50 feet without accounting for attenuation from mufflers or weather and/or sound enclosures.<sup>7</sup>

Based on the noise levels cited above and depending on the distances between noise source and nearby receiver, equipment operations may result in excessive noise levels at nearby sensitive uses. Locating equipment behind screens/solid walls, or within enclosures would reduce noise from these sources. However, because the specific equipment for future projects would vary and potential screen or enclosure designs are unknown, potential reductions cannot be quantified. Therefore, depending on the proximity of noise-generating equipment to existing sensitive receptors, mechanical equipment for future development under the Project may result in noise levels in excess of the applicable 55 dBA  $L_{eq}$  daytime or 45 dBA  $L_{eq}$  nighttime thresholds. Impacts from mechanical equipment noise would be considered potentially significant.

The Metro Plan does not include policies related to mechanical equipment noise. However, General Plan Policies N 1-1, N 1-2, N 1-4, N 1-5, and N 1-6 would help reduce the effects of mechanical

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<sup>2</sup> Hoover and Keith. 2000.

<sup>3</sup> Federal Highway Administration. 2006.

<sup>4</sup> Hoover and Keith. 2000.

<sup>5</sup> Hoover and Keith 2000. Calculated based on a sound power level of 96 to 99 dBA.

<sup>6</sup> Cummins, Inc. 2017.

<sup>7</sup> Cummins, Inc. 2015.

equipment noise on nearby sensitive uses. For example, Policy N 1-1 requires that the noise compatibility of existing and future development be considered when making land use planning decisions and requires that development projects ensure consistency with land use compatibility standards outlined in the General Plan Tables N-1 and N-2. In addition, implementation of Mitigation Measure NOI-1 requires the applicants of future projects under the Metro Plan to conduct a noise analysis to estimate noise levels of project-specific mechanical equipment and implement measures to ensure noise levels are below allowable limits. With the implementation of Mitigation Measure NOI-1, operational impacts due to operational mechanical equipment would be reduced to less than significant with mitigation.

### ***Siren Noise at Future Police Station***

The Metro Plan would allow a satellite police station to be developed in the Innovation District, with a potential location shown in Figure 2-4. The impacts from this proposed police station would be evaluated at a project-level detail during the project's environmental review phase.

This analysis considers the potential noise impacts from the police station in a programmatic level of detail. Operational mechanical equipment noise for all future projects (including a proposed police station) is evaluated above; however, the development of the police station could introduce operational noise in the form of siren noise. Police vehicle activity involving the use of sirens can occur any time during the day or night. For safety, sirens used during emergency response events are designed to be readily audible above surrounding ambient noise. In principle, the use of sirens depends heavily on traffic conditions at the time of an emergency call; therefore, their use may not always be necessary. Siren noise can be very loud but typically is audible in a given location only for a short period of time. Siren noise measurements have shown noise levels ranging from 101 to 116 dBA  $L_{max}$ , or 87 to 102 dBA  $L_{eq}$  at a distance of 50 feet for the event (refer to Appendix E). The duration of the siren exposure at a given location is typically less than 30 seconds. The measurements cited in this analysis demonstrated event duration for siren noise in the range of 12–25 seconds per event. Because siren use would be temporary and periodic at a given location, it would be considered a nuisance noise effect that would generally result in a less-than-significant noise impacts. Nonetheless, CEQA review would be conducted when the police station is advanced and a project-level noise analysis will be conducted at that time.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation for impacts related to noise from operation of the TASP.

### **New Mitigation Measures**

The following mitigation measures would be required for the Metro Plan.

#### **Mitigation Measure NOI-1: Mechanical Equipment Noise Reduction Plan**

To reduce potential noise impacts resulting from mechanical equipment (including but not limited to HVAC equipment and emergency generators), the applicants of future projects under the Metro Plan shall conduct a noise analysis to estimate noise levels of project-specific mechanical equipment. The noise analysis shall be based on the selected equipment models and design features. The applicant for the project shall create a Noise Reduction Plan to

ensure noise levels of equipment, once installed, are below the applicable criteria described below.

The Noise Reduction Plan shall include any necessary noise reduction measures required to reduce project-specific mechanical equipment noise to a less-than-significant level. The plan shall also demonstrate that with the inclusion of selected measures, noise from equipment would be below the significance thresholds. Feasible noise reduction measures to reduce noise below the significance thresholds include, but are not limited to, selecting quieter equipment, utilizing silencers and acoustical equipment at vent openings, siting equipment farther from the roofline, and/or enclosing all equipment in a mechanical equipment room designed to reduce noise. Regarding emergency generators, additional noise reduction options include, but are not limited to, installing quieter model generators, incorporating noise-reducing emergency generator weather enclosures, and installing exhaust mufflers or silences. The results of the noise analysis and the final Noise Reduction Plan shall be provided to the City prior to the issuance of building permits.

The noise analysis and Noise Reduction Plan shall be prepared by persons qualified in acoustical analysis and/or engineering. The Noise Reduction Plan shall demonstrate with reasonable certainty that noise from mechanical equipment selected for the project, including the attenuation features incorporated into the project design, will not exceed the City of Milpitas property plane thresholds of 55 dBA during daytime hours or 45 dBA during nighttime hours for nearby residential land uses.

The applicants of future projects under the Metro Plan shall incorporate all feasible methods to reduce noise and any other feasible recommendations from the acoustical analysis and Noise Reduction Plan into the building design and operations, as necessary, to ensure that noise sources meet applicable requirements of the respective noise ordinances at receiving properties.

### **Conclusions for Impact NOI-2**

The Certified EIR concluded that after implementation of policies in the 1994 General Plan and TASP, impacts related to traffic noise would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less-than-significant impact on traffic noise. The Project Change would not alter the result of the Certified EIR's impact determination related to traffic noise. For traffic noise impact the Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

The Certified EIR also concluded that noise impacts from rail or BART noise at mixed-use and transit-oriented development would be less than significant with implementation of policies and the required mitigation measure from the BART Extension SEIR. As discussed above, impacts associated with noise from rail and BART activity on developments associated with the Metro Plan would not be considered a CEQA impact. No impacts related to rail and BART noise in the Metro Plan Area would be expected to occur as a result of the Project Change. For rail and BART noise impacts, the Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

The Certified EIR did not make a determination regarding noise from operational equipment associated with the TASP. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would result in a significant noise impact from operational equipment that would be reduced to a less-than-significant level with Mitigation Measure NOI-1. The Project Change would result in a new impact (less than significant with mitigation) that was not identified in the Certified EIR.

**Impact NOI-3: Construction of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to exposing persons to or generating excessive ground-borne vibration or ground-borne noise levels. Operation of the Metro Plan would not result in a new or substantially more severe impact than what was identified in the Certified EIR related to exposing persons to or generating excessive ground-borne vibration or ground-borne noise levels.**

#### **Summary of Impact from the Certified EIR**

##### ***Construction***

The Certified EIR does not address vibration impacts from construction activities.

##### ***Operations***

According to the Certified EIR, sensitive receptors could be exposed to ground-borne vibration from Amtrak and freight trains along the UPRR tracks, including the spur line, and from the operation of BART trains along the proposed BART extension into the TASP Area. Vibration from sources such as buses and trucks is rarely perceptible even at locations close to major roads. According to the Certified EIR, UPRR railroad tracks run adjacent to, or near, multiple portions of the TASP Area. Vibration analysis conducted for Santa Clara Valley VTA's BART Expansion SEIR indicated that vibration impacts at existing receptors approximately 100 feet from the centerline of the proposed tracks in the TASP Area would be mitigated to a less-than-significant level (less than the FTA 72 VdB significance criterion for frequent events for Category 2 land uses) through use of a floating slab track or tire derived aggregate under ballasted track. Implementation of this VTA BART Expansion SEIR mitigation measure, along with specified TASP policies pertaining to ground-borne vibration from sources such as BART trains and rail, were determined to reduce impacts to less-than-significant levels.

#### **Impact Analysis**

##### ***Construction***

Construction of the Metro Plan would involve the use of construction equipment that could generate ground-borne vibration. Potential vibration-related damage and annoyance impacts resulting from implementation of the Metro Plan are analyzed below.

##### ***Vibration-Related Damage Effects***

Construction of future development under the Metro Plan would require equipment that could generate ground-borne vibration. Typical vibration levels associated with heavy-duty construction equipment at a distance of 25 feet, and various other distances, are shown in Table 3.4-13.

**Table 3.4-13. Peak Particle Velocity Vibration Levels for Construction Equipment**

<b>Equipment</b>	<b>PPV at 25 Feet</b>	<b>PPV at 55 Feet</b>	<b>PPV at 75 Feet</b>	<b>PPV at 100 Feet</b>	<b>PPV at 175 Feet</b>
Pile driver (impact)	1.52	0.47	0.29	0.19	0.08
Pile driver (sonic)	0.73	0.23	0.14	0.09	0.04
Vibratory roller	0.21	0.06	0.04	0.03	0.01
Hoe ram	0.09	0.03	0.02	0.01	0.00
Drill	0.09	0.03	0.02	0.01	0.00
Large bulldozer	0.08	0.03	0.01	0.01	0.01
Loaded trucks	0.04	0.02	0.01	0.00	0.00
Jackhammer	0.21	0.01	0.04	0.03	0.01
Small bulldozer	0.00	0.00	0.00	0.00	0.00

Source: Federal Transit Administration 2018.  
PPV = peak particle velocity.

Table 3.4-2 identifies the Caltrans vibration-related damage thresholds for continuous or frequent intermittent sources of vibration, such as construction activity, suggested for various types of buildings. As shown in Table 3.4-2, some building types (e.g., fragile buildings or historic and some old buildings) are more susceptible to vibration-related damage effects. Vibration impacts on structures are usually significant if construction vibration could result in structural or cosmetic damage or, in the case of a historic resource, materially alter the resource pursuant to State CEQA Guidelines Section 15064.5. Depending on a structure's condition, potential vibration-induced damage may be cosmetic (e.g., plaster or wood ornamentation may be damaged) or structural, in which case the integrity of the building may be threatened.

Due to California regulations governing earthquake safety, structures that are considered to be "fragile buildings" (with a damage criterion of 0.1 inch/second [in/sec] PPV) or "extremely fragile historic buildings," such as ruins or ancient monuments (with a damage criterion of 0.08 PPV in/sec) are unlikely to be located in the Metro Plan Area. It is likely that the most sensitive category of buildings currently existing in the Metro Plan Area would fall into the "historic and some old buildings" category outlined in Table 3.4-2. In addition, most structures in the Metro Plan Area would be similar to "new residential structures," or "modern industrial/commercial buildings," with "older residential structures" also potentially located in the Metro Plan Area. According to Table 3.4-2, the damage criterion for both "modern industrial/commercial buildings" and "new residential structures" is 0.5 PPV in/sec. With respect to older residential structures, the applicable criterion is 0.3 PPV in/sec. Although less common in urban areas, such as the Metro Plan Area, "historic and old buildings" (which have a damage criterion of 0.25 PPV in/sec) may also be present.

This analysis assumes that construction in the Metro Plan Area could occur within 25 feet of the most sensitive buildings ("historic and some old buildings"). Vibration-generating activities would often occur farther than 25 feet from existing buildings; however, this analysis utilizes these assumptions to ensure a reasonably conservative assessment.

As shown in Table 3.4-13, at a distance of 25 feet, all construction equipment other than vibratory and impact pile drivers would result in vibration levels below the damage thresholds for "historic and some old buildings" (0.25 PPV in/sec), the most vibration-sensitive category of buildings expected to be located within the Metro Plan Area. The estimated vibration levels are also below the less stringent Caltrans vibration damage criteria for "older residential structures" (0.3 PPV in/sec),

“new residential structures” and “modern industrial/commercial buildings” (both 0.5 PPV in/sec). Therefore, vibration-related damage impacts from all equipment other than pile drivers on adjacent buildings would be less than significant, should construction take place at least 25 feet from nearby structures. However, should construction occur at closer distances than 25 feet from adjacent existing structures, further analysis would be required to confirm that vibration-related damage impacts would be less than significant.

Although most future projects would not require the use of pile driving, some projects may require the use of this equipment. At a distance of 100 feet, vibration levels from impact pile drivers would be below the vibration criteria for “historic and some old buildings,” “older residential structures,” “new residential structures,” and “modern industrial/commercial buildings.” However, should impact pile driving take place within 100 feet of structures in the “historic and some old buildings” category, the applicable Caltrans damage criterion of 0.25 PPV in/sec could be exceeded. In addition, should impact pile driving occur within 75 feet of buildings in the “older residential structures” category (0.3 PPV in/sec), and within 55 feet of buildings in the “newer residential” or “modern industrial/commercial buildings” categories (0.5 PPV in/sec), the applicable vibration-related damage thresholds for these building types may also be exceeded.

Because the exact distances between potential future pile driving activities and nearby buildings are not known at this time, it is conservatively assumed that pile driving could take place close enough to existing buildings that applicable damage criteria could be exceeded. Specifically, if impact pile driving should occur within 100 feet of a building in the “historic and some old building” category, within 75 feet of “older residential structures,” and within 55 feet of “modern industrial/commercial buildings,” vibration-related damage effects could occur. In addition, should construction activities with other non-pile driving equipment occur within 25 feet of existing structures, additional analysis may be required to confirm vibration levels would not be in excess of applicable damage criteria.

Therefore, because pile driving and non-pile driving activities could result in vibration levels in excess of applicable thresholds (depending on the proximity of future construction activities to nearby structures), vibration-related damage impacts would be considered potentially significant.

The Metro Plan does not include policies related to ground-borne vibration from construction activities. However, Policy N 1-8, Action N-1c, and Action N-1d in the 2040 General Plan would help reduce the effects of construction-related vibration on sensitive uses. For example, the implementation of standard best practices for construction noise (see General Plan Policy N 1-8) would also help reduce construction vibration. Actions under this policy include a requirement for developers to prepare a construction management/noise mitigation plan that defines BMPs to reduce construction noise and suggests that mitigation measures be implemented. For example, measures under this Action that would reduce construction-related vibration impacts are the requirements to locate stationary equipment as far as practical from sensitive receptors, and to locate construction staging areas farther from occupied sensitive uses. However, even with implementation of these policies, vibration-related damage impacts from future construction would still be potentially significant.

Mitigation Measure NOI-2 would be required to reduce construction-related damage impacts. However, it is not possible to ensure that in all instances and for all future projects, mitigation measures would reduce construction vibration to less-than-significant levels. For example, certain projects may require construction to take place at very close distances to existing structures.

Therefore, even with the requirement that mitigation measures be applied to reduce construction vibration for future projects, some future projects may result in significant vibration-related damage impacts from construction that cannot be reduced to less-than-significant levels with mitigation.

#### *Vibration-Related Annoyance Effects*

The potential for annoyance-related vibration impacts from construction depends on the proximity of construction activities to sensitive receptors, the number and types of construction equipment, the duration of construction equipment use, and the time of use. At least some future development projects under the Metro Plan may use pile drivers, and most development projects would at least be expected to use heavy-duty equipment, such as a large bulldozer or vibratory rollers. Typical vibration levels associated with heavy-duty construction equipment are shown in Table 3.4-13.

Humans are typically considered more sensitive to vibration that occurs during nighttime hours, when people generally sleep. For the purposes of this analysis, should strongly perceptible vibration levels (per the Caltrans Guidelines for Vibration Annoyance Potential) be expected to occur at residential land uses during nighttime hours, sleep disturbance could occur. As shown in Table 3.4-3, vibration generated by continuous or frequent intermittent sources, such as vibration from construction activities, is considered to be strongly perceptible if the vibration level is in excess of 0.1 PPV in/sec.

At this time, it is unknown if future development projects under the Metro Plan would include nighttime construction. However, because there are no policies requiring work be limited to daytime hours, it is possible that nighttime construction could take place. Therefore, depending on the types of equipment proposed for nighttime hours and the proximity to existing sensitive uses (e.g., residences), excessive vibration during nighttime hours when people typically sleep could occur.

Most construction equipment would result in vibration levels below the 0.1 PPV in/sec “strongly perceptible” threshold at distances of 25 feet or more (see Table 3.4-13). However, pile drivers (both vibratory and impact-style pile drivers) and vibratory rollers would result in vibration levels in excess of 0.1 PPV in/sec at a distance of 25 feet. Therefore, construction with equipment other than pile drivers and vibratory rollers that occurs at least 25 feet from residential land uses would not be expected to exceed the 0.1 PPV in/sec threshold. However, it is possible that some future projects under the Metro Plan would require nighttime construction closer than 25 feet from occupied residences. In addition, it is possible that some future projects would require the use of pile drivers or vibratory rollers during construction. It is very unlikely the pile driving, or other heavy equipment, would be used during nighttime hours. However, because there is no requirement in the City stating that this is prohibited, this analysis assumes any construction equipment needed for future development under the Metro Plan could be used during nighttime hours.

Should an impact pile driver be used within approximately 155 feet of a residential land use during nighttime hours, or a vibratory pile driver be used within approximately 100 feet of a residential land use during nighttime hours, vibration levels would exceed 0.1 PPV in/sec, and sleep disturbance could result. In addition, should a vibratory roller be used within approximately 40 feet of a residential land use during nighttime hours, vibration levels may exceed the 0.1 PPV in/sec “strongly perceptible” criterion. In addition, and although equipment other than rollers and pile drivers would be unlikely to result in annoyance impacts should it be used more than 25 feet from residences, it is possible that this equipment could be used closer than this distance from residences during nighttime hours. For these reasons, it is possible that construction activities from future

projects under the Metro Plan could result in vibration levels in excess of the 0.1 PPV in/sec thresholds at residential land uses during nighttime hours. Vibration-related annoyance impacts during nighttime hours would be considered potentially significant.

The Metro Plan does not include policies related to ground-borne vibration from construction activities. However, Policy N 1-8, Action N-1c, and Action N-1d in the 2040 General Plan would help reduce the effects of construction-related vibration on sensitive uses. For example, the implementation of standard best practices for construction noise (see General Plan Policy N 1-8) would also help reduce construction vibration. Actions under this policy include a requirement for developers to prepare a construction management/noise mitigation plan that defines BMPs to reduce construction noise and suggests that mitigation measures be implemented. One suggested mitigation measure is limiting the allowable hours for construction activity to between 7:00 a.m. and 7:00 p.m., when people are generally less sensitive to vibration and noise. Should construction for a future project be limited to these daytime hours, sleep disturbance and vibration-related annoyance impacts would be less than significant based on the thresholds defined in this analysis. Other suggested measures under this Action that would reduce construction-related vibration impacts include locating stationary equipment as far as practical from sensitive receptors, locating construction staging areas farther from occupied sensitive uses, notifying neighbors adjacent to the construction sites of upcoming construction, and designating a “noise disturbance coordinator” who will be responsible for responding to any local complaints about construction noise (or vibration). However, even with implementation of these policies, vibration-related damage and annoyance impacts from future constructions would still be potentially significant.

Mitigation Measure NOI-3 would be required to reduce construction-related annoyance impacts. However, it is not possible to ensure that mitigation measures would reduce construction vibration to less-than-significant levels in all instances and for all future projects. For example, certain projects may require construction take place at very close distances to existing occupied residences. Therefore, even with the requirement that mitigation measures be applied to reduce construction vibration for future projects, some future projects may result in significant vibration-related annoyance impacts from construction that cannot be reduced to less-than-significant levels with mitigation.

### **Operations**

As was the case for the TASP, and as discussed in the Certified EIR, sensitive receptors could be exposed to ground-borne vibration from Amtrak and freight trains along the UPRR tracks, including the spur line, and from the operation of BART trains along the alignment in the Metro Plan Area. Vibration from sources such as buses and trucks is rarely perceptible, even at locations close to major roads. These sources of vibration already exist in the Metro Plan Area, and implementation of the Metro Plan would not be expected to result in greater levels of operational vibration than would exist without implementation of the Metro Plan. In addition, the Metro Plan would not directly result in the relocation of rail or BART tracks, or in increases in rail or BART activity. Therefore, and as a result of the *CBIA v. BAAQMD* decision that “CEQA generally does not require an analysis of how existing environmental conditions will affect a project’s future users or residents,” rail- or BART-related operational vibration not directly affiliated with the Metro Plan would not be considered a CEQA impact.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation for impacts related to exposing persons to or generating excessive ground-borne vibration or ground-borne noise levels.

### **New Mitigation Measures**

The following mitigation measures would be required for the Metro Plan.

#### **Mitigation Measure NOI-2: Protect Potentially Susceptible Structures from Construction-Generated Vibration**

If a future development project in the Metro Plan requires any of the following construction activities, then this measure would apply:

- Pile driving within approximately 100 feet of an existing structure.
- Construction with other ground-disturbing equipment (e.g., jackhammers, bulldozers, excavators, etc.) within 25 feet of an existing structure.

The construction contractor shall consult with the City to determine whether adjacent or nearby structures could be adversely affected by construction-generated vibration. If buildings adjacent to construction activity are identified that could be adversely affected, the project applicant will incorporate into construction specifications for their project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby buildings. Such methods to help reduce vibration-related damage effects may include maintaining a safe distance between the construction site and the potentially affected building (e.g., at least 100 feet for “historic and some old buildings”) or using “quiet” pile-driving technologies (such as predrilling piles or using sonic pile drivers).

Should pile driving be required within 100 feet of a building in the “historic or some old building” category, within 75 feet of buildings in the “older residential structures” category, and within 55 feet of buildings in the “modern industrial/commercial” category, the City will work with the construction contractor to implement a monitoring program to minimize damage to adjacent buildings and ensure that any such damage is documented and repaired. If required, the monitoring program will include the following components:

- Prior to the start of any ground-disturbing activity, the project applicant will engage a historic architect or qualified historic preservation professional to undertake a preconstruction survey of nearby affected buildings that may be considered historic. For buildings that are not potentially historic, a structural engineer or other professional with similar qualifications will document and photograph the existing conditions of potentially affected buildings within 100 feet of pile-driving activity.
- Based on the construction and condition of the resource(s), the consultant will also establish a standard maximum vibration level that will not be exceeded at any building, based on existing conditions, character-defining features, soil conditions, and anticipated construction practices. Common standards are a peak particle velocity of 0.25 inch per second for “historic and some old buildings,” a peak particle velocity of 0.3 inch per second for “older residential structures,” and a peak particle velocity of 0.5 inch per second for “new

residential structures” and “modern industrial/commercial buildings,” as shown in Table 3.4-2.

- To ensure that vibration levels do not exceed the established standard, the project applicant will monitor vibration levels at each structure and prohibit vibratory construction activities that generate vibration levels in excess of the standard.
- Should vibration levels be observed in excess of the selected standard, construction will be halted, and alternative construction techniques put in practice, to the extent feasible (e.g., predrilled piles could be substituted for driven piles, if feasible, based on soil conditions, or smaller, lighter equipment could be used in some cases).
- The historic preservation professional (for effects on historic buildings) and/or structural engineer (for effects on non-historic structures) will conduct regular periodic inspections (every 3 months) of each building during ground-disturbing activity on the project site. Should damage to any building occur, the building(s) will be remediated to their preconstruction condition at the conclusion of ground-disturbing activity on the site.

### **Mitigation Measure NOI-3: Implement Nighttime Construction Vibration Control Plan to Reduce Vibration-Related Annoyance Impacts on Adjacent Land Uses**

Should vibration-generating construction activities for future development under the Metro Plan be proposed outside of the daytime hours of 7:00 a.m. to 7:00 p.m., and should non-pile driving equipment be proposed within 25 feet of occupied residences or buildings where people sleep, the construction contractor for a project in the Metro Plan Area shall develop a nighttime construction vibration control plan. In addition, should nighttime pile driving activities be proposed within 100 feet of such buildings, the construction contractor for a project in the Metro Plan Area shall similarly develop a nighttime construction vibration control plan. The construction vibration control plan shall demonstrate that vibration levels at the residential land uses during nighttime hours will not exceed 0.1 PPV in/sec.

In addition, the construction contractor will appoint a project vibration coordinator who will serve as the point of contact for vibration-related complaints during project construction. The contact information for the project vibration coordinator shall be posted at the project site and on a publicly available project website for future development projects under the Metro Plan. Should residents in the project area submit complaints to the project vibration coordinator for nighttime construction vibration concerns, the project vibration coordinator shall work with the construction team to adjust activities to reduce vibration or to reschedule activities for a less sensitive time.

### **Conclusions for Impact NOI-3**

The Certified EIR concluded that after implementation of a VTA BART Expansion SEIR mitigation measure and policies included in the TASP, vibration impacts from operation of the TASP would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less-than-significant impact related to operational sources of vibration. The Project Change would not alter the result of the Certified EIR’s impact determination related to operational vibration impacts. For operational vibration impacts the Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no

substantial changes in circumstances have occurred that could result in new or substantially more severe effects than were in the Certified EIR.

The Certified EIR did not make a determination regarding vibration impacts from construction activities in the TASP area. Based on the analysis above, with incorporation of the Project Change, construction of the Metro Plan would result in a significant and unavoidable vibration impact, even with implementation of Mitigation Measure NOI-2 and Mitigation Measure NOI-3. Thus, the Project Change would result in a new significant and unavoidable impact that was not identified in the Certified EIR.

**Impact NOI-4: The Metro Plan would not result in a new or substantially more severe impact than what was identified in the Certified EIR related to being located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, and exposing people residing or working in the project area to excessive noise levels.**

#### **Summary of Impacts from the Certified EIR**

The Certified EIR does not address noise impacts from nearby airports.

#### **Impact Analysis**

There are no private or public airport facilities in the City of Milpitas. The three closest airports to the Project site are the San Jose International Airport, Moffett Federal Airfield, and Reid Hillview County Airport. The San Jose International Airport is the closest airport to the Metro Plan Area and is approximately 2.8 miles to the southeast. Reid Hill County Airport is approximately 5.9 miles southeast of the Metro Plan Area, and Moffett Federal Airfield is approximately 7.5 miles west of the Metro Plan Area. Because there are no airports within a 2-mile radius of the Metro Plan, there would be no impact related to exposing people residing or working in the Metro Plan Area to excessive aircraft noise levels.

#### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation for impacts related to exposing people residing or working in the Project area to excessive noise levels due to being located within an airport land use plan area, or within 2 miles of a public airport or public use airport.

#### **New Mitigation Measures**

The Project Change would not result in the need for new mitigation measures to reduce Project impacts.

#### **Conclusions for Impact NOI-4**

The Certified EIR did not make a determination regarding potential aircraft noise impacts from public airports or private air strips. Nonetheless, the Project Change would not result in an impact related to aircraft noise. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

## 3.5 Population and Housing

This section discloses and analyzes the potential change in Project impacts on population and housing that would result from implementing the Project Change.

### 3.5.1 Regulatory Setting

The Certified EIR did not identify any regulations that would apply to population and housing. The following provides a brief description of the regulations and plans related to population and housing that are relevant to the Project Change.

#### 3.5.1.1 Federal Uniform Relocation Act

##### **Federal Uniform Relocation Act**

The Federal Uniform Relocation Act requires comparable, decent, safe, and sanitary replacement housing that is within a person's financial means to be made available before any person is displaced from a property or program that is federally funded or assisted. To the maximum extent practicable, the new housing should be of the tenant's choice and provided, in compliance with applicable federal and state laws, on a nondiscriminatory basis, without regard to race, color, religion (creed), national origin, handicap, age, or sex.

#### 3.5.1.2 State

##### **Government Code Sections 65580–65590 (Housing Element Legal Requirements)**

California requires that all local governments adequately plan to meet the current and future housing needs of everyone in the community. Cities and counties meet this requirement by adopting housing plans as part of their general plans, which are required to be updated approximately every 8 years and commit to actions that will ensure a diverse and adequate supply of housing that is affordable and accessible to households at all income levels including special needs groups such as the elderly and people with disabilities. The City is currently in the process of updating its 2023–2031 housing element and is actively partnering in the planning process with other nearby cities in Santa Clara County (City of Milpitas 2021a).

##### **Affirmatively Furthering Fair Housing Act**

Effective January 1, 2019, AB 686 introduced a duty to affirmatively further fair housing into California state law. The process requires jurisdictions to consider ways to increase affordable housing in high opportunity areas, invest in disadvantaged neighborhoods, increase accessibility, and decrease housing disparities and discrimination. As part of the 2023–2031 Housing Element Update, the City is working on its 2021 Assessment of Fair Housing (City of Milpitas 2021a).

##### **The Housing Development and Housing 2019–2020 Budget Act**

AB 101 requires local governments to provide, "by right," CEQA-exempt approvals to certain qualifying navigation centers that move homeless Californians into permanent housing. Signed into

law by Governor Newsom on July 31, 2019, the act also creates additional incentives for cities to comply with mandates to plan for adequate housing in their housing elements and provides some modest additional remedies that the state can use in court when cities fail to comply with housing element law.

### **The Housing Crisis Act of 2019**

Senate Bill 330 was signed into law October 9, 2019, to tighten the protections for development projects under the Housing Accountability Act by limiting a jurisdiction's ability to change development standards and zoning applicable to a project once a preliminary application is submitted. The bill is intended to reduce the time it takes to approve housing developments in California. SB 8, discussed below, extends the provisions of SB 330 beyond the original sunset date of 2025 through 2030.

### **Senate Bills 8, 9, and 10**

In October 2021, Governor Newsom signed three bills into law (SB 8, SB 9, and SB10) to produce more affordable housing in California. As stated above, SB 8 extends the Housing Crisis Act of 2019 to 2030. SB 9 allows property owners to have two units on a parcel zoned for single-family housing, thereby creating a duplex, and split a residential parcel into two pieces. If a property owner uses both provisions, a space that once contained a single home could eventually contain four. The bill would also require cities to approve participating development ministerially, meaning that officials could approve the development as long as it would not conflict with zoning standards. However, amendments would allow agencies to deny housing projects if a building official finds that such projects “would have a specific, adverse impact upon health and safety or the physical environment” and the impact could not be mitigated or would be unavoidable. SB 10 would allow, but would not require, cities to zone a parcel for up to 10 residential units if the parcel is located in a “transit-rich area.” Cities would be required to adopt an ordinance that would allow this type of up-zoning. According to the state definition, parcels on a fixed-route bus line that meet certain service-interval requirements or are within 0.5 mile of a major transit stop would qualify.

#### **3.5.1.3 Regional**

##### **San Francisco Bay Area Housing Need Plan, 2023–2031**

The Regional Housing Need (RHNA) process is part of a state mandate to address the need for housing throughout the state. As part of the RHNA, the state requires each jurisdiction to plan for its share of the region’s housing need, including the needs of people from all income categories. The Bay Area’s regional housing need is specified by California Department of Housing and Community Development (HCD) and finalized through negotiations with Association of Bay Area Governments (ABAG). ABAG then allocates a portion of the regional need, for all income groups, to every jurisdiction in the Bay Area. The jurisdictions must then plan for that need in their local housing elements, which eventually must be certified by HCD. The RHNA process does not necessarily encourage or promote growth but, rather, requires communities to anticipate projected growth so that they can grow in ways that enhance the quality of life; improve access to jobs, transportation, and housing; and avoid adverse impacts on the environment. The process consists of two measurements of housing need: existing need and future need. The *Regional Housing Needs Allocation Plan: San Francisco Bay Area, 2023–2031* (adopted December 16, 2021) specifies the

current housing allocations for Milpitas and is discussed in Section 3.5.2.4, *Regional Housing Needs Allocation* (Association of Bay Area Governments 2021).

### 3.5.1.4 Local

#### 2040 Milpitas General Plan

On March 9, 2021, the City adopted an update to the General Plan, which is referred to as the 2040 General Plan. The 2040 General Plan is an update to the 1994 General Plan and supersedes and replaces the 1994 General Plan. Pertinent goals and policies from the 2040 Milpitas General Plan related to population and housing include the promotion of jobs-generating land uses; meeting regional housing needs; maintenance of existing housing; and new, affordable, and equitable housing. The City's Housing Element was adopted in 2015 and covers the 2015–2023 housing cycle. In 2021, the City began updating the Housing Element to cover the 2023–2031 housing cycle. Growth under the TASP, which was approved in 2008, was considered in the 2040 General Plan but growth under the Metro Plan was not.

According to the 2040 General Plan, estimated household growth for 2010 to 2040 is based on Association of Bay Area Government (ABAG) projections from 2013. According to the 2040 General Plan, Milpitas is anticipated to experience significant household growth between 2010 and 2040. Milpitas is expected to gain approximately 12,500 households between 2010 and 2040, a 65 percent increase, considerably outpacing the growth rate in Santa Clara County (35 percent) and the Bay Area (27 percent). Household growth in Milpitas is expected to occur at a relatively even pace throughout this period, at an average rate of 417 households per year.

According to the 2040 General Plan, employment growth is also based on ABAG projections from 2013. In summary, Milpitas is expected to experience moderate employment growth between 2010 and 2040. In fact, estimates show a 28 percent increase in the number of jobs in Milpitas between 2010 and 2040. During the same period, employment is expected to increase by 33 percent in Santa Clara County and the Bay Area overall, outpacing employment growth in Milpitas. The moderate employment growth rate in Milpitas relative to other areas and the substantial rate of household growth in Milpitas suggest that the City is poised to provide additional housing units that will help to reduce the disparity between jobs and employed residents, potentially offering additional housing opportunities for people employed in Milpitas. Employment growth was expected to occur at a faster rate during the first ten years of the projection period (2010-2020) than in the subsequent twenty years. Milpitas was expected to gain 7,330 jobs between 2010 and 2020, at an average rate of over 733 jobs per year, and 2,010 jobs between 2020 and 2030, at an average rate of 201 jobs per year. Job growth is then projected to increase slightly between 2030 and 2040, with an average rate of 328 jobs per year.

According to the 2040 General Plan, the City is committed to supporting strong local job growth and economic development opportunities, and a range of housing types that are accessible to all income levels. New residential and commercial growth is focused on infill sites distributed throughout the City, with higher density uses focused around major transportation corridors, VTA's Light Rail lines, and the Milpitas Transit Center (City of Milpitas 2015).

#### Milpitas Midtown Specific Plan

Originally adopted in 2002, the Milpitas Midtown Specific Plan was updated in 2010 (City of Milpitas 2010). At the time of the Certified EIR, the Milpitas Midtown Specific Plan Area included the entire

TASP Area. An amendment in 2008 removed some areas and changed the boundaries of the Milpitas Midtown Specific Plan Area (City of Milpitas 2010). The boundaries of the Metro Plan would expand the original TASP boundaries to include additional parcels along Main Street, which were formerly part of the Milpitas Midtown Specific Plan. The City is currently updating the Midtown Specific Plan and renaming it the Milpitas Gateway-Main Street Specific Plan and will update its boundaries in conjunction with the adoption of the Metro Plan (City of Milpitas 2021b). As such, under the Project Change, the Metro Plan would no longer be included in the Milpitas Midtown Specific Plan Area.

### **Milpitas Municipal Code**

The Milpitas Municipal Code includes the following regulations that pertain to population and housing:

- Chapter 2, Title XII – Housing is intended to protect tenants and to avoid displacement by permitting landlords a fair and reasonable return on their property, while at the same time protecting tenants from arbitrary, capricious, or unreasonable rent increases. The City Council encourages property owners to limit rent increases to fair and reasonable amounts, provide well maintained living units, and cooperate with tenants toward resolving rent-related disputes.
- Chapter 2, Section 11 – Demolition of Buildings requires that no building shall be demolished without first obtaining a permit from the City.

#### **3.5.1.5 TASP Policies**

The Certified EIR did not identify TASP policies that are specifically related to population and housing. However, the overall vision of the TASP is to create attractive high density urban neighborhoods with a mix of land uses around the Milpitas Transit Center. The updates to the land use designations in the TASP promote the development of housing in the TASP Area, which would lead to additional population growth.

### **3.5.2 Environmental Setting**

#### **3.5.2.1 Population, Housing, and Employment**

##### **City of Milpitas**

**Population.** Based on estimates from the California Department of Finance, as of January 1, 2021, Milpitas had a population of 75,663 people. This is a 2-percentage point decline from 2020 (77,180 people) (California Department of Finance 2021a). According to the 2040 General Plan, Milpitas has experienced moderate (8 percent) population growth in recent years from approximately 63,000 in 2000 to approximately 68,000 in 2013. Population growth rates were comparable in Santa Clara County overall (9 percent) and the Bay Area as a whole (8 percent) between 2000 and 2013.

**Housing.** Based on estimates from the California Department of Finance, in 2020 Milpitas had 25,183 total housing units (California Department of Finance, 2021b).

**Employment.** Like employment throughout much of Santa Clara County, employment in Milpitas is strongly impacted by the Silicon Valley technology sector. In 2011 Milpitas had 42,698 total jobs. Milpitas has a considerable net inflow of workers to the City, with 1.7 jobs for every employed person in Milpitas in 2011. There is also a net inflow of workers to Santa Clara County overall, but

the ratio of jobs to employed residents is lower than in Milpitas, at 1.1 jobs for every employed worker. These figures suggest a potential need for additional housing for people employed in Milpitas that currently commute from other areas (City of Milpitas 2015).

## **TASP Area**

The environmental setting for the TASP Area related to population, housing, and employment is described on pages 5-3 and 5-4 of the Certified EIR. The discussion includes the TASP's role in potentially fostering economic or population growth or causing the need for construction of additional housing, either directly or indirectly. The discussion includes projected growth, projected employment, housing demand, and jobs/housing balance. This information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1, *Introduction*, of this SEIR for the locations available for the public to review the Certified EIR.

When the Certified EIR was prepared in 2008, the existing uses in the TASP Area were primarily industrial uses (50 percent) and retail/commercial uses (28 percent), with very little residential uses (3 percent) in a 437-acre area. By 2019, 6,955 dwelling units, 10,630 square feet of office space, and 186,500 square feet of retail space was entitled in the TASP Area. Overall, through implementation of the TASP, housing and jobs have significantly increased in the TASP Area.

## **Geographic Expansion Areas**

The Metro Plan includes two geographic expansion areas, relative to the TASP Area. The 13-acre western expansion area is currently characterized as industrial with uses such as automotive services and some recent residential development. Therefore, some jobs and some homes currently utilize this site. The 60-acre eastern expansion area is currently used for industrial, manufacturing, and research and development (R&D) uses and does not include any residences.

### **3.5.2.2 Projected Growth**

#### **Plan Bay Area 2050**

Plan Bay Area 2050, adopted in October 2021, is a 30-year regional plan that is updated every 2 years by ABAG and the Metropolitan Transportation Commission (MTC) and is a long-term forecast regarding population, housing units, and employment in the Bay Area. Milpitas is partially within the forecasting for "North Santa Clara County" and for "East Santa Clara County." The forecasts are designed to be realistic assessments of growth in the region through the year 2050. The strategies in Plan Bay Area 2050 for housing are to: (1) protect and preserve affordable housing, (2) spur housing production for residents of all income levels, and (3) create inclusive communities (ABAG and MTC 2021a). Plan Bay Area 2050 estimates that between now and 2050, the Bay Area's population will rise from nearly 8 million to over 10 million. Plan Bay Area 2050 also forecasts significant and continuing increased growth in housing and jobs in North and East Santa Clara County through the year 2050 (ABAG and MTC 2021b).

"Projections 2040" is the most recent in the ABAG series of statistical compendia on demographic, economic, and land use changes in each local Bay Area local jurisdiction to 2040. Full buildout of the TASP was planned for 2030 and full buildout of the Metro Plan is expected by 2040. Based on "Projections 2040," Milpitas is expected to have a total population of approximately 103,970 people, approximately 30,430 households, and approximately 58,030 total jobs by 2040 (ABAG and MTC

2018). Table 3.5-1 shows the total forecasted population, households, and jobs in Milpitas in 2030 and 2040 from “Projections 2040” and the percent increase between 2030 and 2040.

**Table 3.5-1. Milpitas’ Projected 2030 and 2040 Population, Households, and Jobs**

	Population	Households	Jobs
2030	95,605	28,835	56,035
2040	103,970	30,430	58,030
Change	8,365 (8.7%)	1,595 (5.5%)	1,995 (3.5%)

Source: ABAG and MTC 2018.

### Regional Housing Needs Allocation

The *Regional Housing Needs Allocation Plan (RHNA), San Francisco Bay Area* identifies the total number of housing units, separated into four affordability levels, that every local government in the Bay Area must plan to accommodate for the given period. The RHNA allocation for Milpitas for 2023 to 2031 is a total of 6,713 housing units as shown below in Table 3.5-2.

