Innovation Campus Project

Initial Study / Mitigated Negative Declaration

MILPITAS
UNIFIED SCHOOL DISTRICT

1331 E. Calaveras Boulevard
Milpitas, CA 95035

April 2022

Prepared by
MIG
2205 Junction Ave, Suite 205
San Jose, CA 95131

Draft Mitigated Negative Declaration

Project: Innovation Campus Project

Lead Agency/ Project Proponent: Milpitas Unified School District

Availability of Documents: The Initial Study for this Mitigated Negative Declaration is available for review at:

Milpitas Unified School District
1331 E. Calaveras Blvd.
Milpitas, CA 95035

Contact: Travis Kirk, Construction Manager, TBK Construction Management
Milpitas Unified School District
1331 E. Calaveras Boulevard.
Milpitas, CA 95035
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PROJECT DESCRIPTION

The Milpitas Unified School District (MUSD) is proposing to redevelop a portion of a 9.3-acre site at 1331 East Calaveras Boulevard in Milpitas, California. The site originally supported the Samuel Ayer High School which operated at the site until it was closed in the 1980s. Since then, the buildings have been used for the MUSD main offices, Calaveras Hills Continuing Education High School, adult education school, and preschool. The new development will be called the Innovation Campus and the site would support all existing uses as well as include a new 500-student comprehensive high school (second high school campus for the MUSD).

The proposed Innovation Campus project would redevelop the majority of the site by removing six of the existing buildings (Buildings 100, 200, 300, 400, 500, and 550) in order to construct six new, two-story prefabricated modular-style buildings. One existing building is proposed for interior renovation only (Building 600).

The purpose of the project is to provide updated facilities to meet the needs of the current student enrollment. The only new use at the site is the new 500-student high school.

The MUSD is the Lead Agency for the project.

PROPOSED FINDINGS

The MUSD has reviewed the attached Initial Study and determined that the Initial Study identifies potentially significant project effects, but:

1. Revisions to the project plans incorporated herein as mitigation would avoid or mitigate the effects to a point where no significant effects would occur; and
2. There is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment. Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15064(f)(3) and 15070(b), a Mitigated Negative Declaration has been prepared for consideration as the appropriate CEQA document for the project.

BASIS OF FINDINGS

Based on the environmental evaluation presented in the attached Initial Study, the project would not cause significant adverse effects related to aesthetics, agricultural and forestry resources, energy, geology/soils, greenhouse gas (GHG) emissions, hazards/hazardous materials, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation, utilities/service systems, and wildfire. The project does not have impacts that are individually limited, but cumulatively considerable.

The environmental evaluation has determined that the project would have potentially significant impacts on biological, cultural and tribal cultural resources as described below.

Mitigation Measures

The project could result in significant adverse effects to air quality, biological resources, cultural resources, and tribal cultural resources. However, the project has been revised to include the mitigation measures listed below, which would reduce potential impacts in these areas to a less than significant level.

Mitigation Measure AIR-1: Fugitive Dust Emissions Control. To reduce fugitive dust that would be generated during Project construction activities, the Milpitas Unified School District (MUSD) and/or its designated contractors, contractor's representatives, or other appropriate personnel shall implement the following Bay Area Air Quality Management District (BAAQMD) basic dust control measures during all project construction activities.

- Water all exposed surfaces (e.g., staging areas, soil piles, graded areas, and unpaved access roads) two times per day during construction and adequately wet demolition surfaces to limit visible dust emissions.
- Cover all haul trucks transporting soil, sand, or other loose materials off the Project site.
- Use wet power vacuum street sweepers at least once per day to remove all visible mud or dirt track-out onto adjacent public roads (dry power sweeping is prohibited) during construction of the proposed Project.
- Vehicle speeds on unpaved roads/areas shall not exceed 15 miles per hour.
- Complete all areas to be paved as soon as possible and lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Minimize idling time of diesel-powered construction equipment to five minutes and post signs reminding workers of this idling restriction at access points and equipment staging areas during construction of the proposed Project
- Maintain and properly tune all construction equipment in accordance with manufacturer's specifications and have a CARB-certified visible emissions evaluator check equipment prior to use at the site.
- Post a publicly visible sign with the name and telephone number of the construction contractor and MUSD staff person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The publicly visible sign shall also include the contact phone number for the BAAQMD to ensure compliance with applicable regulations.