**Table 3.5-2. City of Milpitas RHNA Allocation 2023 to 2031**

Very Low Income Units (<50% of area median income)	Low Income Units (50–80% of area median income)	Moderate Income Units (80–120% of area median income)	Above Moderate Income Units (>120% of area median income)	Total Units
1,685	970	1,131	2,927	6,713

Source: ABAG 2021

## 3.5.3 Impacts and Mitigation

This section describes the change in Project impacts on population and housing that would occur with the Project Change. It describes the methods used to evaluate the impacts and the thresholds used to determine whether an impact would be significant. If new mitigation measures are needed to reduce new impacts that would result from the Project Change, those measures are listed below.

This SEIR analysis evaluates the change in Project impacts with the Project Change, and, if applicable, changes in circumstances or new information that was not available at the time the Certified EIR was prepared. The analysis does not reevaluate the impacts of the Project that were already disclosed in the Certified EIR and are not altered due to the Project Change. Based on the change in the Project impact due to the Project Change, a determination is made as to whether there would be changes to the impact significance determinations for the Project in the Certified EIR.

### 3.5.3.1 Significance Criteria

The State CEQA Guidelines Appendix G (14 California Code of Regulations 15000 et seq.) identifies significance criteria to be considered for determining whether a project could have significant impacts on population and housing. An impact would be considered significant if construction or operation of the Project would do any of the following.

- Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

### 3.5.3.2 Methods

This analysis assumes that the updated policies in the Metro Plan would be implemented. Table 2-2 in Chapter 2, *Project Description*, of this SEIR provides a summary of the policies in the Metro Plan; however, none have been identified that are specific to population, employment, and housing. Some of the land use classification updates and the four new land use classifications in the Metro Plan, however, pertain to employment, population, and housing. These updates would add uses that would increase employment opportunities or the need for more workers in the Metro Plan Area, such as for uses that include office, R&D, retail, hotel, and business-support services.

The Metro Plan acknowledges that significant development has occurred as part of the TASP, including entitling approximately 92 percent of the residential uses planned for in the TASP. However, there are several large areas where development could still occur as a part of the Project Change, including the Great Mall area and the proposed geographic expansion areas (which total approximately 73 acres, resulting in a Metro Plan Area of 510 acres). Based on the capacity of the remaining undeveloped parcels, an anticipated buildout for the Metro Plan was developed and is shown in Table 2-3, in Chapter 2 of this SEIR. In summary, the Metro Plan at buildout, as compared to the TASP, would result in approximately 7,000 additional dwelling units, 3,000,000 additional square feet of office (including industrial), 300,000 additional square feet of retail, and 700 added hotel rooms. The Project Change would result in an estimated 14,000 more people<sup>1</sup> and approximately 12,283 more jobs<sup>2</sup> in the Metro Plan Area beyond what was estimated and approved at buildout in the TASP.

### 3.5.3.3 Impacts and Mitigation Measures

This section includes a discussion of each impact as it corresponds to the significance criteria presented in Section 3.5.3.1, *Significance Criteria*.

**Impact POP-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to inducing substantial unplanned population growth in an area, either directly or indirectly.**

#### Summary of Certified EIR Impact Analysis

The Certified EIR generally discussed population, housing, and employment growth under the TASP in the context of growth-inducing impacts (see Chapter 5.3 of the Certified EIR). Thus, an impact determination was not made. The Certified EIR identified that the additional growth approved under the TASP would result in an approximately 27 percent population increase in the TASP Area

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<sup>1</sup> The calculation of 14,000 additional people is based on the assumption of two people per dwelling unit in the Metro Plan Area. Because the new housing that would be developed as part of the Metro Plan would be apartments and because apartments tend to generate a smaller household size, the assumption of two people per dwelling unit was used.

<sup>2</sup> The calculation of 12,283 additional jobs is based on the assumptions of one job per 350 square feet of retail uses, one job per 260 square feet of office uses, one job per one hotel room, and one job per 450 square feet of industrial/R&D uses. The calculation is summarized in Table 1-3 of the Metro Plan (Appendix C).

by 2030 (about 17,915 more people). This growth would be approximately 69 percent of the citywide growth assumed under 2030 ABAG projections. The TASP gross estimate of new jobs in the TASP Area was 4,200 at buildout with a net increase of around 1,200 jobs due to displacement of demolished uses. Regarding regional housing demand, the Certified EIR determined that with increased employment in Santa Clara County under the TASP, increased population and housing demand would likely follow in both the City and the region. The Certified EIR did not state whether the projected employment and housing growth would be within ABAG's 2030 growth projections for Milpitas. The Certified EIR identified that the City's Housing Element duly includes programs that would address regional housing needs and the City's RHNA, and there was no identified impact related to substantial unplanned population growth. The Certified EIR found that because the TASP would create additional residential development it would thereby improve the jobs/housing balance in the City by providing housing opportunities for more of the City's workers.

### Impact Analysis

The Project Change includes policies that seek to increase housing and jobs production in the City and would result in an estimated population increase of 14,000 people in the Metro Plan Area, as well as an increase of 12,283 more jobs, at 2040 buildout, compared to the original TASP buildout in 2030. Because SEIRs focus on changes relative to a certified EIR, the baseline used for an SEIR is the conditions associated with buildout of the project in the certified EIR. The following information compares the projected population and number of employees between 2030 (TASP buildout and environmental baseline) and 2040 (Metro Plan buildout). According to the projections provided by ABAG and MTC, the population and number of jobs in Milpitas in 2040 (Metro Plan buildout) is anticipated to increase by about 8,365 people (approximately 8.7 percent) and 1,995 employees (approximately 3.5 percent), from 2030 (TASP buildout). As such, the additional population associated with the Metro Plan alone would be beyond the population projections estimated between 2030 and 2040 by ABAG and MTC.

Although the population growth associated with the Metro Plan is beyond the estimated projections by ABAG and MTC, the population growth would be considered planned for several reasons identified below. For over 10 years, the City has planned for the development of multi-use neighborhoods around transit. When it first developed the TASP, the City identified the potential of redeveloping the TASP Area from an industrial area into one where people could work, live, and take advantage of the proximity to, what was then, a future BART station. The planning process included the development of a Specific Plan with policies that would address the demands from the population growth associated with the TASP. Since the development of the TASP, the City has identified ways to plan for additional growth in the area, as a way of helping meet its RHNA requirements, and in doing so identified the need for the Metro Plan. The Milpitas Metro Specific Plan is a document that includes the City's plan for the population growth that would be generated from its implementation, including policies to guide the growth of the Metro Plan Area.

The Metro Plan also includes a series of area-wide infrastructure improvements to accommodate residential and mixed-use development, make it more accessible and comfortable for pedestrians, improve vehicle navigability, provide open space amenities, and reduce obstructions to development. As such, the Metro Plan includes a plan for the movement of individuals that will live and work in the Metro Plan Area. Furthermore, as documented in Section 3.8, *Utilities and Service Systems*, the City has planned for the demand on utilities due to additional population growth through the development of Master Plans (see Appendix F).

In addition, the Project Change supports the growth anticipated by the General Plan and is consistent with the population and housing goals from the 2040 General Plan, including Goal LU-7 to promote job-generating land uses; and Housing Element Goals A, B, C, D, and E to provide adequate sites to accommodate the City's share of the regional housing need; maintain and preserve housing resources; maintain high-quality residential neighborhoods and preserve existing housing resources; facilitate new housing production; support housing diversity and affordability; and eliminate housing discrimination.

Overall, the population growth associated with the Metro Plan is consistent with overall goals in the region to establish housing and jobs near transit. The Metro Plan would be consistent with the guiding principles of Plan Bay Area 2050, regarding the interrelation of housing, the economy, transportation, and the environment by supporting more affordable and market-rate housing near transit, increasing jobs near transit, and encouraging non-vehicular modes of transportation to reduce GHG emissions. Because the City has planned for the population and employment growth associated with the Metro Plan through the development of the Specific Plan and Master Plans, and because the population and employment growth that would be generated by the Metro Plan would be consistent with the kind of growth envisioned for the Bay Area, the population and employment growth associated with the Metro Plan would be considered planned.

The Project Change would, therefore, not create a new or more severe impact regarding the induction of substantial unplanned population growth in an area, either directly or indirectly than what was identified in the Certified EIR.

#### **Certified EIR Mitigation Measures**

The Certified EIR included no mitigation measures for impacts related to unplanned population growth.

#### **New Mitigation Measures**

The Project Change would not result in the need for new mitigation measures to reduce Project impacts.

#### **Conclusions for Impact POP-1**

The Certified EIR determined that the Project would not induce substantial unplanned population growth in an area, either directly or indirectly. Based on the analysis above, with incorporation of the Project Change, the Project would have a less-than-significant impact related to unplanned population growth. The Project Change would not alter the result of the Certified EIR's impact determination related to induction of substantial unplanned population growth in an area, either directly or indirectly. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

**Impact POP-2: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to displacing substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.**

**Summary of Certified EIR Impact Analysis**

The Certified EIR did not address the Project's impact related to the displacement of substantial numbers of existing people or housing that could necessitate the construction of replacement housing elsewhere.

**Impact Analysis**

***Metro Plan Buildout and Changes in Land Use Classifications and Policies***

Approximately 6,995 residential units have been entitled in the TASP Area as of 2019, which is close to the total number planned for in the TASP. It is estimated that the Metro Plan at 2040 buildout would result in approximately 7,000 additional dwelling units. One main purpose and objective of the Project Change is to provide more housing in the Metro Plan Area by providing affordable and market rate housing. This would be achieved through changes in land use classification. As such, the Project Change would not displace substantial numbers of existing people or housing and would not necessitate the construction of replacement housing elsewhere. Existing federal, state, and local regulations are in place, as discussed above, that would avoid the displacement of people and housing through requirements for replacement housing, preservation of and increases in accessible and affordable housing, rental increase limits, and landlord-tenant dispute resolution.

***Geographic Expansion***

The Metro Plan's eastern expansion area is currently used for industrial, manufacturing, and R&D uses, and does not contain neighborhoods. Therefore, no residences would be displaced in the eastern expansion area. The western expansion area contains an existing residential assisted living facility, as well as industrial and automotive service uses. It is not anticipated that any existing housing would be demolished or cause displacement of people under the Metro Plan. Furthermore, individual projects in the Metro Plan Area in the future would be required to undergo separate environmental review under CEQA prior to approval to assess and avoid the possibility of displacement of people or housing.

The Project Change would, therefore, not create a new or more severe impact related to the displacement of substantial numbers of existing people or housing, or the construction of replacement housing elsewhere, and there would be no impact.

**Certified EIR Mitigation Measures**

The Certified EIR included no mitigation measures for impacts related to the displacement of people or housing.

**New Mitigation Measures**

The Project Change would not result in the need for new mitigation measures to reduce Project impacts.

**Conclusions for Impact POP-2**

The Certified EIR did not make a determination regarding the TASP's impact related to the displacement of substantial numbers of existing people or housing that could necessitate the construction of replacement housing elsewhere. Nonetheless, the Project Change would not result in an impact related to the displacement of substantial numbers of existing people or housing and would not necessitate the construction of replacement housing elsewhere. The Project Changes would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.



## 3.6 Public Services and Recreation

This section discloses and analyzes the potential change in Project impacts on public services and recreation that would result from implementing the Project Change.

### 3.6.1 Regulatory Setting

The regulatory setting for public services and recreation is described on page 3.9-5 of the Certified EIR. These regulations include: provisions from the Milpitas Unified School District, Berryessa Union School District, and East Side Union High School District; California Fire Code and the City's Municipal Code as it relates to construction and design guidelines for fire protection; Midtown Specific Plan policies related to open space requirements for new development; and provisions from the City of Milpitas Police Department, California Highway Patrol, and Transit Patrol Division of the Santa Clara County Sheriff. In addition, pertinent policies from the Midtown Specific Plan are described on pages 3.9-11 and 3.9-17 of the Certified EIR. This information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1, *Introduction*, of this SEIR for the locations available for the public to review the Certified EIR. For pertinent policies related to the General Plan, please refer to the description below.

#### 3.6.1.1 City of Milpitas Parks and Recreation Master Plan

The City of Milpitas adopted a Parks and Recreation Master Plan in 2009, which analyzed park conditions and provided recommended improvements to each of the City's 33 existing parks. The Master Plan has since been updated and the Draft City of Milpitas Park and Recreation Master Plan Update was released in October 2021 for public review. An Initial Study/Negative Declaration (IS/ND) for the Draft City of Milpitas Park and Recreation Master Plan Update was prepared in September 2021. The City Council adopted the Milpitas Park and Recreation Master Plan Update and IS/ND on December 14, 2021.

The City of Milpitas Parks and Recreation Master Plan Update provides a road map to guide decision making to help the City maintain, manage, and develop its envisioned park and recreation system and provide the community with the recreational opportunities that they desire. The Parks and Recreation Master Plan studies the existing park and recreation system and draws on extensive community engagement to identify a planning blueprint to expand, improve, and protect these assets for the future.

The City of Milpitas Parks and Recreation Master Plan Update includes the Recreational Value System Matrix, which is a City-developed tool to assess park amenities in the Milpitas Park and Recreation system. This matrix is intended to provide a method for quantifying current park offerings and prioritizing future improvements (City of Milpitas n.d.).

#### 3.6.1.2 2040 Milpitas General Plan

On March 9, 2021, the City of Milpitas adopted an update to the General Plan, which is referred to as the 2040 General Plan. The 2040 General Plan is an update to the 1994 General Plan and supersedes and replaces the 1994 General Plan. Policies from the 2040 General Plan relevant to the Project's physical impacts on the environment include the following:

- **Policy PROS-1.3:** Achieve and maintain a minimum overall citywide ratio of 5 acres of park land for every 1,000 residents outside of the City’s adopted Specific Plan areas. Within adopted Specific Plan areas, achieve and maintain the parks standards and ratios specified in the Specific Plan, with an emphasis on publicly accessible spaces and facilities.
- **Policy PROS 1-4:** Park land acreage dedications and/or equivalent in-lieu fees shall be required for new development in accordance with the following standards:
  - For areas outside of a Specific Plan, require land dedication or in lieu fees equivalent to the 5 acre/1,000 resident standard, but allow credit for private recreation space for up to 2 acres/1,000 residents for private open space. Private recreation credit will be given at the discretion of the City and pursuant to the criteria specified in the City’s Subdivision Regulations (Title XI, Chapter 1, Section 9.08 of the Milpitas Municipal Code).
  - For areas within a Specific Plan, require land dedication or in-lieu fees equivalent to the park land standard established in the relevant Specific Plan, allowing credit for private recreation space for up to 1.5 acres/1,000 residents for private recreation space. Private recreation credit will be given at the discretion of the City and pursuant to the criteria specified in the City’s Subdivision Regulations (Title XI, Chapter 1, Section 9.08 of the Milpitas Municipal Code).
- **Action UCS-8a:** Maintain a close, collaborative relationship with the local school districts to ensure the adequate provision of school and related facilities to serve existing and future development. The City should work with the local school districts to develop criteria for the designation of school sites, identify locations for new school sites, and consider a range of opportunities available to the City reduce the cost of land for school facilities. Such opportunities may include, but are not limited to, designating lands as School (SCH) on the General Plan Land Use map when future school sites are identified. The City shall encourage the local school districts to comply with City standards in the design and landscaping of school facilities.
- **Action UCS-8c:** Require new development to pay applicable school facility impact fees and work with developers and the school districts to ensure that adequate school and related facilities will be available.
- **Policy SA-4.9:** Ensure that fire and emergency medical services meet existing and future demand by maintaining a response time of four minutes or less for all urban service areas.

### 3.6.1.3 TASP Policies

Table 2-2 in Chapter 2, *Project Description*, of this SEIR provides a summary of the policies in the TASP related to public services and recreation. Table 2-2 identifies policies that require the following:

- *Schools.* Payment of school impact fees from projects, implementation of a new school in the TASP Area, and coordination with school districts.
- *Fire Protection.* Implementation of a “standards of cover” analysis for the Fire Department, requirements for additional fire department staff and equipment, environmental requirements for a new Fire Station, requirements to update the City’s emergency and disaster response plans, and requirements for streets to meet Milpitas Fire Department fire apparatus design requirements for access and firefighting operations.

- *Police Protection.* Requirements to hire additional police staff and equipment to provide an adequate level of service.
- *Recreation.* Requirements to provide recreational space, open space, and trails.
- *Pedestrian Access.* Requirements for small blocks for easy and direct access for pedestrians to walk from the Piper/Montague District to BART, light rail, and the Great Mall.

## 3.6.2 Environmental Setting

### 3.6.2.1 TASP Area

The environmental setting for the TASP Area is described on pages 3.9-1 through 3.9-4 of the Certified EIR. This discussion includes: an overview of the three different school districts that would be used by residents in the TASP Area (Milpitas Unified School District [MUSD], Berryessa Union School District, and East Side Union High School District); an overview of the fire protection services provided by the Milpitas Fire Department (MFD); an overview of the police services, service ratios, and response times for the City of Milpitas Police Department (MPD), California Highway Patrol, and Transit Patrol Division of the Santa Clara County Sheriff; and an overview of parks within the City and the TASP Area. This information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1 of this SEIR for the locations available for the public to review the Certified EIR.

The setting with regard to public services and recreation within the TASP Area has not changed substantially since the Certified Plan was prepared; however, new facilities and updated information about public services and recreation is described below.

### 3.6.2.2 Project Change

The Metro Plan includes two geographic expansion areas, relative to the TASP Area. Although the Metro Plan would be expanded, these expanded areas would be served by the same school districts as identified in the TASP. The 13-acre western expansion area located along a portion of South Main Street would be served by the Milpitas Unified School District. The 60-acre eastern expansion area associated with the Innovation District would be served by Berryessa Union School District and East Side Union High School District. Students who live in the Metro Plan Area would attend the same schools identified in the TASP (Zanker Elementary School, Rancho Milpitas Middle School, and Milpitas High School; Brooktree Elementary, Northwood Elementary, Morrill Middle School, and Independence High School) with one addition. In 2018, Milpitas Unified School District opened a new school, Mabel Mattos Elementary, which is located within the Metro Plan Area. Some students in the Metro Plan Area would attend this school. Construction of Mabel Mattos Elementary has two phases. The first phase was completed in 2018 and the second phase is anticipated to be completed for the 2022–2023 school year and would accommodate a maximum of 800 students (Mable Mattos Elementary 2022 and JL Construction 2022).

The Metro Plan Area, including the two areas of geographic expansion, would receive fire protection services similar to those described in the Certified EIR. The Metro Plan Area would be serviced by the Milpitas Fire Department, including the three fire stations identified in the TASP (Fire Stations #1, #3, #4). In addition, the City of Milpitas is currently replacing one of its fire stations (Fire Station #2). Fire Station #2 would be located close to the Metro Plan Area (approximately 0.7 mile from the

Innovation District). Construction of Fire Station #2 is expected to be completed in spring of 2022 (Alaban 2020).

The Metro Plan Area, including the two areas of geographic expansion, would receive police services similar to those described in the Certified EIR. The Metro Plan Area would be serviced by the City of Milpitas Police Department, the California Highway Patrol, and the Transit Patrol Division of the Santa Clara County Sheriff. The Milpitas Police Department headquarters continues to be located at 1275 N. Milpitas Boulevard, approximately 2 miles from the Metro Plan Area. The 2040 General Plan EIR identified that the department has 93 funded positions and 33 professional staff positions and that response time for in-progress emergency calls averaged 2 minutes and 38 seconds in 2019, which is within the City's goal of 3 minutes (City of Milpitas 2020).

The recreational resources available for the Metro Plan Area, including the two areas of geographic expansion, would be similar to those described in the Certified EIR, with a couple of exceptions. Future residents of the Metro Plan Area would be able to use the recreational resources noted in the TASP, including the two parks identified near the TASP Area (Parc Metro East and Pinewood Park). In addition, since preparation of the Certified EIR, additional parks and open space areas have been developed within the Metro Plan Area and would be available to any future residents from the Metro Plan. These new parks include McCandless Park, Bob McGuire Park, Augusts Rathbone Park, and Creeks Trail.

### 3.6.3 Impacts and Mitigation

This section describes the change in Project impacts on public services and recreation that would occur with the Project Change. It describes the methods used to evaluate the impacts and the thresholds used to determine whether an impact would be significant. The Certified EIR found that with implementation of the policies in the TASP, impacts on public services and recreation would be less than significant and additional mitigation measures were not required. Because the policies have been changed from the TASP to the Metro Plan, the analysis includes a comparison of the TASP policies and the Metro Plan policies to determine if any changes in policies would result in an impact. If new mitigation measures are needed to reduce new impacts that would result from the Project Change, those measures are listed below.

This SEIR analysis evaluates the change in Project impacts with the Project Change, and, if applicable, changes in circumstances or new information that was not available at the time the Certified EIR was prepared. The analysis does not reevaluate the impacts of the Project that were already disclosed in the Certified EIR and are not altered due to the Project Change. Based on the change in the Project impact due to the Project Change, a determination is made as to whether there would be changes to the impact significance determinations for the Project in the Certified EIR.

#### 3.6.3.1 Significance Criteria

The State CEQA Guidelines Appendix G (14 California Code of Regulations 15000 et seq.) identifies significance criteria to be considered for determining whether a project could have significant impacts on public services and recreation. An impact would be considered significant if construction or operation of the Project would do any of the following.

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain

acceptable service ratios, response times, or other performance objectives for any of the following public services:

- Fire protection
  - Police protection
  - Schools
  - Parks
  - Other public facilities
- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
  - Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

### 3.6.3.2 Methods

Evaluation of the Project Change is based on considering how population growth resulting from implementation of the Metro Plan would affect schools, fire protection services, police protection services, and recreational facilities.

According to the State CEQA Guidelines, the Metro Plan would have an adverse environmental impact if it were to result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times, or other performance objectives for public services.

Potential impacts related to public services are evaluated by (a) assessing the potential for the Project to increase demand for public services based on goals established by service providers and (b) comparing the ability of the service provider/public facility to serve the Project and accommodate the associated increase in demand. A determination is then made as to whether the existing facilities are capable of meeting the demand of the Project and, if not, if expansion of existing facilities could cause an adverse environmental effect. The analysis is based on the review of City documents and communications with City service providers.

This analysis assumes that the updated policies in the Metro Plan would be implemented. Table 2-2 in Chapter 2 of this SEIR provides a summary of the policies in the Metro Plan related to public services and recreation. Table 2-2 identifies policies that require the following:

- *Schools.* The Metro Plan would have policies related to ensuring impact fees from development are paid and coordination with affected school districts is conducted.
- *Fire Protection.* The Metro Plan would have policies related to implementation of a “standards of cover” analysis for the Fire Department, requirements for additional fire department staff and equipment, environmental requirements for a new Fire Station, requirements to update the City’s emergency and disaster response plans, and requirements for streets to meet Milpitas Fire Department fire apparatus design requirements for access and firefighting operations.

- *Police Protection.* Requirements to hire additional police staff and equipment to provide an adequate level of service.
- *Recreation.* Requirements to provide recreational space, open space, and trails.
- *Pedestrian Access.* Requirements for small blocks to encourage an interconnected, walkable urban fabric.

### 3.6.3.3 Impacts and Mitigation Measures

This section includes a discussion of each impact as it corresponds to the significance criteria presented in Section 3.7.3.1, *Significance Criteria*.

**Impact PS-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to substantial adverse physical impacts associated with the provision of new or physically altered schools or the need for new schools.**

#### Summary of Certified EIR Impact Analysis

The Certified EIR identified that the additional growth associated with the TASP would result in the following:

- **Milpitas Unified School District.** Growth from the TASP would require a new K-6 or K-8 school for the Milpitas Unified School District and construction of a new onsite facility for high school.
- **Berryessa Union School District.** There is adequate capacity at Berryessa Union School District schools to accommodate the growth from the TASP; any future expansion of facilities would likely occur on previously developed sites, and the fair share costs to expand or upgrade facilities would be borne by developers (in accordance with California Government Code 65995 and Education Code 17620).
- **East Side Union High School District.** The East Side Union High School District would like to negotiate a school fee per residential square foot with individual developers, within the limits permitted by state regulation, to cover the costs of accommodating additional students.

The Certified EIR (as revised in the Final EIR) identified that the school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would offset project-related increases in student enrollment. As revised in the Final EIR, the Certified EIR identified that the payment of school impacts is sufficient to offset a project's effect on school facilities and concluded that impacts on schools due to the TASP would be less than significant.

#### Impact Analysis

##### *Geographic Expansion*

The Metro Plan would not result in any new significant impacts or more severe impacts on schools due to the geographic expansion of the Metro Plan Area. Any potential impacts on schools would be limited to the additional growth associated with the Metro Plan, which is discussed below.

**Metro Plan Buildout: Population Growth and Employment**

Table 3.6-1 provides a summary of the number of students expected to be generated by implementation of the Metro Plan. In total, it is expected that the Metro Plan would generate 1,407 school-aged children across Milpitas Unified School District, Berryessa Union School District, and East Side Union High School District. The number of school-aged children expected to attend schools in each district is shown in Table 3.6-1.

**Table 3.6-1. Project Student Enrollment**

School District	Grade Level	Market-Rate Housing Student Generation Rate <sup>1</sup>	Market-Rate Housing Units <sup>2</sup>	Below Market-Rate Housing Student Generation Rate <sup>1</sup>	Below Market-Rate Housing Units <sup>2</sup>	New Students
Milpitas Unified School District	K-6	0.087	3,752	0.246	938	557
Milpitas Unified School District	7-8	0.017	3,752	0.047	938	108
Milpitas Unified School District	9-12	0.030	3,752	0.076	938	184
Berryessa Union School District	K-5	0.046	1,848	0.300	462	224
Berryessa Union School District	6-8	0.016	1,848	0.159	462	103
East Side Union High School District	9-12	0.1	1,848	0.1	462	231

<sup>1</sup> Student generation rates are consistent with the Certified EIR.

<sup>2</sup> This assumes 4,690 residential units in the Milpitas Unified School District, 2,310 residential units in the Berryessa Union School District and East Side Union High School District, and that 20 percent of housing units would be below market rate.

It is expected that the Phase II expansion of Mabel Mattos Elementary will accommodate some of the new students generated by the Metro Plan. In addition, Berryessa Union and East Side Union High have existing capacity for more students. Nonetheless, additional school facilities may be needed to accommodate the additional demand from the Metro Plan. California Government Code Sections 65995-65998 set forth provisions for the payment of school impact fees by new development as the exclusive means of “considering and mitigating impacts on school facilities that occur or might occur as a result of any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property” (Section 65996(a)). The

legislation goes on to say that the payment of school impact fees is “hereby deemed to provide full and complete school facilities mitigation” under CEQA [Section 65996(b)]. School districts are responsible for implementing the specific methods for mitigating school impacts under the Government Code. The school impact fees and the school districts’ methods of implementing measures specified by Government Code 65996 would offset Project-related increases in student enrollment.

The additional demand for school facilities, due to the new development that would result from implementation of the Project Change, would be minimized through the payment of school impact fees, per Government Code Section 65995. Impacts on schools due to the Project Change would be reduced to a less-than-significant level and would be the same as the impact identified in the Certified EIR (as revised in the Final EIR). The additional demand from the Project Change on schools would not result in a new or more severe impact than what was identified in the Certified EIR.

### ***Changes in Land Use Classifications and Policies***

The Metro Plan updates the policies in the TASP, including deleting certain policies in the TASP. Several of the policies identified in the TASP, including Policies 6.43, 6.44, 6.45, and 4.74, included requirements related to the development of a new school in the TASP Area. Because Mabel Mattos Elementary has been constructed and is operational and because this school is located within the TASP Area/Metro Plan Area, these policies have been fulfilled and are no longer needed to reduce impacts on schools. The Metro Plan would not result in any substantial changes to the requirements identified in the remaining TASP policies related to reducing impacts on schools. Thus, changes in policies would not result in new significant impacts or more severe significant impacts than what was identified in the Certified EIR.

### **Certified EIR Mitigation Measures**

The Certified EIR included no mitigation measures for impacts related to schools.<sup>1</sup>

### **New Mitigation Measures**

The Project Change would not result in the need for new mitigation measures to reduce Project impacts.<sup>2</sup>

### **Conclusions for Impact PS-1**

The Certified EIR concluded that after implementation of policies included in the TASP and implementation of Government Code Section 65995, impacts on schools would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Project would continue to have a less-than-significant impact on schools. The Project Change would not alter the Certified EIR’s impact determination for impacts related to schools. The Project Change would not

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<sup>1</sup> The Certified EIR (as revised in the Final EIR) identified that Government Code Section 65995 states that the payment of school impact fees is sufficient to offset a project’s effect on school facilities. Implementation of Government Code Section 65995 is guaranteed through implementation of Policy 6.44 in the TASP.

<sup>2</sup> Like implementation of the TASP, implementation of the Metro Plan would be required to follow Government Code Section 65995. Implementation of Government Code Section 65995 is guaranteed through implementation of Policy ICS 10.2 in the Metro Plan. The Project Change would not result in the need for new mitigation measures to reduce Project impacts.

result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

**Impact PS-2: Implementation of the Metro Plan could result in new or substantially more severe impacts than what was identified in the Certified EIR related to substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities or the need for new fire protection facilities.**

**Summary of Certified EIR Impact Analysis**

The Certified EIR identified that implementation of the TASP would require additional MFD staff (approximately 18 new firefighters), as well as another engine and a potentially new station (depending on the results of the standard cover of analysis). The Certified EIR suggested that Fire Station #2 is a likely candidate for expansion but that a “standards of cover” analysis would need to be conducted to determine any required facility enhancements from the implementation of the TASP. Overall, the Certified EIR concluded that the policies in the General Plan and TASP would ensure that response times are consistent with National Fire Protection Association Standard 1710 and would evaluate the potential sites for a new fire station, resulting in a less-than-significant impact on fire protection services.

**Impact Analysis**

Compared to the TASP, the Metro Plan would increase the demand for fire protection services due to (1) the expansion of the Metro Plan to include additional areas where people could work and live and (2) the additional population growth related to development that would be allowed in the Metro Plan.

The Certified EIR identified that Fire Station No. 2 is a likely candidate for expansion. Since then, construction has gotten under way to demolish the existing station and replace Fire Station No. 2 with a new facility. The replacement of Fire Station No. 2 is expected to be completed in spring of 2022 (Alaban 2020). The Metro Plan would be served by this new facility. Nonetheless, the Metro Plan would place an increased demand on fire services due to the additional population that would be generated from buildout. The Metro Plan includes the same policies in the TASP to minimize physical impacts on the environment due to the need for new or altered fire protection facilities. Policy ICS 8.1 requires that the City prepare a “standards of cover” analysis to determine the Metro Plan’s precise impact on the Fire Department’s staffing and equipment, and any required facility needs. Policy ICS 8.2 requires the City to hire additional fire department staff and purchase equipment to provide an adequate level of service. Policy ICS 8.4 requires that if a new fire station is built to meet the service needs of the Metro Plan Area, it must be sited and developed in such a way as to not create substantial adverse physical impacts or significant environmental impacts. Policy ICS 8.5 requires that new facilities minimize noise and traffic impacts on existing land uses. In addition, Chapter 6 of the Metro Plan identifies that the Community Facilities District (CFD) would require that new residential development pay an annual special tax to cover the cost of additional public service provision, including fire services. Overall, there would be no substantial changes in the Metro Plan policies compared to the TAPS policies.

Nonetheless, as acknowledged in Policies ICS 8.1, 8.4, and 8.5, there is the potential for additional fire protection staffing, equipment, and facilities to be needed to meet the demands of the additional buildout from the Metro Plan. However, it is not possible to identify the specific nature, extent, and significance of physical impacts on the environment that could result from the construction and operation of future fire protection facilities without knowing the size and nature of the facility, or where it would be located. For example, a new facility could feasibly be housed in an existing building, which would have much less of a physical impact on the environment than the construction of a new facility. The evidence necessary to make a significance conclusion regarding the physical consequences of additional fire protection facilities will only be available during the environmental review of the future facility. CEQA requires significance determinations to be made on the basis of substantial evidence, not speculation. As such, although a conclusion can be made that the Metro Plan could potentially trigger the need for new fire protection facilities, it is not possible to make a significance determination concerning the specific secondary impacts on the environment due to the construction of future fire protection facilities without engaging in speculation; therefore, no significant impact is identified. New public facilities, including those for fire protection services, are subject to CEQA; thus, CEQA review would be conducted if and when such new facilities are advanced.

### **Certified EIR Mitigation Measures**

The Certified EIR included no mitigation measures for impacts related to fire protection facilities.

### **New Mitigation Measures**

At this time, a CEQA conclusion cannot be made, and no mitigation measures can be identified. Mitigation measures may be developed when additional CEQA review is prepared.

### **Conclusions for Impact PS-2**

The Certified EIR concluded that after implementation of policies included in the TASP, impacts on fire protection services would be less than significant. Based on the analysis above, with incorporation of the Project Change, it is currently unknown whether the potential implementation of fire protection facilities would result in adverse physical impacts on the environment. As such, a CEQA conclusion cannot be made, and additional CEQA review would be required to analyze and disclose this impact.

**Impact PS-3: Implementation of the Metro Plan could result in new or substantially more severe impacts than what was identified in the Certified EIR related to substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities or the need for new police protection facilities.**

### **Summary of Certified EIR Impact Analysis**

The Certified EIR identified that the increase in population, business traffic, and vehicular traffic resulting from the buildout of the TASP would increase the workload of the MPD and the nature of police needs. The Certified EIR also identified that an increase in staffing would be necessary due to the TASP (approximately 26.3 officers). Overall, the Certified EIR concluded that construction of new

police facilities would not be warranted and that with implementation of TASP Policy 6.54,<sup>3</sup> which requires hiring additional police staff and purchasing equipment to provide an adequate level of service, impacts on police services would be less than significant.

### Impact Analysis

Compared to the TASP, the Metro Plan would increase the demand for police services (by approximately 25 additional police officers) due to (1) the expansion of the Metro Plan to include additional areas where people could work and live and (2) the additional population growth related to development that would be allowed in the Metro Plan. The Metro Plan includes Policy ICS 9.1, which includes the same requirement as TASP Policy 6.54 to hire additional police staff and purchase equipment to provide an adequate level of service. In addition, Chapter 6 of the Metro Plan identifies that the CFD would require that new residential development pay an annual special tax to cover the cost of additional public service provision, including police services. As such, the potential impacts related to the need for additional staffing and equipment for the Metro Plan would be the same as the impacts identified in the TASP.

However, the City of Milpitas has also determined that an additional police station is necessary in the Metro Plan Area. The station would be located near the Milpitas Transit Center, though the exact location has not yet been determined. One potential location is the vacant parcel near the Milpitas Transit Center, as indicated in Figure 2-2. The Metro Plan includes Policy ICS 9.2, which states the following: *Construct an additional Police Substation in the Metro Area on the Milpitas Boulevard Extension adjacent to Berryessa Creek, or in another location determined by the City.*

Overall, the one substantial change in the policies in the Metro Plan is the addition of Policy ICS 9.2. The potential impact from the addition of this policy is included below. The Metro Plan has identified the need for a new police substation due to the additional population growth associated with the Metro Plan. Because the police substation is located within the Metro Plan Area, many of the impacts identified in this SEIR would also apply to the police substation. For example, due to its location within the Metro Plan Area, the police substation is expected to have the same impacts on biological resources and cultural resources, as analyzed in the Initial Study (see Appendix B). Furthermore, because the police substation would include police cars that use sirens, a qualitative analysis of these potential noise impacts is included in Section 3.4, *Noise*.

However, it is not possible to identify the specific nature, extent, and significance of physical impacts on the environment that could result from the construction and operation of a future police facility without knowing the size and nature of the facility, or its location. For example, a new police facility could feasibly be housed in an existing building, which would have much less of a physical impact on the environment than the construction of a new facility. The evidence necessary to make a significance conclusion regarding the physical consequences of an additional police facility will only be available during the environmental review of the future facility. CEQA requires significance determinations to be made on the basis of substantial evidence, not speculation. As such, although a conclusion can be made that the Project would trigger the need for a new police facility, it is not possible to make a significance determination concerning the specific physical impacts on the environment due to the construction of a future police facility without engaging in speculation; therefore, no significant impact is identified. New public facilities, including those for police services,

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<sup>3</sup> Note: The Certified EIR identifies policy numbers 6.45 and 6.53; however, these were typographic errors. The correct policy number related to police services is Policy 6.54.

are subject to CEQA; thus, CEQA review would be conducted if and when such new facilities are advanced.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation measures for impacts related to police protection facilities.

### **New Mitigation Measures**

At this time, a CEQA conclusion cannot be made, and no mitigation measures can be identified. Mitigation measures may be developed when additional CEQA review is prepared.

### **Conclusions for Impact PS-3**

The Certified EIR concluded that after implementation of policies included in the TASP, impacts on police protection facilities would be less than significant. Based on the analysis above, with incorporation of the Project Change, it is currently unknown whether the implementation of the police substation would result in adverse physical impacts on the environment. As such, a CEQA conclusion cannot be made and additional CEQA review would be required to analyze and disclose this impact.

**Impact PS-4: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to substantial adverse physical impacts associated with the provision of new or physically altered parks or the need for new parks; related to the increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or including recreational facilities or requiring the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.**

### **Summary of Certified EIR Impact Analysis**

The Certified EIR identified that the TASP Area is bounded by high volume arterial roadways, industrial land, and a railroad, and that no public parks were located nearby in 2008. The Certified EIR identified that the TASP would be required to include 38.2 acres of public parks to meet the ratio of 2.0 acres of public parks per 1,000 residents. The Certified EIR also identified that the TASP would result in the creation of public park space and that parks would be located on already-developed properties, which would not have an adverse physical effect on the environment and would increase the biological resources and water quality in the TASP Area. Overall, the Certified EIR concluded that the TASP would provide public parks and that the policies and standards in the TASP, which require parks to be built as designated, would ensure a less-than-significant impact on recreational facilities.

## Impact Analysis

### ***Geographic Expansion and Metro Plan Buildout: Population Growth and Employment***

Compared to the TASP, the Metro Plan would increase the demand for recreational facilities due to (1) the expansion of the Metro Plan to include additional areas where people could work and live and (2) the additional population growth related to development that would be allowed in the Metro Plan. In order to provide additional recreational opportunities to the future residents and employees of the Metro Plan Area, the Metro Plan identifies new parks that would be constructed as a part of the Metro Plan (see Figure 2-4). In addition, the Metro Plan includes policies to provide recreational facilities in the form of a trail system (see Policy PPS 3.3) and open space, as a part of new developments (see Policy COS 1).

Policy PROS 1-4 from the 2040 General Plan identifies that for areas within a Specific Plan, land dedication or in-lieu fees for park land would be required according to the standard established in the relevant Specific Plan. The standards established in the Metro Plan to require park land have been updated, relative to the TASP. The Metro Plan includes the four guiding principles in the policies established by the Metro Plan:

- Require that phased projects prioritize the development of public amenities to serve new populations.
- Require residential and mixed-use projects to develop and maintain private public spaces that are accessible to residents and the general public.
- Use a hybrid model of an acres ratio and the Recreational Value System to assess public space facilities and identify opportunities for growth.
- Ensure that each District will ultimately include open space with amenities suitable to serve the uses and activity within or planned for the area.

Using the same ratio for public parks as the TASP (2.0 acres of public parks per 1,000 residents), the Metro Plan would require the construction of 28 acres of additional public parks. However, one of the updates that the Metro Plan makes to the TASP is to add the Recreational Value System, as a way of assessing public space facilities. Rather than relying solely on the metric of acres of public parks per residents, the Metro Plan uses the Recreational Value System to quantify a public space's level of service. The Recreational Value System provides a quantitative system for evaluating existing and proposed public parks on their capacity to provide social gathering, contemplative, and active recreational opportunities. This system ensures that parks are meeting their maximum potential in providing residents and workers with flexible and usable space. This type of value system prioritizes the variety of experiences, access and proximity to experiences, and a comprehensive range of spaces. The Recreational Value System strives to provide a more holistic picture of the City's park systems and illuminate future park opportunities.

The Metro Plan acknowledges some of the challenges that the City (as well as other cities) face when relying solely on an acres-to-persons ratio, including development of parks with limited amenities and limited or deferred maintenance. As such, use of the Recreational Value System (as required by Policies PPS 3 and PPS 3.1) would ensure that the parks that are developed in the Metro Plan provide resources that are meeting their maximum potential of recreational use. By adhering to the policies identified in the Metro Plan that require the development of new public parks, trails, open space (as a part of development), and adherence to the Recreational Value System, the Metro Plan

would ensure that the population generated by the Project Change would have recreational facilities that they could use.

The Metro Plan would require the development of open space in order to meet the additional demand placed by new residences associated with the Metro Plan. The proposed and potential parks that are currently envisioned in the Metro Plan are shown in Figure 2-5 in Chapter 2 of this SEIR. Any potential adverse effects from the incorporation of open space features as part of the Metro Plan would result from the construction of the open space, such as noise or air quality impacts (e.g., site preparation; emissions of dust and other pollutants). These potential impacts are addressed throughout Chapter 3 of this SEIR as part of the analysis of construction impacts for the Metro Plan as a whole, with mitigation measures provided as necessary. Overall, no significant physical effect on the environment associated with construction of these open space areas is anticipated beyond any impacts already disclosed elsewhere in this SEIR, and no long-term effects from physical operation of these facilities are anticipated. Therefore, construction of these recreational facilities in connection with the proposed project would have a less-than-significant impact on the environment.

### ***Changes in Land Use Classifications and Policies***

The Metro Plan updates the policies in the TASP, including deleting certain TASP policies. Several of these policies, including Policies 3.43, 3.49, 3.50, 3.53, and 3.56, contained requirements related to the development of specific recreational facilities. Because the facilities identified in these policies have been constructed and are operational, these policies have been fulfilled and are no longer needed to reduce impacts on recreation. There have been some updates in Metro Plan policies to include the Recreational Value System (Policies PPS 3 and PPS 3.1) but as explained above, this change would result in better recreational facilities and would, therefore, not result in new significant impacts or more severe significant impacts than what was identified in the Certified EIR. In addition, the Metro Plan updates the locations of proposed parks, in comparison to the TASP (see Figure 2-5 in Chapter 2 of this SEIR). The potential impact of these new parks is identified above, and there would be no new significant impacts or more severe significant impact from this change. The remaining TASP policies related to reducing impacts on recreational facilities (Policies 3.41, 3.42, 3.44, 3.48, 3.51, 3.52, 3.54, 3.55, and 3.57) have not been substantially changed in the Metro Plan. As such, changes in policies would not result in new significant impacts or more severe significant impacts than what was identified in the Certified EIR.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation measures for impacts related to recreational facilities.

### **New Mitigation Measures**

The Project Change would not result in the need for new mitigation measures to reduce Project impacts.

### **Conclusions for Impact PS-4**

The Certified EIR concluded that after implementation of policies included in the TASP, impacts on recreational resources would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Project would continue to have a less-than-significant impact on recreational resources. The Project Change would not alter the Certified EIR's impact determination for impacts related to recreational resources. The Project Change would not result in

new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.



## 3.7 Transportation

This section discloses and presents the analysis of the potential change in Project impacts on transportation that would result from implementing the Project Change.

### 3.7.1 Regulatory Setting

The regulatory setting for transportation is described on page 3.3-26 of the Certified EIR. These regulations include: the City's transportation impact analysis guidelines; guidelines from the Santa Clara Valley Transportation Authority, including requirements related to the county's Congestion Management Program (CMP); and an overview of the jurisdiction of roadways, including the jurisdictions of the City of Milpitas, City of San Jose, Caltrans, and the Santa Clara County Roads and Airports Department. This information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1, *Introduction*, of this SEIR for the locations available for the public to review the Certified EIR. Pertinent policies adopted since the adoption of the Certified EIR are described below.

#### 3.7.1.1 State

#### 3.7.1.2 Senate Bill 743

On September 27, 2013, SB 743 was signed into law, supporting previous climate-focused and transportation legislation, including the Sustainable Communities and Climate Protection Act of 2008 (SB 375) and the California Global Warming Solutions Act of 2006 (AB 32). SB 743 also supports implementation of the Complete Streets Act (AB 1358), which requires local governments to plan for a balanced, multimodal transportation network that meets the needs of all users. To further the state's commitment to the goals of SB 375, AB 32, and AB 1358, SB 743 added Chapter 2.7, Modernization of Transportation Analysis for Transit-Oriented Infill Projects, to Division 13 (Section 21099) of the Public Resources Code.

SB 743 introduced fundamental changes in the assessment of transportation impacts through the CEQA process. These changes include the elimination of auto delay (measured as Level of Service, or LOS) as a basis for determining significant transportation impacts. SB 743 included amendments that revised the definition of "infill opportunity zones" to allow cities and counties to opt out of traditional LOS standards established by CMPs and required the California Governor's Office of Planning and Research (OPR) to update the State CEQA Guidelines and establish "criteria for determining the significance of transportation impacts of projects within transit priority areas." As part of the new CEQA guidelines, the new criteria "shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." SB 743-compliant CEQA analysis became mandatory on July 1, 2020. Since the CEQA transportation analysis in the Certified EIR predated SB 743, potentially significant impacts were defined differently (i.e., in terms of vehicle delay) at that time and vehicle miles traveled (VMT) was not evaluated, as is currently required.

SB 743 also addressed the provision of parking in determining transportation impacts under CEQA. Public Resources Code, Subsection 21099(b)(3) was modified to state that "the adequacy of parking for a project shall not support a finding of significance."

In December 2018, OPR released a final advisory to guide lead agencies in implementing SB 743, which was titled: “Technical Advisory on Evaluating Transportation Impacts in CEQA.” Key guidance includes the following:

- VMT is the most appropriate metric to evaluate a project’s transportation impact under CEQA.
- Tour- and trip-based travel models are recommended for estimating VMT, but local agencies have the authority to select the tools they use.
- VMT for residential and office projects are generally assessed using efficiency metrics, i.e. on a “per rate” basis. Specifically, the OPR-recommended metrics are: VMT per capita for residential projects and VMT per employee for office projects.
- The recommended threshold of significance for residential and office projects is VMT per capita or per employee that is 15 percent below the city or regional average (whichever is applied). In other words, an office project that generates VMT per employee that is more than 85 percent of the regional VMT per employee could result in a significant impact. This threshold is in line with statewide GHG emission reduction targets.
- For retail projects, the recommended metric is the net change in total VMT in the study area as a result of the project. It is recommended that projects resulting in a net increase in VMT be considered as having a significant impact.
- Lead agencies have the discretion to set or apply their own significance thresholds in lieu of those recommended in the advisory, provided they are based on substantial evidence.
- Cities and counties still have the ability to use metrics such as LOS for other plans, studies, or network monitoring. However, LOS and similar metrics cannot constitute the sole basis for CEQA impacts.

### **3.7.1.3 Local**

#### **Plan Bay Area 2050**

Plan Bay Area 2050 was adopted in October 2021 by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG). As a single plan for the nine-county San Francisco Bay Area that includes the Sustainable Communities Strategy (SCS), Regional Transportation Plan (RTP), and Regional Housing Needs Allocation (RHNA), Plan Bay Area 2050 sets forth regional transportation policy and provides capital program planning for all regional, state, and federally funded projects.

As the RTP, Plan Bay Area provides strategic investment recommendations to improve regional transportation system performance, including investments in regional highway, transit, local roadway, bicycle, and pedestrian facilities. These projects were identified through regional and local transportation planning processes, and for Santa Clara County this includes projects listed in the VTA’s CMP. Projects were selected based on their support for goals related to maintaining existing infrastructure, increasing transportation system efficiencies, improving traffic and transit operations, and providing strategic expansions of the regional transportation system (Metropolitan Transportation Commission and Association of Bay Area Governments 2021).

## Valley Transportation Plan 2040

The Valley Transportation Plan 2040 (VTP 2040) is the comprehensive countywide long-range transportation plan for Santa Clara County developed by VTA. Through its policy and planning framework, VTP 2040 covers location-specific improvements for all modes of travel via three programs. The Highways Program includes major freeway improvements, local freeway interchanges, and express lanes. The Local Systems Program includes local roadway improvements, expressway improvements, pedestrian and bicycle projects, and technology-related projects. The Transit Program includes improvements in transit efficiency and new transit improvement projects. VTP 2040 projects in the Metro Plan Area include the Montague Expressway bicycle/pedestrian overcrossing (Santa Clara Valley Transportation Authority 2015).

## VTA Bicycle Technical Guidelines

The 2012 update to the VTA Bicycle Technical Guidelines outlines standards and guidance for planning, designing, operating, retrofitting, and maintaining roadways and bikeways throughout Santa Clara County. The guidelines aim to improve the quality of bicycle facilities and ensure countywide consistency in the design and construction of both bicycle facilities and roadways. The guidelines apply to projects that are part of the countywide bicycle network, projects that are funded by the Countywide Bicycle Expenditure Program, and all VTA-funded roadway projects. The manual includes general guidance as well as guidance for roadways, on-roadway bicycle facilities, and bicycle-only facilities (Santa Clara Valley Transportation Authority 2012).

## Santa Clara Countywide Bicycle Plan

The 2018 Santa Clara Countywide Bicycle Plan assists VTA and member agencies “establish, protect, and enhance bicycling as a viable transportation mode and to assure that bicycling is a practical and safe mode of travel, by itself and in combination with other modes.” The Santa Clara Countywide Bicycle Plan identifies bicycle facility projects that have regional or countywide significance, including three specific types of projects: the Cross County Bicycle Corridor network, bike routes to major transit stations and centers, and non-motorized crossings of major physical barriers (Santa Clara Valley Transportation Authority 2018).

## 2040 Milpitas General Plan

On March 9, 2021, the City of Milpitas adopted an update to the General Plan, which is referred to as the 2040 General Plan. The 2040 General Plan is an update to the 1994 General Plan and supersedes and replaces the 1994 General Plan. Policies from the 2040 General Plan (City of Milpitas 2021c) relevant to the Project’s physical impacts on the environment include the following:

- **Policy CIR 1-1:** Prioritize and measure infrastructure and facility safety on streets and public rights-of-way.
- **Policy CIR 1-2:** Ensure that the City’s transportation system supports planned land uses and removes barriers to all types of transportation options as envisioned in the Land Use Element.
- **Policy CIR 1-3:** Promote interconnectivity of the transportation network in existing and new developments and actively measure the quality of conditions in neighborhoods to better understand what barriers exist in order to support use of and access to the network.

- **Policy CIR 1-4:** Coordinate development of safe, inclusive and health-promoting transportation infrastructure with local, county, regional, and state agencies to optimize efficiency of the transportation network for all users, and increase opportunities for physical activity for all types of users.
- **Policy CIR 1-5:** Encourage reduced block size in new developments to develop a grid or modified grid network to enhance walkability.
- **Policy CIR 1-7:** Coordinate with neighboring jurisdictions regarding planned developments and transportation improvements that impact communities in both jurisdictions.
- **Policy CIR 1-8:** Prioritize multi-modal infrastructure improvements that improve pedestrian, bicyclist and transit user safety and equity for inclusion in the CIP.
- **Policy CIR 1-9:** Evaluate the impacts of development proposals and capital improvements on intersection and roadway operations using measures that may include Level of Service. Higher levels of delay may be considered acceptable at selected high activity locations where mitigations would negatively impact other transportation modes.
- **Policy CIR 1-11:** Maintain acceptable operations for all major streets and intersections for all modes of transportation, with an emphasis on comfort and safety to increase choices for pedestrians and people who ride bicycles. Examples of multimodal evaluation considerations may include tradeoffs between addition of turn lanes and the resulting impacts to continuity of bike lanes or increases in pedestrian crossing distance and delay.
- **Policy CIR 1-12:** Identify strategies to maximize person throughput to support the efficient and safe mobility of people, regardless of transportation mode. Approaches to achieving this may include transportation systems management (TSM), intelligent transportation systems (ITS), traffic signal coordination, and transit signal priority.
- **Policy CIR 2-1:** Promote multimodal transportation options by developing an interconnected system of streets, roads, bridges, and highways that provides continuous, efficient, safe and convenient travel for all users regardless of mode, age or ability and encourage users to walk, ride a bicycle, or use transit for shorter, local trips.
- **Policy CIR 2-2:** Design intersections to safely and comfortably accommodate all transportation modes and users, especially those who are disproportionately impacted by health, income, or access disparities.
- **Policy CIR 2-3:** Seek opportunities to implement and assess traffic calming strategies that reduce vehicle speeds and establish a safer, more comfortable environment for pedestrians and bicyclists.
- **Policy CIR 2-5:** Ensure adequate routes to meet needs of truck traffic to serve the needs for regional and local goods movement.
- **Policy CIR 2-6:** Provide thoughtful circulation and off-street parking and loading facilities for trucks while not compromising pedestrian or bicycling access to goods and services.
- **Policy CIR 2-7:** Provide inclusive and diverse wayfinding measures to provide directional guidance for pedestrians, bicyclists, and transit riders.

- **Policy CIR 3-1:** Coordinate with VTA and BART to design and implement capital improvements that support safety and access to rail stations and bus stops.
- **Policy CIR 3-2:** Coordinate transit planning and provision of transit-supportive infrastructure with Caltrans, VTA, BART, and other service providers to provide seamless service for users across transit modes and to facilitate transfers.
- **Policy CIR 3-3:** Work with local stakeholders and VTA to ensure that paratransit services adequately meet the needs of people with disabilities in Milpitas.
- **Policy CIR 3-4:** Ensure that all transit-supportive infrastructure, sidewalks, and bike lanes are adequately maintained to provide high-quality facilities for users.
- **Policy CIR 4-1:** Encourage a shift to active transportation modes by expanding and enhancing current pedestrian and bicycle facilities to accommodate pedestrians and bicyclists of all ages and abilities and encourage all users to reduce vehicle trips and utilize active transportation options with an increase in density of pedestrian and bicycle-supportive infrastructure.
- **Policy CIR 4-2:** Link and expand City pedestrian and bicycle circulation facilities to existing and planned local and regional networks, with an emphasis on expanding infrastructure options near transit.
- **Policy CIR 4-3:** Encourage walking, biking and transit use by prioritizing and implementing “first-mile/last mile” improvements, wayfinding and educational efforts in the vicinity of the Great Mall transit center, light rail stations, the BART station, and heavily used bus stops.
- **Policy CIR 4-4:** Provide secure bicycle parking and end-of-trip support facilities (publicly accessible lockers, changing rooms and showers) at centers of civic, retail, recreation, education, and work activity.
- **Policy CIR 4-5:** Support building bridges or under-crossings across creek channels, railroad lines and roadways in a manner that will enhance safety, improve network connectivity, and facilitate bicycling and walking between high density residential developments, retail centers, civic buildings, and recreational centers.
- **Policy CIR 4-6:** Eliminate gaps in the pedestrian and bicycle network, especially between neighborhoods, trails that access schools, and areas with higher health disparities.
- **Policy CIR 4-7:** Work collaboratively with the community to discover and develop connections between the multi-use paths and the on-street bicycle system to support development of a comprehensive network, with an emphasis on areas with limited access and/or higher health disparities.
- **Policy CIR 4-8:** Preserve and enhance the natural environment of the creek corridors in conjunction with each trail project.
- **Policy CIR 4-9:** Identify and investigate the feasibility of trail development along rights-of-way including abandoned, unused, or active railroad corridors, utility corridors, and waterways.
- **Policy CIR 5-3:** Encourage existing employers to adopt strategies to implement programs to reduce employee vehicle trips, including purchasing passes through VTA’s annual transit pass

program; providing facilities such as secure bike parking, lockers, changing rooms, and showers; telework, and flexible work schedules.

- **Policy CIR 5-4:** Encourage developers to provide enhanced TDM programs and alternative transportation infrastructure that exceeds minimum requirements in exchange for reduced parking requirements, with a focus on priority development areas and locations in proximity to high capacity transit.
- **Policy CIR 6-2:** Support development of healthier communities through support the use of lower- or non-polluting modes of transportation to reduce GHG vehicle emissions and local air pollution levels.
- **Policy CIR 6-4:** Prioritize transportation improvements in part based on consideration of benefits to disadvantaged communities.
- **Policy CIR 6-5:** Include a robust, inclusive and interactive community engagement and educational process in transportation planning efforts to help ensure that project will address the needs of local stakeholders, especially disadvantaged populations.
- **Policy CIR 6-7:** Develop impact fees to provide revenues to be used to construct pedestrian and bicycle infrastructure that will support new development.
- **Policy CIR 6-8:** Use repaving projects as an opportunity to cost-effectively implement new bicycle facilities in accordance with City plans.
- **Policy CIR 6-9:** Maximize efficient maintenance of transportation infrastructure of all modes, such as coordinating roadway paving or striping projects to include maintenance of pedestrian and bicycle infrastructure.
- **Policy CIR 7-3:** Seek opportunities to develop public/private partnerships to provide transportation infrastructure and services.
- **Policy CIR 7-4:** Ensure that construction detour routes provide safe and convenient access for users of all modes of transportation, including people with disabilities.

## TASP Policies

Table 2-2 in Chapter 2, *Project Description*, of this SEIR provides a summary of the policies in the TASP related to Transportation. Table 2-2 identifies policies that require the following:

- *Roadway, Bicycle, and Pedestrian Facilities.* Construction of new pedestrian and bicycle facilities to provide access throughout the TASP Area and review of development projects to ensure that adequate street right-of-way, bicycle facilities, and pedestrian facilities are provided.
- *Transit.* Coordination with VTA to provide sufficient amenities (such as transit shelters) at all transit stops within the plan area.
- *Public Safety.* Requirements to ensure public safety near rail.
- *Transportation Impact Fee Program.* Establishment of a Transportation Impact Fee Program to mitigate impacts on traffic operations.

## Trail, Pedestrian, and Bicycle Master Plan Update

The Draft City of Milpitas Trail, Pedestrian, and Bicycle Master Plan, under public review at the time of this writing in 2022, would supersede the City's previous bicycle/pedestrian and trails plans. An Initial Study/Mitigated Negative Declaration was prepared in and made available for public review on March 2022. The City expects to adopt the Draft City of Milpitas Trail, Pedestrian, and Bicycle Master Plan in spring 2022. The City of Milpitas Trail, Pedestrian, and Bicycle Master Plan provides recommendations to enhance the local active transportation network to serve people of all ages and abilities, with projects intended to improve safety, access, and connectivity to key destinations and recreational opportunities, including the BART station and transit center. Proposed infrastructure improvements include provision of additional protection for bicyclists by converting existing bike lanes to cycle tracks along arterial roadways, enhancements to signal operations and striping at signalized intersections, and installation of pedestrian hybrid beacons or rectangular rapid flashing beacons at unsignalized crossings. Recommended locations and project types for linear bikeways, linear pedestrian improvements, pedestrian spot improvements, and bicycle spot improvements are summarized in Tables 3.7-1, 3.7-2, 3.7-3, and 3.7-4, respectively.

**Table 3.7-1. Metro Plan Area Recommended Linear Bikeway Improvements**

Street	From	To	Facility Type <sup>1</sup>
Montague Exp	S Milpitas Blvd	Piper Dr	Class I
Montague Exp – Landess Ave	Piper Dr	S Park Victoria Dr	Class II
Main St	Calaveras Blvd	Abel St	Class IIB
Great Mall Parkway – E Capitol Ave	McCarthy Blvd	Trimble Rd	Class IV
S Main St	Abel St	Montague Exp	Class IV
Milpitas Blvd	City limit	Montague Exp	Class IV

Source: City of Milpitas 2021a.

<sup>1</sup> Class I = multi-use path, Class II = bike lane, Class IIB = buffered bike lane, Class IV = cycle track.

**Table 3.7-2. Metro Plan Area Recommended Linear Pedestrian Improvements**

Street	From	To	Facility Type
Landess Ave –Montague Exp	S Milpitas Blvd	S Victoria Park Dr	Sidewalk Improvement
Montague Exp	Berryessa Creek	Trade Zone Blvd	Sidewalk Improvement

Source: City of Milpitas 2021a.

**Table 3.7-3. Metro Plan Area Recommended Pedestrian Spot Improvements**

<b>Location</b>	<b>Cross Street</b>	<b>Project Type</b>
Main St	Cedar Way	Commercial Signalized
Great Mall Pkwy	Main St	Commercial Signalized
Great Mall Pkwy	Montague Exp	Commercial Signalized
Penitencia Creek	Coffee Berry Ln	Commercial Unsignalized
Montague Exp	Berryessa Creek	Commercial Unsignalized

Source: City of Milpitas 2021a.

**Table 3.7-4. Metro Plan Area Recommended Bicycle Spot Improvements**

<b>Location</b>	<b>Cross Street</b>	<b>Project Type</b>
Montague Exp	E Capitol Ave	Bike Lane Connectivity
S Milpitas Blvd	Montague Exp	Bike Lane Connectivity
Great Mall Pkwy	S Main St	Bike Lane Connectivity
E Capitol Ave	Trimble Rd	Bike Lane Connectivity

Source: City of Milpitas 2021a.

### City of Milpitas Transportation Analysis Policy

In response to SB 743, the City of Milpitas adopted its “Transportation Analysis Policy” in May 2021, identifying the countywide average VMT as the City’s baseline for use in CEQA analysis and including thresholds of significance for determining transportation impacts under CEQA. For most project types, the City’s policy incorporated the OPR-recommended thresholds. For residential development, the City policy established a threshold of 15 percent below the countywide per capita VMT, which considers only home-based trips. For employment-based uses, the City’s significance threshold is 15 percent below the countywide VMT per employee, which is calculated based on employee commute trips. The policy does not provide specific guidance regarding programmatic CEQA analysis (City of Milpitas 2021b).

## 3.7.2 Environmental Setting

### 3.7.2.1 TASP Area

The environmental setting for the TASP Area is described on pages 3.3-4 through 3.3-26 of the Certified EIR. This discussion includes a review of the characteristics of the existing street network; the presence of bicycle facilities, sidewalks, bridges, and other bicycle and pedestrian infrastructure; and a description of bus and light rail transit service providing access to and from the TASP Area. This information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1 of this SEIR for the locations available for the public to review the Certified EIR.

The following changes to the setting have occurred since the Certified EIR was prepared.

- The extension of South Milpitas Boulevard from Montague Expressway to Great Mall Parkway was constructed.
- The Milpitas BART station was completed, and passenger service was initiated.

- The Milpitas Transit Center was relocated from the northwest corner of the intersection of Great Mall Parkway/Fairlane Drive to its current site adjacent to the Milpitas BART station.
- VTA has implemented changes to bus routes serving the TASP Area, which is currently served by VTA Routes 20, 44, 47, 60, 66, 70, 71, 77, and 104.
- Bicycle facilities have been expanded since the completion of the Certified Plan, including adding Class II bike lanes to Montague Expressway, South Milpitas Boulevard, and Capitol Avenue from Montague Expressway to Trimble Road.
- Sidewalks have been added at numerous locations in the TASP Area in conjunction with incoming new development. Locations include the south side of Great Mall Parkway and East Capitol Avenue and segments of Montague Expressway.

### 3.7.2.2 Project Change

The section of Main Street along the western expansion area currently includes sidewalks and bicycle lanes from Great Mall Parkway to Trade Zone Boulevard. The Draft City of Milpitas Trail, Bicycle, and Pedestrian Plan calls for the development of a Class IV cycle track between Trade Zone Boulevard and Abel Street; from Abel Street to Great Mall Parkway, a striped buffer would be added to the existing bike lane. This area is located within one-half mile of the Great Mall light rail station, and South Main Street is served by VTA's Route 66 bus, with stops at South Abel Street and Cedar Way. The streets serving the eastern expansion area do not currently include pedestrian or bicycle facilities. A small portion of the eastern expansion area would be located more than one-half mile from the BART station. The remainder of the Metro Plan Area is located within one-half mile of the station. Bus service is available in the eastbound direction from VTA Routes 47, 70, and 71 at the intersection of Montague Expressway and South Milpitas Boulevard.

### 3.7.3 Impacts and Mitigation

This section describes the change in Project impacts on transportation that would occur with the Project Change. It describes the methods used to evaluate the impacts and the thresholds used to determine whether an impact would be significant. The Certified EIR identified several transportation impacts that, with implementation of the policies in the TASP, would be less than significant, and additional mitigation measures were not required. In addition, the Certified EIR identified operational impacts on numerous intersections in the study area that were determined to be significant and unavoidable. These impacts are not discussed further in this SEIR because vehicle delay is no longer an environmental impact under CEQA. Because the Metro Plan policies would replace policies in the TASP, the analysis includes a comparison of the TASP policies and the Metro Plan policies to determine if any changes in policies would result in an impact. If new mitigation measures are needed to reduce new impacts that would result from the Project Change, those measures are listed below.

This SEIR analysis evaluates the change in Project impacts with the Project Change, and, if applicable, changes in circumstances or new information that was not available at the time the Certified EIR was prepared. The analysis does not reevaluate the impacts of the Project that were already disclosed in the Certified EIR and are not altered due to the Project Change. Based on the change in the Project impact due to the Project Change, a determination is made as to whether there would be changes to the impact significance determinations for the Project in the Certified EIR.

### 3.7.3.1 Significance Criteria

The State CEQA Guidelines Appendix G (14 California Code of Regulations 15000 et seq.) identifies significance criteria to be considered for determining whether a project could have significant impacts on transportation. An impact would be considered significant if construction or operation of the Project would do any of the following.

- Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
- Conflict or be inconsistent with State CEQA Guidelines Section 15064.3, subdivision (b).
- Substantially increase hazards because of a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency access.

SB 743 resulted in changes to the assessment of transportation impacts under CEQA. In accordance with significance thresholds in effect at the time the Certified EIR was prepared, the Certified EIR included an operational analysis of key intersections and roadway segments in and around the TASP Area, and identified impacts using the metric of LOS. Because vehicle delay is no longer an environmental impact under CEQA, pursuant to SB 743, VMT was used to assess transportation impacts in this SEIR and traffic operations impacts (i.e., LOS impacts) were not evaluated. While changes to traffic operations as a result of the Project Change were not considered in assessing environmental impacts under CEQA, per City of Milpitas policy and for purposes of CMP compliance, LOS was assessed as part of the planning effort for the Metro Plan and compiled in the *Draft Milpitas Metro Specific Plan Traffic Operations Report (W-Trans 2022)*.

### 3.7.3.2 Methods

As noted above, CEQA requirements have been modified since the completion of the Certified EIR. Therefore, while information from the Certified EIR was used to the extent feasible, additional analysis was performed as required to comply with current CEQA requirements.

Due to the changes in CEQA thresholds and requirements, the Certified EIR predated SB 743 and therefore did not include an assessment of VMT. For this SEIR, VMT was assessed using the VTA Countywide Travel Demand Model. This is consistent with the method used to analyze the impacts of the Milpitas 2040 General Plan, adopted in 2021. It is noted that the potential impact of VMT on Air Quality as well as Greenhouse Gas and Climate Change was considered in the Certified EIR. Those impacts were based on the Santa Clara County VMT per capita, as estimated in 2002 by the Bay Area Air Quality Management District, not through transportation modeling. In the Certified EIR, VMT was estimated based on the anticipated population increase associated with the TASP. As such, the assessment in the Certified EIR did not consider potential changes in VMT resulting from factors such as new local or regional land use patterns, the availability of BART service, or the addition of pedestrian and bicycle infrastructure.

Given the concentration and mix of land uses in the Metro Plan, VMT is largely based, not only on the proposed land uses but also the proximity to transit. If some of the residential units are reallocated to other sites within the Metro Plan Area, even if there was a shift in land use from one transportation analysis zone (TAZ) to another, the total VMT as well as VMT per capita would only be expected to be nominally different, if at all, as the total number of units proposed in the Metro

Plan Area overall would not change, and the proximity to BART and VTA transit services would be approximately equivalent. Any change to VMT as a result of changing the specific location of proposed residential units would therefore not result in any additional impacts under CEQA, nor any changes in the findings, recommendations or conclusions in the CEQA document. Such a reallocation of land uses could result in effects on projected traffic operations at some local intersections, however, this is outside the scope of CEQA analysis.

Analysis scenarios were selected to be consistent with those that were used in the Milpitas 2040 General Plan EIR and to account for the updated horizon year in the Metro Plan (2040). Therefore, 2015 was used as the base year for the VTA Travel Demand Model and 2040 was selected as the horizon year. The following scenarios were used:

- **2015 Conditions:** Reflects conditions based on the 2015 iteration of the VTA Countywide Travel Demand Model.
- **2040 Cumulative No Project:** Assumes buildout of all approved development identified in the 2040 General Plan. For the Metro Plan Area, this equates to the full buildout of the TASP.
- **2040 Cumulative Plus Project:** For the Metro Plan Area, development identified as the Project Change was added to the approved 2040 General Plan land uses, which includes full buildout of the TASP.

For this analysis it was assumed that the updated policies in the Metro Plan would be implemented. That is, impact determinations prior to mitigation assume implementation of the Metro Plan policies. Table 2-2 in Chapter 2 of this SEIR provides a summary of the policies in the Metro Plan related to Transportation, including the following:

- *Roadway, Bicycle, and Pedestrian Facilities.* Construction of new pedestrian and bicycle facilities to provide access throughout the Metro Plan Area and review of development projects to ensure that adequate street right-of-way, bicycle facilities, and pedestrian facilities are provided.
- *Public Safety.* Requirements to ensure public safety near rail.
- *Transportation Impact Fee Program.* Establishment of a Transportation Impact Fee Program to mitigate impacts on traffic operations.

In addition to the policies identified in Table 2-2, the following Metro Plan policy would also be pertinent to this analysis:

- *TDM Program.* Implementation of a TDM Program that would be incorporated into new development projects in the Metro Plan.

### 3.7.3.3 Impacts and Mitigation Measures

This section includes a discussion of each impact as it corresponds to the significance criteria presented in Section 3.7.3.1, *Significance Criteria*.

As noted above, the CEQA transportation significance criteria have been modified since the Certified EIR was prepared. Impacts regarding traffic operations (i.e., LOS impact) at intersections and along roadway segments are no longer considered environmental impacts under CEQA and are therefore not addressed in this SEIR. Similarly, impacts that were identified regarding parking are not considered impacts under CEQA and are not discussed.

**Impact TR-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to conflicting with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.**

**Summary of Certified EIR Impact Analysis**

The Certified EIR did not include an evaluation of whether the TASP would conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The Certified EIR identified and analyzed impacts that were expected to result from the additional growth and increased intensity of land uses associated with the TASP. Specifically, the TASP was determined to result in increased demand for pedestrian, bicycle, and transit trips in the TASP Area, and that adequate facilities to accommodate these trips were not present. The Certified EIR identified that this impact would be minimized by TASP Policies 3.15, 3.28, and 3.29, which required review of individual development applications to generally ensure adequacy of pedestrian and bicycle facilities, as well as the implementation of several specific improvements. The Certified EIR also identified that the construction of proposed pedestrian/bicycle bridges crossing Montague Expressway at Penitencia Creek, Montague Expressway at Piper Drive, and at the north end of Piper Drive over the railroad tracks would minimize this impact. The Certified EIR also identified that Policies 6.32 and 6.33 would minimize these impacts by providing funding to implement the necessary infrastructure improvements. The Certified EIR concluded that with the inclusion of the TASP policies, the impact of the TASP on pedestrian and bicycle access would be less than significant. Nonetheless, the Certified EIR did not include a determination regarding the TASP's impacts regarding conflicts with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

**Impact Analysis**

The Metro Plan would not result in any new significant or more severe impacts on pedestrian, bicycle, or transit access due to the geographic expansion of the Metro Plan Area, the proposed changes in land use classifications, or the population growth and employment associated with the Metro Plan buildout.

***Geographic Expansion***

The size of the Metro Plan Area is 73 acres larger than the TASP, an increase in area of 17 percent. This would be expected to result in an increase in demand for pedestrian, bicycle, and transit trips compared to the TASP. The western expansion area is proposed as a site for high-density urban residential development. Sidewalks and bicycle facilities are present along existing streets serving these sites and this area is located within acceptable walking distance of the Great Mall/Main Street light rail station. The eastern expansion area would be primarily devoted to lower- and higher-density business park/research and development uses. Evaluation of pedestrian and bicycle accommodations in the eastern expansion area would be required, and such facilities would need to be provided in accordance with 2040 General Plan Action CIR 4t in conjunction with incoming development projects.

All locations within the TASP boundaries were located within one-half mile of the Milpitas BART station. A portion of the eastern expansion area in the Innovation District lies over one-half mile from the Milpitas BART station, but the addition of a pedestrian-bicycle bridge over Berryessa Creek

will provide enhanced connectivity to BART, light rail, and bus service at the transit center. Bus service is typically modified to serve the characteristics of surrounding development, and it is expected that VTA would implement such modifications in conjunction with the completion of development associated with the Metro Plan. Per General Plan Goal CIR-3, the City would coordinate with transit providers to ensure convenient transit service to support this development.

### ***Metro Plan Buildout: Population Growth and Employment***

The Project Change would result in the intensification of development in the Metro Plan Area, which is expected to result in an increase in demand for pedestrian, bicycle, and transit trips. As noted in Measure T-3, *Provide Transit-Oriented Development* of the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, a land use pattern that is compact, with a mix of land uses, and is walkable with convenient transit access would be expected to increase transit use and reduce VMT by up to 31 percent (CAPCOA 2021). "Project site residents, employees, and visitors would have easy access to high-quality public transit, thereby encouraging transit ridership and reducing the number of single-occupancy vehicle trips and associated GHG emissions." The proposed addition of multifamily housing, retail development, and other commercial uses within the Metro Plan Area would result in convenient, walkable access to a range of services and employment opportunities. Both BART and VTA have adopted transit-oriented development policies in support of development in the vicinity of stations throughout its system as part of a strategy to increase ridership.

Increased transit demand resulting from the Project Change would be distributed among the various transit providers and routes serving the Metro Plan Area, including BART, VTA light rail, nine VTA bus routes, two Altamont Commuter Express (ACE) shuttles, and an AC Transit line providing service to and from Fremont. Local bus service currently operates with headways ranging from 15 to 30 minutes, light rail headways of approximately 20 to 30 minutes, and two BART lines operating on 15-minute headways to both Daly City and Richmond. Transit agencies will also adjust services as demand changes over time. Therefore, based on the range of transit service providers and routes available in the Metro Plan Area, it can reasonably be assumed that project-generated transit trips would be accommodated.

Regarding active transportation, in addition to the existing infrastructure in the Metro Plan Area, the Metro Plan includes enhanced facilities and programs to serve pedestrians and bicyclists. The following Metro Plan policies are expected to minimize potential impacts to pedestrians, bicyclists, and transit users:

- **Policy M 2.** Enhance arterial streets - Montague Expressway, Great Mall Parkway/Capitol Avenue, South Main Street, and Trade Zone Boulevard - to include facilities for active transportation: pedestrians, bicyclists, and more. Where the City does not control an arterial street, as in the case of Montague Expressway, work with the relevant agency to increase multimodal safety and accessibility over time.
- **Policy M 2.1.** Great Mall Parkway. Transform Great Mall Parkway/Capitol Avenue into multimodal complete streets that provides for the mobility needs and safety of transit users, bicyclists, pedestrians, and drivers as indicated in Figure 4-7 [of the Metro Plan] and by providing bike lanes and sidewalks on both sides of the road.
- **Policy M 2.1.1.** Maintain the number of vehicle lanes and reduce land widths on Great Mall Parkway to calm traffic, create a more comfortable environment for non-vehicular modes.

- **Policy M 2.1.2.** Provide protected bike lanes in both directions on Great Mall Parkway.
- **Policy M 2.1.3.** Develop a multi-use path between Montague Expressway and Main Street on the Great Mall Subdistrict side of the street.
- **Policy M 2.1.4.** Provide a linear park and pedestrian path along Great Mall Parkway from Montague Expressway to Main Street.
- **Policy M 2.1.5.** Provide enhancements to pedestrian crossings along Great Mall Parkway and other major roadways through measures including curb extensions, traffic signal modifications, and/or other amenities.
- **Policy M 2.2.** Great Mall Parkway and Main Street Intersection. Accommodate bicycle and pedestrian improvements and improve the connection between the Great Mall VTA Light Rail Station to the Great Mall (Figure 4-8 [of the Metro Plan]).
  - **Policy M 2.2.1.** Remove fencing and redesign the bus drive to become a multi-use path that directly connects the VTA Light Rail Station with the Great Mall.
  - **Policy M 2.2.2.** Redesign the plaza by the Light Rail Station Elevator on the north side of Great Mall Parkway to be more landscaped, more usable as a public plaza, with commercial uses oriented to it and features that activate the plaza. Coordinate with VTA and developers to improve the pedestrian and transit user experience at the LRT Station.
  - **Policy M 2.2.3.** Use colored paving to define bike lanes, particularly in areas with potential conflict with vehicular traffic.
  - **Policy M 2.2.4.** Remove the existing separated right turn lane at Great Mall Parkway and Main Street to expand the plaza on the south side of Great Mall Parkway at the train tracks. Replace the through lane with an optional right turn lane. Redesign the plaza to include hardscape and softscape treatment to make the plaza as activated and usable as possible.
  - **Policy M 2.2.5.** Build a new pedestrian overcrossing from the elevated level at the Great Mall Light Rail Station to the corner plaza at Main and Great Mall Parkway.
- **Policy M 5.1.** Create a complete pedestrian and bicycle network that connects trails and pathways and includes continuous sidewalks and safe bike travel routes throughout the entire Milpitas Metro Area.
- **Policy M 8.** Parking and Transportation Demand Management. Establish and implement a travel demand management (TDM) program with the non-compulsory goal of reducing VMT by 15 percent or more below the regional baseline per employee or resident and efficiently provides parking that meet the needs of residents, employees, and visitors. TDM measures should be incorporated into all new development and may be implemented by individual uses or through TMA oversight.

### ***Changes in Land Use Classifications and Policies***

The proposed land use classifications in the Metro Plan would result in changes to the trip generation estimates, in comparison to the TASP. This difference was addressed in the assumptions used in VTA's Travel Demand Model. Therefore, any potential impacts associated with the Project

Change would be identified as part of the assessment of VMT impacts for the Metro Plan (see Impact TR-2).

Changes to the TASP policies, as shown in Table 2-2 in Chapter 2 of this SEIR, either do not substantially alter the equivalent TASP policy, or the TASP policy is similarly and adequately covered under a 2040 General Plan policy, to which the Metro Plan would be required to adhere. Connectivity is typically provided by roadways, pedestrian paths, and bicycle paths. The Metro Plan would continue implementing similar goals as the TASP regarding community connectivity, including providing connections for walking and biking; developing parks that provide pedestrian connectivity in each subdistrict; and implementing street, trail, and bridge improvements to connect existing residents and employees with jobs, services, parks, and transit. As such, the Project Change would not create a new or more severe impact regarding the division of an established community due to the changes in policies in the Metro Plan.

The Metro Plan updates the policies in the TASP; however, as shown in Table 2-2, the updated Metro Plan policies would not be substantially different than the TASP policies. The Metro Plan would continue to include requirements to implement pedestrian and bicycle facilities, maintain public safety, and implement a transportation impact fee program to fund transportation projects. As such, the Project Change would not create a new or more severe impact related to conflicts with adopted policies, plans, or programs supporting alternative transportation due to the changes in policies in the Metro Plan.

The Metro Plan identifies the following transportation infrastructure improvements that were not included in the TASP: the development of new trails along Berryessa Creek; paving City-owned trails with all-weather surfacing; and construction of pedestrian connections between subdistricts, including at-grade bridges and crossings, and overhead pedestrian bridges. There are several proposed minor street connections in the Metro Plan to provide site access and enhance connectivity between existing streets in the Tango District and to provide connectivity within the Great Mall site; however, because they provide only local access, the addition of these segments would not be reflected in the countywide Travel Demand Model. The two geographic expansion areas do not include any modifications of the City's street network in these areas. The proposed infrastructure improvements would increase the capacity of the Metro Plan Area to accommodate walking and bicycling trips and enhance the user experience by creating a more interconnected network and more direct access to sites within the Metro Plan Area.

### ***Plan Consistency***

#### ***Draft Trail, Pedestrian, and Bicycle Plan***

The Draft Trail, Pedestrian and Bicycle Plan reaffirms and restates the policies identified in the 2040 General Plan regarding active transportation. Goals developed specifically for this plan emphasized the development of an active transportation network that would serve users of all ages and abilities, provide enhanced connectivity to destinations throughout the City, and enhance safety. Implementation of the Metro Plan would result in increased capacity to accommodate pedestrians and bicyclists and would enhance the quality of the active transportation infrastructure. The Project Change is therefore consistent with the Trail, Pedestrian, and Bicycle Plan.