Mitigation Measure AIR-2: Reduce DPM Emissions. To reduce potential short-term adverse health risks associated with PM_{10} exhaust emissions, including emissions of diesel particulate matter (DPM), generated during project construction activities, the MUSD and/or it's designated contractors, contractor's representatives, or other appropriate personnel shall implement the following construction equipment restrictions for the Project:

- To the extent feasible, contractors shall use the smallest size equipment capable of safely completing work activities.

- To the extent feasible, electric hook-ups shall be provided for stationary equipment (e.g., pumps, compressors, welding sets).
- All construction equipment with a rated power-output of 50 horsepower or greater shall meet U.S. EPA and CARB Tier IV Final Emission Standards for PM_{10}. This may be achieved via the use of equipment with engines that have been certified to meet Tier IV emission standards, or through the use of equipment that has been retrofitted with a CARB-verified diesel emission control strategy (e.g., particulate filter) capable of reducing exhaust PM_{10} emissions to levels that meet Tier IV standards.

Mitigation Measure BIO-1: To avoid impacts to nesting birds and avoid potential violation of state and federal laws pertaining to birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, tree removal, fence installation, demolition, and grading) should occur outside the avian nesting season (that is, prior to February 1 or after September 15) if possible. If construction and construction noise occurs within the avian nesting season (from February 1 to September 15), all suitable habitats located within the project's area of disturbance including staging and storage areas plus a 250-foot (passerines) and 1,000-foot (raptor nests) buffer around these areas shall be thoroughly surveyed, as feasible, for the presence of active nests by a qualified biologist no more than five days before commencement of any site disturbance activities and equipment mobilization. If project activities are delayed by more than five days, an additional nesting bird survey shall be performed. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys shall be documented.

If pre-construction nesting bird surveys result in the location of active nests, no site disturbance and mobilization of heavy equipment (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within 250 feet of non-raptor nests and 1,000 feet of raptor nests, or as determined by a qualified biologist in consultation with the California Department of Fish and Wildlife, until the chicks have fledged. Monitoring shall be required to ensure compliance with Migratory Bird Treaty Act (MBTA) and relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented.

Mitigation Measure CUL-1a: In the event that archaeological resources (sites, features, or artifacts) are exposed during project construction activities for the Project, immediately stop all construction work occurring within 100 feet of the find until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find. The archaeologist will determine whether additional study is warranted. Should it be required, the archaeologist may install temporary flagging around a resource to prevent any disturbances from construction equipment. Depending upon the significance of the find under CEQA (14 CCR 15064.5[f]; California Public Resources Code, Section 21082), the archaeologist may record the find to appropriate standards (thereby addressing any data potential) and allow work to continue. If the archaeologist observes the discovery to be potentially significant under CEQA, preservation in place or additional treatment may be required.

Mitigation Measure CUL-1b: In accordance with Section 7050.5 of the California Health and Safety Code, if potential human remains are found, immediately notify the lead agency (City of Los Altos Hills or Santa Clara County) staff and the Santa Clara County Coroner of the discovery. The coroner would provide a determination regarding the nature of the remains within 48 hours of notification. No further excavation or disturbance of the identified material, or any area reasonably suspected to overlie additional remains, can occur until a determination has been made. If the County Coroner determines that the remains are, or are believed to be, of Native American ancestry, the coroner would notify the Native American Heritage Commission within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the Native

American Heritage Commission must immediately notify those persons it believes to be the Most Likely Descendant from the deceased Native American. Within 48 hours of this notification, the Most Likely Descendant would recommend to the lead agency their preferred treatment of the remains and associated grave goods.

Mitigation Measure CUL-1c: Archaeological Monitoring. Archaeological monitoring shall be instigated for all ground disturbing activities within native and or undisturbed soils at the site. An archaeologist who meets the Secretary of the Interior's Standards for Archaeology shall be present at the project site during ground disturbing activities, including machine or hand excavation. No ground disturbing activities, with the exception of road surface removal, shall be allowed to take place if the archaeologist is not present. An archaeological report meeting the Secretary of the Interior's Standards detailing the findings of the monitoring will be submitted to the Northwest Information Center after monitoring has ceased.