### *City of Milpitas Transportation Analysis Policy*

The City's Transportation Analysis Policy provides direction for the implementation of SB 743, based on the OPR technical advisory and in support of statewide goals to reduce VMT and GHG emissions. The policy supports the type of development envisioned in the Metro Plan, as it includes screening criteria out projects within one-half mile of rail stations and major transit hubs from VMT analysis. The policy cites the following 2040 General Plan goal and policies:

- **Goal CIR-1:** Provide a transportation system that efficiently, equitably and effectively supports the City's land use vision, minimizes vehicle miles traveled (VMT), enhances connectivity of the existing network, and supports the use of all modes of transportation.
- **Policy LU 3-1:** Support regional efforts that promote higher densities near major transit and travel facilities and reduce regional miles traveled by supporting active modes of transportation including walking, biking, and public transit. Support local and regional land use decisions that promote safe access to and the use of alternatives to auto transit.
- **Policy LU 4-2:** Emphasize efforts to reduce regional vehicle miles traveled by supporting land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit.

Expansion of the multimodal transportation network was cited as one of the outcomes of implementation of this policy. The Metro Plan's mix of land uses, proximity to transit, and measures to encourage and accommodate non-automobile trips support the intent of the Transportation Analysis Policy and SB 743 more generally. The Metro Plan is, therefore, consistent with this policy.

### *Plan Bay Area 2050*

The strategies included in Plan Bay Area 2050 are designed to achieve a vision for the region that requires a greater reliance on a multimodal transportation system and a shift toward increased rates of transit use, walking, bicycling, and other alternatives to automobile travel. Investments were identified in the plan for building a complete streets network and expanding transportation demand management initiatives. The mix of land uses, and increased density included in the Project Change would enable Metro Plan residents and workers to meet many of their needs locally via short trips using non-vehicle transportation. The change to travel patterns associated with the Project Change is therefore consistent with the goals of Plan Bay Area 2050 and supports the achievement of broader regional goals.

### *Valley Transportation Plan 2040*

One of the objectives of Valley Transportation Plan 2040 cites support for the creation of a multimodal transportation system, which is further explained in the themes underlying the plan: Efficiency and Mobility, Sustainability and Growth, Connectivity and Technology, and Air Quality and Energy Use. As noted regarding the Air Quality and Energy Use theme: "[u]ltimately, VTP 2040 seeks to foster changes in development patterns to make trips shorter, allow for reductions in Vehicle Miles Traveled (VMT), and increases in transit, bicycle, and walk trips." The Project Change provides for increased intensity of residential and commercial land uses in proximity to high quality transit service, and is therefore consistent with the objectives of VTP 2040.

### *Santa Clara Countywide Bicycle Plan*

The Santa Clara Countywide Bicycle Plan includes a network of Cross-County Bicycle Corridors (CCBCs), including facilities on Great Mall Parkway-East Capitol Avenue, South Milpitas Boulevard, Montague Expressway, and Trade Zone Boulevard in the Metro Plan Area. This network is consistent with the recommendations of the Draft Trail, Pedestrian, and Bicycle Plan and supports the expansion of the local bikeway network to provide additional capacity to accommodate additional users. The countywide plan also addresses the quality of facilities to be provided, identifying design expectations for the CCBCs, which indicate that bikeways along local roadways should be designed as “lowest stress bicycle facility that is appropriate for the local context and community needs.” Quantifying this, the Santa Clara Countywide Bicycle Plan also indicates that these facilities should be designed based on several criteria, including that they be rated as a Level of Traffic Stress (LTS) of 1 or 2, which represent conditions that typical adult bicyclists find comfortable. The LTS methodology is referenced in the Santa Clara Countywide Bicycle Plan. For CCBCs along expressways, which includes Montague Expressway in the Metro Plan Area, the plan indicates that the Santa Clara County Bicycle Accommodation Guidelines should be followed and that opportunities should be sought to develop facilities that provide physical separation between bicyclists and vehicle traffic. The Metro Plan’s emphasis on enhancements to bicycle infrastructure along major roadways is therefore consistent with the countywide plan.

### *VTA Bicycle Technical Guidelines*

VTA’s Bicycle Technical Guidelines establish recommended facility designs, incorporating other design manuals, and identifying best practices. These practices address the application of designs in different contexts and would be applied during the design phase. Based on the bicycle facilities recommended in the Metro Plan, there would be no conflicts between with the guidelines.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation measures for impacts related to conflicts with policies related to the circulation system.

### **New Mitigation Measures**

The Project Change would not result in the need for any new mitigation measures to reduce Project impacts.

### **Conclusions for Impact TR-1**

The Certified EIR concluded that after implementation of policies included in the TASP, impacts related to conflicts with adopted policies, plans, or programs supporting alternative transportation would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Project would continue to have a less-than-significant impact on pedestrians, bicyclists, and transit users. The Project Change would not alter the Certified EIR’s impact determination for impacts related to consistency with adopted policies, plans, or programs supporting alternative transportation. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

**Impact TR-2: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to conflicting or being inconsistent with State CEQA Guidelines Section 15064.3, subdivision (b).**

**Summary of Certified EIR Impact Analysis**

As part of the analysis of potential Air Quality and Greenhouse Gas and Climate Change impacts, the Certified EIR identified that VMT would increase as a result of the population and employment growth associated with the TASP. However, a VMT impact analysis consistent with the requirements of PRC Section 21099, and CCR Section 15064.3(b) was not conducted because it was not required under CEQA at the time; and thus, no significance conclusion related to VMT was provided in the Certified EIR.

**Impact Analysis**

As a result of the more intensive development associated with the Project Change, the Metro Plan would result in increased VMT compared to the TASP. In accordance with the City's Transportation Analysis Policy and the OPR technical advisory, VMT impacts associated with the Project Change were assessed based on efficiency metrics, which measure VMT generated per person rather than the total miles traveled.

The City VMT policy includes significance thresholds for residential development and employment-based uses but does not specify thresholds for programmatic CEQA analysis. Because the Metro Plan includes a range of land uses, including visitor-focused uses such as retail and hotels, the metric identified as most appropriate for this analysis was VMT per service population, which is calculated by dividing the Project's total VMT by the sum of population and employment. The significance threshold used for this analysis was 15 percent below the countywide average.

While neither OPR nor City policies identify VMT per service population as a metric, it is commonly used in plans and mixed-use projects. While VMT per capita includes only home-based trips (trips that either begin or end at a place of residence) and VMT per employee includes only employee commute trips, total VMT includes other trips not included in the VMT per capita or per employee calculations, such as customer trips to and from retail sites, trips, and deliveries. The thresholds identified in the City VMT policy were also applied to analyze the VMT for the residential and employment-based components of the Project. The City's adopted metrics of VMT per capita (for residential projects) and VMT per employee (for employment-based projects) were also analyzed. To illustrate the influence that the proposed Metro Plan development pattern would have on VMT, a comparison of the VMT for each of these metrics for Santa Clara County, the City of Milpitas, and the Metro Plan is shown in Table 3.7-5.

**Table 3.7-5. Estimated VMT for Santa Clara County, City of Milpitas 2040 General Plan, and the Metro Plan**

<i>VMT Metric</i>	<b>Trips Measured</b>	<b>2040 Santa Clara County VMT</b>	<b>2040 General Plan VMT<sup>1</sup></b>	<b>2040 Metro Plan VMT</b>
VMT per Service Population	All project-related trips (total VMT)	25.0	30.5	15.9
VMT per Capita	Home-based trips	14.1	11.9	5.5
VMT per Employee	Employee commute trips	19.3	20.7	14.3

<sup>1</sup> This includes full buildout of the TASP.

As shown, the Metro Plan (2040 Cumulative Plus Project) scenario is estimated to substantially lower VMT per service population, per capita, and per employee than both the 2040 Santa Clara countywide average and the Milpitas 2040 General Plan (2040 Cumulative No Project) scenario.

The reduction in VMT per service population, per resident, and per employee is expected, as these metrics evaluate the characteristics of travel by individuals, not the overall total miles traveled as a result of the Metro Plan. VMT is the number of miles traveled generated by a particular project, calculated by multiplying the average trip length by the total number of trips. Therefore, the mix of land uses, the density of development, and the availability of alternative modes of travel are all among the key factors that influence how far people are required to travel to meet their needs. The addition of new residences, new retail opportunities, and new employment sites within the Metro Plan Area will enable many incoming residents to meet their needs locally. The nearby BART and light rail stations provides convenient access to high quality transit, and the proposed expansion of pedestrian and bicycle infrastructure would make the Metro Plan Area a more comfortable and attractive place to walk or bicycle. Therefore, it is expected that residents, employees, and visitors to the Metro Plan Area would opt to walk, bicycle, and/or use transit for many types of trips.

To determine if the Metro Plan would produce a significant VMT impact, the amount of VMT generated by the proposed development was determined by comparing the VMT estimates from the Milpitas 2040 General Plan (Cumulative No Project) and Metro Plan (2040 Cumulative Plus Project). VMT per service population, per capita, and per employee were then calculated. Applying the City's VMT policy approach, the countywide average was used as the baseline; a significance threshold of 15 percent below this level was applied; and VMT per service population, per capita, and per employee was estimated for the total proposed development (residential and employment-based land uses, respectively). For all three metrics, VMT was found to be lower than the significance threshold, and the Metro Plan was determined to have a less-than-significant VMT impact, as shown in Table 3.7-6.

**Table 3.7-6. Metro Plan VMT Significance Assessment**

<b>VMT Metric</b>	<b>2040 Santa Clara County VMT</b>	<b>2040 Metro Plan VMT</b>	<b>VMT Significance Threshold<sup>1</sup></b>	<b>Significant Impact?</b>
VMT per Service Population	25.0	15.9	21.3	Less than significant
VMT per Capita	14.1	5.5	12.0	Less than significant
VMT per Employee	19.3	14.3	16.4	Less than significant

<sup>1</sup> The significance threshold was calculated as follows, assuming that VMT would need to be 15 percent below the countywide average to be less than significant:

$$25 - (0.15 * 25) = 21.3$$

$$14.1 - (0.15 * 14.1) = 12.0$$

$$19.3 - (0.15 * 19.3) = 16.4$$

A reduction in the estimated VMT compared to the countywide average is expected, given the characteristics of the Metro Plan, which includes mixed land uses, proximity to high quality transit, and increased density.

Furthermore, Metro Plan Policy M 8 requires new development identified in the Metro Plan to implement TDM measures. The goal of the requirement is to achieve a 15 percent reduction in VMT per resident or employee compared to the countywide average. Among the required measures are marketing/education, unbundled parking, transit passes, and non-residential bike parking. Applying estimated VMT reductions (for the four strategies listed above) developed by the California Air Pollution Control Officers Association (CAPCOA) in their Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (CAPCOA 2021), it was estimated that VMT in the Metro Plan Area would be reduced by 16.51 percent compared to the model-generated estimate. This estimate accounts for double-counting of reductions as a result of deploying multiple measures. As a result, it is expected that VMT would be reduced to a level below what was estimated by the model. The TDM-related VMT reductions are summarized in Table 3.7-7.

**Table 3.7-7. Estimated VMT Reductions from Required Metro Plan TDM Strategies**

<b>TDM Strategy</b>	<b>VMT Reduction</b>
Marketing/Education	4.00%
Unbundled Parking	7.83%
Transit Passes	5.50%
Non-Residential Bicycle Parking	0.14%
Total VMT Reduction (unadjusted)	17.47%
VMT Reduction (adjusted for dampening of combined measures)	16.51%

Source: W-Trans 2021, CAPCOA 2021.

### **Certified EIR Mitigation Measures**

The Certified EIR included no mitigation measures for impacts related to VMT because analysis of VMT impacts was not required by CEQA at the time the Certified EIR was prepared.

### **New Mitigation Measures**

The Project Change would not result in the need for any new mitigation measures to reduce Project impacts.

### **Conclusions for Impact TR-2**

Based on the analysis above, implementation of the Project Change would result in a less-than-significant impact on VMT. The Project Changes would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

**Impact TR-3: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to substantially increasing hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).**

### **Summary of Certified EIR Impact Analysis**

The Certified EIR did not discuss an impact related to increased hazards due to a geometric design feature.

### **Impact Analysis**

Improvements to the transportation and circulation system in the Metro Plan Area would be implemented over time. Any such improvements would be designed and constructed to local, regional, and federal standards and, as such, would not be expected to introduce any hazardous design features. The design of new streets, circulation improvements, and access points would be reviewed for compliance with safety guidelines and standards as part of the development review process. Safety considerations include maintenance of a substantially clear line of sight at driveways between the driver of a vehicle waiting to enter the through street and the driver of an approaching vehicle.

The proposed infrastructure improvements in the Metro Plan include safety and access improvements for pedestrians and bicyclists, such as multi-use paths, pedestrian- and bicycle-only bridges allowing for connectivity between land uses, and separated bikeways that would provide users with greater protection from vehicle traffic along arterial roadways. For locations where sidewalks, bike lanes, and paths would be added to create a more comprehensive facilities network, more direct and convenient travel routes would be established for these users. Proposed facilities associated with the Metro Plan would be expected to enhance access and safety for nonmotorized users.

Overall, the Metro Plan is expected to have a less than significant impact regarding hazards due to a geometric design feature.

### **Certified EIR Mitigation Measures**

The Certified EIR included no mitigation measures for impacts related to increased hazards due to a geometric design feature.

### **New Mitigation Measures**

The Project Change would not result in the need for any new mitigation measures to reduce Project impacts.

### **Conclusions for Impact TR-3**

Based on the analysis above, implementation of the Project Change would result in a less-than-significant impact regarding hazards due to a geometric design feature. The Project Changes would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

### **Impact TR-4 Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to resulting in inadequate emergency access.**

#### **Summary of Certified EIR Impact Analysis**

The Certified EIR did not discuss an impact related to inadequate emergency access.

#### **Impact Analysis**

Buildout of the Metro Plan would not be expected to result in inadequate emergency access. Projects that would be developed in the Metro Plan would be required to comply with City and County standards and requirements, and would undergo review by public safety officials as part of the approval process. Safety, Fire, and Building Codes would be adhered to for all proposed development in the Metro Plan. The proposed addition of a police substation in the Metro Plan Area would provide broader distribution of emergency response resources, resulting in reduced travel distances and response times for emergency vehicles addressing incidents within the Metro Plan Area.

Emergency vehicles would use vehicle preemption technology (where possible) and sirens to maintain adequate response times. Roadway segments that would experience a reduction in vehicular roadway capacity, if any, would undergo individual operations analyses to assess the potential impacts on emergency vehicle access, and measures would be developed as needed to reduce impacts to less-than-significant levels.

#### **Certified EIR Mitigation Measures**

The Certified EIR included no mitigation measures for impacts related to adequacy of emergency access.

### **New Mitigation Measures**

The Project Change would not result in the need for any new mitigation measures to reduce Project impacts.

### **Conclusions for Impact TR-4**

Based on the analysis above, implementation of the Project Change would result in a less-than-significant impact regarding adequacy of emergency access. The Project Changes would not result in

new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.



## 3.8 Utilities and Service Systems

This section discloses and analyzes the potential change in Project impacts on utilities and service systems that would result from implementing the Project Change.

### 3.8.1 Regulatory Setting

The regulatory setting for utilities and service systems is described on pages 3.11-15 to 3.11-16 of the Certified EIR. These regulations include: the Clean Water Act and Porter-Cologne Water Quality Control Act, which is administered by the San Francisco Bay Regional Water Quality Control Board (RWQCB) for potable water, sanitary sewers, storm drains; Health and Safety Code, Water Code, and Titles 22 and 17 of the California Code of Regulations (CCR), which are administered by the RWQCB and California Department of Health Services for recycled water; Safe Drinking Water Act (SDWA) and Titles 22 and 17, Chapter 5 of the California Code of Regulations, which are administered by California Department of Health Services for potable water; Milpitas Sanitary Code, which prohibits the discharge of hazardous and polluted matters into the sanitary sewer system; California Integrated Waste Management Act of 1989 (AB 939), which regulates solid waste; regulations administered by the California Integrated Waste Management Board (CIWMB), which governs solid waste regulations on the state level; and regulations on investor-owned-utilities, which are administered by the California Public Utilities Commission (CPUC). In addition, pertinent policies from the Midtown Specific Plan are described on page 3.11-36 of the Certified EIR. This information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1, *Introduction*, of this SEIR for the locations available for the public to review the Certified EIR. For pertinent policies related to the General Plan, please refer to the discussion below.

Additional regulations that would apply to the Metro Plan, which were not applicable at the time the Certified EIR was prepared are included below.

#### 3.8.1.1 State

##### Senate Bill 610

Senate Bill (SB) 610 requires cities and counties to confirm through a Water Supply Assessment (WSA) that sufficient water supply sources are available before certain large developments are approved (see California Water Code Sections 10910 through 10915). The WSA for a project must be included in that project's CEQA documentation. A WSA must be prepared if a project includes, among other things: (1) the equivalent demand of 500 residential units; or (2) a shopping center or business establishment that employs more than 1,000 persons or has a floor space of more than 500,000 square feet; or (3) a commercial office building that employs more than 1,000 persons or has a floor space of more than 250,000 square feet. The Metro Plan is required to prepare a WSA. The Metro Plan meets the definition of a "project" requiring a WSA pursuant to SB 610 (California Water Code Section 10910(a) and 10912(a)(3)).

##### Senate Bill 221

SB 221 adds Government Code Section 66455.3, requiring that the local water agency be sent a copy of any proposed residential subdivision of more than 500 dwelling units within five days of the

subdivision application being accepted as complete for processing by the city or county. It also adds Government Code Section 66473.7, establishing detailed requirements for establishing whether a “sufficient water supply” exists to support any proposed residential subdivisions of more than 500 dwellings, including any such subdivision involving a development agreement. When approving a qualifying subdivision tentative map, the city or county must include a condition requiring availability of a sufficient water supply. The applicable public water system must provide proof of availability. If there is no public water system, the city or county must undertake the analysis described in Government Code Section 66473.7. The analysis must include consideration of effects on other users of water and groundwater.

### **Assembly Bill 1826**

Assembly Bill 1826 (AB 1826) requires that state agencies, businesses, and multifamily complexes that generate specific quantities of organic or solid waste each week enroll in organic recycling programs through an applicable solid waste disposal company. AB 1826 defines organic waste as food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. Solid waste is defined as the total of trash, recycling, and organics. Organic recycling programs may take the form of composting, mulching, or anaerobic digestion. Businesses and multifamily residential housing complexes that generate the following quantities are required to implement organic or solid waste recycling programs under AB 1826:

- Eight or more cubic yards of organic waste per week as of April 1, 2016.
- Four or more cubic yards of organic waste per week as of January 1, 2017.
- Four or more cubic yards of solid waste per week as of January 1, 2019.
- Two or more cubic yards of solid waste per week as of January 1, 2020, if statewide disposal of organic waste is not reduced by half.

In September 2020, CalRecycle reduced the threshold to 2 cubic yards of solid waste generated by covered businesses.

### **Title 24, California Green Building Standards (CALGreen)**

In accordance with CCR Title 24, part 6 (last amended in 2019, effective January 1, 2020), buildings constructed after June 30, 1977, must comply with the standards identified in CCR Title 24. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. Title 24 requires the inclusion of state-of-the-art energy conservation features in building designs and construction, such as specific energy-conserving design features and non-depletable energy resources. In addition, it must be demonstrated that a building would comply with a designated energy budget. Part 11 of the Title 24 Building Standards Code is referred to as the California Green Building Standards Code (CALGreen Code). Unless otherwise noted in a regulation, all newly constructed buildings in California are subject to the requirements of the CALGreen Code.

#### **3.8.1.2 2040 Milpitas General Plan**

On March 9, 2021, the City of Milpitas adopted an update to the General Plan, which is referred to as the 2040 General Plan. The 2040 General Plan is an update to the 1994 General Plan and supersedes

and replaces the 1994 General Plan. Policies and Actions from the 2040 General Plan relevant to the Project's physical impacts on the environment include the following:

- **Policy UCS 2-4:** Ensure that all new development provides for and funds its fair share of the costs for adequate water distribution, including line extensions, easements, and dedications.
- **Policy UCS 2-7:** Maintain existing groundwater wells as a source of emergency water supply and a resource for supplemental supply.
- **Policy UCS 2-8:** Maintain water interties with the San Jose Water Company (SJWC) and Alameda County Water District (ACWD) for emergency water supply.
- **Policy UCS 3-3:** Ensure that all new development provides for and funds its fair share of the costs for adequate sewer collection and treatment, including line extensions, easements, and dedications.
- **Action UCS 3b:** Require new development to provide for and fund a fair share of the costs for adequate sewer distribution, including line extensions, easements, and plant expansions.
- **Policy UCS 4-2:** Require all development projects to demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as part of the development review process and as required by the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit.
- **Policy UCS 4-3:** Require all future development projects to analyze their drainage and stormwater conveyance impacts and either demonstrate that the City's existing infrastructure can accommodate increased stormwater flows, or make the necessary improvements to mitigate all potential impacts.
- **Policy UCS 4-4:** Applicable projects shall incorporate Best Management Practices (BMPs) and Low Impact Development measures (LID) to treat stormwater before discharge from the site. The facilities shall be sized to meet regulatory requirements.
- **Policy UCS 4-5:** Applicable projects shall control peak flows and duration of runoff to prevent accelerated erosion of downstream watercourses.
- **Policy UCS 4-6:** Applicable projects shall minimize directly connected impervious areas by limiting the overall coverage of paving and roofs, directing runoff from impervious areas to adjacent pervious areas, and selecting permeable pavements and surface treatments.
- **Policy UCS 4-14:** Construction sites shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable. The design, scope and location of grading and related activities shall be designed to cause minimum disturbance to terrain and natural features. (Title II, Chapter 13 of the Municipal Code).
- **Policy UCS 5-2:** Implement and enforce the provisions of the City's Source Reduction and Recycling Program and update the program as necessary to meet or exceed the State waste diversion requirements.

### 3.8.1.3 TASP Policies

Table 2-2 in Chapter 2, *Project Description* provides a summary of the policies in the TASP related to Utilities and Service Systems. Table 2-2 identifies policies that previously required the following:

- *Wastewater.* Construct improvements from the 2007 Sewer Master Plan and acquire 1.0 mgd of additional wastewater treatment.
- *Water.* Provide water supply, reduce water consumption, construct recycled water mains, requirements to use recycled water, and upgrade and expand the water distribution system.
- *Solid Waste.* Participation by development projects in solid waste source reduction and diversion programs and negotiate agreements for solid waste disposal.

## 3.8.2 Environmental Setting

### 3.8.2.1 TASP Area

The environmental setting for the TASP Area is described on pages 3.11-1 through 3.11-15 of the Certified EIR. This discussion includes the following:

- *Potable Water Supply.* The Certified EIR identifies its municipal water system, which purchases its water from the San Francisco Public Utilities Commission (SFPUC) and Valley Water (VW)<sup>1</sup>; its emergency supply; its supply assurance amount from the SFPUC (9.23 million gallons per day [mgd] or 10,340 acre-feet per year [AFY]); and its anticipated demand in 2005–2006 of VW water (6,500 AFY); and the City of Milpitas' Water Conservation Programs.
- *Water Demands (2030).* The Certified EIR identifies that water demand in 2030 for the City of Milpitas is estimated to be 17.10 mgd, which is not expected to exceed supplies during normal years but is expected to exceed supply during dry years. The Certified EIR also identifies options for alleviating the deficit during dry years (i.e., imposing allocations within the SFPUC service area, operating supplemental emergency wells, adjusting SFPUC and VW service areas to supplement supplies with more VW water).
- *Potable Water Infrastructure.* The Certified EIR identifies the existing water distribution system in the TASP Area. The Certified EIR also identifies the results from the 2002 Water Master Plan, including improvements that would be required. The Certified EIR also notes that the 2007 Water Master Plan supersedes the 2002 Water Master Plan and is presented in the impacts section of the Certified EIR.
- *Sanitary Sewer Treatment.* The Certified EIR identifies that the San Jose/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for the TASP Area; the capacity of the WPCP (167 mgd); the average annual influent (125 mgd); the City of Milpitas's allowable average dry weather peak 5-day flow (12.5 mgd or 7.5 percent of the total average dry weather flow capacity); the purchase of an additional 1 mgd of flow capacity in 2006 from West Valley Sanitation District (increasing the limit to 13.5 mgd); and that the City of Milpitas's flow levels are within the 13.5 mgd inflow limit (average of 8 and 9 mgd).
- *Wastewater Disposal.* The Certified EIR identifies the regulatory disposal requirements for treated water that is discharged by the WPCP.
- *Sanitary Sewer Infrastructure.* The Certified EIR identifies the existing sanitary sewer infrastructure, including the collection system within the TASP Area. The Certified EIR also identifies the results from the 2004 Sewer Master Plan, including improvements that would be required.

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<sup>1</sup> Previously known as Santa Clara Valley Water District.

- *Storm Drains.* The Certified EIR identifies that the city of Milpitas owns and maintains a system of underground pipes and a network of street gutters that convey flows from urban runoff to the San Francisco Bay. The Certified EIR also identifies the results from the 2001 Storm Drain Master Plan, including improvements that would be required.
- *Recycled Water.* The Certified EIR identifies that the South Bay Water Recycling Program provides recycled water to the TASP Area, with existing recycled water mains located within the TASP Area.
- *Electricity.* The Certified EIR identifies that Pacific Gas & Electric Company (PG&E) provides electricity to the TASP Area, with underground lines, overhead lines, and transformers located within the TASP Area. A substation is located adjacent to the TASP Area.
- *Natural Gas.* The Certified EIR identifies that PG&E provides natural gas to the TASP Area, with transmission lines and gas mains located within the TASP Area.
- *Phone/Communications.* The Certified EIR identifies that AT&T provides phone/communications service to the TASP Area, with telecommunication lines located in the TASP Area.
- *Cable.* The Certified EIR identifies that Comcast provides cable service in the TASP Area with cable lines located along the southern and western borders of the TASP Area.
- *Solid Waste.* The Certified EIR identifies that solid waste in the city of Milpitas is disposed at the Newby Island Sanitary Landfill (NISL) and the City of Milpitas participates in Santa Clara County's Hazardous Waste Program.

This information is incorporated by reference pursuant to Section 15150 of the State CEQA Guidelines. Refer to Chapter 1, *Introduction*, of this SEIR for the locations available for the public to review the Certified EIS.

Overall, the setting with regard to the providers of the utilities and service systems within the TASP Area has not changed substantially since the Certified Plan was prepared; however, there have been some updates, which are summarized in the section below.

### 3.8.2.2 Project Change and Updates to the Environmental Setting

The environmental setting identified above would apply for the expanded areas identified in the Metro Plan. The areas of geographic expansion would be served by the same utility providers identified above. In the time since the Certified EIR has been prepared, updates have been made to the Water Master Plan, Sewer Master Plan, and Storm Drain Master Plan. These updated plans are included in Appendix F of this SEIR. These three Draft Master Plans were developed using modeling that assumed buildout of the Metro Plan. As such, the demand on water, sewer, and storm drain utilities due to the growth associated with Metro Plan would be met through the utility improvements identified in the Draft Master Plans.

#### Water

In 2021, the City of Milpitas prepared the 2020 Urban Water Management Plan (2020 UWMP), which provided updates to the current water use and forecasted water use, as well as updated

planning efforts for water shortages in the future. The 2020 UWMP forecasts water use in 2040 to be 4,776 million gallons per year (MGY), which is approximately 13.1 mgd.<sup>2</sup>

The 2020 UWMP identifies that in December 2018, the State Water Board adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay Delta Plan), which could result in reductions to the City's water supply during dry years. The SFPUC has initiated an Alternative Water Supply Planning Program to ensure that San Francisco can meet its Retail and Wholesale Customer water needs, address projected dry years shortages, and limit rationing to a maximum 20 percent system-wide in accordance with adopted SFPUC policies. This program is in early planning stages and is intended to meet future water supply challenges and vulnerabilities such as environmental flow needs and other regulatory changes; earthquakes, disasters, and emergencies; increases in population and employment; and climate change. As the region faces future challenges – both known and unknown – the SFPUC is considering this suite of diverse non-traditional supplies and leveraging regional partnerships to meet Retail and Wholesale Customer needs through 2045. Through this program, the SFPUC will conduct feasibility studies and develop an Alternative Water Supply Plan by July 2023 to support the continued development of water supplies to meet future needs.

The 2020 UWMP identifies that due to the continued uncertainty for the SFPUC water supply during droughts and impacts from the implementation of the Bay Delta Plan on its water supply reliability, the 2020 UWMP includes information for water supply reliability based on implementation of the Bay Delta Plan. Assuming implementation of the Bay Delta Plan, the 2020 UWMP identified that the City will be able to meet the projected water demands presented in the 2020 UWMP in normal years but would experience supply shortages in single dry years and multiple dry years. The 2020 UWMP includes a Water Shortage Contingency Plan (WSCP), which would be implemented if water supplies by the SFPUC and VW are reduced. The WSCP contains documented processes and procedures, which are given legal authority through the Water Shortage Contingency Response Ordinance. The WSCP includes the steps to assess if a water shortage is occurring and how to respond to a water shortage. The WSCP has prescriptive elements, including an analysis of water supply reliability; the drought shortage actions for each of the six standard water shortage levels that correspond to water shortage percentages ranging from 10 percent to greater than 50 percent; an estimate of potential to close supply gap for each measure; protocols and procedures to communicate identified actions for any current or predicted water shortage conditions; procedures for an annual water supply and demand assessment; monitoring and reporting requirements to determine customer compliance; and reevaluation and improvement procedures for evaluating the WSCP (City of Milpitas 2021).

## Wastewater

Since the preparation of the Certified EIR, the City's inflow limit at the San Jose/Santa Clara Water Pollution Control Plant has been updated from 13.5 mgd to 14.25 mgd (City of Milpitas 2021). In addition, the amount of wastewater that the City is generating and that is being treated at the San Jose/Santa Clara Water Pollution Control Plant has decreased from the average of 7.5 mgd in 2006 (City of Milpitas 2006) to an average of 5.57 mgd in 2020 (City of Milpitas 2021).<sup>3</sup>

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<sup>2</sup> 13.1 mgd was calculated by dividing 4,776 MGY by 365 days per year.

<sup>3</sup> The 5.57 mgd number was estimated by dividing the amount of wastewater generated in the City (2,032 MGY), which was identified in the 2020 UWMP by 365 days per year.

## Solid Waste

In the time since the Certified EIR has been prepared, the setting for solid waste disposal has changed. On December 8, 2016, the City of Milpitas entered into a Franchise Hauler Agreement with the Milpitas Sanitation, Inc. (MSI), and the term of the contract is from September 6, 2017, to August 31, 2032. Per the Franchise Hauler Agreement, the City of Milpitas uses the following facilities:

- Kirby Canyon Landfill for solid waste.
- GreenWaste Recovery Materials Recovery Facility (MRF) for recyclables and yard trimmings.
- Sustainable Organic Solutions (SOS) for food scraps.
- Mission Trails Waste Systems (MTWS) for Construction and Demolition (C&D) waste.

In addition, Alameda County Industries Material Recovery Facility, the Sunnyvale Materials Recovery and Transport Station, East Bay Municipal Utility District Treatment Plant, Zanker Road Resource Management Facilities, and Guadalupe C&D Recovery Facility are alternative approved facilities that the City of Milpitas could use. Hazardous Waste continues to be managed through Santa Clara County's Hazardous Waste Program.

### 3.8.3 Impacts and Mitigation

This section describes the change in Project impacts on utilities and service systems that would occur with the Project Change. It describes the methods used to evaluate the impacts and the thresholds used to determine whether an impact would be significant. The Certified EIR found that with implementation of the policies in the TASP, utilities and service systems impacts would be less than significant and additional mitigation measures were not required. Because the Metro Plan policies would replace policies in the TASP, the analysis includes a comparison of the TASP policies and the Metro Plan policies to determine if any changes in policies would result in an impact. If new mitigation measures are needed to reduce new impacts that would result from the Project Change, those measures are listed below.

This SEIR analysis evaluates the change in Project impacts with the Project Change, and, if applicable, changes in circumstances or new information that was not available at the time the Certified EIR was prepared. The analysis does not reevaluate the impacts of the Project that were already disclosed in the Certified EIR and are not altered due to the Project Change. Based on the change in the Project impact due to the Project Change, a determination is made as to whether there would be changes to the impact significance determinations for the Project in the Certified EIR.

#### 3.8.3.1 Significance Criteria

The State CEQA Guidelines Appendix G (14 California Code of Regulations 15000 et seq.) identifies significance criteria to be considered for determining whether a project could have significant impacts on transportation. An impact would be considered significant if construction or operation of the Project would do any of the following.

- Require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

- Not have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years.
- Result in a determination by the wastewater treatment provider that serves or may serve the Project that it does not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.
- Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

### 3.8.3.2 Methods

Utilities and service systems impacts associated with construction and operation of the Metro Plan were assessed and quantified, where applicable, using information available from the updated Master Plans included in Appendix F—including the Draft City of Milpitas Water Master Plan, Draft City of Milpitas Sewer Master Plan, and Draft City of Milpitas Storm Drain Master Plan—as well as the WSA prepared for the Metro Plan (also included in Appendix F), the 2020 UWMP, and information available regarding the existing capacity of utilities and service systems. The utilities and service systems impact analysis considers whether implementation of the Metro Plan would result in substantial impacts on utilities systems due to either construction or operation. Impacts could include exceedances of existing system capacity, a need to expand utilities systems to meet future needs with Metro Plan implementation, or supply availability impacts, such as potential Metro Plan-related exceedances of available water resources.

This analysis assumes that the updated policies in the Metro Plan would be implemented. Table 2-2 in Chapter 2 of this SEIR provides a summary of the policies in the Metro Plan related to Public Services. Table 2-2 identifies policies that require the following:

- *Wastewater.* Construct improvements from the Draft Sewer Master Plan, as well as improvements requires to serve new projects, and consider additional review of available wastewater treatment capacity.
- *Water.* Provide water supply, update the water supply (if needed), reduce water consumption, install recycled water mains, requirements to use recycled water, and upgrade and expand the water distribution system.
- *Solid Waste.* Reduction of solid waste generations during construction and operation of development projects.

### 3.8.3.3 Impacts and Mitigation Measures

This section includes a discussion of each impact as it corresponds to the significance criteria presented in Section 3.8.3.1, *Significance Criteria*.

**Impact UTIL-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to requiring or resulting in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which would cause significant environmental effects.**

#### **Summary of Certified EIR Impact Analysis**

The Certified EIR did not include an impact analysis or significance determination related to the relocation or construction of new or expanded storm water drainage, electric power, natural gas, or telecommunications facilities because it was not required under CEQA at the time. The Certified EIR identified the water and wastewater facilities that would be required by the TASP. While the Certified EIR concluded that demands for water and wastewater would be met through the implementation of policies, no conclusion was made as to whether implementation of these facilities would result in significant effects on the physical environment.

#### **Impact Analysis**

The Metro Plan would involve the relocation, construction, or expansion of numerous utility facilities in order to provide utilities services for the new land uses associated with the Metro Plan. The additional water, sewer, and storm drain facilities that would be required due to the additional population that would be generated by the Metro Plan is included in the Draft Master Plans that were prepared by the City (see Appendix F). These proposed utility expansions are a part of the Project Description, and the potential impacts that would result from construction of these facilities are evaluated throughout this SEIR (e.g., air quality and noise impacts due to construction). The purpose of the analysis is to evaluate whether the proposed facilities would have adequate capacity to serve the Metro Plan's demand for utilities and service systems during construction and operation, or whether further relocation or construction of new or expanded facilities would be required.

#### **Construction**

The Metro Plan would require construction activities within the Metro Plan. Construction activities within the Metro Plan would be served by existing utility systems and infrastructure. Because there is adequate utility service available in the Metro Plan Area, it is reasonably expected that construction activities requiring electricity, such as lighting and operation of construction equipment, would be serviced by existing electric infrastructure and that no expansion of electrical facilities would be necessary to serve construction activities. Additionally, because it is expected that construction equipment would operate with gasoline- or diesel-powered engines, the need to install additional electric connections is not anticipated. Furthermore, natural gas and telecommunications facilities are generally not used during construction. Limited construction-phase water needs for activities such as dust suppression would be met through the metered use of water conveyed by water trucks and tanks. Because portable restrooms would be temporarily installed on site, construction is not anticipated to result in substantially elevated wastewater generation levels into the local sanitary sewer system.

Temporary construction dewatering could be required during certain site preparation and subterranean construction within the Metro Plan Area associated with excavation for the

subterranean garages. Groundwater dewatering would only be required for major excavations in the Metro Plan Area. Dewatering would be discharged into the storm drain system, subject to applicable regulatory controls. Discharging to the public storm drainage system is permitted by the RWQCB under either the VOC and Fuel Discharge Permit (Order R2-2017-0048) if there are priority pollutants identified, or by the Construction General Permit (Order 2009-0009-DWQ) if there are no pollutants. Dewatering could also be discharged to the sanitary sewer system, depending on the volume and duration of dewatering. Discharging to the sanitary sewer system is permitted by the City of San Jose Environmental Services Department and an applicant for a project would be required to obtain a discharge permit from the City of San Jose Environmental Services Department.

Based on the analysis above, project construction activities would not require the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities to serve construction activities, and impacts would be less than significant.

### ***Operation***

Appendix G of the Draft City of Milpitas Water Master Plan identifies several recommended improvements to the water system (see Appendix F). Only two of these improvements are identified in the Draft City of Milpitas Water Master Plan as being located within the Metro Plan: the new turnout at the intersection of Piper Drive and Garden Street, and a new pressure reducing valve near the intersection of Cedar Way and South Main Street. In addition, the Draft City of Milpitas Water Master Plan recommends the implementation of a new 2 million gallon storage reservoir in the VW service area and a new pump station with a firm capacity of 4,000 gallons per minute. The Certified EIR previously identified the need for a storage reservoir in the VW service area and a pump station, as documented in the 2007 Water Master Plan. The updated Water Master Plan from 2021 supersedes the recommendation from the 2007 Water Master Plan. The locations of these facilities are not currently known. The evidence necessary to make a significance conclusion regarding the physical consequences of implementing these facilities will only be available during the environmental review of the future facilities. CEQA requires significance determinations to be made on the basis of substantial evidence, not speculation. As such, although a conclusion can be made that the Project would trigger the need for the storage reservoir and pump station, it is not possible to make a significance determination concerning the specific physical impacts on the environment due to the construction of these facilities without engaging in speculation; therefore, no significant impact is identified. New public facilities, including the reservoir and pump station, are subject to CEQA; thus, CEQA review would be conducted when such new facilities are advanced. In summary, the physical impacts from the two improvements identified by the Draft City of Milpitas Water Master Plan as being located within the Metro Plan (new turnout and new pressure reducing valve) have been considered in this SEIR and would not result in any additional impacts beyond those identifies in this SEIR, and the physical impacts from the storage reservoir and pump station are not currently known at this time and CEQA review would be conducted in the future to determine the impacts from these facilities. There would be no additional water improvements that would be required due to the additional buildout associated with the Metro Plan, beyond those discussed above.

Figure 10-1 of the Draft City of Milpitas Sewer Master Plan identifies several recommended improvements to the sewer system (see Appendix F). Only one of these improvements is located within the Metro Plan: a low priority improvement near the Great Mall. There would be no additional wastewater system improvements that would be required due to the additional buildout

associated with the Metro Plan (note: impacts on the wastewater treatment are assessed under Impact UTIL-3). Therefore, the Metro Plan would not require or result in the relocation or construction of new wastewater system facilities beyond those already identified in the Draft City of Milpitas Storm Drain Master Plan and analyzed in this SEIR. This impact would be less than significant.

Figure 3-1 of the Draft City of Milpitas Storm Drain Master Plan identifies several recommended improvements to the storm water drainage system (see Appendix F). Only one of these improvements is located within the Metro Plan: a low priority improvement on Montague Expressway. There would be no additional storm water drainage system improvements that would be required due to the additional buildout associated with the Metro Plan. Therefore, the Metro Plan would not require or result in the relocation or construction of new or expanded storm water drainage facilities beyond the facilities already identified in the Draft City of Milpitas Storm Drain Master Plan and analyzed in this SEIR. This impact would be less than significant.

As discussed in Section 3.2, *Greenhouse Gas Emissions*, the Metro Plan would include building design features that reduce energy consumption and increase renewable energy generation. In addition, development associated with the Metro Plan would be required to comply with the California Green Building Standards Code, Title 24, Part 11, of the California Code of Regulations. This state code includes green and sustainable building requirements to achieve energy efficiency. The Metro Plan Area is a highly urbanized area that already includes electrical facilities that future projects would be able to connect to. Because the Metro Plan would create energy efficient buildings, generate renewable energy, and because there are existing electrical facilities that future developments could connect to, it is expected that the Metro Plan would not place a substantial demand that would require the construction of new or expanded electrical facilities. This impact would be less than significant.

The Metro Plan identifies policies to limit the use of natural gas. The Metro Plan includes Policy CB 7.2.2, which identifies that all new residential buildings shall be all-electric (i.e., no natural gas would be used by residential development). In addition, Policy CB 7.2.3 identifies that all new nonresidential buildings shall be all-electric, unless uses essential to the key functions of the internal business, such as manufacturing or laboratory work, require natural gas. Because the additional demand on natural gas would be limited to non-residential development that requires natural gas for manufacturing or laboratory work, it is expected that this demand would not place a substantial demand that would require the construction of new or expanded natural gas facilities. This impact would be less than significant.

The Metro Plan Area is a highly urbanized area that already includes telecommunication facilities. Future developments would connect to the existing telecommunication facilities that already serve the residences and businesses that have been developed as a part of the TASP. Because there are existing telecommunication facilities that future development from the Metro Plan could connect to, it is expected that the Metro Plan would not require the construction of new or expanded telecommunication facilities. This impact would be less than significant.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation measures for impacts related to the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities.

## **New Mitigation Measures**

The Project Change would not result in the need for new mitigation measures to reduce Project impacts.

### **Conclusions for Impact UTIL-1**

Based on the analysis above, implementation of the Project Change would result in a less-than-significant impact regarding the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities. The Project Changes would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

Based on the analysis above, implementation of the Project Change would involve the relocation, construction, or expansion of numerous utility facilities in order to provide utilities services for the new land uses associated with the Metro Plan. The additional water, sewer, and storm drain facilities that would be required due to the additional population that would be generated by the Metro Plan is included in the Draft Master Plans that were prepared by the City (see Appendix F). These proposed utility expansions are a part of the Project Description, and the potential impacts that would result from construction of these facilities are evaluated throughout this SEIR. There would be no additional need for relocation or construction of new or expanded water, sewer, and storm drain facilities beyond those already identified in the Draft Master Plans, and as such the Metro Plan would result in a less-than-significant impact. The Project Changes would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

**Impact UTIL-2: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to having sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.**

### **Summary of Certified EIR Impact Analysis**

The Certified EIR identified that a WSA was prepared for the TASP and determined that the increased water demand from the TASP would be 1.0 mgd and would be adequately offset by the supplies available from VW (see Impact 3.11-2 in the Certified EIR). The Certified EIR identified that during extended droughts, the City has the ability to run emergency wells for additional supply; can increase the use of recycled water to offset potable water demand; and that TASP policies would require the use of recycled water (TASP Policies 6.18, 6.19, 6.21). The Certified EIR concluded that TASP impacts on water supply would be less than significant.

### **Impact Analysis**

Compared to the TASP, the Metro Plan would result in additional water demand, as a result of the increased population growth that would be allowed in the Metro Plan. A WSA has been prepared for the Metro Plan to consider whether water supplies would be sufficient to cover the growth associated with the Metro Plan and is included as Appendix F of this Draft SEIR.

The WSA identifies that the estimated potable water demand for the Metro Plan is approximately 500 MGY. The WSA notes that actual potable demands for the Metro Plan may be lower because water use factors were developed from existing water users that may have less efficient plumbing fixtures than what will be provided for the Metro Plan. The Metro Plan would require ultra-low-flow fixtures in residential and nonresidential development (see Policy CB 7.5.1), as well as encourage incorporation of water collection and retention devices, such as rain barrels and cisterns, into building design to allow for water reuse(see Policy CB 7.6.1).

The WSA considered the demand from the Metro Plan from its two water providers (SFPUC and Valley Water). The WSA identifies that the City's 2020 UWMP assumes the Bay-Delta Plan Amendment is implemented, which significantly reduces SFPUC supplies during dry years. Furthermore, the WSA identifies that supplies from Valley Water may have drought shortages of up to 20 percent in the future if some of Valley Water's Water Supply Master Plan 2040 projects are not implemented, or provide less benefits than expected, and imported supplies are reduced by 25 percent or severe allocation cuts occur during droughts as have been experienced in other droughts. The City's 2020 UWMP assumes three groundwater wells (each pumping at 1.2 mgd) will be online by 2030, with a fourth online by 2035. It should also be noted that the Draft City of Milpitas Water Master Plan identifies infrastructure improvements needed to serve proposed new development within the City's service area. These include supply (e.g., a new Valley Water turnout) and storage capacity improvements (e.g., new storage reservoir) that are also triggered by future development projected in the City's service area and that will be funded through associated development impact fees.

The WSA concludes that during normal hydrologic years, the City's water supplies can meet projected demands for the Metro Plan through 2045. Once the City's groundwater wells come online (assumed in 2030, before Metro Plan buildout), and assuming that the wells produce sufficient flow while meeting water quality standards, the City's dry year supplies can better meet projected demands in single dry and multiple dry years. There are small supply shortfalls starting in the third year of a 5-year drought starting in 2030 and the fourth year of a 5-year drought starting in 2045. To address these supply shortfalls, the City expects to implement its WSCP and reduce water demands as needed. The WSA concludes that the City finds that the total projected water supplies determined to be available for the Metro Plan during a 20-year projection will meet the projected water demand associated with the Metro Plan, in addition to existing and planned future uses.

Furthermore, although the Metro Plan would include some updates to policies related to water supply, as documented in Table 2-2, the Metro Plan would not result in a substantial change to the policies compared to what was included in the TASP. The Metro Plan would continue to include policies that would require reductions in water consumption through use of recycled water, water-saving features, and drought-tolerant landscaping; requirements for recycled water usage for new developments; and upgrades to the water distribution system, per the Draft City of Milpitas Water Master Plan.

Overall, as documented in the WSA, there would be sufficient water supplies available to serve the Metro Plan and reasonably foreseeable future development during normal, dry, and multiple dry years. As such, impacts from the Metro Plan would be less than significant.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation measures for impacts related to water supplies.

## New Mitigation Measures

The Project Change would not result in the need for new mitigation measures to reduce Project impacts.

## Conclusions for Impact UTIL-2

The Certified EIR concluded that after implementation of policies included in the TASP, impacts related to water supplies would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less-than-significant impact on water supplies. Thus, the Project Change would not result in a change to the Certified EIR's impact determination for impacts related to water supplies. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

**Impact UTIL-3: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to resulting in a determination by the wastewater treatment provider which serves or may serve the project it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.**

## Summary of Certified EIR Impact Analysis

The Certified EIR identified that implementation of the TASP would generate 2.30 mgd of wastewater; that the City discharged wastewater to the San Jose/Santa Clara Water Pollution Control Plant at a rate of approximately 8.232 mgd in 2006; and that the total existing plus project flows would be approximately 10.5 mgd. The Certified EIR concluded that this would be well below the City's inflow limit at the San Jose/Santa Clara Water Pollution Control Plant, which was 13.5 mgd at the time. The Certified EIR concluded that there would be a less-than-significant impact.

## Impact Analysis

The following details regarding wastewater capacity, wastewater generation, and water use are based on the City's 2020 UWMP (City of Milpitas 2021). Since the preparation of the Certified EIR, the City's inflow limit at the San Jose/Santa Clara Water Pollution Control Plant has been updated from 13.5 mgd to 14.25 mgd. In addition, the amount of wastewater that the City is generating has actually decreased from what was identified in the Certified EIR (2006 number). In 2020, the City generated 2,032 MGY of wastewater, which is an average of approximately 5.57 mgd.<sup>4</sup> In 2040, when full buildout of the Metro Plan is expected, the 2020 UWMP estimates that total water demand would be 4,776 MGY. The 2020 UWMP also identified that in 2020, approximately 40 percent of the water use was for non-sewer uses, meaning that 60 percent of 2020 water use generated wastewater. Using the assumption that 60 percent of the water in 2040 (4,776 MGY) would generate wastewater, it is expected that in 2040 approximately 2,866 MGY or 7.85 mgd of wastewater would be generated.<sup>5</sup>

<sup>4</sup> This was calculated by dividing 2,035 MGY by 365 days per year.

<sup>5</sup> This was calculated using the following formula

$$4,776 \text{ MGY} * 0.6 = 2,866 \text{ MGY}$$

$$2,866 \text{ MGY} / 365 \text{ days per year} = 7.85 \text{ mgd}$$

As identified in Impact UTIL-2, the Metro Plan is expected to result in a demand of 500 MGY or approximately 1.37 mgd.<sup>6</sup> This is a conservative estimate because water use is expected to be lower due to Metro Plan policies that require ultra-low-flow fixtures, as well as encouraging incorporation of water collection and retention devices. Furthermore, as identified in the 2020 UWMP, not all of the water that is used ends in the San Jose/Santa Clara Water Pollution Control Plant. Thus, it is expected that the Metro Plan would generate less than 1.37 mgd of wastewater; however, for the purposes of this analysis, this number is used to approximate what the wastewater treatment capacity would be in 2040. With the Metro Plan, the City is expected to generate approximately 9.22 mgd, which is well below the City's capacity of 14.25 mgd. As such, there would be adequate capacity to serve the Metro Plan's projected demand, in addition to the provider's existing commitments, by the San Jose/Santa Clara Water Pollution Control Plant. The Metro Plan's impact on wastewater demand would be less than significant.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation measures for impacts related to wastewater treatment capacity.

### **New Mitigation Measures**

The Project Change would not result in the need for new mitigation measures to reduce Project impacts.

### **Conclusions for Impact UTIL-3**

The Certified EIR concluded that impacts related to the wastewater treatment capacity would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less-than-significant impact on the capacity of wastewater treatment by the San Jose/Santa Clara Water Pollution Control Plant. Thus, the Project Change would not result in a change to the Certified EIR's impact determination for impacts related to wastewater treatment capacity. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

**Impact UTIL-4: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to generating solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.**

### **Summary of Certified EIR Impact Analysis**

The Certified EIR identified that implementation of the TASP would generate 7,400 pounds per day of solid waste over the existing buildout land use designations; that the TASP would not result in appreciable change to the filling rate of the Newby Island landfill; that the City would comply with the City's Source Reduction and Recycling (SRR) Program and policies requiring and promoting recycling in the Midtown Specific Plan and the TASP; that the 1994 General Plan includes goals to promote recycling; that the City participates in the County's Integrated Waste Management Plan

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<sup>6</sup> This was calculated by dividing 500 MGY by 365 days per year.

(IWMP); and that there is sufficient landfill capacity for Santa Clara County's projected needs for at least 30 more years. Overall, the Certified EIR concluded a less-than-significant impact related to the increased demand on existing solid waste facilities.

## Impact Analysis

### ***Geographic Expansion and Metro Plan Buildout: Population Growth and Employment***

The additional growth associated with the Project Change is expected to generate additional solid waste beyond what was identified in the TASP. Table 3.8-1 identifies the additional solid waste that could be generated from the buildout proposed by the Metro Plan. A total of 55,350 pounds of solid waste per day (or approximately 28 tons per days) is expected to be generated by the Project Change.

**Table 3.8-1. Metro Plan Solid Waste Generation**

<b>Land Use</b>	<b>Solid Waste Generation Rate<sup>1</sup></b>	<b>Number of Dwelling Units, Square Feet, or Hotel Rooms</b>	<b>Total Waste Generation (pounds per day)</b>
Residential	5.1 lbs per dwelling unit per day <sup>2</sup>	7,000 dwelling units	35,700
Office	6 lbs per 1,000 sf, per day	2,500,000 sf	15,000
Industrial	5 lbs per 1,000 sf, per day	500,000 sf	2,500
Retail	2.5 lbs per 1,000 sf, per day	300,000 sf	750
Hotel	2 lbs per hotel room per day	700 rooms	1,400
Total	--	--	55,350

<sup>1</sup> Waste generation rates were identified based on data compiled by CalRecycle (CalRecycle 2021a).

<sup>2</sup> This number was calculated by taking the average of the five different rates for multifamily buildings (CalRecycle 2021a).

As identified in Section 3.8.2.2, *Project Change and Updates to the Environmental Setting*, solid waste would be sent to the Kirby Canyon Landfill with recyclables, yard trimmings, food scraps, and C&D waste diverted to other facilities. The Kirby Canyon Landfill has a remaining capacity of 16,191,600 cubic yards as of 2015, is expected to cease operations in 2059, and is permitted to receive 2,600 tons per day (CalRecycle 2021b). The 28 tons per day expected to be generated by the Project Change represents approximately 1.1 percent of the solid waste that is permitted to be received daily. As such, the Kirby Canyon Landfill would have adequate capacity to serve the Project. In addition, the Metro Plan would still be required to adhere to the similar regulations identified in the Certified EIR to reduce the amount of solid waste that is generated. The Project Change would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair attainment of solid waste reduction goals. Therefore, impacts from solid waste disposal associated with the Project Change would be less than significant.

### ***Changes in Land Use Classifications and Policies***

The Metro Plan updates the policies in the TASP, including deleting certain policies in the TASP. TASP Policy 6.24, requiring negotiations to handle long-term disposal of its solid waste past the closure of the Newby Island Sanitary Landfill, is no longer applicable because the City no longer deposits solid waste at the Newby Island Sanitary Landfill. Solid waste is disposed of per the Franchise Hauler Agreement. The Metro Plan would not result in any substantial changes to the requirements identified in the TASP policy to reduce waste (Policy 6.23). Thus, changes in policies

would not result in new significant impacts or more severe significant impacts than what was identified in the Certified EIR.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation measures for impacts related to generating solid waste.

### **New Mitigation Measures**

The Project Change would not result in the need for new mitigation measures to reduce Project impacts.

### **Conclusions for Impact UTIL-4**

The Certified EIR concluded that after implementation of policies included in the TASP, impacts related to solid waste facilities would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less-than-significant impact on solid waste facilities. Thus, the Project Change would not result in a change to the Certified EIR's impact determination for impacts related to solid waste facilities. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

### **Impact UTIL-5: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to complying with federal, state, and local management and reduction statutes and regulations related to solid waste.**

#### **Summary of Certified EIR Impact Analysis**

The Certified EIR did not include an impact analysis or significance conclusion related to complying with federal, state, and local management and reduction statutes and regulations related to solid waste. The Certified EIR did, however, identify the requirements under the California Integrated Waste Management Act of 1989 (AB 939), including the requirement that each county prepare an Integrated Waste Management Plan and each city prepare a Source Reduction and Recycling Element. The Certified EIR also identified that the City would comply with the City's Source Reduction and Recycling Program and would also participate in the County's IWMP. The following goals were adopted as part of the City's Source Reduction and Recycling Element:

- Meet or exceed state-mandated solid waste disposition rates by maximizing source reduction, recycling and composting opportunities for Milpitas residents and businesses.
- Motivate the residential and business sectors to reduce and recycle solid waste.
- Ensure that all land development projects provide adequate space and design for waste reduction and management activities and equipment.
- Encourage the development and expansion of local and regional markets for diverted materials.
- Provide solid waste management services that minimize environmental impacts, ensure public health and safety and facilitate waste reduction efforts.
- Increase residents' awareness of proper disposal and reduction methods for wastes

Nonetheless, the Certified EIR did not include a conclusion regarding compliance with waste diversion programs.

### **Impact Analysis**

Future development associated with the Metro Plan would be required to comply with the same regulations requiring waste diversion (i.e., AB 939, City's Source Reduction and Recycling Program, and IWMP). In addition, the Metro Plan includes policies to provide organic waste collection services in residential and non-residential development (Policies CB 7.7.3 and CB 7.7.4), which would comply with the requirements in AB 1826. Overall, because future development would be required to comply with waste diversion regulations (including through compliance with Policies CB 7.7, CB 7.7.2, CB 7.7.3, and CB 7.7.4), impacts related to complying with waste reduction regulations would be less than significant for the Metro Plan.

### **Certified EIR Mitigation Measures**

The Certified EIR did not include mitigation measures for impacts related to solid waste facilities.

### **New Mitigation Measures**

The Project Change would not result in the need for new mitigation measures to reduce Project impacts.

### **Conclusions for Impact UTIL-5**

Based on the analysis above, implementation of the Project Change would result in a less-than-significant impact regarding complying with waste reduction regulations. The Project Changes would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

## 4.1 Cumulative Impacts

Section 15130 of the State CEQA Guidelines requires lead agencies to evaluate a proposed undertaking's potential to contribute to cumulative impacts in the project or program area. A "cumulative impact" is defined in Section 15355 as an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects which increase environmental impacts. CEQA requires the lead agency to identify projects and programs related to the undertaking being analyzed and evaluate the combined effects of those projects on the environment. If cumulative impacts are identified as significant, the lead agency must then assess the degree to which the proposed undertaking would contribute to those impacts and identify ways of avoiding or reducing any contribution evaluated as "cumulatively considerable".

A cumulative analysis was provided in the Certified EIR. The focus of the analysis in this SEIR is on the potential changes in cumulative impacts, considering the impacts of the Project Change. The cumulative analysis includes a discussion of the following environment resource topics and identifies the sections where the analysis can be found:

- Section 4.1.3, Aesthetics
- Section 4.1.4, Air Quality
- Section 4.1.5, Biological Resources
- Section 4.1.6, Cultural Resources
- Section 4.1.7, Energy
- Section 4.1.8, Geology and Soils
- Section 4.1.9, Greenhouse Gas Emissions
- Section 4.1.10, Hazards and Hazardous Materials
- Section 4.1.11, Hydrology and Water Quality
- Section 4.1.12, Land Use
- Section 4.1.13, Noise
- Section 4.1.14, Population and Housing
- Section 4.1.15, Public Services and Recreation
- Section 4.1.16, Transportation
- Section 4.1.17, Utilities and Service Systems

## 4.1.1 Approach and Method

Section 15130(b) of the State CEQA Guidelines states that the discussion of cumulative impacts should be guided by the standards of practicality and reasonableness, and should include the following elements, which are necessary to an adequate discussion of cumulative impacts:

- Either 1) a list of past, present, and probable future projects producing related or cumulative impacts or 2) a summary of projections contained in an adopted general plan or similar document.
- A discussion of the geographic scope of the area affected by the cumulative impact.
- A summary of expected environmental effects to be produced by these projects.
- Reasonable, feasible options for mitigating or avoiding the project’s contribution to any significant cumulative effects.

This SEIR makes use of both a list approach (for all subjects other than air quality and greenhouse gas emissions) as well as a projection approach (for air quality and greenhouse gas emissions).

### 4.1.1.1 Projects Considered for List Approach

Reasonably foreseeable future projects are projects which have either been adopted or have otherwise demonstrated the likelihood to occur. Cumulative analysis for this SEIR includes activities within 0.5 miles of the Metro Plan Area, which might cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and could be classified as a “Project” under Section 21065 of the State CEQA Guidelines.

Table 4-1 presents the projects considered in this analysis. The list of cumulative project was compiled through review of the City of Milpitas Project Pipeline, which includes data of projects that are planned in the City of Milpitas (City of Milpitas 2022).

**Table 4-1. Projects Considered in Cumulative Analysis**

<b>Project Name</b>	<b>Project Status</b>	<b>Project Type</b>	<b>Description</b>	<b>Distance from Project Change Site</b>
1000 Gibraltar Drive	Planning Permit Approved	Industrial	503,000 square feet warehouse	500 feet
Arco Gas Station	Under Construction	Gas Station	New 3,180 square foot gas station	0.38 mile
New Car Wash	Planning Permit Approved	Car Wash	New car wash	0.35 mile
New Retail Building	Under Construction	Commercial	54,000 square feet retail Building	0.5 mile
612 S Main Street	Planning Permit Filed	Residential	40 residential unit building	0.28 mile
Milpitas Gateway-Main Street Specific Plan	Identified in 2040 General Plan, Development of Specific Plan is in process	Specific Plan	Entertainment, retail, commercial, residential, civic, cultural, office, and high-density mixed use residential in a compact, walkable, and unique centralized setting	Adjacent

### 4.1.1.2 Projection Approach

For certain subjects, the impacts are regional or global in nature. Thus, a projection approach was used for these subjects, including criteria pollutants for air quality, greenhouse gas emissions, and transportation. The projection used for criteria pollutants is considering the regional forecast of emissions in the BAAQMD 2017 Clean Air Plan, and Metro Plan criteria pollutant impacts are considered as to whether they contribute to regional criteria pollutant impacts. For greenhouse gas emissions, the context is statewide GHG emissions and their contribution to global GHG emissions, and Metro Plan GHG emissions are considered in terms of how they contribute to state and global emissions.

### 4.1.2 Environmental Resources with No Impact

The Metro Plan would have no impact on agriculture and forestry resources, mineral resources, tribal cultural resources, or wildfire. Because the Metro Plan would have no impact on these environmental resources, the Metro Plan would not contribute to any cumulative impact. As such, these environmental topics are not discussed further.

### 4.1.3 Aesthetics

**Impact C-AES-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative aesthetics impacts.**

#### 4.1.3.1 Certified EIR Conclusion

The Certified EIR concluded that cumulative visual impacts would be less than significant because the changes associated with the TASP would benefit the wider city and regional populations that visit and travel through the TASP Area, as well as residents in adjacent properties.

#### 4.1.3.2 Cumulative Impact Analysis

As discussed in the Initial Study (Appendix B), the majority of the projects that would be developed as a part of the Metro Plan would not result in aesthetic impacts pursuant to Public Resources Code Section 21099. Future development projects that meet Public Resources Code Section 21099 would, therefore, not result in a cumulatively considerable contribution to a cumulative impact related to aesthetics.

Nonetheless, some features and future projects in the Metro Plan would not meet the Public Resources Code Section 21099. The cumulative impact analysis focuses on these features of the Metro Plan. As identified in the Initial Study (Appendix B), there are no scenic vistas or scenic resources located within the Metro Plan Area, and the Metro Plan would have no impact on scenic vistas or scenic resources. As such, the Metro Plan would not result in a cumulatively considerable contribution to a cumulative impact related to scenic vistas or scenic resources. There is the potential that cumulative projects as well as future projects in the Metro Plan could block views of hills east of the Metro Plan Area, which would result in a cumulative impact. However, because the Metro Plan would include setbacks that would minimize visual impacts from development, the Metro Plan would not result in a cumulatively considerable contribution to a cumulative impact related to scenic vistas or scenic resources. In addition, new multi-story structures in the Metro Plan

Area will enhance views of the hillsides by providing new viewpoints from rooftop amenity decks. Furthermore, a cumulative lighting or glare impact would not occur because all cumulative projects, as well as the Metro Plan would be required to adhere to Citywide Objective Design Standards for lighting that include requirements to minimize light and glare impacts.

#### **4.1.3.3 Conclusion**

The Certified EIR concluded that cumulative impacts related to aesthetics would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less than significant cumulative impact related to aesthetics. The Project Change would not alter the result of the Certified EIR's impact determination related to cumulative aesthetics impacts. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

#### **4.1.4 Air Quality**

**Impact C-AQ-1: Implementation of the Metro Plan would result in new and substantially more severe cumulative air quality impacts that were not identified in the Certified EIR.**

##### **4.1.4.1 Certified EIR Conclusion**

The Certified EIR identified that the air quality analysis in section 3.6 of the Certified EIR represents the cumulative air quality impacts for the TASP. As identified in Section 3.1, *Air Quality*, the Certified EIR identified the following significant and unavoidable impacts, which would also be considered significant and unavoidable cumulative impacts:

- Significant and unavoidable impact with regard to conflicts with air quality plans, except for the TCMs of the 2005 Ozone Plan.
- Significant and unavoidable impact related to criteria air pollutant (ozone, PM10, and PM2.5) impacts due to operation, for which the SFBAAB is in nonattainment.

##### **4.1.4.2 Cumulative Impact Analysis**

The Metro Plan would support the goals of BAAQMD's 2017 Clean Air Plan, would support the applicable control measures in the 2017 Clean Air Plan, and would not conflict with the 2017 Clean Air Plan implementation. The purpose of the 2017 Clean Air Plan is to improve regional air quality in the San Francisco Bay Area Air Basin (SFBAAB); therefore, the analysis and less-than-significant finding under Impact AQ-1 is inherently cumulative. For these reasons, the Metro Plan, in combination with past, present, and reasonably foreseeable future projects would not contribute to or result in a significant cumulative impact related to air quality plan consistency. The cumulative impact would be less than significant.

BAAQMD has identified project-level thresholds to evaluate criteria pollutant impacts. In developing these thresholds, BAAQMD considers levels at which project emissions are cumulatively considerable. As noted in BAAQMD's guidelines:

In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts on the region's existing air quality conditions. Therefore, additional analysis to assess cumulative impacts is unnecessary.

Per BAAQMD guidelines, exceedances of project-level thresholds would be cumulatively considerable, and the cumulative impact would be significant. As discussed in Impacts AQ-2a and AQ-2b, construction and operational emissions resulting from individual projects developed under the Specific Plan could exceed BAAQMD's regional ROG, NOX, PM10, and PM2.5 thresholds. Mitigation Measures AQ-1 through AQ-8 could reduce regional emissions of ROG, NOX, PM10, and PM2.5 to a level below BAAQMD's regional thresholds. Because it cannot be concluded that offset programs per Mitigation Measures AQ-6 and AQ-8 would be available in the future at the time and in the amount needed for any given future development under the Metro Plan, for the purposes of this SEIR analysis, impacts during construction and operation related to regional criteria pollutants quality impacts from the project are conservatively assumed to result in a significant and unavoidable cumulative impact.

The analysis of localized criteria pollutants in Impact AQ-3 included consideration of CO hot-spot concentrations. As identified, in Impact AQ-3, traffic volumes in all scenarios, including a cumulative scenario, would not exceed the screening criterion that BAAQMD recommends. Accordingly, sensitive receptors would not be exposed to substantial concentrations of CO. This impact was concluded to be less than significant. Because the project-level CO hot-spot analysis already accounts for (1) background concentrations of CO as measured at local air quality monitoring stations and (2) cumulative background traffic in the project analysis year of 2040, the significance determination is inherently cumulative. The Metro Plan impact determination for CO hotspots therefore serves as the impact determination for impacts related to exposing sensitive receptors to substantial pollutant concentrations due to CO, which would be less than significant.

Existing nearby DPM sources and the Metro Plan could contribute to a cumulative health risk for sensitive receptors near the Metro Plan Area. As discussed under Impact AQ-3, a quantitative evaluation of potential health risk impacts for the Metro Plan is not possible. Mitigation Measures AQ-1 through AQ-9 would develop and maintain best practices for reducing emissions associated with construction and operational activities and require that new development with sensitive receptors adjacent to TAC sources be designed to minimize health risks, which would reduce construction and operational health risks for existing and future receptors. However, there may be instances where project-specific conditions would preclude a reduction in the health risk to a level below adopted thresholds and expose receptors to cumulative health risks. For instance, this may include the installation or operation of new stationary sources of TACs (e.g., generators) on the project site that result in significant PM2.5 concentrations. However, BAAQMD permitting would ensure that cancer risks and the hazard index would be below the applicable thresholds but would not ensure that PM2.5 concentrations would be below the applicable threshold. In addition, future development projects under the Metro Plan could generate DPM, PM2.5, or other TACs that could expose adjacent receptors to significant health risks (e.g., from construction and operational sources that are adjacent to sensitive receptors). Therefore, it is conservatively assumed that the Metro Plan in combination with other past, present, and reasonably foreseeable future projects would result in a cumulative impact that would be significant and unavoidable.

As discussed under Impact AQ-4, the Metro Plan would not generate substantial odors. The cumulative projects do not include land uses that are known to generate adverse odors.

Construction activities would generate odors from diesel exhaust, asphalt paving, and the use of architectural coatings and solvents, but these activities would be temporary and would not result in nuisance orders that would violate BAAQMD's Regulation 7. In addition, odors during operation could emanate from the emergency diesel generators and the reapplication of architectural coatings. These odors would be limited to within the project site and occur infrequently. Given mandatory compliance with BAAQMD rules, the Metro Plan in combination with other past, present, and reasonably foreseeable future projects would not result in significant odor impacts. The cumulative impact would be less than significant.

#### **4.1.4.3 Conclusion**

The Certified EIR concluded that cumulative impacts on to air quality would be significant and unavoidable due to conflicts with air quality plans and criteria air pollutants due to operation. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a significant and unavoidable cumulative impact on air quality due to impacts during construction and operation related to regional criterial pollutants quality impacts and exposing adjacent receptors to significant health risks. The Project Change would result in new cumulative air quality impacts (criteria air pollutants during construction and exposing adjacent receptors to significant health risks) and substantially more severe cumulative air quality impacts (criteria air pollutants during operation) than what was analyzed in the Certified EIR.

### **4.1.5 Biological Resources**

**Impact C-BIO-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative biological resources impacts.**

#### **4.1.5.1 Certified EIR Conclusion**

The Certified EIR concluded that cumulative biological resources impacts would be less than significant because impacts would be limited to disturbed barren or ruderal vegetation types.

#### **4.1.5.2 Cumulative Impact Analysis**

The cumulative geographic context for biological resources is the immediate vicinity of Metro Plan Area, which is the area where construction activities, including tree removal, could potentially affect biological resources including nesting special-status bird and bat species, nesting migratory birds, and protected trees that may be present on or near the site. The cumulative projects located within approximately 0.5 mile of the Metro Plan Area are described in Table 4-1.

Similar to the Metro Plan, the sites for cumulative projects primarily contained disturbed areas with buildings and landscaping; therefore, habitat for candidate, sensitive, or special-status species is marginal. The future cumulative projects would primarily involve the construction of new buildings on previously developed sites or modifications to existing buildings or infrastructure, and associated tree removals. Therefore, as with the Metro Plan, such development could have an impact on nesting special-status bird and bat species, nesting migratory bird species, the movement of native resident or migratory wildlife species, established native resident or migratory wildlife corridors, the use of native wildlife nursery sites, and local policies or ordinances for protecting biological resources. In addition, there are jurisdictional waters in the City of Milpitas, and these may also be affected by the

cumulative projects. Cumulative impacts on these biological resources could be significant because reasonably foreseeable projects would affect or remove additional structures and trees and erect new structures. Structures and trees provide roosting and nesting habitat for special-status and migratory birds and act as potential nursery sites; new structures could affect the movement of species. However, these future projects would also be subject to the requirements of the wildlife protection laws, including the California Endangered Species Act, Migratory Bird Treaty Act, and the California Fish and Game Code, as well as wildlife protection policies and provisions in the 2040 General Plan. This includes 2040 General Plan Action CON-3b, which requires mitigation when sensitive biological habitat has been identified on or immediately adjacent to a project site, providing protection for special-status species including burrowing owl. Nonetheless, cumulative impacts on these biological resources would be potentially significant because reasonably foreseeable projects could affect or remove a substantial number of structures and trees and erect new structures. As identified in the Initial Study, the Metro Plan includes a policy to protect nesting birds (Policy SC 5.1), policies to minimize bird strikes (Policy SC 5.2), a policy to protect roosting bats (Policy SC 5.3), and policies requiring coordination with jurisdictional agencies and the implementation of development standards to minimize impacts on riparian areas and creeks (Policies SC 8.1, SC 8.2, SC 8.3). Implementation of these policies would ensure that the Metro Plan's contribution to cumulative impacts on biological resources would be less than cumulatively considerable.

#### **4.1.5.3 Conclusion**

The Certified EIR concluded that cumulative impacts related to biological resources would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less than significant cumulative impact related to biological resources. The Project Change would not alter the result of the Certified EIR's impact determination related to cumulative biological resources impacts. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

#### **4.1.6 Cultural Resources**

**Impact C-CUL-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative cultural resources impacts.**

##### **4.1.6.1 Certified EIR Conclusion**

The Certified EIR concluded that cumulative cultural resources impacts would be less than significant because impacts because significant resources that could be affected by construction activities would be avoided, or if this is not possible, recovered for scientific value.

##### **4.1.6.2 Cumulative Impact Analysis**

The cumulative geographic context for historical resources is the Metro Plan Area. The Metro Plan Area is 510 acres and as discussed in the Initial Study (Appendix B) has the potential to include potential historic resources. For historic resources, a cumulative impact would be one in which the

impacts from multiple projects combine to affect the same historic resource, exceeding established thresholds. One way in which this could happen is by multiple projects physically affecting the same resource. This is unlikely because historic structures are likely to be buildings and are unlikely to be affected by multiple projects. Nonetheless, the Initial Study included an analysis of the potential impacts of potential historic resources in the Metro Plan Area.

The Initial Study identified that future projects in the Metro Plan Area would be required to implement Metro Plan Policy SC 1, which establishes a review process that evaluates the historical significance of historic-aged built-environment resources in the Metro Plan Area at the time a future project is proposed, and which requires that future project design be assessed for its conformance with the Secretary of the Interior's Standards. The Initial Study concluded that after implementation of this policy, impacts to any historic resources within the Metro Plan Area would be less than significant. Because all future projects in the Metro Plan Area would be required to follow this policy that identifies and protects historic resources, multiple projects would not combine to result in a cumulative impact on historic resources.

A second way in which there could be a cumulative impact would be if multiple projects were constructed near a historic resource and the construction of these cumulative projects resulted in a change to the setting, such that the historic building would no longer be considered historic. This is unlikely to occur because the Metro Plan Area and its vicinity is in a highly urbanized area that has undergone drastic changes in the last decade. New residential, office, and retail uses have been added to the Metro Plan Area, associated with buildout of the TASP. Considering the urban nature of the area, as well as the changes that have recently occurred, it is unlikely that cumulative projects would change the setting of the area, such that a cumulative impact would occur on the historic status of historic resources. As such, cumulative impacts on historic resources would be less than significant.

The cumulative geographic context for archaeological resources and human remains is the immediate vicinity of the project site, which is the area where construction activities, including ground-disturbing activities, could encounter archaeological resources and human remains that may be present on or near the site. The cumulative projects located within approximately 0.5 mile of the Metro Plan Area are described in Table 4-1. The cumulative projects in the vicinity of the project site would be constructed on infill sites in highly disturbed areas. It is likely that the cumulative projects would be constructed on sites where the ground surface has been disturbed and/or covered with fill and gravel.

Similar to the Metro Plan, all cumulative projects would be required to adhere to the actions in the 2040 General Plan, including Action CON-4a, which requires surveys prior to approval of any project that would require excavation in an area that is sensitive for cultural or archaeological resources and Action CON-4b, which provides guidance for the inadvertent discovery of previously unknown archaeological resources. Action CON-4b also requires that if human remains are encountered during construction and are determined to be of Native American origin, then the NAHC and MLDs must be consulted. In addition, all cumulative projects would be required to adhere to Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the California Public Resources Code (if the remains are Native American), which provides guidance for the treatment of human remains. Because all cumulative projects, as well as the Metro Plan would be required to adhere to these actions and regulations that protect archaeological resources, then cumulative impacts on archaeological resources would be less than significant.

### 4.1.6.3 Conclusion

The Certified EIR concluded that cumulative impacts related to cultural resources would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less than significant cumulative impact related to cultural resources. The Project Change would not alter the result of the Certified EIR's impact determination related to cumulative cultural resources impacts. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

## 4.1.7 Energy

**Impact C-EN-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to energy impacts.**

### 4.1.7.1 Certified EIR Conclusion

The Certified EIR concluded that the impact of increased energy consumption in the Transit Area is less than significant. The Certified EIR identified that this would be considered a project-level impact, as well as a cumulative impact.

### 4.1.7.2 Cumulative Impact Analysis

The cumulative geographic context for energy is the service area of PG&E (i.e., the electric and natural gas service area), which comprises the larger Northern California area. Continued growth throughout PG&E's service area could contribute to ongoing increases in demand for electricity and natural gas. These anticipated increases would be countered, in part, as state and local requirements related to renewable energy become more stringent and energy efficiency increases. The extent to which cumulative development through 2040, the Metro Plan's buildout year, could result in the wasteful, inefficient, or unnecessary consumption of energy resources would depend on the specific characteristics of new development, which are not known at this time. SB 100 obligates utilities to supply 100 percent carbon-free electricity by 2045. PG&E reached California's 2020 renewable energy goal 3 years ahead of schedule and is currently projected to meet the new SB 100 goal, which calls for 60 percent renewable energy by 2030, ahead of schedule. Similarly, the Pavley standards are expected to increase average fuel economy to roughly 54.5 miles per gallon by 2025, thereby lowering the demand for fossil fuels. Therefore, it is anticipated that future energy users will become more efficient and less wasteful over time.

The Metro Plan requires building design features that reduce energy consumption and increase renewable energy generation. This includes the electrification of all new developments by prohibiting natural gas infrastructure (Policy CB 7.2.2 and Policy CB 7.2.3), installation of photovoltaic solar systems and implementing solar management plans (Policy CB 7.2.1 and Policy CB 7.3.1), onsite renewable energy generation (Policy CB 7.3), and overall energy reduction uses (Policy CB 7.2). Furthermore, the City's 2040 General Plan Policy CON 1-3 recommends that new development achieve LEED certification and exceed the most current CalGreen codes. Because buildout under the Metro Plan would not result in the wasteful, inefficient, or unnecessary consumption of energy resources, and because cumulative development would be subject to

increasingly robust standards regarding energy efficiency and would be required to comply with all adopted state and local renewable energy and energy efficiency regulations and plans, the cumulative impact would be less than significant.

#### **4.1.7.3 Conclusion**

The Certified EIR concluded that cumulative impacts related to energy would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less than significant cumulative impact related to energy. The Project Change would not alter the result of the Certified EIR's impact determination related to cumulative energy impacts. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

### **4.1.8 Geology and Soils**

**Impact C-GEO-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative geology and soils impacts.**

#### **4.1.8.1 Certified EIR Conclusion**

The Certified EIR concluded that cumulative geology and soils impacts would be less than significant because all future projects would be required to adhere to existing regulations.

#### **4.1.8.2 Cumulative Impact Analysis**

In general, a project's potential impacts related to geology and soils are individual and localized, depending on the project site and underlying soils. Each structure will have different levels of excavation, cut-and-fill work, and grading, which would affect local geologic conditions in different ways. Therefore, the geographic context for cumulative impacts to geology and soils is site-specific.

The cumulative projects located within approximately 0.5 mile of the Metro Plan Area are described in Table 4-1. The cumulative projects could require various levels of excavation or cut-and-fill, which would affect local geologic conditions. However, the cumulative projects would be required to go through environmental and regulatory review and comply with local and state building codes. In addition, each project would also be required to have a site-specific geotechnical investigation performed, which would provide design recommendations to reduce each project's impacts related to geologic and seismic safety. Similar to the Metro Plan, mandatory seismic safety standards, design review and conditions of approval would apply to the reasonably foreseeable future projects. For these reasons, the Metro Plan, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulative geology and soils impact. The cumulative impact would be less than significant. No mitigation is required.

The geographic context for paleontological resources is the full extent of geologic units with high or unknown paleontological sensitivity that underlie the construction area. For purposes of evaluating potential cumulative impacts on paleontological resources, the cumulative projects are those located within approximately 0.5 mile of the project site, as shown in Table 4-1. The cumulative projects in the geographic context for paleontological resources would be constructed on infill sites in highly

disturbed areas. It is likely that the cumulative projects would be constructed on sites where the ground surface has been disturbed and/or covered with fill and gravel. However, deep excavation could reach areas of undisturbed native sediments that could contain significant paleontological resources. Reasonably foreseeable projects planned or proposed for construction on these sensitive geologic units could encounter paleontological resources. However, all cumulative projects within the City of Milpitas would be required to adhere to 2040 General Plan Action CON 4b, which requires appropriate protection and preservation measures, in the event paleontological resources are encountered during construction. Because future projects in the Metro Plan, as well as any other cumulative projects in the City of Milpitas would be required to implement 2040 General Plan Action CON 4b, the Metro Plan, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulative paleontological resources impact. The cumulative impact would be less than significant. No mitigation is required.