Mitigation Measure TRIB-1a: Inadvertent Discovery of Tribal Cultural Resources. If any previously unrecorded resources (including, but not limited to: historic building features, chipped or ground stone, or other debris) are discovered during ground-disturbing work, the work will cease at that location and within 100 feet, until the tribal representatives are consulted and MUSD determines how to proceed.

It is possible for a lead agency to determine that an artifact is considered significant to a local tribe, and thus considered a significant resource under CEQA, even if it would not otherwise be considered significant under CEQA. As such, all Native American tribal finds are to be considered significant until the lead agency has enough evidence to make a determination of significance. In the event that Native American archaeological resources are discovered, or suspected to have been discovered, tribal representatives and qualified archaeologists will determine how to proceed. These determinations will be written into the project record. If the lead agency chooses not to follow the recommended mitigation measures, this refusal will also be written into the project record, along with its reasoning.

INNOVATION CAMPUS PROJECT INITIAL STUDY

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Chapter 1. Introduction

This Initial Study (IS) evaluates the potential environmental effects of a project to redevelop a portion of 9.3-acre site with a campus development called the Innovation Campus. The MUSD is the CEQA Lead Agency for the project. No responsible agencies have been identified.

1.1 PROJECT BACKGROUND AND OVERVIEW

The District is implementing a project funded by Bond AA funds to redevelop the Samuel Ayer Education Center site at 1331 East Calaveras Boulevard in Milpitas, California. The new campus, called the Innovation Campus, will consist of six, two-story modular buildings to support all existing functions currently on site including the District's office, adult school, continuing education (Calaveras Hills) school, and will add a new 500-student comprehensive high school. All proposed improvements would occur within the existing 9.3-acre site.

The purpose of the project is to provide updated facilities to meet the needs of the MUSD.

1.2 REGULATORY GUIDANCE

The California Environmental Quality Act (CEQA; Public Resources Code § 21000 et seq.) and the CEQA Guidelines (14 CCR §15000 et seq.) establish the Milpitas Unified School District (MUSD or District) as the lead agency for the project. The lead agency is defined in CEQA Guidelines Section 15367 as, "the public agency which has the principal responsibility for carrying out or approving a project." The lead agency is responsible for preparing the appropriate environmental review document under CEQA. The District's Board serves as the decision-making body for the District and is responsible for adopting the CEQA document and approving the project.

CEQA Guidelines Section 15070 states a public agency shall prepare a proposed Negative Declaration or a Mitigated Negative Declaration when:

1. The Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
2. The Initial Study identifies potentially significant effects, but:
    - Revisions in the project plans made before a proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where no significant effects would occur, and
    - There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

Pursuant to Section 15070, the MUSD has determined a Mitigated Negative Declaration is the appropriate environmental review document for the Innovation Campus Project.

To ensure that the mitigation measures and project revisions identified in a Mitigated Negative Declaration are implemented, CEQA Guidelines Section 15097(a) requires the MUSD to adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. The MUSD shall prepare a Mitigation, Monitoring and Reporting Plan based on the mitigation measures contained in this IS/MND.

1.3 LEAD AGENCY CONTACT INFORMATION

The lead agency for the project is the Milpitas Unified School District. The contact person for the lead agency is:

Travis Kirk
Milpitas Unified School District
1331 E. Calaveras Boulevard
Milpitas CA 95035
Phone: 209-777-4073

1.4 DOCUMENT PURPOSE AND ORGANIZATION

The purpose of this document is to evaluate the potential environmental effects of the Innovation Campus Project. This document is organized as follows:

- Chapter 1 – Introduction. This chapter introduces the project and describes the purpose and organization of this document.
- Chapter 2 – Project Description. This chapter describes the project location, area, site, objectives, and characteristics.
- Chapter 3 – Environmental Checklist and Responses. This chapter contains the Environmental Checklist that identifies the significance of potential environmental impacts (by environmental issue) and a brief discussion of each impact resulting from implementation of the proposed project. This chapter also contains the Mandatory Findings of Significance.
- Chapter 4 – Report Preparation. This chapter provides a list of those involved in the preparation of this document.
- Appendices

Chapter 2. Project Description

2.1 PROJECT PURPOSE

The purpose of the project is to provide updated facilities to meet the needs of students and adults served by the District. The proposed improvements are funded by Bond AA which was passed in 2018 to update MUSD facilities.