#### **4.1.8.3 Conclusion**

The Certified EIR concluded that cumulative impacts related to geology and soils would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less than significant cumulative impact related to geology and soils. The Project Change would not alter the result of the Certified EIR's impact determination related to cumulative geology and soils impacts. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

### **4.1.9 Greenhouse Gas Emissions**

**Impact C-GHG-1: Implementation of the Metro Plan would result in new cumulative greenhouse gas emissions impacts that were not identified in the Certified EIR.**

#### **4.1.9.1 Certified EIR Conclusion**

The Certified EIR identified that the GHG analysis in section 3.12 of the Certified EIR represents the cumulative air quality impacts for the TASP. As identified in Section 3.2, *Greenhouse Gas Emissions*, the Certified EIR concluded that GHG impacts would be less than significant, which would also be considered less than significant cumulative impacts.

#### **4.1.9.2 Cumulative Impact Analysis**

Climate change is a global problem, and GHGs are global pollutants, unlike criteria air pollutants (e.g., ozone precursors), which are primarily pollutants of regional and local concern. Given the long atmospheric lifetimes, GHGs emitted by sources worldwide accumulate in the atmosphere. No single emitter of GHGs is large enough to trigger global climate change on its own. Rather, climate change is the result of the individual contributions of countless past, present, and future sources. Therefore, GHG emissions impacts are inherently cumulative. The analysis included in Section 3.2, *Greenhouse Gas Emissions* is inclusive of cumulative impacts. As documented in Section 3.2, *Greenhouse Gas Emissions*, GHG impacts would be considered significant and unavoidable. Accordingly, cumulative GHG impacts would also be considered significant and unavoidable.

### 4.1.9.3 Conclusion

The Certified EIR concluded that cumulative GHG impacts would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a significant and unavoidable cumulative GHG impact. The Project Change would result in new cumulative GHG impacts than what was analyzed in the Certified EIR.

## 4.1.10 Hazards and Hazardous Materials

**Impact C-HAZ-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative hazards and hazardous materials impacts.**

### 4.1.10.1 Certified EIR Conclusion

The Certified EIR concluded that cumulative hazards and hazardous materials impacts would be less than significant because the TASP would likely improve existing issues associated with soil and groundwater contamination and because of compliance with existing regulations.

### 4.1.10.2 Cumulative Impact Analysis

The cumulative geographic context for hazards and hazardous materials is the Metro Plan Area and nearby properties in the immediate vicinity. Similar to the Metro Plan, reasonably foreseeable projects could result in construction impacts related to the routine transport, disposal, or handling of hazardous materials; intermittent use and transport of petroleum-based lubricants, solvents, and fuels; and transport of affected soil to and from sites. However, hazardous waste generated during construction of any project would be collected, properly characterized for disposal, and transported in compliance with federal, state and local regulations as described in the Initial Study (Appendix B). Hazardous materials are strictly regulated by local, state, and federal laws. Specifically, these laws are designed to ensure that hazardous materials do not result in a gradual increase in toxins in the environment. For each of the reasonably foreseeable projects under consideration, various project-specific measures (such as the ones identified for this project) would be implemented as a condition of development approval to mitigate risks associated with exposure to hazardous materials. With implementation of applicable regulatory requirements, cumulative impacts related to hazards and hazardous materials would be less than significant, and the Metro Plan would not result in a cumulatively considerable contribution to a significant cumulative hazard or hazardous materials impact.

The Metro Plan would contribute to a cumulative increase in the amount of hazardous materials transported to and from the surrounding area. Cumulative increases in the transportation of hazardous materials and wastes would not be significant because the probability of accidents is relatively low due to stringent regulations that apply to transport, use and storage of hazardous materials. The Metro Plan, in combination with other development in the immediate vicinity would add to cumulative traffic congestion on those roadways used for evacuation. However, the 2040 General Plan EIR identifies that the 2040 General Plan would ensure “that the City’s emergency access routes, emergency contact lists, and public information regarding designated facilities and routes are regularly reviewed to ensure that up to date information is available to the City and the public in the event of an emergency” (City of Milpitas 2020b). As such cumulative impacts related to

interference with an adopted emergency response plan or emergency evacuation plan would be less than significant.

Development of the Metro Plan would contribute to a cumulative increase in the demand for emergency response capabilities. Any growth involving increased use of hazardous materials has the potential to increase the demand for emergency response capabilities. First response capabilities and hazardous materials emergency response capabilities are currently available and sufficient for all cumulative projects. Substantive hazardous materials accidents within the Metro Plan Area or its vicinity are expected to be rare, and if such incidents were to occur, only one such incident would be expected at any one time (except during major catastrophes).

For these reasons, the Metro Plan, in combination with other past, present, and reasonably foreseeable future projects located within the immediate vicinity of the Metro Plan Area, would not result in a significant cumulative hazards or hazardous materials impact. The cumulative impact would be less than significant.

#### **4.1.10.3 Conclusion**

The Certified EIR concluded that cumulative impacts related to hazards and hazardous materials would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less than significant cumulative impact related to hazards and hazardous materials. The Project Change would not alter the result of the Certified EIR's impact determination related to cumulative hazards and hazardous materials impacts. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

### **4.1.11 Hydrology and Water Quality**

**Impact C-HYD-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to hydrology and water quality impacts.**

#### **4.1.11.1 Certified EIR Conclusion**

The Certified EIR concluded that the TASP would decrease stormwater runoff through the implementation of more pervious surfaces and that cumulative projects and the TASP would not contribute to a cumulative impact because future projects would be required to mitigate specific hydrologic impacts on a project-by-project basis

#### **4.1.11.2 Cumulative Impact Analysis**

The cumulative geographic context for impacts related to surface water hydrology and water quality is the Lower Penitencia Creek-Frontal San Francisco Bay Estuaries watershed. The cumulative geographic context for impacts related to groundwater hydrology and water quality is the Santa Clara Valley Groundwater Basin. Given the size of each area, it is beyond the scope of this SEIR to identify every cumulative project within their boundaries. However, it is reasonable to assume that other cumulative projects would be similar to the past, present, and reasonably foreseeable future

projects identified within a 0.5-mile radius of the Metro Plan Area (refer to Table 4-1) in that they would be anticipated to consist predominantly of urban development on similar paved, in-fill sites.

Assuming concurrent implementation of the Metro Plan with other reasonably foreseeable cumulative development, adverse cumulative effects on hydrology and water quality could include construction impacts related to increases in stormwater runoff and pollutant loading to the San Francisco Bay. The Metro Plan, together with cumulative projects, could degrade stormwater quality during construction through land disturbance.

The cumulative geographic areas, inclusive of the Metro Plan Area, are fully developed. Buildout of cumulative projects would be anticipated to primarily involve redevelopment of existing developed sites that contain substantial impervious surfaces. The Metro Plan, together with cumulative projects, could degrade stormwater quality through an increase in potential runoff during construction. Like the Metro Plan, cumulative projects would be required to comply with the Construction General Permit to control runoff and regulate water quality at each development site, in addition to regional and local requirements regarding protection of water quality. Because cumulative projects would be required to adhere to the same regulations as the Metro Plan, cumulative impacts on water quality due to construction would be less than significant.

Buildout of cumulative projects, as well as the Metro Plan could result in an increase in discharges of pollutants in stormwater due to the new residents and additional vehicular traffic, which would result in pollutants in runoff. However, the Metro Plan would require the implementation of open space, in the form of parks and private open space that would be implemented by future developments. The Metro Plan would reduce the area of impervious surfaces and would reduce stormwater runoff. In addition, future developments in the Metro Plan and cumulative projects would be required to adhere to existing regulations that regulate the discharge of pollutants. As such, the Metro Plan would not contribute to a water quality impact due to buildout.

The Metro Plan is located in a flood hazard zone and other cumulative projects may also be located in a flood hazard zone. As described in the Initial Study, any projects that are located in a flood hazard zone, including cumulative projects would be required to adhere to regulations by stipulated by the Federal Emergency Management Agency and the National Flood Insurance Program. The City of Milpitas also has its own regulations to address development within flood hazard zones. Because cumulative projects and future projects in the Metro Plan would all be required to adhere to existing regulations, cumulative impacts related to the risk of release of pollutants due to flooding in flood hazard areas, would be less than significant.

The Metro Plan would not contribute to a cumulative impact related to groundwater recharge because the Metro Plan would increase the area of pervious surfaces and would not interfere with groundwater recharge. The Metro Plan would also not contribute to a cumulative impact related to the alteration of existing drainage patterns because the Metro Plan is not expected to alter the creeks in the Metro Plan Area (the Metro Plan includes setback requirements near creeks) and because the Metro Plan would decrease the area of impervious surfaces. Furthermore, because the Metro Plan Area is not within an area subject to flooding by tsunami or seiche, the Metro Plan would not contribute to a cumulative impact related to releasing pollutants due to inundation from tsunami or seiche.

### 4.1.11.3 Conclusion

The Certified EIR concluded that cumulative impacts related to hydrology and water quality would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less than significant cumulative impact related to hydrology and water quality. The Project Change would not alter the result of the Certified EIR's impact determination related to cumulative hydrology and water quality impacts. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

### 4.1.12 Land Use

**Impact C-LU-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative land use impacts.**

#### 4.1.12.1 Certified EIR Conclusion

The Certified EIR concluded that the TASP's incremental impact on land use would be less than significant because future projects would be required to mitigate their land use impacts.

#### 4.1.12.2 Cumulative Impact Analysis

As discussed in Impact LU-1, the Metro Plan would result in no impact related to physically dividing an established community. For this reason, the Metro Plan would not result in a cumulatively considerable contribution to a cumulative impact related to physically dividing an established community.

CEQA requires an EIR to consider whether a proposed project may conflict with any applicable land use plan, policy, or regulation that was adopted for the purpose of avoiding or mitigating an environmental impact. For there to be a cumulative impact related to conflict with a land use plan, policy, or regulation that was adopted for the purpose of avoiding or mitigating an environmental impact, then multiple projects would have to result in several conflicts that would result in physical impacts on the environment that would exceed significance thresholds.

As documented in Impact LU-2, the Metro Plan would not conflict with the 2040 General Plan, Plan Bay Area 2050, or the Comprehensive Airport Land Use Plan for Santa Clara County for Norman Y. Mineta San Jose International Airport. In fact, the Metro Plan would support meeting the goals identified in the 2040 General Plan and the Plan Bay Area 2050 by creating neighborhoods where people can live and work near transit. For this reason, the Metro Plan would not contribute considerably to a cumulative impact related to conflicting with the 2040 General Plan or Plan Bay Area 2050. In addition, Impact LU-2 identifies that any future buildings that are greater than 200 feet would be required to adhere to procedures in the Comprehensive Airport Land Use Plan for Santa Clara County for Norman Y. Mineta San Jose International Airport, to minimize hazards. Because any future cumulative projects taller than 200 feet would be required to adhere to the same procedures, there would be no cumulative impact related to conflicts with the Comprehensive Airport Land Use Plan for Santa Clara County for Norman Y. Mineta San Jose International Airport.

### 4.1.12.3 Conclusion

The Certified EIR concluded that cumulative impacts related to land use would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have no cumulative impacts related to land use. The Project Change would not alter the result of the Certified EIR's impact determination related to cumulative land use impacts. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

### 4.1.13 Noise

**Impact C-NOI-1: Implementation of the Metro Plan would result in new cumulative noise impacts that were not identified in the Certified EIR.**

#### 4.1.13.1 Certified EIR Conclusion

The Certified EIR concluded that cumulative noise impacts would be less than significant because the analysis in Section 3.7 of the Certified EIR is based upon the cumulative numbers of the traffic analysis, and therefore already represents a cumulative scenario that was found to be less than significant.

#### 4.1.13.2 Cumulative Impact Analysis

The cumulative geographic context for noise and vibration varies, depending on the source of the noise or vibration. Specifically, the geographic context for cumulative construction noise impacts typically encompasses cumulative projects within 1,000 feet of the project site. Beyond 1,000 feet, the contributions of noise from the construction of other projects would be greatly attenuated through both distance and intervening structures, and their contribution would be expected to be minimal. The cumulative context for stationary-source noise impacts, such as noise effects from heating and cooling or other mechanical equipment, as well as vibration effects from construction activities is generally smaller than this distance (a few hundred feet, at most). Finally, cumulative impacts related to vehicular traffic noise are based on the overall forecast average daily traffic along roadway segments near the Metro Plan Area, which includes traffic increases from all growth in the Metro Plan Area, as predicted in the traffic model. The cumulative projects located within approximately 0.5 mile of the Metro Plan Area are described in Table 4-1.

#### Construction Noise

Construction noise is a localized impact that reduces as distance from the noise source increases. In addition, intervening features (e.g., buildings) between construction areas and nearby noise-sensitive land uses result in additional noise attenuation by providing barriers that break the line of sight between noise-generating equipment and sensitive receptors. These barriers can block sound wave propagation and somewhat reduce noise at a given receiver.

The cumulative setting for construction noise impacts is considered to be approximately 1,000 feet from the project site, since projects located within this distance could expose receptors between the two projects to noise, depending on the intervening distances. Only one cumulative project is located within 1,000 feet of the Metro Plan, and that's the 1000 Gibraltar Drive, located

approximately 500 feet from the Metro Plan Area. The schedule for this cumulative project is currently unknown at this time. As such, cumulative noise impacts could occur if construction of the 1000 Gibraltar Drive occurs concurrently with the construction of a future individual Metro Plan project. In addition, regarding the potential for construction noise from future individual Metro Plan projects to combine with construction noise from other future Metro Plan projects, should an individual receiver be located between two Metro Plan projects undergoing concurrent construction, that receiver may be exposed to greater noise levels than would be experienced from either project alone. In addition, the limits of the Milpitas Gateway-Main Street Specific Plan are adjacent to the limits of the Metro Plan. Because the Milpitas Gateway-Main Street Specific Plan has not yet been prepared, it is not currently known whether development would be proposed within 1,000 feet of the Metro Plan Area. Nonetheless, should an individual receiver be located between a Metro Plan project and a Milpitas Gateway-Main Street Specific Plan project undergoing concurrent construction, that receiver may be exposed to greater noise levels than would be experienced from either project alone.

As discussed in Chapter 3.4, *Noise*, of this SEIR, the requirements in Action N-1d of the General Plan would apply to all development under the Metro Plan, as well as the Milpitas Gateway-Main Street Specific Plan and would reduce impacts related to construction noise in the Metro Plan Area and the Milpitas Gateway-Main Street Specific Plan. However, it is not possible to ensure that in all instances and for all future projects, mitigation measures would reduce construction noise to less-than-significant levels. Therefore, even with the requirement that mitigation measures be applied to reduce construction noise for future projects, it was determined that some future projects may result in significant construction noise impacts that cannot be reduced to less-than-significant levels with mitigation.

Direct impacts related to construction noise were determined to be significant and unavoidable. Similarly, construction noise from individual Metro Plan projects could combine with construction noise from other Metro Plan projects or Milpitas Gateway-Main Street Specific Plan project to result in a cumulative construction noise impact. Because concurrent construction of multiple projects could expose individual receivers located between two Metro Plan projects to greater construction noise levels than would be experienced from either project alone, because concurrent construction of multiple projects could expose individual receivers located between a Metro Plan project and a Milpitas Gateway-Main Street Specific Plan project to greater construction noise levels than would be experienced from either project alone, and because direct construction noise impacts would be considered significant and unavoidable, cumulative construction noise impacts would also be significant and unavoidable.

## **Operational Noise**

### **Traffic**

To determine potential cumulative traffic noise impacts in the Metro Plan Area, traffic volumes from buildout of the 2040 General Plan (assumes full buildout of the TASP but no buildout of the Metro Plan) was compared to full buildout of the Metro Plan in 2040. The analysis in Impact NOI-2 included this analysis and is therefore considered cumulative in nature. As described in Impact NOI-2, traffic noise increases (i.e., comparison of 2040 General Plan buildout with 2040 Metro Plan buildout) along the roadway segments in the Metro Plan Area could be up to 0.8 dB, with some instances of noise reduction (i.e., a decrease in noise of up to 1 dB). Because the traffic noise increases along all analyzed roadway segments would be below the 1.5 dB, 3 dB, and 5 dB

thresholds from the 2040 General Plan (described in Impact NOI-2), traffic noise impacts from implementation of the Metro Plan would be less than significant. Cumulative traffic noise impacts would be less than significant.

### **Operational Mechanical Equipment Noise**

In general, most operational sources of noise do not generate noise that is perceptible far beyond the edge of a project site. Although noise from Metro Plan heating and cooling equipment would be localized and would attenuate rapidly with distance, it is possible that heating and cooling equipment could generate noise in excess of allowable levels, depending on the type of equipment installed and the location of the equipment. It is also possible that noise-generating uses from nearby projects could be close enough to one another that heating and cooling noise from multiple projects could combine and result in a cumulative noise impact.

Only one cumulative project, the 1000 Gibraltar Drive Project, is located within 1,000 feet of the Metro Plan. This project is located approximately 500 feet from the Metro Plan Area and would involve the installation of HVAC units and/or exhaust fans. There are no existing noise-sensitive receptors located between this project and the proposed Metro Plan Area. In addition, according to the EIR for the 1000 Gibraltar Drive Project, the nearest residential receptors to 1000 Gibraltar Drive are over 575 feet from the project rooftop equipment (City of Milpitas 2020a). Mechanical equipment noise levels at these nearby residences were estimated to be 35 dBA in the EIR noise analysis; impacts were determined to be less than significant, and no mitigation was required. For these reasons, noise from equipment at 1000 Gibraltar Drive would not be expected to combine with noise from Metro Plan HVAC or mechanical equipment to expose the same receptors to greater HVAC/mechanical equipment noise levels than would be experienced from either project alone.

Regarding the potential for mechanical equipment noise from future individual Metro Plan projects to combine with mechanical equipment noise from other future Metro Plan projects, the specific locations and equipment details for future projects are not known at this time. However, it is possible that equipment noise from multiple future Metro Plan projects could be located close enough to one another to combine, and to expose individual receptors to greater noise levels than they would experience from one project alone. Cumulative impacts from Metro Plan mechanical equipment noise would be considered significant.

With implementation of Metro Plan Mitigation Measure NOI-1, which requires the applicants of future Metro Plan projects to implement measures to ensure mechanical equipment noise levels are below allowable limits, impacts from mechanical equipment noise would be reduced to below the allowable levels. Cumulative mechanical equipment noise impacts would be less than significant with mitigation.

Emergency generators included in the development of future buildings under the Metro Plan would result in the generation of audible noise during testing. With regard to the potential for cumulative impacts, the nearest cumulative project to the Metro Plan Area is the 1000 Gibraltar Drive Project, located 500 feet from the Metro Plan Area. The Draft EIR for the 1000 Gibraltar Drive Project identified that the project would include emergency generators. Should generator testing occur simultaneously for a nearby project and the Metro Plan, a potential cumulative impact could occur.

Emergency generators are tested intermittently (often on the order of once per month for 30 to 60 minutes), and their use is often exempted during actual emergencies. Although specific details

regarding the emergency generators proposed for the Metro Plan or nearby cumulative projects are not known at this time, in general, it is very unlikely that the testing of an emergency generator for the Metro Plan would occur concurrently with the testing of a generator at a nearby project. Even if testing were to occur simultaneously, which is unlikely, it is not likely that the generators would be close enough to one another for the noise to combine at a given individual receptor. Cumulative noise impacts related to emergency generator testing would be less than significant.

## Vibration

Vibration impacts are based on instantaneous PPV levels. Therefore, because PPV is a measure of the peak instantaneous vibration level, rather than an average, other sources of vibration operating simultaneously (e.g., for other project sites, or even on the same project site) would not be expected to combine to raise the overall peak vibration level experienced at a nearby sensitive use. Worst-case ground-borne vibration levels are generally determined by whichever equipment generates the highest vibration level at the affected location, so vibration would be dominated by the closest and most vibration-intensive equipment being used at a given time. For example, unlike the analysis for average noise levels, in which noise levels of multiple pieces of equipment can be combined to generate a maximum combined noise level, instantaneous peak vibration levels do not combine in this way. Vibration from multiple construction sites, even if they are close to one another, would not combine to raise the maximum PPV level at sensitive uses near the project site. For this reason, the cumulative impact of construction vibration from multiple construction projects near one another (or even adjacent to one another) would generally not combine to increase PPV vibration levels. Therefore, the cumulative geographic context for vibration is highly localized.

The cumulative projects located within approximately 0.5 mile of the Metro Plan Area are described in Table 4-1. The nearest cumulative project to the Metro Plan Area is the 1000 Gibraltar Drive Project, located 500 feet from the Metro Plan Area. At this distance, peak vibration levels resulting from construction of the Metro Plan would not be expected to combine with vibration effects from the construction of this cumulative project, even if they were to be under construction simultaneously. Therefore, cumulative ground-borne vibration impacts related to both potential damage and annoyance would be less than significant.

As discussed in Impact NOI-4, the Metro Plan would be no impact related to exposing people residing or working in the Metro Plan Area to excessive aircraft noise levels. For this reason, the Metro Plan would not result in a cumulatively considerable contribution related to exposing people residing or working in the Metro Plan Area to excessive aircraft noise levels.

### 4.1.13.3 Conclusion

The Certified EIR concluded that cumulative impacts related to noise would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a significant and unavoidable cumulative noise impact, related to cumulative construction noise impacts. In addition, the Project change would have a less than significant with mitigation cumulative impact related to operational mechanical equipment noise. The Project Change would result in new cumulative noise impacts (significant and unavoidable construction noise impacts; and less than significant with mitigation operational mechanical equipment noise impacts) than what was analyzed in the Certified EIR.

## 4.1.14 Population and Housing

**Impact C-POP-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative population and housing impacts.**

### 4.1.14.1 Certified EIR Conclusion

The Certified EIR did not include a conclusion for cumulative population and housing impacts.

### 4.1.14.2 Cumulative Impact Analysis

As previously discussed, Plan Bay Area 2050 is the current Regional Transportation Plan and Sustainable Communities Strategy adopted by the Metropolitan Transportation Commission and ABAG in October 2021, in compliance with California's governing greenhouse gas reduction legislation, SB 375. Plan Bay Area 2050 identifies growth geographies, used to guide where future growth in housing and jobs would be focused. These growth geographies include areas near transit.

As discussed in Impact POP-1, the Metro Plan would result in planned growth and not unplanned growth. The Metro Plan would spur growth consistent with what is envisioned in the Plan Bay Area 2050, meaning housing and land uses that generate employment in proximity to transit. Because the Metro Plan would not result in unplanned population growth, the Metro Plan would not result in a cumulatively considerable contribution to unplanned population growth.

As discussed in Impact POP-2, the Metro Plan would result in no impact related to displacing substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. For this reason, the Metro Plan would not result in a cumulatively considerable contribution to displacing substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

### 4.1.14.3 Conclusion

The Certified EIR did not include a conclusion related to cumulative population and housing impacts. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less than significant cumulative impact related to population and housing. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

## 4.1.15 Public Services and Recreation

**Impact C-PS-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative public services and recreation impacts.**

### 4.1.15.1 Certified EIR Conclusion

The Certified EIR concluded that cumulative impacts to police services, fire services, and parks would be less than significant because new development would provide required parkland to serve

its residents and would pay fair share for police and fire equipment. The Certified EIR also concluded that cumulative impacts to schools would be significant and unavoidable. It should be noted that in the Response to Comments of the Certified EIR, the conclusion of the TASP's impacts on schools was updated from significant and unavoidable to less than significant; however, the conclusion in the Cumulative Impacts section was not updated.

#### **4.1.15.2 Cumulative Impact Analysis**

The geographic context for cumulative impacts related to schools, fire protection, police protection, and recreational resources is the City because these services are provided on a Citywide basis. The Metro Plan, in combination with other past, present, and reasonably foreseeable projects, would increase the number of residents and employees in the City, leading to an increase in demand for schools, fire protection, police protection, and recreational facilities.

With respect to schools, any cumulative projects within the City that would generate school-aged children would be required to pay for school impact fees per California Government Code Sections 65995–65998. As described in Impact PS-1, California Government Code Sections 65995–65998 set forth provisions for the payment of school impact fees by new development as the exclusive means of “considering and mitigating impacts on school facilities that occur or might occur as a result of any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property” (Section 65996(a)). The legislation goes on to say that the payment of school impact fees is “hereby deemed to provide full and complete school facilities mitigation” under CEQA [Section 65996(b)]. Because all cumulative projects would be required to adhere to California Government Code Sections 65995–65998, cumulative impacts on schools would be less than significant.

With respect to fire protection and police protection services, the 2040 General Plan includes a range of policies and actions that would ensure that public services are provided in a timely fashion, are adequately funded, are coordinated between the City and appropriate service agency, and that new development funds its fair share of services. The 2040 General Plan includes policies to ensure that fire protection and law enforcement services keep pace with new development. Payment of applicable impact fees, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the future projects, would ensure that the City maintains acceptable service ratios. Thus, cumulative impacts related to fire protection and police protection services would be less than significant.

With regard to recreational facilities, the 2040 General Plan includes a range of policies and actions to ensure that parks and recreational facilities are adequately funded, and that new development funds its fair share of services needed to meet 2040 General Plan objectives. New development is required to participate in the provision and expansion of public services, recreational amenities, and facilities, and is also required to demonstrate that the City's public services and facilities can accommodate the increased demand for said services and facilities associated with future projects during the entitlement process. Thus, cumulative impacts related to recreational facilities would be less than significant.

#### **4.1.15.3 Conclusion**

The Certified EIR concluded that cumulative impacts related to fire protection, police protection, and recreation would be less than significant, and that cumulative impacts to schools would be

significant and unavoidable. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less than significant cumulative impact related to public services and recreation. The Project Change would not alter the result of the Certified EIR's impact determination related to cumulative public services and recreation impacts. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

## 4.1.16 Transportation

**Impact C-TR-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to cumulative transportation impacts.**

### 4.1.16.1 Certified EIR Conclusion

The Certified EIR identified that the transportation analysis in section 3.3 of the Certified EIR represents the cumulative air quality impacts for the TASP. As identified in Section 3.7, *Transportation*, the Certified EIR did not include conclusions related to conflicts with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; VMT; increased hazards due to a geometric design feature; or emergency access. As such, no cumulative transportation impacts were discussed in the Certified EIR.

### 4.1.16.2 Cumulative Impact Analysis

Cumulative plus-Project conditions represent the 2040 future baseline condition with the addition of the buildout of the Metro Plan.

As identified in Impact TR-1, the Metro Plan would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. In fact, the Metro Plan would help implement plans through the creation of a multimodal network and by placing housing and land uses that generate employment near transit. Because the Metro Plan would not conflict with plans related to the circulation system, including transit, roadway, bicycle, and pedestrian facilities, the Metro Plan would not result in a cumulatively considerable contribution to a cumulative impact.

As identified in Impact TR-2, buildout of the General Plan in 2040 (without the Metro Plan) is expected to have a higher VMT per service population, per capita, and per employee than full buildout of the Metro Plan by 2040 (see Table 3.7-5). Due to the addition of dense housing and land uses that would generate employment near transit, the Metro Plan is expected to reduce VMT on a per unit basis. For this reason, the Metro Plan would not result in a cumulatively considerable contribution to a cumulative impact related to VMT.

As discussed under Impact TR-3, the Metro Plan would have a less-than-significant impact related to design hazards. The design of new streets, circulation improvements, and access points associated with cumulative development projects would be reviewed for compliance with safety guidelines and standards as part of the development review process. In addition, potential design hazards are generally site-specific, the cumulative development projects outside the Metro Plan Area would be

unlikely to have the potential to combine with the project to create a substantial design hazard. Cumulative impacts would be less than significant.

As discussed under Impact TR-4, the Metro Plan would have a less-than-significant impact related to emergency access. Emergency vehicles would use signal preemption technology (where possible) and sirens to maintain adequate response times. To the extent that cumulative development projects would result in reduced vehicular travel times along roadways in the Metro Plan Area, analysis of potential impacts emergency response time would need to be conducted and measures would need to be developed to address such impacts. Cumulative impacts would be less than significant.

#### **4.1.16.3 Conclusion**

The Certified EIR did not include a conclusion related to cumulative transportation impacts. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less than significant cumulative impact related to transportation. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

### **4.1.17 Utilities and Service Systems**

**Impact C-UTIL-1: Implementation of the Metro Plan would not result in new or substantially more severe impacts than what was identified in the Certified EIR related to utilities and service systems impacts.**

#### **4.1.17.1 Certified EIR Conclusion**

The Certified EIR concluded that cumulative impacts on utilities and service systems would be less than significant because infrastructure improvement, including water and sewer mains, will alleviate deficiencies in distribution and collection capacity brought on by the increased residential density and because future development projects would be required to mitigate impacts on a project-by-project basis.

#### **4.1.17.2 Cumulative Impact Analysis**

The cumulative geographic contexts for utilities and service systems are the service territories of the various utility providers. For water, the geographic context is the City's water supply from SFPUC and Valley Water. For wastewater, the geographic context is the eight cities and four sanitation districts that flow to the San Jose/Santa Clara Water Pollution Control Plant. For stormwater, the geographic context is the Lower Penitencia Creek-Frontal San Francisco Bay Estuaries watershed. For solid waste, the geographic context is the service areas of the Kirby Canyon Landfill. For electricity, natural gas, and telecommunications, the geographic context is the service areas of PG&E and the various telecommunication providers. Given the size of each area, it is beyond the scope of this EIR to identify every cumulative project within their boundaries.

Over time, growth throughout the City and county will result in increased demand for water, wastewater treatment, solid waste disposal, natural gas, electricity, and telecommunications. Citywide and countywide growth would also generate increased demand for utilities. Much of the

analysis presented in Section 3.8, Utilities and Service Systems also includes analysis of potential cumulative impacts to utilities and service systems. The Metro Plan, in combination with other cumulative development, would result in increased demands on utilities and service systems, as summarized below.

### **New or Expanded Water, Wastewater Treatment or Storm Water Drainage, Electric Power, Natural Gas, or Telecommunications Facilities**

The City's Water Master Plan takes into account anticipated development in the City and was updated in 2002, 2009, and 2021. Therefore, the Sewer Master Plan evaluates impacts related to water facilities from cumulative projects. The Water Master Plan identifies the capital improvements needed to address supply capacity, storage capacity, pumping capacity, and the distribution system. As such, the City has already identified the infrastructure needed to address growth in the City and will implement these facilities to address cumulative growth. Because the City has already identified the water infrastructure that would be needed to address cumulative growth, cumulative projects would not require or result in the relocation or construction of new or expanded water facilities beyond the facilities already identified in the Water Master Plan. The cumulative impact would be less than significant.

The City's Sewer Master Plan takes into account anticipated development in the City and was updated in 2004, 2009, and 2021. Therefore, the Sewer Master Plan evaluates impacts related to wastewater facilities from cumulative projects. The Sewer Master Plan identifies the capital improvements needed to address sewer infrastructure with risk of failure. As such, the City has already identified the infrastructure needed to address growth in the City and will implement these facilities to address cumulative growth. Because the City has already identified the sewer infrastructure that would be needed to address cumulative growth, cumulative projects would not require or result in the relocation or construction of new or expanded sewer facilities beyond the facilities already identified in the Sewer Master Plan. The cumulative impact would be less than significant.

The City's Storm Drain Master Plan takes into account anticipated development in the City and was updated in 2001, 2013, and 2021. Therefore, the Storm Drain Master Plan evaluates stormwater drainage impacts from cumulative projects. The Storm Drain Master Plan identifies the capital improvements needed to maintain recommended levels of protection against local flooding from stormwater runoff and to keep the storm drain system in working order into the future. As such, the City has already identified the infrastructure needed to address growth in the City and will implement these facilities to address cumulative growth.

Additionally, cumulative development would likely be constructed on infill sites in highly urbanized areas where there is a substantial amount of existing impervious surface area. All cumulative projects would be required to include post-construction stormwater management features, such as LID measures, to reduce flows to pre-project conditions. New projects would be subject to the requirements of the San Francisco Bay MS4 Permit, the Construction General Permit, and the City's General Plan and Municipal Code related to protecting water resources. Thus, the Metro Plan, in combination with anticipated cumulative development, would not substantially increase impervious surfaces compared to existing conditions. Pervious surfaces would increase under the Metro Plan; accordingly, post-construction peak stormwater flows would not increase compared to existing conditions. For these reasons, the Metro Plan, in combination with other past, present, and

reasonably foreseeable future projects, would not result in a significant cumulative stormwater facilities impact. The cumulative impact would be less than significant.

The cumulative development in the PG&E and telecommunication providers service areas would likely be constructed on infill sites in highly urbanized areas; it is anticipated that these cumulative projects would not substantially increase electric power, natural gas, and telecommunications demands. There are also no known capacity limitations within the existing electrical system or gas system. Service providers of these utilities will be able to serve new cumulative development from known and available sources. In addition, similar to the proposed project, the anticipated cumulative development would comply with all applicable City and state water conservation measures, including title 24, part 6, the California Energy Code, with baseline standard requirements for energy efficiency; the 2019 Building Energy Efficiency Standards; and the 2019 CALGreen Code. For these reasons, the Metro Plan, in combination with other past, present, and reasonably foreseeable future projects, would not result in a significant cumulative natural gas, electricity, and telecommunications demand and facilities impact. The cumulative impact would be less than significant.

### **Water Supplies and Wastewater Treatment Capacity**

Regarding water supply, The analysis in Impact UTIL-2 is inherently cumulative because it is based on demand and supply projections for the City in the 2020 UWMP. For the reasons identified in Impact UTIL-2, cumulative impacts on water supplies during normal, dry, and multiple dry years, would be less than significant.

Regarding wastewater treatment capacity, the analysis in Impact UTIL-3 estimated the amount of wastewater that would be generated in 2040 by adding the estimated wastewater that would be generated by the Metro Plan in 2040 to the projected estimated wastewater that would be generated by the future growth in the City in 2040, as identified in the 2020 UWMP. As such, the analysis in Impact UTIL-3 is inherently cumulative. For the reasons identified in Impact UTIL-3, cumulative impacts on wastewater treatment capacity would be less than significant.

### **Solid Waste**

Construction of the Metro Plan, as well as construction activities required for cumulative development within the service areas of the Kirby Canyon Landfill, would generate substantial solid waste, including demolition waste. However, all of these projects would be required to comply with regulations requiring waste diversion (i.e., AB 939, City's Source Reduction and Recycling Program, and IWMP). Therefore, through compliance with local requirements, the Metro Plan, in combination with other past, present, and reasonably foreseeable future projects, would not result in a significant cumulative construction-generated solid waste impact related to solid waste generation or failure to comply with federal, state, and local management and reduction statutes and regulations related to solid waste. The cumulative impact would be less than significant.

In 2020, residents of the city generated approximately 3.7 pounds of solid waste per capita per day and employees within the city generated 5.7 pounds of solid waste per capita per day (Cal Recycle 2021). CalRecycle's 2020 disposal goals for the city were 6.3 pounds per day for residents and 9.7 pounds per day for employees; therefore, the city met its per capita solid waste disposal goals in 2020 (Cal Recycle 2021). The anticipated cumulative development within the service areas of Kirby Canyon Landfill would incrementally increase the amount of solid waste generated by increasing the number of employees and residents in the service areas; excavation, demolition, and

remodeling activities associated with growth would also increase total solid waste generation. However, the Kirby Canyon Landfill had a remaining capacity of approximately 16,191,600 cubic yards as of 2015. The Metro Plan, in combination with anticipated cumulative development, would generate a small amount of solid waste in comparison to the total remaining capacities of the landfill.

In addition, the increasing rate of diversion citywide and in the service areas, achieved through recycling, composting, and other methods, would decrease the total amount of waste deposited in landfills. The Metro Plan, in combination with the anticipated cumulative development in the service areas, would not cause a significant impact on regional landfill capacity because the projects would be required to comply with the City's waste reduction and diversion requirements. Compliance with such regulatory requirements would reduce the Metro Plan's and the cumulative projects' contribution to overall solid waste volumes generated during construction and operation.

Given the future long-term capacity available at Kirby Canyon Landfill, the Metro Plan and anticipated cumulative development in the services areas would be served by a landfill with adequate permitted capacity to accommodate their solid waste disposal needs. For these reasons, the Metro Plan, in combination with other past, present, and reasonably foreseeable future projects, would not result in a significant cumulative solid waste impact related to solid waste generation or failure to comply with federal, state, and local management and reduction statutes and regulations related to solid waste. The cumulative impact would be less than significant.

#### **4.1.17.3 Conclusion**

The Certified EIR concluded that cumulative impacts related to utilities and service systems would be less than significant. Based on the analysis above, with incorporation of the Project Change, the Metro Plan would have a less than significant cumulative impact related to utilities and service systems. The Project Change would not alter the result of the Certified EIR's impact determination related to cumulative utilities and service systems impacts. The Project Change would not result in new or substantially more severe effects that were not analyzed in the Certified EIR, and no substantial changes in circumstances have occurred that could result in new or substantially more severe effects that were not analyzed in the Certified EIR.

## **4.2 Significant and Unavoidable Impacts**

Section 15126.2(b) of the State CEQA Guidelines requires an EIR to describe any significant impacts that cannot be mitigated to a level of insignificance. All of the impacts associated with the Project Change would be less than significant or reduced to a less-than-significant level through the implementation of identified mitigation measures with the following exception:

- Impact AQ-2a: Construction of the Metro Plan would result in a new significant air quality impact that was not identified in the Certified EIR related to a cumulatively considerable net increase in any criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or state ambient air quality standard.
- Impact AQ-2b: Operation of the Metro Plan would result in a substantially more severe significant air quality impact than that identified in the Certified EIR related to a cumulatively considerable net increase in any criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or state ambient air quality standard.

- Impact AQ-3: Implementation of the Metro Plan would result in a new significant air quality impact that was not identified in the Certified EIR related to exposing sensitive receptors to substantial pollutant concentrations.
- Impact GHG-1: Implementation of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to the generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.
- Impact NOI-1: Construction of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to generating a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies.
- Impact NOI-3: Construction of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to exposing persons to or generating excessive ground-borne vibration or ground-borne noise levels.
- Impact C-AQ-1: Implementation of the Metro Plan would result in new and substantially more severe cumulative air quality impacts that were not identified in the Certified EIR.
- Impact C-GHG-1: Implementation of the Metro Plan would result in new cumulative greenhouse gas emissions impacts that were not identified in the Certified EIR.
- Impact C-NOI-1: Implementation of the Metro Plan would result in new cumulative noise impacts that were not identified in the Certified EIR.

### 4.3 Significant Irreversible Environmental Changes

In accordance with CEQA Section 21100(b)(2)(B), and CEQA Guidelines Section 15126.2(c), an EIR must identify any significant irreversible environmental changes that could result from implementation of the proposed project. An EIR is required to consider whether “uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely” (per CEQA Guidelines Section 15126.2[c]). “Nonrenewable resource” refers to the physical features of the natural environment, such as land, waterways, etc. This may include current or future uses of non-renewable resources and secondary or growth-inducing impacts that commit future generations to similar uses. According to the CEQA Guidelines, irretrievable commitments of resources should be evaluated to ensure that such current consumption is justified.

The Initial Study (Appendix B) and Chapter 3 of this SEIR discusses topics that could be affected by irreversible environmental impacts, such as agricultural and forestry resources, biological resources, cultural resources, energy, hydrology, and population and housing. None of these environmental topics were found to have significant impacts as a result of the Metro Plan.

No significant irreversible environmental damage related to hazardous materials is anticipated to occur with implementation of the Metro Plan. Compliance with federal, state, and local regulations, as well as policies in the 2040 General Plan would ensure that the possibility that hazardous substances from the demolition, construction, and operation of the Metro Plan would not cause significant and unavoidable environmental damage.

The Metro Plan would involve demolition of existing on-site buildings, excavation of soils for grading and to accommodate utility trenches, and construction activities to build new structures and subterranean parking garages, installation of the new roadway, infrastructure, and landscaping improvements. Grading would be required for general site preparation, subterranean parking garages, and for proper on-site stormwater flows. However, grading would not be excessive or greater than what is necessary to complete the future development associated with the Metro Plan and achieve compliance with stormwater requirements.

Construction and implementation of the Metro Plan would not result in a large commitment of natural resources, require highway improvements to previously inaccessible areas, or cause irreversible damage due to environmental accidents. No other irreversible permanent changes such as those that might result from construction of a large-scale mining project, hydroelectric dam, or other industrial project would result from development of the Metro Plan.