2.2 PROJECT LOCATION AND SURROUNDING LAND USES

The project is located at the Samuel Ayer Education Center, an approximately 9.3-acre site at 1331 East Calaveras Boulevard (Figure 1). The site formerly operated as the Samuel Ayer High School until from 1956 to 1980.

The project site is surrounded by commercial development to the southwest, single-family residential housing on the west, the Milpitas Sports Center (owned and operated by the City of Milpitas) to the north and single- and multi-family residential housing to the east and southeast.

2.3 SITE FEATURES

The Samuel Ayer Education Center currently has 10 buildings across the site - Buildings 100, 200, 300, 400, 500, 600, 700, 800, and 1000, as well as three portable classrooms (see Figure 2 - Demo plan C0.03). The buildings are one story with the building lengths generally aligning parallel to Calaveras Boulevard.

The site currently supports the following functions: District's offices (Buildings 100, 200, 600, and 900), Calaveras Hills Continuing Education High School (Building 300) Milpitas Adult School (Building 400), Early Childhood Education Center (Building 900), and Calaveras Repertory Theatre (Building 1000).

A 197-space parking lot with driveway access to and from Calaveras Boulevard is located along the western perimeter of the site and serves as the main access to the site. This same driveway also provides access to the Milpitas Sports Center, located to the north of the project site. This western parking lot provides access to the main campus through a courtyard area east of buildings 300 and 400. At the east end of the courtyard there is a slight rise in topography with steps up to the buildings providing for an outdoor event space within the courtyard. Walkways along the interior of the site are mostly covered with simple roof structures.

A smaller 69-space parking lot is located with driveway access to Calaveras Boulevard is on southeastern corner of the site. Solar panel arrays are located within each parking lot. Landscape trees are present throughout the campus, but mostly on the interior and adjacent to the buildings. The overall topography of the campus is relatively flat with a gentle downward slope toward the west.

The west lot and east lot are separate and self-contained and serve different populations. The east lot serves school faculty only. The west lot serves everyone else - District employees, Calaveras High School students, adult school students, and pre-school attendees.

Each of the lots has its own separate driveway access to East Calaveras Boulevard via the 'west driveway' and 'east driveway', respectively.

Current operations staff and student enrollment at the site are as follows:

- Calaveras Hills Continuing Education High School - 126 students, 18 staff
- District Office Staff including Technical Services - 76 staff, 13 students
- Preschool: 48 students and 11 staff
- Adult Education: Currently enrolled – 265 students, year-to-date enrollment – 606 students; 18 staff

2.4 PROJECT FEATURES

The proposed Innovation Campus project would redevelop the Samuel Ayer Education Center site by demolishing most of the existing buildings (Buildings 100, 200, 300, 400, and 500) in order to construct six new, two-story prefabricated modular-style buildings, each approximately 15,100 square feet (SF) and 33-foot maximum height. Building 550 is a portable classroom which would be removed from the site. New total gross building area is 90,600 SF.

At present, Buildings 600, 700, 800, 900 and 1000, and three existing relocatable classroom buildings between Buildings 700 and 800 will remain on site. Building 600 is proposed for interior renovation only. No changes are proposed for Buildings 700, 800, and the three other relocatable classroom buildings.

A future project (not analyzed as part of this Initial Study) could involve the replacement of Buildings 900 and 1000 consisting of new building of approximately 15,000 SF and a maximum height of approximately 25-30 feet.

Table 2-1 Existing Buildings

Building Number	Area (sf)	Year Constructed
100	3,900	1957
200	15,200	1956
300	15,200	1957
400	15,200	1960
500	4,300	1957
550 (portable classroom)	960	
900	4,025	1962
1000	10,700	1962
Total	**68,525**	

The six new buildings will be constructed using a pre-fabricated two-story classroom building system called Folia. Components of the buildings such as rebar, structural steel, exterior wall panels, window systems and guardrails are pre-fabricated off-site in a shop environment. This allows for a shorter and more efficient construction process, resulting in lower construction costs and less on-site construction activity and noise. The final buildings are no different than typical construction for two-story steel buildings. The buildings are designed in a modern style with sloped roofs, balcony overhands and large expanses of windows to provide a strong connection to the outdoor learning areas and ample daylight.