### 4.3.1 Energy and Consumption of Nonrenewable Resources

Section 21100(b)(3) of CEQA requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing any inefficient, wasteful, and unnecessary consumption of energy. Implementation of the Metro Plan would commit future generations to an irreversible commitment of energy resources in the form of usage of nonrenewable fossil fuels due to vehicle and equipment use during demolition, construction, and operation of the proposed project. Consumption of nonrenewable resources, other than through energy consumption, may include conversion of agricultural lands to urban uses, and loss of access to mineral reserves.

As discussed in the Initial Study (Appendix B), the Metro Plan is located in a developed, urban area of the city. No existing agricultural lands would be converted to non-agricultural uses. In addition, as discussed in the Initial Study, the Metro Plan Area does not contain known mineral deposits and is not a locally important mineral resource recovery site; thus, development of the Metro Plan would not result in the loss of access to mining reserves.

Resources consumed during demolition, construction, and operation would include lumber, concrete, gravel, asphalt, masonry, metals, and water. Similar to the existing uses in the Metro Plan Area, the Metro Plan would irreversibly use water and solid waste landfill resources, as described in more detail in section 3.8, *Utilities and Service Systems*. However, the Metro Plan would not involve a large commitment of resources relative to existing conditions or relative to supply, nor would it consume any of those resources wastefully. Section 3.8, *Utilities and Service Systems*, describes the water supply and demand aspects of the Metro Plan. As discussed, the Metro Plan would result in a less-than-significant impact on water supply and would include policies in the Metro Plan to use water efficiently.

In addition, the Metro Plan Area is serviced by existing water, wastewater, stormwater, electric, telecommunications, and waste and recycling services. New on-site facilities would be connected to new services through the installation of new, localized connections. Expansion of or an increase in capacity of off-site infrastructure would occur as required by the utility providers.

Project construction and operation would require the irreversible commitment of limited, renewable, and non-renewable resources. However, consumption of such resources would not be considered substantial or wasteful. The Metro Plan requires building design features that reduce energy consumption and increase renewable energy generation. This includes the electrification of

all new developments by prohibiting natural gas infrastructure (Policy CB 7.2.2 and Policy CB 7.2.3), installation of photovoltaic solar systems and implementing solar management plans (CB 7.2.1 and Policy CB 7.3.1), onsite renewable energy generation (Policy CB 7.3), and overall energy reduction uses (Policy CB 7.2). Furthermore, the City's 2040 General Plan Policy CON 1-3 recommends that new development achieve LEED certification and exceed the most current CalGreen codes. Therefore, the Metro Plan would not result in the wasteful use of energy, water, and other non-renewable resources.

## 4.4 Growth-Inducing Impacts

As required by CEQA Guidelines Section 15126.2(d), an EIR must consider the ways in which the proposed project could directly or indirectly foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Growth-inducing impacts can result from the elimination of obstacles to growth; through increased stimulation of economic activity that would, in turn, generate increased employment or demand for housing and public services; or from the implementation of policies or measures that do not effectively minimize premature or unplanned growth.

This section of the EIR discusses the manner in which the Metro Plan could affect growth in the City and the larger Bay Area. In accordance with the CEQA Guidelines, Section 15126.2(e), this discussion of growth inducement is not intended to characterize the Metro Plan as necessarily beneficial, detrimental, or of little significance to the environment. This growth inducement discussion is provided for informational purposes so that the public and local decision-makers have an understanding of the potential long-term growth implications of the Metro Plan. Although CEQA requires disclosure of growth inducement effects, an EIR is not required to anticipate and mitigate the effects of a particular project on growth in other areas.

Growth-inducing impacts such as those associated with job increases that might affect housing and retail demand in other areas over an extended time period are difficult to assess with precision, since future economic and population trends may be influenced by unforeseeable events and business development cycles. Moreover, long-term changes in economic and population growth are often regional in scope; they are not influenced solely by changes in policies or specific development projects. Business trends are influenced by economic conditions throughout the state and country as well as around the world.

Another consideration is that the creation of growth-inducing potential does not automatically lead to growth. Growth occurs through capital investment in new economic opportunities by the private and/or public sector. Investment patterns reflect, in turn, the desires of investors to mobilize and allocate their resources to development in particular localities and regions. A combination of these and other pressures serve to fashion local land use and development policy. The regulatory authority of local governments serves to mediate the growth-inducing potential or pressure created by a project or plan. Business decisions to pursue new development within the City are generally guided by non-CEQA factors such as proximity to existing infrastructure (e.g., public transportation) and workforce talent. Despite these limitations on the analysis, it is still possible to qualitatively assess the general potential growth-inducing impacts of the Metro Plan.

## 4.4.1 Projected Growth

Development of infrastructure could remove obstacles to population growth if it would allow for development in an area that was not previously considered feasible for development because of infrastructure limitations. The Metro Plan would include the development of infrastructure, future development would connect to existing infrastructure, and new streets would be implemented to serve the future development. The Metro Plan constitutes infill development within an already existing urban environment, and the other required infrastructure improvements would consist of localized improvements intended to serve the demand of the Metro Plan. Therefore, these improvements would not extend infrastructure into other unserved or underserved areas and, as such, no indirect impacts related to population growth as a result of expansion of infrastructure would occur.

Section 3.5, *Population and Housing*, discusses population and employment growth as a result of the Metro Plan. The Metro Plan would directly introduce housing (7,000 units) and associated population growth (14,000 people). The Metro Plan would also result in an increase of approximately 12,283 new employees. As discussed in Section 3.5, *Population and Housing*, ABAG forecasts that between 2030 and 2040 in Milpitas, the population will increase by 8,365 people and the number of employees will increase by 1,595. The population and employment growth that would be generated by the Metro Plan would exceed ABAG's projections.

Population and employment impacts are largely social and economic impacts, and CEQA establishes that social and economic impacts are not considered significant impacts unless they contribute to, or are caused by, physical impacts on the environment (Public Resources Code Section 21080). Thus, the project's exceedance of ABAG's growth projection for the City is not, in and of itself, a significant impact on the environment.

Other potential environmental impacts that could result from the new population and employees in the Metro Plan Area are evaluated throughout this EIR. These include impacts related to vehicle travel (including attendant air and noise impacts) and increased demand for public services and utilities. Refer to Section 3.1, *Air Quality*; Section 3.2, *Greenhouse Gas Emissions*; Section 3.4, *Noise and Vibration*; Section 3.6, *Public Services and Recreation*; Section 3.7, *Transportation*; and Section 3.8, *Utilities and Service Systems*. These sections evaluate whether activities associated with the population and employment from the Metro Plan would cause significant impacts on the environment.

The features of the Metro Plan are expected to generate direct population and employment growth. While the Metro Plan would include infrastructure improvements, these would be implemented to address the direct population and employment growth and is not expected to induce additional growth. Overall, implementation of the Metro Plan is expected to directly generate additional population and employment growth. The City has identified the Metro Plan Area as a good location for dense population and employment, in order to take advantage of its proximity to various forms of high-quality regional transit at the Milpitas Transit Center. Overall, the Metro Plan establishes a rational strategy with an appropriate mix of land uses for the area, and as identified in Section 3.5, *Population and Housing*, the additional growth from the Metro Plan would be consistent with the City's vision in the 2040 General Plan, as well as the overall Bay Area's vision (Plan Bay Area 2050). The Metro Plan would not generate substantial unplanned population growth.

## 5.1 Introduction

### 5.1.1 CEQA Requirements for Alternatives Analysis

According to Section 15126.6 of the State CEQA Guidelines, an EIR must describe and evaluate a reasonable range of alternatives to the project or project location that would feasibly attain most of the basic project objectives and that would avoid or substantially lessen any identified significant environmental impacts of the project. An EIR is not required to present the alternatives analysis in the same level of detail as the assessment of the project, and it is not required to consider every conceivable alternative to a project. Rather, an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision making. Additionally, the EIR must analyze the No Project alternative and must identify the environmentally superior alternative other than the No Project alternative.

### 5.1.2 Project Change Objectives

The City is proposing the Project Change in order to achieve the following objectives:

- 1. To enhance the sense of place and identity of the Metro Plan Area with visually memorable structures and buildings.**
  - This is achieved through:
    - Providing high to very high-density housing and/or high intensity office and employment uses along arterials, the light rail, and close to the BART station to support transit ridership and complementary activities by responding to strong market interest in high-density development in an appropriate setting.
    - Accommodating a vibrant mix of pedestrian-accessible retail and amenities, high density housing and high-intensity office and other employment uses within the Metro Plan Area and particularly within the Great Mall District, along Great Mall Parkway and Montague Expressway; and promoting public art and wayfinding strategies.
- 2. To provide safer and more attractive multimodal connections for walking and biking.**
  - This is achieved through:
    - Creating a multi-modal network that includes pedestrian pathways and bikeways to reinforce a pedestrian scale and grid where appropriate.
    - Creating a streetscape that encourages multimodal connections with an attractive and richly detailed urban environment with good connectivity between desired destinations.
    - Improving the City transportation network and contributing to the Countywide transportation network and transportation demand management over the next 20

years by improving the multimodal network and implementing the Active Transportation Plan. Key enhancements include creating safer and more accessible connections for pedestrians and bicyclists and establishing a plan-wide transportation demand management (TDM) program.

**3. To provide a greater variety of shared public spaces.**

- The Metro Plan will establish urban design policies to ensure adequate public open space to serve residential development. In compliance with the General Plan, the goal for open space development is 3.5 acres per 1,000 residents or the equivalent in terms of recreational value. Some recreational opportunities may be provided outside the Metro Plan Area, and a Recreational Value metric may be used to evaluate intensively-programmed and high quality spaces as equivalent to larger spaces in meeting open space goals.
- Develop parks, trails, and public open spaces that provide active and passive recreation opportunities, pedestrian connectivity, and places for community interaction in each District, as per the Parks and Recreation Master Plan. Encourage the development of creative, usable private and public outdoor space, such as on building rooftops and balconies and on other accessible public areas.

**4. To expand neighborhood services and the variety of retail.**

- Create additional neighborhood-serving retail to serve demand from Metro Plan Area residents, community members, and the local workforce, including up to 300,000 additional square feet of retail and restaurant space.
- Require local-serving retail on particular sites where it is feasible and appropriate, and permit it in otherwise residential and commercial-only structures.
- Promote the development of hotels where appropriate to meet demand, and support commercial activity to provide an important revenue source for the City.

**5. To create and expand available space for jobs near transit.**

- Attract business investments and generate employment opportunities through commercial development near transit, with up to 3,000,000 square feet of new office/Research and Development (R&D)/light manufacturing space.
- To support the development of an Innovation District in the industrial area east of the Milpitas Transit Center and west of I-680, and particularly east of Berryessa Creek and on the four corners at the intersection of South Milpitas Boulevard and Montague Expressway, as a hub of employment and R&D, integrating Milpitas into Silicon Valley with high-density office, research, light manufacturing uses, and services primarily to the east of Berryessa Creek.

**6. To provide both affordable and market-rate housing.**

- Accommodate up to 7,000 additional housing units to help the City meet its regional housing needs requirements and support transit ridership.
- As part of the vision, several key elements of the Metro Plan support this objective:
  - Support the evolution of the Great Mall site from a purely retail-based mall site into a mixed-use, retail and amenity-rich area that is well integrated into the Metro Plan Area.

- Support mixed-use housing in both vertical and horizontal configurations to provide living nears jobs and services, as well as transit.
- Enhance Great Mall Parkway as a landmark street with a new linear park, streetscape improvements, and public art.
- Improve connectivity with the Tango District to and from the VTA Transit Station and McCandless Dsistrict with a pedestrian/bicycle bridge connection and improvements that complete the multi-use trail system.

### 5.1.3 Significant Impacts of the Project Change

Based on the analysis provided in the various Chapter 3 sections of this SEIR, the Project Change would have the following significant impacts:

- **Impact AQ-2a:** Construction of the Metro Plan would result in a new significant air quality impact that was not identified in the Certified EIR related to a cumulatively considerable net increase in any criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or state ambient air quality standard.
- **Impact AQ-2b:** Operation of the Metro Plan would result in a substantially more severe significant air quality impact than that identified in the Certified EIR related to a cumulatively considerable net increase in any criteria pollutant for which the Project region is classified as a nonattainment area under an applicable federal or state ambient air quality standard.
- **Impact AQ-3:** Implementation of the Metro Plan would result in a new significant air quality impact that was not identified in the Certified EIR related to exposing sensitive receptors to substantial pollutant concentrations.
- **Impact GHG-1:** Implementation of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to the generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.
- **Impact NOI-1:** Construction of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to generating a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies.
- **Impact NOI-2:** Operation of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to generating a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies.
- **Impact NOI-3:** Construction of the Metro Plan would result in a new significant impact that was not identified in the Certified EIR related to exposing persons to or generating excessive ground-borne vibration or ground-borne noise levels.

### 5.1.4 Overview of Alternatives Considered

In addition to the required No Project Alternative, six alternatives to the Project Change were considered initially. To determine which of the alternatives should be evaluated in the SEIR, each

alternative was screened to determine whether it would meet most of the Project Change objectives, reduce any of the potentially significant impacts identified in the SEIR, and be potentially feasible.

## 5.2 Alternatives Considered but Rejected

Section 15126.6(c) of the State CEQA Guidelines provides that an EIR should “identify any alternatives that were considered by the lead agency but rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency’s determination.” The screening process for identifying the viable EIR alternatives included consideration of the following criteria.

- Ability to meet the Project Change objectives.
- Potential ability to substantially lessen or avoid environmental effects associated with the Project Change.
- Potential feasibility, taking into account economic, environmental, social, technological, and legal factors.

The discussion below describes the alternatives that were considered during preparation and scoping of this SEIR, and gives the rationale for eliminating these alternatives from detailed consideration, including because they would not fulfill most of the basic objectives of the Project Change, would not avoid or substantially lessen significant environmental impacts, and/or would be infeasible. The rejected alternatives are described below in Sections 5.2.1 through 5.2.4.

### 5.2.1 Residential-Only Alternative

Residential uses typically generate fewer vehicle trips than commercial uses, on a per-square foot basis. Accordingly, an alternative that would develop all residential uses in the Metro Plan Area was considered based on its potential to reduce or avoid the significant impacts related to criteria air pollutant emissions during operation (Impact AQ-2b), operational health risks at sensitive receptors (Impact AQ-3), greenhouse gas emissions (Impact GHG-1), and operational equipment noise impacts (Impact NOI-2). The Residential-Only Alternative could also reduce the Metro Plan’s air quality and noise impacts during construction (Impact AQ-2a, Impact NOI-1, and Impact NOI-3).

The Residential-Only Alternative would only include the 7,000 dwelling units proposed in the Metro Plan. While this alternative would be technically feasible, this alternative is rejected for not meeting the Project Change objectives. Specifically, the Residential-Only Alternative would not meet Project Change Objective 5, to create and expand available space for jobs near transit. Under the Residential-Only Alternative, no land uses that generate jobs would be implemented, and the Innovation District envisioned by the Project Change would not be implemented. As envisioned in the 2040 General Plan, the creation of an Innovation District is an integral part of the Metro Plan, and its development—needed to create and expand available space for jobs near transit—is a primary objective for the Project. For this reason, the Residential-Only Alternative has been rejected.

### 5.2.2 Off-site Alternative

An alternative that would construct the Project at a different location in the City was considered based on its potential to reduce or avoid the Project Change’s significant impacts related to health risks at sensitive receptors (Impact AQ-3) and construction noise at sensitive receptors (Impact

NOI-1). The Metro Plan Area is uniquely and ideally situated with respect to public transit. The Metro Plan Area includes the Milpitas Transit Center, which provides BART and VTA service. The underlying purpose of the Project Change is to update the TASP, an existing specific plan, and to allow for additional housing and land uses that generate employment in proximity to the Milpitas Transit Center.

Several of the Project Change objectives are specifically and inextricably tied to the Metro Plan Area's location with respect to the Milpitas Transit Center (e.g., to create and expand available space for jobs near transit and accommodate up to 7,000 additional housing units to help the City to meet its regional housing needs requirements and support transit ridership). To implement these objectives, the Metro Plan includes pedestrian improvements to improve pedestrian access to the Milpitas Transit Center. Thus, proximity to public transit is key to meeting the fundamental objectives of the Project Change.

Additionally, creating a unified neighborhood requires the acquisition of adequate acreage, most likely consisting of multiple contiguous properties. No other sites that are comparable in size and proximity to public transit are available for new development in the City. Approximately 150 acres of the original TASP Area are still available for development of housing and jobs within 0.5 mile of the BART and VTA light rail stations. The addition of acreage to the Metro Plan Area increases potential development of housing and jobs near transit. Additionally, the Great Mall site is the largest site for potential redevelopment under one owner in the City. Therefore, this alternative was rejected due to its infeasibility and inconsistency with the Project Change objectives.

### **5.2.3 Remove the Eastern Expansion Area Alternative**

An alternative that would remove the Eastern Expansion Area (i.e., Innovation District east of Berryessa Creek) was considered based on its potential to reduce or avoid the significant impacts related to criteria air pollutant emissions during operation (Impact AQ-2b), operational health risks at sensitive receptors (Impact AQ-3), greenhouse gas emissions (Impact GHG-1), and operational equipment noise impacts (Impact NOI-2). The Remove the Eastern Expansion Area Alternative would reduce the amount of office space by 2,000,000 square feet, the amount of retail by 20,000 square feet, and the number of hotel rooms. As such, the reductions in density are expected to also result in reductions to criteria air pollutant emissions during operation; operational health risks at sensitive receptors; greenhouse gas emissions; and the number of operational equipment, which would reduce operational noise impacts.

In addition, because there would be less construction under the Remove the Eastern Expansion Area Alternative, this alternative would also reduce the Metro Plan's air quality and noise impacts during construction (Impact AQ-2a, Impact NOI-1, and Impact NOI-3). The Remove the Eastern Expansion Area Alternative would also avoid impacts on a known archaeological resource located in the Eastern Expansion Area. While this alternative would be technically feasible, this alternative is rejected for not fulfilling most of the basic objectives of the Project Change. Specifically, one of the primary objectives is to support the development of an Innovation District that would help create and expand available space for jobs near transit (Objective 5).

The creation of an Innovation District is envisioned in the Milpitas General Plan and is an integral part of the Metro Plan. Development of the Innovation District is needed to create and expand available space for jobs near transit, which is a primary objective for the Project. The Remove the Eastern Expansion Area Alternative would reduce the amount of floor space dedicated to office and

retail as described above, substantially reducing the available space for jobs near transit. For this reason, the Remove the Eastern Expansion Area Alternative has been rejected.

## 5.2.4 No Great Mall Change Alternative

An alternative that would keep the Great Mall under its current condition was considered based on its potential to reduce or avoid the significant impacts related to criteria air pollutant emissions during operation (Impact AQ-2b), operational health risks at sensitive receptors (Impact AQ-3), greenhouse gas emissions (Impact GHG-1), and operational equipment noise impacts (Impact NOI-2). The No Great Mall Change Alternative would reduce the number of dwelling units by approximately 3,500 units, the amount of office space by 500,000 square feet, the amount of retail by 250,000 square feet, and the number of hotel rooms by 350. As such, the reductions in density are expected to also result in reductions to criteria air pollutant emissions during operation; operational health risks at sensitive receptors; greenhouse gas emissions; and the number of operational equipment, which would reduce operational noise impacts.

In addition, because there would be less construction under the No Great Mall Change Alternative, this alternative would reduce the Metro Plan's air quality and noise impacts during construction (Impact AQ-2a, Impact NOI-1, and Impact NOI-3). While this alternative would be technically feasible, this alternative is rejected for not fulfilling most of the basic objectives of the Project Change. Specifically, one of the primary objectives is to support the evolution of the Great Mall site from a purely retail-based mall site into a mixed-use, retail, and amenity-rich area that is well integrated into the Metro Plan Area (Objective 6). The transformation of the Great Mall is an integral part of the Metro Plan, and its transformation—needed to provide both affordable and market-rate housing—is a primary objective for the Project Change, and removal of the Great Mall from the Project Change would eliminate nearly 100 acres of development potential from the area, substantially constraining the ability to develop additional housing in the City. Additionally, the Great Mall site is the largest site for potential redevelopment under one owner in the City. For this reason, the No Great Mall Change Alternative has been rejected.

## 5.3 Alternatives Selected for Further Review

### 5.3.1 No Project Alternative

#### 5.3.1.1 Description

State CEQA Guidelines Section 15126.6(e)(3)(A) identifies the following: “[w]hen the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the “no project” alternative will be the continuation of the existing plan, policy or operation into the future. Typically this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.”

Consistent with State CEQA Guidelines Section 15126.6(e)(3)(A), the No Project Alternative assumes that the Metro Plan would not be implemented and that the TASP would be the governing Specific Plan. The No Project Alternative assumes full buildout of the TASP, as disclosed in the Certified EIR. This includes the remaining development of only a few hundred of the 7,109 residential units,

approximately 980,000 of the 993,843 square feet of office space, just over 100,00 of the 287,075 square feet of retail space, and over 200 of the 350 hotel rooms to complete the Plan.

Under the No Project Alternative, the City would continue to experience the need for additional housing, including the need to fulfill its Regional Housing Needs Allocation (RHNA) obligations. Under the No Project Alternative, the City would not plan for additional housing beyond that already allowed in the TASP. The No Project Alternative, therefore, assumes that the City would plan for housing elsewhere in the City in order to fulfill its RHNA obligations. The City's 6th cycle RHNA is 6,713 housing units between 2023 and 2031; the RHNA is also stratified by housing for specific income levels. To address the RHNA, the City must update its Housing Element to demonstrate where this level of housing can be built and to identify the strategies to meet the RHNA obligation. The sites selected for housing must be realistic accounting for elements such as dimensions of parcels, existing use of sites, economic considerations, environmental factors, and other considerations. The housing units in the Project Change would count toward both the prior cycle RHNA and 6th Cycle RHNA. Therefore, if the Project Change is not approved, the City would have to plan for housing units elsewhere in the City to meet its RHNA obligations. Additionally, aside from the City's RHNA obligations, there is a crisis related to housing affordability in the Bay Area that in part is related to a need for more housing (ABAG 2022). Therefore, it is reasonable to assume that a reduction in units built in the City, regardless of RHNA requirements, would result in housing planned for and constructed elsewhere. However, it cannot currently be known where those housing units may be located or what the characteristics of those units (e.g., density, height, etc.) would be.

The No Project Alternative also assumes full buildout of the 2040 General Plan, which otherwise relies upon the Metro Plan Area to provide more housing opportunities and specifically calls for development of an Innovation District in the area east of the Milpitas Transit Center.

### **5.3.1.2 Project Change Objectives**

Because the No Project Alternative would not build any of the development or infrastructure associated with the Metro Plan, the No Project Alternative does not meet any of the Project Change objectives.

### **5.3.1.3 Potential Feasibility**

This alternative is potentially feasible. However, it would reduce the amount of housing set aside in the Regional Housing Needs Allocation (RHNA) for this cycle and the prior cycle of the Housing Element.

## **5.3.2 Reduced Height Alternative**

### **5.3.2.1 Description**

The Reduced Height Alternative would place a height restriction across the Metro Plan Area that limits building heights to 75 feet. This restriction would reduce the additional projected dwelling units by 1,000 units compared to the proposed Metro Plan. About 500 fewer units would be projected at both Great Mall and the Tango District. This alternative would also reduce office space by about 500,000 square feet compared to the proposed Metro Plan by reducing the square footage projected for the Innovation District. Projected retail space and hotel rooms would remain the same

as projected under the proposed Metro Plan. Under this Alternative, it is expected that the infrastructure improvements identified in the Metro Plan (i.e., circulation, open space, utilities) would remain the same and that the policies in the Metro Plan related to sustainability (i.e., electric buildings, TDM, low-flow fixtures etc.) would also be the same.

This alternative was considered based on its potential to reduce or avoid the significant impacts related to criteria air pollutant emissions during operation (Impact AQ-2b), operational health risks at sensitive receptors (Impact AQ-3), greenhouse gas emissions (Impact GHG-1), and operational equipment noise impacts (Impact NOI-2). In addition, because there would be less construction under this alternative, this alternative would also reduce the Metro Plan's air quality and noise impacts during construction (Impact AQ-2a, Impact NOI-1, and Impact NOI-3).

As for the No Project Alternative, a reduction in housing units would likely result in construction of housing elsewhere. However, it cannot currently be known where those housing units may be located or what the characteristics of those units (e.g., density, height, etc.) would be.

In addition, the Reduced Height Alternative was also considered based on the comments made by CDFW on the NOP to consider alternatives that reduce bird strikes, including buildings that are not as tall, as proposed in the Metro Plan.

### **5.3.2.2 Project Change Objectives**

This alternative would meet all six Project Change objectives. However, it would meet Objective 5 (to create and expand available space for jobs near transit) to a lesser extent than the proposed Metro Plan because it would reduce by 25 percent the amount of office square footage in the Innovation District. Similarly, this alternative would meet Objective 6 (to provide both affordable and market-rate housing) to a lesser extent than the proposed Metro Plan because it would reduce the dwelling unit capacity in the Metro Plan Area.

### **5.3.2.3 Potential Feasibility**

This alternative is potentially feasible. However, it would reduce the amount of housing set aside in the RHNA for this cycle of the Housing Element and would also reduce the amount of land uses in the Innovation District by 25 percent.

## **5.3.3 Removal of Western Expansion Area Alternative**

### **5.3.3.1 Description**

This alternative would remove the western expansion area from the Metro Plan Area. This restriction could reduce the additional projected dwelling units by 500 units compared to the proposed Metro Plan. Projected office space, retail space, and hotel rooms would remain the same as projected under the proposed Metro Plan. Under this Alternative, it is expected that the infrastructure improvements identified in the Metro Plan (i.e., circulation, open space, utilities) would remain the same and that the policies in the Metro Plan related to sustainability (i.e., electric buildings, TDM, low-flow fixtures etc.) would also be the same.

This alternative was considered based on its potential to reduce or avoid the significant impacts related to criteria air pollutant emissions during operation (Impact AQ-2b), operational health risks at sensitive receptors (Impact AQ-3), greenhouse gas emissions (Impact GHG-1), and operational

equipment noise impacts (Impact NOI-2). In addition, because there would be less construction under this alternative, this alternative would also reduce the Metro Plan's air quality and noise impacts during construction (Impact AQ-2a, Impact NOI-1, and Impact NOI-3).

As for the No Project Alternative, a reduction in housing units would likely result in construction of housing elsewhere. However, it cannot currently be known where those housing units may be located or what the characteristics of those units (e.g., density, height) would be.

### 5.3.3.2 Project Change Objectives

This alternative would meet all six Project Change objectives. However, it would meet Objective 6 (to provide both affordable and market-rate housing) to a lesser extent than the proposed Metro Plan because it would reduce the dwelling unit capacity in the Metro Plan Area.

### 5.3.3.3 Potential Feasibility

This alternative is potentially feasible. However, it would reduce the amount of housing set aside in the RHNA for this cycle of the Housing Element.

## 5.4 Impact Analysis

The environmental impact analysis focuses on the same subjects analyzed for the Project Change to provide a meaningful comparison of impacts. Those subjects are only those where the Project Change has a potential to result in a significant impact. See further discussion in Chapter 1, *Introduction*.

Under the No Project Alternative, Reduced Height Alternative, and Removal of Western Expansion Area Alternative, a reduction in housing units would likely result in planning and construction of housing elsewhere, as previously described. However, it cannot currently be known where those housing units may be located or what the characteristics of those units (e.g., density, height) would be. CEQA Guidelines section 15126.6 states the following regarding evaluation of alternatives:

The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. . . . If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

CEQA does not require speculation about an impact (CEQA Guidelines section 15145). It can be concluded that the No Project Alternative, Reduced Height Alternative, and Removal of Western Expansion Area Alternative would result in planning for housing elsewhere within the City and/or outside of the City, which could result in construction of housing elsewhere. However, there is insufficient information on which to base conclusions about the specific secondary physical impacts on the environment because of construction of housing elsewhere. Therefore, no specific environmental impacts are identified in the analysis of alternatives related to planning for or constructing housing elsewhere. However, some additional general discussion of RHNA and housing development is provided below where it can be reasonably presumed that the alternative could have impacts on development patterns within the City or in other jurisdictions.

## **5.4.1 No Project Alternative**

### **5.4.1.1 Aesthetics**

Under the No Project Alternative, there would be no demolition or construction activities within the Metro Plan Area, beyond what was already approved for in the TASP. No new land uses would be introduced, beyond what was already approved for in the TASP. There would be no potential to affect aesthetics, beyond what was already approved for in the TASP. The Metro Plan Area would be built out consistent with the TASP. No new impact would occur relative to baseline conditions (i.e., full buildout of the TASP), and impacts would be less than those of the Metro Plan, which would be less than significant with application of existing regulations, as well as Metro Plan and 2040 General Plan policies.

### **5.4.1.2 Agricultural and Forestry Resources**

Under the No Project Alternative, no additional development would occur within the TASP Area beyond what was included in the TASP. The No Project Alternative would have no impact on agriculture and forestry resources, which is the same as the Metro Plan.

### **5.4.1.3 Air Quality**

Under the No Project Alternative, there would be no demolition, grading, excavation, or construction activities within the Metro Plan Area, beyond what was already approved for in the TASP. No new operational sources of air pollutants would be introduced to the Metro Plan Area, beyond what was already approved for in the TASP. The Metro Plan Area would be built out consistent with the TASP, and the mitigation measures required for the Metro Plan would not be required for this alternative. Therefore, the No Project Alternative would avoid the Metro Plan's significant and unavoidable impacts related to a cumulatively considerable net increase in any criteria pollutant for which the region is classified as a nonattainment area during construction and operation, as well as exposing sensitive receptors to substantial pollutant concentrations. No new impact would occur relative to baseline conditions (i.e., full buildout of the TASP), and impacts would be less than those of the Metro Plan.

### **5.4.1.4 Biological Resources**

Under the No Project Alternative, there would be no demolition, grading, excavation, or construction activities within the Metro Plan Area, beyond what was already approved for in the TASP. There would be no potential to affect biological resources (i.e., burrowing owl; non-listed special-status raptor and other bird species; significant trees protected by the Tree Maintenance and Protection Ordinance; wetlands, creeks, and drainages protected under Clean Water Act Section 404; patches of riparian habitat; movement of fish and wildlife). The Metro Plan Area would be built out consistent with the TASP. No new impact would occur relative to baseline conditions (i.e., full buildout of the TASP), and impacts would be less than those of the Metro Plan, which would be less than significant with application of Metro Plan and 2040 General Plan policies.

### **5.4.1.5 Cultural Resources**

Under the No Project Alternative, there would be no demolition, grading, excavation, or construction activities within the Metro Plan Area, beyond what was already approved for in the TASP. There

would be no potential to affect historic resources or encounter previously unknown archaeological resources or human remains. The Metro Plan Area would be built out consistent with the TASP. No new impact would occur relative to baseline conditions (i.e., full buildout of the TASP), and impacts would be less than those of the Metro Plan, which would be less than significant with application of Metro Plan and 2040 General Plan policies.

#### **5.4.1.6 Energy**

Under the No Project Alternative, there would be no demolition, grading, excavation, or construction activities within the Metro Plan Area, and there would be no temporary or permanent demand for energy use during construction or operations. The Metro Plan Area would be built out consistent with the TASP. No new impact would occur relative to baseline conditions (i.e., full buildout of the TASP), and impacts would be less than those of the Metro Plan, which would be less than significant with application of Metro Plan and 2040 General Plan policies.

#### **5.4.1.7 Geology and Soils**

Under the No Project Alternative, there would be no demolition, grading, excavation, or construction activities within the Metro Plan Area, beyond what was already approved for in the TASP. There would be no potential to encounter previously unknown paleontological resources. The Metro Plan Area would be built out consistent with the TASP. No new impact would occur relative to baseline conditions (i.e., full buildout of the TASP), and impacts would be less than those of the Metro Plan, which would be less than significant with application of Metro Plan and 2040 General Plan policies.

#### **5.4.1.8 Greenhouse Gases**

Under the No Project Alternative, there would be no demolition, grading, excavation, or construction activities within the Metro Plan Area, beyond what was already approved for in the TASP. No new operational sources of GHG emissions would be introduced to the Metro Plan Area, beyond what was already approved for in the TASP. The Metro Plan Area would be built out consistent with the TASP, and the mitigation measures required for the Metro Plan would not be required for this alternative. Therefore, the No Project Alternative would avoid the Metro Plan's significant and unavoidable impacts related to the generation of GHG emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. No new impact would occur relative to baseline conditions (i.e., full buildout of the TASP), and impacts would be less than those of the Metro Plan.

#### **5.4.1.9 Hazards and Hazardous Materials**

Under the No Project Alternative, there would be no demolition or construction activities within the Metro Plan Area, beyond what was already approved for in the TASP. No new land uses would be introduced that could generate population or employment, beyond what was already approved for in the TASP. There would be no potential to encounter hazardous materials during construction or generate additional hazardous materials with new land uses, beyond what was already approved for in the TASP. The Metro Plan Area would be built out consistent with the TASP. No new impact would occur relative to baseline conditions (i.e., full buildout of the TASP), and impacts would be less than those of the Metro Plan, which would be less than significant with application of existing regulations, as well as Metro Plan and 2040 General Plan policies.

### **5.4.1.10 Hydrology and Water Quality**

Under the No Project Alternative, there would be no demolition or construction activities within the Metro Plan Area, beyond what was already approved for in the TASP. No new land uses would be introduced that could generate population or employment, beyond what was already approved for in the TASP. There would be no potential to alter drainage patterns in the Metro Plan Area or affect water quality, beyond what was already approved for in the TASP. The Metro Plan Area would be built out consistent with the TASP. No new impact would occur relative to baseline conditions (i.e., full buildout of the TASP), and impacts would be less than those of the Metro Plan, which would be less than significant with application of existing regulations, as well as Metro Plan and 2040 General Plan policies.

### **5.4.1.11 Land Use**

Under the No Project Alternative, no new land uses would be introduced, beyond what was already approved for in the TASP, and the Metro Plan Area would be built out consistent with the TASP. None of the additional housing; office, retail, and industrial uses that would generate jobs; hotel uses; open space; pedestrian and bicycle amenities; or infrastructure associated with the Metro Plan would be built under the No Project Alternative. As such, compared to the Metro Plan, the No Project Alternative would be less consistent than the goals identified in the 2040 General Plan to promote higher density and intensity development opportunities in the Metro Plan Area, enable a walkable and transit-oriented community, and provide safer and more attractive multimodal connections for walking and biking. The No Project Alternative would likely have greater impacts on land use than the proposed Metro Plan because it would require planning for housing units elsewhere in the City to meet RHNA obligations and could exacerbate existing housing shortages more generally, resulting in development of housing elsewhere. Other locations within the City would not be located near the BART station and are thus unlikely to have the same transit-oriented development benefits as the proposed Metro Plan. Nonetheless, because the No Project Alternative's inconsistencies with the 2040 General Plan would not result in physical impacts on the environment, the No Project Alternative's impact on land uses would be less than significant.

### **5.4.1.12 Mineral Resources**

Under the No Project Alternative, no additional development would occur within the TASP Area beyond what was included in the TASP. The No Project Alternative would have no impact on mineral resources, the same as the Metro Plan.

### **5.4.1.13 Noise**

Under the No Project Alternative, there would be no demolition, grading, excavation, or construction activities within the Metro Plan Area, beyond what was already approved for in the TASP. No new sources of noise or vibration would be introduced to the Metro Plan Area during construction or operation, beyond what was already approved for in the TASP. The Metro Plan Area would be built out consistent with the TASP, and the mitigation measures required for the Metro Plan would not be required for this alternative. Therefore, the No Project Alternative would avoid the Metro Plan's significant and unavoidable impacts related to generating a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in a local general plan or noise ordinance or applicable standards during construction and operation, as well as generating excessive ground-borne vibration or ground-borne noise levels during

construction. No new impact would occur relative to baseline conditions (i.e., full buildout of the TASP), and impacts would be less than those of the Metro Plan.

#### **5.4.1.14 Population and Housing**

Under the No Project Alternative, there would be no demolition or construction activities within the Metro Plan Area, beyond what was already approved for in the TASP. No new land uses would be introduced in the TASP that could generate population or employment, beyond what was already approved for in the TASP. The Metro Plan Area would be built out consistent with the TASP. No new impact would occur relative to baseline conditions (i.e., full buildout of the TASP), and impacts would be less than those of the Metro Plan, which would be less than significant. However, it should be noted that the No Project Alternative would require planning for housing units elsewhere in the City to meet RHNA obligations and could exacerbate existing housing shortages more generally, resulting in development of housing elsewhere. This would result in population growth either elsewhere in the City or outside the City that might be unaccounted for in other jurisdictions' planning.

#### **5.4.1.15 Public Services and Recreation**

Under the No Project Alternative, there would be no demolition or construction activities in the Metro Plan Area, beyond what was already approved for in the TASP. No new land uses would be introduced that could generate population or employment, and the alternative would not increase the demand for public services and recreational facilities beyond what was already approved for in the TASP. The No Project Alternative would eliminate the additional demand for utilities, public services, and recreation that would be required to meet the growth associated with the Metro Plan. For example, the Metro Plan identifies that a new police station would be built to meet the demands associated with the Metro Plan. As such, the No Project Alternative would eliminate the need for this police station and any of the potential impacts associated with the construction and operation of the police station. No new impact would occur relative to baseline conditions (i.e., full buildout of the TASP), and impacts would be less than those of the Metro Plan, which would be less than significant with application of Metro Plan and 2040 General Plan policies.

#### **5.4.1.16 Transportation**

The No Project Alternative is expected to have a similar impact on hazards due to a geometric design feature and emergency access as the proposed Metro Plan. However, because the No Project Alternative would not build any of the housing and land uses that would generate employment around transit, and would not include the pedestrian and bicycle facilities identified as part of the Metro Plan, the No Project Alternative would not provide the benefits to transportation associated with the Metro Plan. As described in Impact TR-1 in Section 3.7, *Transportation*, the Metro Plan would help achieve the goals identified in several regional and local plans to create a multimodal transportation system that promotes walking, bicycling, and use of transit. The No Project Alternative would not conflict with the goals identified in these regional and local plans and would, thus, result in a less than significant impact. However, the Metro Plan would be more consistent with the vision of these plans.

The No Project Alternative would result in a greater VMT per service population, per capita, and per employee in the Metro Plan area than if the Metro Plan is implemented. Under the No Project Alternative, only the dwelling units and commercial development identified in the TASP would be

constructed, while the additional 7,000 residential units and the additional commercial development identified in the Metro Plan would not be constructed. Since the No Project alternative would have fewer dwelling units, less commercial development, and less density than the Metro Plan, trip distances would be longer; the Metro Plan Area under the No Project Alternative would therefore have a VMT per service population, per capita, and per employee that would be 13 percent, 9 percent, and 10 percent above the Metro Plan rates, respectively. Additionally, the No Project Alternative would require planning for housing units elsewhere in the City to meet RHNA obligations and could exacerbate existing housing shortages more generally, resulting in development of housing elsewhere. Other locations within the City would not be located near the BART station and are thus unlikely to have the same transit-oriented development benefits as the proposed Metro Plan. Therefore, the No Project Alternative may have worse impacts than the proposed Metro Plan.

#### **5.4.1.17 Tribal Cultural Resources**

Under the No Project Alternative, no additional development would occur within the TASP Area beyond what was included in the TASP. The No Project Alternative would have no impact on tribal cultural resources, the same as the Metro Plan.

#### **5.4.1.18 Utilities and Service Systems**

Under the No Project Alternative, there would be no demolition or construction activities in the Metro Plan Area, beyond what was already approved for in the TASP. No new land uses would be introduced that could generate population or employment and would not increase the demand for utilities and service systems beyond what was already approved for in the TASP. The No Project Alternative would eliminate the additional demand for utilities and service systems that would be required to meet the growth associated with the Metro Plan. No new impact would occur relative to baseline conditions (i.e., full buildout of the TASP), and impacts would be less than those of the Metro Plan, which would be less than significant with application of Metro Plan and 2040 General Plan policies.

#### **5.4.1.19 Wildfire**

Under the No Project Alternative, no additional development would occur within the TASP Area beyond what was included in the TASP. The No Project Alternative would have no impact on mineral resources, the same as the Metro Plan.