West Lot Improvements

The project proposes to redesign the northern portion of the west lot to create a new frontage and entry to the proposed new Building A and Building B on campus. The redesign would entail the following.

- Remove the existing student loading/unloading area and twelve covered parking spaces in the northeast section of the west lot.
- Shift the curb face westward to align with the existing curb line directly south of it.
- Construct a sidewalk and painted red curb along the 240-foot frontage thus created.
- Add two new drop-off areas, one at the north end and one at the south end of the newly constructed frontage.
- Add bicycle racks adjacent to the south drop-off area.
- Add six handicap accessible parking spaces, with all attendant features, located across the drive aisle from the south drop-off area. This would result in a net loss of three parking spaces.

East Lot Improvements

The project proposes to expand the east lot westward by approximately 80 feet, increasing the lot size by approximately 50 percent, and providing several improvements as described below.

- Construct a new curb and sidewalk along the new west border of the east lot.
- Add a loading area for students.
- Add a third north-south parking aisle and extend westward the two existing east-west aisles along the north and south borders of the east lot.
- Add handicap parking and improve handicap access.
- Add bicycle racks and lockers adjacent to the walkway at the southwest corner of the lot.

Stormwater

The project would increase the impervious surface area of the project site from 284,236 square feet (existing) to 334,484 square feet (proposed), an increase of 50,048 square feet.

The project involves more than one acre of disturbance and is therefore required to obtain coverage under the State Water Resources Control Board General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit). The Construction General Permit requires the filing of a Notice of Intent (NOI) with the SWRCB and preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP).

In addition to the SWPPP required by the Construction General Permit, project plans include an erosion control plan which includes measures for erosion and sediment control (including, but not limited to, stabilized construction entrance, storm drain inlet protection, sediment basin, hydroseed/ hydromulch erosion control blankets, and straw rolls).

The project also includes post-construction BMPs including site design, source control and stormwater treatment measures to reduce stormwater runoff volumes and pollutant loads prior to discharge to the existing storm drain system. The stormwater control plan for the proposed project includes source control measures such as beneficial landscaping and storm drain labels, and site design measures such as disconnected downspouts, pervious pavement, other self-treatment area, and self-retaining area.

Landscaping

In order to compensate for the loss of approximately 84 trees to accommodate the proposed construction activities, the project proposes the following replacement landscaping plantings. (see Table 2-2 Landscape Plan, below).

Table 2-2: Landscape Plan

Common Name	Latin Name	Container Size	Number
Trees			
Ray Hartman wild lilac	*Ceanothus* 'Ray Hartman'	24" Box	8
Forest Pansy redbud	*Cercis canadensis* 'Forest Pansy'	24" Box	1
Desert Museum palo verde	*Cercidium* X 'Desert Museum'	24" Box	3
Sunburst honeylocust	*Gleditsia triacanthos* 'Sunbrust'	24" Box	21
Dynamite crape myrtle	*Lagerstroemia indica* 'Dynamite'	24" Box	14
Coast live oak	*Quercus agrifolia*	24" Box	7
Purple robe locust	*Robiania psuedoacacia* 'Purple Robe'	24" Box	6
Chinese elm	*Ulmus parviflora* 'Drake'	24" Box	10
Total Trees			*70*
Shrubs			
Cousin Itt Acacia	*Acacia cognata* 'Cousin Itt'	5 Gallon	40
Foxtail agave	*Agave attenuata*	5 Gallon	16
Bearberry	*Arctostaphylos uva-ursi* 'Point Reyes'	5 Gallon	28
Sand dune sedge	*Carex pansa*	5 Gallon	49
Yankee Point California lilac	*Ceanothus griseus* 'Yankee Point'	5 Gallon	18
Cape rush	*Chondropetalium elephantinum*	5 Gallon	20
Orchid rockrose	*Citrus* X 'Sunset'	5 Gallon	14
Pink breath of heaven	*Coleonema pulchellum* 'Sunset Gold'	5 Gallon	14
Fortnight lily	*Dietes vegeta*	5 Gallon	224
Blue oat grass	*Helictotrichon sempervirens*	5 Gallon	19