### **5.4.2 Reduced Height Alternative**

#### **5.4.2.1 Aesthetics**

The Reduced Height Alternative would be in the same Plan Area as the proposed Metro Plan and have the same types of development as the proposed Metro Plan. Therefore, like the proposed Metro Plan, most of the development under the Reduced Height Alternative would meet the requirements in PRC Section 21099. Some parts of the development, like the police station and open space, would not meet the requirement of PRC Section 21099 but would be the same as for the proposed Metro Plan and would have the same impacts.

### 5.4.2.2 Agricultural and Forestry Resources

The Metro Plan Area is in a developed urban area without agricultural or forestry features. The Reduced Height Alternative would be in the same Plan Area as the proposed Metro Plan and would have the same impacts.

### 5.4.2.3 Air Quality

The Reduced Height Alternative would have similar impacts as the proposed Metro Plan related to conflicting with or obstructing implementation of an applicable air quality plan because it would still include the green building certifications, promote alternative modes of transportation, reduce GHG emissions, and reduce total VMT.

The Reduced Height Alternative would have a lesser impact than the proposed Metro Plan related to a cumulatively considerable net increase in any criteria pollutant for which the region is classified as a nonattainment area during construction. BAAQMD's project-level significance thresholds for ROG, NO<sub>x</sub>, and PM<sub>10</sub> and PM<sub>2.5</sub> are per day emissions thresholds. A reduction in development likely would not change the daily intensity of construction, which means that daily emissions under the Reduced Height Alternative would be similar to the proposed Metro Plan. However, with reduction in the number of projected dwelling units and office space, the overall length of construction would be reduced, reducing the number of days in which there may be an exceedance of project-level significance thresholds. Similar to the proposed Metro Plan, it is anticipated that multiple land use development projects would be constructed intermittently within the Metro Plan Area throughout the course of the buildout period. As the timing and intensity of future development projects are not known at this time, the precise air quality impacts of construction activities associated with buildout of the Reduced Height Alternative cannot be precisely quantified. However, dwelling units would be reduced by 1,000 units, which is roughly 14 percent, while office space area would be reduced by roughly 16 percent, potentially reducing residential and office building construction emissions by a similar degree. This would constitute a substantial reduction in this air quality impact. Because the significance thresholds may still be exceeded, the same mitigation measures would apply to this alternative as to the proposed Metro Plan for this impact.

The Reduced Height Alternative would have a lesser impact than the proposed Metro Plan related to a cumulatively considerable net increase in any criteria pollutant for which the region is classified as a nonattainment area during operation. Buildout of the Reduced Height Alternative has the potential to result in similar air quality impacts from area, energy, and mobile sources as the proposed Metro Plan. However, these impacts would be reduced compared to the proposed Metro Plan because there would be fewer dwelling units, less office space, and fewer associated mobile sources. However, dwelling units would be reduced by 1,000 units, which is roughly 14 percent, while office space area would be reduced by roughly 16 percent, potentially reducing residential and office building operations emissions by a similar degree. This would constitute a substantial reduction in this significant impact. Because the significance thresholds may still be exceeded, the same mitigation measures would apply to this alternative as to the proposed Metro Plan for this impact.

The Reduced Height Alternative has the potential to expose sensitive receptors to substantial pollutant concentrations similar to the proposed Metro Plan. The overall length of construction and duration of construction emissions could be reduced at the Great Mall and the Tango District as well as the Innovation District due to the reduced height allowance. This could reduce the duration of exposure of sensitive receptors to substantial pollutant concentrations, including residential

receptors located north of the Great Mall, south of the Innovation District, and in the Tango District. However, as the timing, intensity, location, and configuration of future development projects are not known at this time, the precise effects of construction activities associated with buildout of the Reduced Height Alternative cannot be accurately quantified. Therefore, impacts may also be similar to those of the proposed Metro Plan, and the same mitigation measure would apply.

The Reduced Height Alternative would have a similar potential to expose receptors to objectionable odor as the proposed Metro Plan. While there would be less construction overall under the Reduced Height Alternative, the geographic extent of the Plan Area is the same, and activities such as grading and excavation would take place in similar locations at similar intensities. As a result, odors generated from heavy equipment use would be about the same. Similarly, the Reduced Height Alternative would not change the need for landscaping equipment and trash pickup, resulting in similar operational odors as the proposed Metro Plan.

#### **5.4.2.4 Biological Resources**

The Reduced Height Alternative would have similar impacts on biological resources as the proposed Metro Plan in terms of impacts on burrowing owl; non-listed special-status raptor and other bird species; significant trees protected by the Tree Maintenance and Protection Ordinance; wetlands, creeks, and drainages protected under Clean Water Act Section 404; patches of riparian habitat; movement of fish and wildlife; and conflict with an HCP. Impacts would be similar because the footprint of the Reduced Height Alternative is the same as the proposed Metro Plan footprint. In addition, impacts related to tall buildings and bird strikes were identified for the proposed Metro Plan and this alternative would reduce those impacts due to the building height limitation. Under this alternative, it is expected that bird strikes could still happen, since buildings would still be allowed to reach 75 feet. Under this alternative, Metro Plan Policy SC 5.2, which would include design requirements for buildings to minimize bird strikes, would also apply.

#### **5.4.2.5 Cultural Resources**

The Reduced Height Alternative would have similar impacts on cultural resources as the proposed Metro Plan because the footprint of the Reduced Height Alternative is the same as the proposed Metro Plan footprint. Therefore, the Reduced Height Alternative would have the same potential to impact known and unknown historic and cultural resources as the proposed Metro Plan.

#### **5.4.2.6 Energy**

The Reduced Height Alternative would consume energy in similar ways to the proposed Metro Plan, including consumption of fuel during construction and use of electricity during operation. However, these impacts would be reduced compared to the proposed Metro Plan because there would be fewer dwelling units, less office space, and fewer associated mobile sources. Dwelling units would be reduced by 1,000 units, which is roughly 14 percent, while office space area would be reduced by roughly 16 percent, potentially reducing residential and office building energy consumption by a similar degree.

### **5.4.2.7 Geology and Soils**

The Reduced Height Alternative would have similar impacts on geology and soils to the proposed Metro Plan because the footprint of the Reduced Height Alternative is the same as the proposed Metro Plan footprint.

### **5.4.2.8 Greenhouse Gases**

For evaluation of GHG emissions, BAAQMD recommends evaluating whether construction activities would conflict with statewide emission reduction goals and implement feasible BMPs. With reduction in the number of projected housing units and office space, the overall length of construction would be reduced. Dwelling units would be reduced by 1,000 units, which is roughly 14 percent, while office space area would be reduced by roughly 16 percent, potentially reducing residential and office building construction emissions by a similar degree. This would constitute a substantial reduction in emissions. As for the proposed Metro Plan, the precise effects of construction activities associated with buildout of the Reduced Height Alternative cannot be accurately quantified at this time because construction phasing and intensity are as yet unknown. Because the impact may still be significant, the same mitigation measure would apply to this alternative as to the proposed Metro Plan for construction impacts.

Buildout of the Reduced Height Alternative has the potential to result in similar GHG impacts from area, energy, and mobile sources as the proposed Metro Plan. However, these impacts would be reduced compared to the proposed Metro Plan because there would be fewer dwelling units, less office space, and fewer associated mobile sources. Dwelling units would be reduced by 1,000 units, which is roughly 14 percent, while office space area would be reduced by roughly 16 percent, potentially reducing residential and office building operations emissions by a similar degree. This would constitute a substantial reduction in this significant impact. However, the Reduced Height Alternative may still conflict with GHG reduction plans, as described for the proposed Metro Plan, and the same mitigation measures would apply to this alternative as for the proposed Metro Plan for this impact.

### **5.4.2.9 Hazards and Hazardous Materials**

The Reduced Height Alternative would have similar impacts related to existing hazards and hazardous materials as the proposed Metro Plan because the footprint of the Reduced Height Alternative is the same as the proposed Metro Plan footprint. The Reduced Height Alternative would reduce the amount of construction needed, which would reduce the overall use of hazardous materials in the Plan Area and reduce the potential for accidents. The reduced size of the development may also slightly reduce the total use of hazardous materials on site, reducing the risk of accidents. Therefore, the Reduced Height Alternative may result in reduced impacts compared to the proposed Metro Plan.

### **5.4.2.10 Hydrology and Water Quality**

The Reduced Height Alternative would have similar impacts on hydrology and water quality as the proposed Metro Plan because the footprint of the Reduced Height Alternative is the same as the proposed Metro Plan footprint.

### **5.4.2.11 Land Use**

The Reduced Height Alternative would have similar impacts on land use as the proposed Metro Plan because the land use designations would be the same other than incorporating a height limitation through zoning from the TASP. The Reduced Height Alternative, like the proposed Metro Plan, also would not divide an established community. It is possible the Reduced Height Alternative might also have greater impacts on land use than the proposed Metro Plan because it could require planning for housing units elsewhere in the City to meet RHNA obligations and could exacerbate existing housing shortages more generally, resulting in development of housing elsewhere. Other locations within the City would not be located near the BART station and are thus unlikely to have the same transit-oriented development benefits as the proposed Metro Plan.

### **5.4.2.12 Mineral Resources**

The Metro Plan Area is in a developed urban area without mapped mineral resources. The Reduced Height Alternative would be in the same Plan Area as the proposed Metro Plan and would have no impact on mineral resources.

### **5.4.2.13 Noise**

Construction of future development associated with the Reduced Height Alternative would generate noise, and temporarily increase noise levels at nearby land uses. The noise levels generated during construction would depend on the construction equipment used, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive receptors. A reduction in development likely would not change the daily intensity of construction, which means that typical construction noise levels generated under the Reduced Height Alternative would be the same as or similar to the proposed Metro Plan (see Table 3.4-11 and associated discussion). However, with reduction in the number of projected housing units and office space, the overall length of construction would be reduced, reducing the number of days in which there may be noise levels greater than 65 dBA or greater than 3 dB over the existing ambient levels at nearby sensitive land uses. Because noise levels may still exceed these thresholds and because noise may still occur during nighttime hours, as for the proposed Metro Plan, the same General Plan policies would apply to this alternative.

The kinds of noise generated by the Reduced Height Alternative would be similar to the proposed Metro Plan in nature but may be reduced in some cases. The proposed Metro Plan would result in increases in traffic noise on some roadway segments and decreases on others (see Table 3.4-12). Fewer dwelling units and less office space would likely reduce the amount of traffic noise generated on segments that would experience increased noise under the proposed Metro Plan because the Reduced Height Alternative would have fewer dwelling units and may have fewer businesses. Transit-Oriented Development (TOD)-related noise and siren noise may also be reduced due to the reduced development size.

As for the proposed Metro Plan, the Reduced Height Alternative would also be expected to include installation and operation of stationary sources of noise, such as HVAC equipment and emergency generators, which could expose existing adjacent land uses to excessive noise. Because specific details for future development projects under the Metro Plan are not known at this time, the types of future mechanical equipment and the exact sizes and locations of future mechanical equipment are also unknown. However, with reduction in the number of projected housing units and office space,

the amount of this equipment needed would likely be reduced in comparison to the proposed Metro Plan, which would reduce noise generation during operation. However, based on noise levels generated by singular pieces of some equipment (e.g., emergency generator), equipment operations may result in excessive noise levels at nearby sensitive uses. The same General Plan policies and mitigation measure would apply.

Similar to the proposed Metro Plan, most future projects in the Reduced Height Alternative would not require the use of pile driving equipment, but some projects may. The vibration levels generated would be the same as for the Metro Plan. Reduced building heights may require different foundation types and could affect the need for, or amount of, pile driving, but details like foundation design are not known at this time. Therefore, the Reduced Height Alternative could have similar impacts as the proposed Metro Plan, and the same mitigation measure would apply.

The Reduced Height Alternative would be within the same Plan Area as the proposed Metro Plan. As a result, this alternative would have no impact related to exposure to airport noise, similar to the proposed Metro Plan.

#### **5.4.2.14 Population and Housing**

The Reduced Height Alternative would have 1,000 fewer dwelling units than the proposed Metro Plan, reducing the total population growth in the Plan Area by approximately 2,000 people. The reduced office space may also reduce the jobs growth in the Metro Plan Area. Therefore, impacts associated with the Reduced Height Alternative would be less than for the proposed Metro Plan for population growth within the Metro Plan Area. The Reduced Height Alternative would be implemented in the same Plan Area as the proposed Metro Plan and would also not displace existing people or housing. However, it should be noted that the Reduced Height Alternative would require planning for housing units elsewhere in the City to meet RHNA obligations and could exacerbate existing housing shortages more generally, resulting in development of housing elsewhere. This would result in population growth either elsewhere in the City or outside the City that might be unaccounted for in other jurisdictions' planning.

#### **5.4.2.15 Public Services and Recreation**

The Reduced Height Alternative would have 1,000 fewer dwelling units than the proposed Metro Plan, reducing the total population growth in the Plan Area compared to the proposed Metro Plan by approximately 2,000 people. Reduced population growth would likely also reduce demand for additional school capacity, firefighting capacity, police protection, and parks. The reduction in office space may also reduce demand for firefighting and police protection. Therefore, the Reduced Height Alternative would have slightly reduced impacts on public services and recreation compared to the proposed Metro Plan.

#### **5.4.2.16 Transportation**

The Reduced Height Alternative would have 1,000 fewer dwelling units than the proposed Metro Plan, reducing the total population growth in the Plan Area compared to the proposed Metro Plan by approximately 2,000 people. It would also have less office space development. As a result, the Reduced Height Alternative would result in reduced pedestrian, bicycle, and transit trips compared to the Metro Plan, which would require transit service adjustment and enhanced active transportation facilities. It is also probable the same transportation infrastructure improvements

would be made as for the proposed Metro Plan, such as new trails along Berryessa Creek and proposed minor street connections. Like the proposed Metro Plan, the Reduced Height Alternative would also need to provide adequate emergency access.

The development included in the proposed Metro Plan would result in VMT per service population, per capita, and per employee that are more than 15 percent below countywide averages. Because the Reduced Height Alternative would have fewer dwelling units and less office space, the per unit VMT under the Reduced Height Alternative may be higher than under the Metro Plan. The Reduced Height Alternative would require planning for housing units elsewhere in the City to meet RHNA obligations and could exacerbate existing housing shortages more generally, resulting in development of housing elsewhere. Other locations within the City would not be located near the BART station and are thus unlikely to have the same transit-oriented development benefits as the proposed Metro Plan. Therefore, residents and workers that could have lived in the Metro Plan Area may instead live somewhere where average VMT is higher. Therefore, the Reduced Height Alternative may have a less beneficial impact on VMT than the proposed Metro Plan.

#### **5.4.2.17 Tribal Cultural Resources**

No tribal cultural resources have been identified in the Metro Plan Area. The Reduced Height Alternative would be in the same Plan Area as the proposed Metro Plan, and no impacts on tribal cultural resources are anticipated.

#### **5.4.2.18 Utilities and Service Systems**

The Reduced Height Alternative would have 1,000 fewer dwelling units than the proposed Metro Plan, reducing the total population growth in the Plan Area compared to the proposed Metro Plan by approximately 2,000 people. It would also have less office space. Therefore, impacts associated with the Reduced Height Alternative would be less than for the proposed Metro Plan for population growth, also reducing impacts related to water use, wastewater treatment, and solid waste disposal. Stormwater impacts would be similar because the Plan Area would be the same.

#### **5.4.2.19 Wildfire**

The proposed Metro Plan had no impact related to the risk of wildfire in the Plan Area. The Reduced Height Alternative would be in the same Plan Area as the proposed Metro Plan and would therefore also have no impact on wildfire.

### **5.4.3 Removal of Western Expansion Area Alternative**

#### **5.4.3.1 Aesthetics**

The Removal of Western Expansion Area Alternative would be in the same Plan Area as the proposed Metro Plan and have the same types of development as the proposed Metro Plan. Therefore, like the proposed Metro Plan, most of the development under the Removal of Western Expansion Area Alternative would meet the requirements in PRC Section 21099. Some parts of the development, like the police station and open space, would not meet the requirement of PRC Section 21099 but would be the same as for the proposed Metro Plan, and would have the same impacts.

### 5.4.3.2 Agricultural and Forestry Resources

The Metro Plan Area is in a developed urban area without agricultural or forestry features. The Removal of Western Expansion Area Alternative would be within the same Plan Area as the proposed Metro Plan, and there would be no impact on agricultural and forestry resources.

### 5.4.3.3 Air Quality

The Removal of Western Expansion Area Alternative would have similar impacts as the proposed Metro Plan related to conflicting with or obstructing implementation of an applicable air quality plan because it would still include the green building certifications, promote alternative modes of transportation, reduce GHG emissions, and reduce total VMT.

The Removal of Western Expansion Area would have a lesser impact than the proposed Metro Plan related to a cumulatively considerable net increase in any criteria pollutant for which the region is classified as a nonattainment area during construction. BAAQMD's project-level significance thresholds for ROG, NO<sub>x</sub>, and PM<sub>10</sub> and PM<sub>2.5</sub> are per day emissions thresholds. A reduction in development likely would not change the daily intensity of construction, which means that daily emissions under the Removal of Western Expansion Area Alternative would be the same as or similar to the proposed Metro Plan. However, with reduction in the number of projected housing units, the overall length of construction would be reduced, reducing the number of days in which there may be an exceedance of project-level significance thresholds. Similar to the proposed Metro Plan, it is anticipated that multiple land use development projects would be constructed intermittently within the Metro Plan Area throughout the course of the buildout period. As the timing and intensity of future development projects are not known at this time, the precise air quality impacts of construction activities associated with buildout of the Removal of Western Expansion Area Alternative cannot be precisely quantified. However, dwelling units would be reduced by 500 units, which is roughly 7 percent, potentially reducing overall building construction emissions to a similar degree. This would constitute a substantial reduction in this air quality impact. Because the significance thresholds may still be exceeded, the same mitigation measures would apply to this alternative as to the proposed Metro Plan for this impact.

The Removal of Western Expansion Area Alternative would have a lesser impact than the proposed Metro Plan related to a cumulatively considerable net increase in any criteria pollutant for which the region is classified as a nonattainment area under an applicable federal or state ambient air quality standard during operation. Buildout of the Removal of Western Expansion Area Alternative has the potential to result in similar air quality impacts from area, energy, and mobile sources as the proposed Metro Plan. However, these impacts would be reduced compared to the proposed Metro Plan because there would be fewer dwelling units, less office space, and fewer associated mobile sources. Dwelling units would be reduced by 500 units, which is roughly 7 percent, potentially reducing overall building operation emissions to a similar degree. This would constitute a substantial reduction in this significant impact. Because the significance thresholds may still be exceeded, the same mitigation measures would apply to this alternative as to the proposed Metro Plan for this impact.

The Removal of Western Expansion Area Alternative has the potential to expose sensitive receptors to substantial pollutant concentrations similar to the proposed Metro Plan. The overall length of construction and duration of construction emissions could be reduced in the McCandless area due to the Removal of Western Expansion Area from the Plan Area. This could reduce the number of

sensitive receptors exposed to substantial pollutant concentrations. However, as the timing, intensity, location and configuration of future development projects are not known at this time, the precise effects of construction activities associated with buildout of the Removal of Western Expansion Area Alternative cannot be accurately quantified. Therefore, impacts may also be similar to those of the proposed Metro Plan, and the same mitigation measure would apply.

The Removal of Western Expansion Area Alternative would have a similar potential to expose receptors to objectionable odors as the proposed Metro Plan, though fewer receptors may be exposed to odors. The geographic extent of the Plan Area would be slightly reduced, so that receptors around the western expansion area would not be exposed to odors from the use of heavy equipment for grading and excavation, use of landscaping equipment, and trash pickup. Therefore, impacts may be slightly reduced.

#### **5.4.3.4 Biological Resources**

The Removal of Western Expansion Area may have slightly reduced impacts on biological resources compared to the proposed Metro Plan. Impacts would be similar in nature because the footprint of the Removal of Western Expansion Area Alternative is generally the same as the proposed Metro Plan footprint and therefore would have impacts on the same resources. However, exclusion of the western expansion area could slightly reduce biological resources impacts, depending on resources present in the western expansion area. For example, most of the western expansion area is developed, but there are some trees that could serve as nesting habitat. Therefore, the reduction in the size of the footprint may reduce impacts slightly.

In addition, impacts related to tall buildings and bird strikes were identified for the proposed Metro Plan and this alternative would reduce those impacts due to the building height limitation. Under this alternative, it is expected that bird strikes could still happen but that they would be reduced since there would be fewer buildings with the removal of the Western Expansion Area Alternative. Under this alternative, Metro Plan Policy SC 5.2, which would include design requirements for buildings to minimize bird strikes, would also apply.

#### **5.4.3.5 Cultural Resources**

The Removal of Western Expansion Area Alternative would have impacts on cultural resources that are similar in nature to those of the proposed Metro Plan but potentially reduced in magnitude. The reduced size of the Plan Area under the Removal of Western Expansion Area Alternative would mean that there would be a slightly reduced potential to impact known and unknown historic and cultural resources.

#### **5.4.3.6 Energy**

The Removal of Western Expansion Area Alternative would consume energy in similar ways to the proposed Metro Plan, including consumption of fuel during construction and use of electricity during operation. However, these impacts would be reduced compared to the proposed Metro Plan because there would be fewer dwelling units, less office space, and fewer associated mobile sources. Dwelling units would be reduced by 500 units, which is roughly 7 percent, potentially reducing overall residential energy use to a similar degree.

### **5.4.3.7 Geology and Soils**

The Removal of Western Expansion Area Alternative would have impacts on cultural resources that are similar in nature to those of the proposed Metro Plan but potentially reduced in magnitude. The reduced size of the Plan Area under the Removal of Western Expansion Area Alternative would mean that there would be slightly reduced impacts related to erosion, soil stability, and the potential to impact paleontological resources.

### **5.4.3.8 Greenhouse Gases**

For evaluation of GHG emissions, BAAQMD recommends evaluating whether construction activities would conflict with statewide emission reduction goals and implement feasible BMPs. With reduction in the number of projected housing units and office space, the overall length of construction would be reduced, reducing the total GHG emissions of construction. This would constitute a substantial reduction in emissions. As for the proposed Metro Plan, the precise effects of construction activities associated with buildout of the Removal of Western Expansion Area Alternative cannot be accurately quantified at this time because construction phasing and intensity are as yet unknown. Dwelling units would be reduced by 500 units, which is roughly 7 percent, potentially reducing overall building construction emissions to a similar degree. Because the impact may still be significant, the same mitigation measure would apply to this alternative as to the proposed Metro Plan for construction impacts.

Buildout of the Removal of Western Expansion Area Alternative has the potential to result in similar GHG impacts from area, energy, and mobile sources as the proposed Metro Plan. However, these impacts would be reduced compared to the proposed Metro Plan because there would be fewer dwelling units and fewer associated mobile sources. Dwelling units would be reduced by roughly 7 percent, potentially reducing overall residential building operation emissions to a similar degree. This would constitute a substantial reduction in this significant impact. However, the Removal of Western Expansion Area Alternative may still conflict with GHG reduction plans, as described for the proposed Metro Plan, and the same mitigation measures would apply to this alternative as for the proposed Metro Plan for this impact.

### **5.4.3.9 Hazards and Hazardous Materials**

The Removal of Western Expansion Area Alternative would have impacts related to hazards and hazardous materials that are similar in nature to those of the proposed Metro Plan but potentially reduced in magnitude. For example, the Hulligan Property at 1446 South Main Street, the Kaiser Experimental Lab at 1600 South Main Street, and the Milpitas Senior Housing Project at 1600 South Main Street are in the western expansion area and would no longer be in the Plan Area under the Removal of Western Expansion Area Alternative. Although two of these sites are listed as closed and one was referred to a local agency, the smaller Plan Area under this alternative also reduces the risk of unearthing other contamination. Therefore, the Removal of Western Expansion Area Alternative would have slightly reduced impacts compared to the proposed Metro Plan.

### **5.4.3.10 Hydrology and Water Quality**

The Removal of Western Expansion Area Alternative would have impacts on hydrology and water quality that are similar in nature to those of the proposed Metro Plan but potentially reduced in magnitude. The reduced size of the Plan Area under the Removal of Western Expansion Area

Alternative would mean that there would be less ground disturbance. This would slightly reduce impacts related to erosion, entrainment of sediment in runoff, sedimentation, localized ponding, flooding, potential release of chemicals, increased discharge of pollutants in stormwater due to the new residents, and additional vehicular traffic when compared to the proposed Metro Plan.

#### **5.4.3.11 Land Use**

The Removal of Western Expansion Area Alternative would have similar impacts on land use as the proposed Metro Plan because the land use designations would be the same other than removing any land use changes in the western expansion area. The Removal of Western Expansion Area Alternative, like the proposed Metro Plan, also would not divide an established community. It is possible the Removal of Western Expansion Area Alternative might also have greater impacts on land use than the proposed Metro Plan because it could require planning for housing units elsewhere in the City to meet RHNA obligations and could exacerbate existing housing shortages more generally, resulting in development of housing elsewhere. Other locations within the City would not be located near the BART station and are thus unlikely to have the same transit-oriented development benefits as the proposed Metro Plan.

#### **5.4.3.12 Mineral Resources**

The Metro Plan Area is in a developed urban area without mapped mineral resources. The Removal of Western Expansion Area Alternative would be within the same Plan Area as the proposed Metro Plan and would have no impact on mineral resources.

#### **5.4.3.13 Noise**

Construction of future development associated with the Metro Plan would generate noise, and temporarily increase noise levels at nearby land uses. The noise levels generated during construction would depend on the construction equipment used, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive receptors. A reduction in development likely would not change the daily intensity of construction, which means that typical construction noise levels generated under the Removal of Western Expansion Area Alternative would be the same as or similar to the proposed Metro Plan (see Table 3.4-11 and associated discussion). However, with reduction in the number of projected housing units, the overall length of construction would be reduced, reducing the number of days in which there may be noise levels greater than 65 dBA or greater than 3 dB over the existing ambient levels at nearby sensitive land uses. The Removal of Western Expansion Area Alternative would also reduce the geographic scope of the Plan Area, reducing the number of receptors potentially exposed to this noise. This would be a substantial reduction in this impact. However, noise may still exceed significance thresholds and may still occur during nighttime hours, as for the proposed Metro Plan. The same General Plan policies would apply to this alternative.

The kinds of noise generated by the Removal of Western Expansion Area Alternative would be similar to the proposed Metro Plan in nature but may be reduced in some cases. The proposed Metro Plan would result in increases in traffic noise on some roadway segments and decreases on others (see Table 3.4-12). Fewer dwelling units would likely reduce the amount of traffic noise generated on segments that would experience increased noise under the proposed Metro Plan because the Removal of Western Expansion Area Alternative would have fewer dwelling units. TOD-related noise and siren noise may also be reduced due to the reduced development size.

As for the proposed Metro Plan, the Removal of Western Expansion Area Alternative would also be expected to include installation and operation of stationary sources of noise, such as HVAC equipment and emergency generators, which could expose existing adjacent land uses to excessive noise. Because specific details for future development projects under the Metro Plan are not known at this time, the types of future mechanical equipment and the exact sizes and locations of future mechanical equipment are also unknown. However, with removal of 500 dwelling units, the amount of this equipment needed would likely be reduced in comparison to the proposed Metro Plan, which would reduce noise generation during operation. The Removal of Western Expansion Area Alternative would also reduce the geographic scope of the Plan Area, reducing the number of receptors potentially exposed to this noise. However, based on noise levels generated by singular pieces of some equipment (e.g., emergency generator), equipment operations may result in excessive noise levels at nearby sensitive uses. The same General Plan policies and mitigation measure would apply.

Similar to the proposed Metro Plan, most future projects in the Removal of Western Expansion Area Alternative would not require the use of pile driving equipment, but some projects may. The vibration levels generated would be the same as for the Metro Plan. The removal of the western expansion area would mean that no pile driving would occur in that area, which could reduce the number of people and buildings exposed to pile driving. However, details like foundation design are not known at this time. Therefore, the Removal of Western Expansion Area Alternative could have similar impacts as the proposed Metro Plan, and the same mitigation measure would apply.

The Removal of Western Expansion Area Alternative would be within the same Plan Area as the proposed Metro Plan. As a result, this alternative would have no impact related to exposure to airport noise, similar to the proposed Metro Plan.

#### **5.4.3.14 Population and Housing**

The Removal of Western Expansion Area Alternative would have 500 fewer dwelling units than the proposed Metro Plan, reducing the ultimate population growth in the Plan Area compared to the proposed Metro Plan by approximately 1,000 people. Therefore, impacts associated with the Removal of Western Expansion Area Alternative would be less than for the proposed Metro Plan for population growth within the Metro Plan Area. The Removal of Western Expansion Area Alternative would be generally implemented in the same Plan Area as the proposed Metro Plan but would exclude the western expansion area. The western expansion area contains an existing residential assisted living facility, as well as industrial and automotive service uses. It is not anticipated that any existing housing would be demolished or cause displacement of people under the Metro Plan. Therefore, like the proposed Metro Plan, the Removal of Western Expansion Area Alternative would also not displace existing people and housing. However, it should be noted that the Removal of Western Expansion Area Alternative would require planning for housing units elsewhere in the City to meet RHNA obligations and could exacerbate existing housing shortages more generally, resulting in development of housing elsewhere. This would result in population growth either elsewhere in the City or outside the City that might be unaccounted for in other jurisdictions' planning.

#### **5.4.3.15 Public Services and Recreation**

The Removal of Western Expansion Area Alternative would have 500 fewer dwelling units than the proposed Metro Plan, reducing the ultimate population growth in the Plan Area compared to the proposed Metro Plan by approximately 1,000 people. Reduced population growth would likely also

reduce demand for additional school capacity, firefighting capacity, police protection, and parks. Therefore, the Removal of Western Expansion Area Alternative would have slightly reduced impacts on public services and recreation compared to the proposed Metro Plan.

#### **5.4.3.16 Transportation**

The Removal of Western Expansion Area Alternative would occur in the same Plan Area as the proposed Metro Plan and would therefore have a similar spatial relationship to existing transit, roadway, bicycle, and pedestrian facilities as the proposed Metro Plan. The Removal of Western Expansion Area Alternative would have 500 fewer dwelling units than the proposed Metro Plan, reducing the ultimate population growth in the Plan Area compared to the proposed Metro Plan. As a result, the Removal of Western Expansion Area Alternative would result in reduced pedestrian, bicycle, and transit trips compared to the Metro Plan, which would require transit service adjustment and enhanced active transportation facilities. It is also probable the same transportation infrastructure improvements would be made as for the proposed Metro Plan, such as new trails along Berryessa Creek and proposed minor street connections. Like the proposed Metro Plan, the Removal of Western Expansion Area Alternative would also need to provide adequate emergency access.

The development included in the proposed Metro Plan would result in VMT per service population, per capita, and per employee that are more than 15 percent lower than countywide averages. Because the Removal of Western Expansion Area Alternative would have fewer dwelling units, the per unit VMT may be higher under the Removal of Western Expansion Area Alternative than under the Metro Plan. The Removal of Western Expansion Area Alternative would require planning for housing units elsewhere in the City to meet RHNA obligations and could exacerbate existing housing shortages more generally, resulting in development of housing elsewhere. Other locations within the City would not be located near the BART station and are thus unlikely to have the same transit-oriented development benefits as the proposed Metro Plan. Therefore, residents and workers that could have lived in the Metro Plan Area may instead live somewhere where average VMT is higher. Therefore, the Removal of Western Expansion Area Alternative may have a less beneficial impact on VMT than the proposed Metro Plan.

#### **5.4.3.17 Tribal Cultural Resources**

No tribal cultural resources have been identified in the Metro Plan Area. The Removal of Western Expansion Area Alternative would be in the same Plan Area as the proposed Metro Plan, and there would be no impact on tribal cultural resources.

#### **5.4.3.18 Utilities and Service Systems**

The Removal of Western Expansion Area Alternative would have 500 fewer dwelling units than the proposed Metro Plan, reducing the ultimate population growth in the Plan Area compared to the proposed Metro Plan by approximately 1,000 people. Therefore, impacts associated with the Removal of Western Expansion Area Alternative would be less than for the proposed Metro Plan for population growth, also reducing impacts related to water use, wastewater treatment, and solid waste disposal. The Plan Area would be reduced with removal of the western expansion area. However, stormwater is still currently generated on the site, and removal of the area from the Plan Area might not reduce stormwater generation in the western expansion area. Regardless, impacts related to utilities and service systems would ultimately be less than for the Metro Plan.

### 5.4.3.19 Wildfire

The proposed Metro Plan had no impact related to wildfire. The Removal of Western Expansion Area Alternative would be within the same Plan Area as the proposed Metro Plan and would therefore also have no impact related to wildfire.

## 5.5 Comparison of Impacts

Table 5-1 compares the significant impacts of the Project Change, No Project Alternative, Reduced Height Alternative, and Removal of Western Expansion Area Alternative in two ways. First, for each impact studied, it identifies the level of impact for the Project Change and each alternative (e.g., no impact, less-than-significant impact, less-than-significant impact with mitigation, or significant and unavoidable impact). Second, for each alternative and each impact, it indicates whether the resulting degree of impact would be similar to, less than, or greater than the Project Change impact. In some cases, although both the Project Change and alternative would result in the same level of impact, the degree of that impact might differ.

**Table 5-1. Comparison of Impacts**

<b>Impact</b>	<b>Project Change</b>	<b>Reduced Height Alternative</b>	<b>Removal of Western Expansion Area Alternative</b>	<b>No Project Alternative</b>
Aesthetics	LTS	LTS (similar)	LTS (similar)	NI (less)
Agricultural and Forestry Resources	NI	NI (similar)	NI (similar)	NI (similar)
Air Quality	SU	SU (less)	SU (less)	NI (less)
Biological Resources	LTS	LTS (less)	LTS (less)	NI (less)
Cultural Resources	LTS	LTS (similar)	LTS (less)	NI (less)
Energy	LTS	LTS (less)	LTS (less)	NI (less)
Geology and Soils	LTS	LTS (similar)	LTS (less)	NI (less)
Greenhouse Gases	SU	SU (less)	SU (less)	NI (less)
Hazards and Hazardous Materials	LTS	LTS (less)	LTS (less)	NI (less)
Hydrology and Water Quality	LTS	LTS (similar)	LTS (less)	NI (less)
Land Use and Planning	LTS	LTS (similar)	LTS (similar)	LTS (greater)
Mineral Resources	NI	NI (similar)	NI (similar)	NI (similar)
Noise	SU	SU (less)	SU (less)	NI (less)
Population and Housing	LTS	LTS (less)	LTS (less)	LTS (greater)
Public Services and Recreation	LTS	LTS (less)	LTS (less)	NI (less)
Transportation	LTS	LTS (greater)	LTS (greater)	LTS (greater)
Tribal Cultural Resources	NI	NI (similar)	NI (similar)	NI (less)
Utilities and Service Systems	LTS	LTS (less)	LTS (less)	NI (less)
Wildfire	NI	NI (similar)	NI (similar)	NI (similar)

NI (no impact); LS (less than significant); LSM (less than significant with mitigation); SU (significant and unavoidable); PSU (potentially significant and unavoidable); similar (similar impact as the Project Change); less (less impact than the Project Change); greater (greater impact than the Project Change).

## 5.6 Environmentally Superior Alternative

Section 21002 of the State CEQA Guidelines requires lead agencies to adopt feasible mitigation measures or feasible environmentally superior alternatives in order to substantially lessen or avoid otherwise significant adverse environmental effects, unless specific social or other conditions make such mitigation measures or alternatives infeasible. CEQA also requires that an environmentally superior alternative be identified among the alternatives analyzed. In general, the environmentally superior alternative is the project that avoids or substantially lessens some or all of the significant and unavoidable impacts of the proposed project (State CEQA Guidelines Section 15126.6).

First, as described above, the reduction in housing units under the No Project Alternative, Reduced Height Alternative, and Removal of Western Expansion Area Alternative would likely result in planning and construction of housing elsewhere. However, it cannot currently be known where those housing units may be located or what the characteristics of those units (e.g., density, height, etc.) would be, such that specific impacts cannot be evaluated. However, generally speaking, it is possible that the No Project Alternative, Reduced Height Alternative, and Removal of Western Expansion Area Alternative might also have greater impacts on land use than the proposed Metro Plan because these alternatives could require planning for housing units elsewhere in the City to meet RHNA obligations and could exacerbate existing housing shortages more generally, resulting in development of housing elsewhere. Other locations within the City would not be located near the BART station and are thus unlikely to have the same transit-oriented development benefits as the proposed Metro Plan. Residents and workers that could have lived in the Metro Plan Area may instead live somewhere where average VMT is higher. Therefore, the alternatives may have a less beneficial impact on VMT than the proposed Metro Plan. These alternatives could also result in population growth either elsewhere in the City or outside the City that might be unaccounted for in other jurisdictions' planning.

The No Project Alternative would not achieve some of the environmental benefits associated with the Metro Plan. Because the No Project Alternative would not build any of the housing uses near transit, the No Project Alternative is expected to have less of a reduction in VMT than the proposed Metro Plan. Nonetheless, the No Project Alternative would also avoid some of the significant and unavoidable impacts identified in the Metro Plan, including significant and unavoidable noise, vibration, air quality, and greenhouse gas emissions impacts. Because the No Project Alternative avoids these significant and unavoidable impacts, the No Project Alternative would be considered the environmentally superior alternative.

In accordance with State CEQA Guidelines Section 15126.6, because the No Project Alternative is the environmentally superior alternative, this SEIR must also specify which of the other alternatives would be environmentally superior. The degree in reduction of impacts of the Reduced Height Alternative and the Removal of Western Area Alternative largely depends on two characteristics: reduction in development intensity and reduction in development area. For both alternatives, the reduction in dwelling units reduces many impacts compared to the proposed Metro Plan.

For the Reduced Height Alternative, the reduction in office space area also reduces some impacts. The decrease in Plan Area size under the Removal of Western Area Alternative also reduces certain impacts. The reduction in impacts is not consistent in degree for each impact. To illustrate, the Removal of Western Area Alternative reduces impacts on geology and soils when the Reduced Height Alternative does not. However, the Reduced Height Alternative has a greater reduction in impacts for air quality because it has a greater reduction in dwelling units and reduces office space development compared to the Removal of Western Area Alternative. Therefore, the exercise of identifying the environmentally superior alternative requires making judgements about the balance of the reductions in impacts and deciding the weight of each impact.

It is uncertain which alternative would have a greater reduction in impacts for biological resources and hazards and hazardous materials. The Reduced Height Alternative would reduce bird strike impacts, but the Removal of Western Expansion Area Alternative could also reduce bird strikes by reducing the number of buildings and could also reduce impacts on nesting birds and any other biological resources located in the western expansion area. The Reduced Height Alternative would have a greater reduction in hazardous materials used for construction due to less construction

overall, but the Removal of Western Expansion Area Alternative could reduce the potential to unearth previously unknown contamination in the western expansion area, and would also reduce hazardous materials used for construction. Therefore, these environmental impacts do not influence the determination of the environmentally superior alternative.

Because of its greater reduction in development size, the Reduced Height Alternative has the greater reduction in impacts for air quality, energy, greenhouse gases, noise, population and housing, public services and recreation, and utilities and service systems. Because of its smaller Plan Area size, the Removal of Western Expansion Area Alternative has the greatest reduction in impacts for cultural resources, geology and soils, and hydrology and water quality. Finally, it appears that the Reduced Height Alternative would result in a greater VMT reduction than the Removal of Western Expansion Area Alternative. Because both alternatives reduce a number of impacts, the balance of impact reductions must be weighed and considered.

In total, the Reduced Height Alternative is expected to have a greater reduction on the impacts of eight environmental topics (air quality, energy, greenhouse gases, noise, population and housing, public services and recreation, and utilities and service systems), compared to the Removal of Western Expansion Area Alternative. In addition, impacts on three of these environmental topics (air quality, greenhouse gases, noise) would be reductions in the magnitude of significant and unavoidable impacts, although the impact conclusion of significant and unavoidable is expected to be the same for the Metro Plan, Reduced Height Alternative, and the Removal of Western Expansion Area Alternative. In total, the Removal of Western Expansion Area Alternative is expected to have a greater reduction on the impacts of three environmental topics (cultural resources, geology and soils, and hydrology and water quality), compared to the Reduced Height Alternative. In addition, impacts on these environmental topics (cultural resources, geology and soils, and hydrology and water quality) would be reductions in the magnitude of less-than-significant impacts (after implementation of policies and regulations). Considering this information, the Reduced Height Alternative is considered environmentally superior.

## 6.1 Lead Agency

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### 6.3.4 M-Group

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