California grey rush	*Juncus patens*	5 Gallon	271
Dwarf mat rush	*Lomandra longifolia* 'Breeze'	5 Gallon	29
Chinese fringle flower	*Loropetalium chinensis* 'Purple Majesty'	5 Gallon	20
Pink muhley	*Muhlenbergia capillaris*	5 Gallon	27
Deer grass	*Muhlenbergia rigens*	5 Gallon	154
New Zealand flax	*Phormium* 'Maori Maiden'	5 Gallon	89
Variegated mock orange	*Pittosporum tobira* 'variegata'	5 Gallon	160
Kohuhu	*Pittosporum tenufolium* 'Silver Sheen'	5 Gallon	66
Shrubby yew pine	*Podocarpus macrophyllus* 'Maki'	5 Gallon	45
Western swordfern	*Polystichum munitum*	5 Gallon	24
Mexican bush sage	*Salvia leucantha*	5 Gallon	18
California fuchsia	*Zauschneria californica*	1 Gallon	24
Total Shrubs			*1,369*

Parking

The existing site provides 197 spaces in the west lot and 69 spaces in the east lot. The site, in total, provides 266 parking spaces. The proposed site plan shows that the changes to the site proposed by the project would result in 177 spaces in the west lot and 100 spaces in the east lot. This would reduce the west lot supply by 20 spaces and increase the east lot supply by 31 spaces. The project would therefore result in a total net gain of 11 spaces on the site, with the distribution of spaces on site changing slightly. It is anticipated that faculty parking will primarily be in the east lot and student and visitor parking will primarily be in the west lot.

The site plan shows that bicycle parking is to be provided for students and staff. Eight bike racks would be provided along the new frontage in the west lot and eight bike racks would be provided along the east lot loading lane in front of new Building E. In addition, eight bike racks would be provided at the west frontage of the existing Building 600.

Six bike lockers would be provided at the south end of the new loading area in the west lot and six bike lockers would be provided adjacent to the east lot loading lane, in front of new Building E.

Utilities

No off-site utility improvements or connections are necessary. The project would connect to existing water and sewer infrastructure for water and wastewater services. Recycled water infrastructure is not available in the area, therefore irrigation would utilize potable water. Stormwater from new construction would be treated before entering the municipal storm drain system, see Stormwater section, above.

Existing solar carport arrays are existing on site and will remain at the end of this project. One small array will be removed from the west parking lot and those panels may be relocated to the roofs of the new buildings if that is economically viable.

Operations

The operations of existing on-site programs (Calaveras Hills High School, Adult School, District offices, and preschool) will remain substantially the same as the existing operations after the buildings are constructed. The hours of operation for the new second school will be similar with most classes and activities between 8:00 A.M. and 4:00 P.M. There are some programs and classes at both Milpitas Adult School and the proposed MHS Second Campus that will occur in the evenings. This is similar to the current Adult School operation which has evening classes.

Construction

The proposed project is anticipated to start construction in June 2022 and continue through August 2024. The project will be constructed in two phases (Phases 1 and 2) consisting of demolition and improvements to the school campus. Phase 1 will consist of four new at-grade, two-story buildings consisting of classrooms (Building A, B, E, and F), administrative offices, and adult education for a second high school with footprints of 7,550 square feet each. Phase 1 will also include new paved parking areas and demolition of existing Buildings 100, 200, 500, 550, and the existing parking/entrance in the northwestern portion of the campus. Phase 2 will include two new at-grade, two-story buildings consisting of classrooms (Buildings C and D) for Calaveras Hills High School, a second high school. Additionally, the modernization of Building 600 is also planned for Phase 2. Demolition of existing Buildings 300 and 400 is planned for Phase 2. Additionally, some of the existing solar arrays will be relocated.

On-Site Operations During Construction

The Calaveras Hills High School Program and the Early Childhood Education Center (preschool) will remain in operation in Buildings 300 and 400 during Phase 1 construction, which includes the construction of Buildings A, B, E and F and will occur from approximately June of 2022 through August of 2023. After the completion of Phase 1, they will move into Building A during Phase 2 of construction, which includes the construction of Buildings C and D and will occur from approximately June of 2023 to August of 2024. At the completion of Phase 2 Calaveras Hills High School will move into Building C.

The District Office will largely remain on-site as well. In Phase 1 some functions would remain in their existing spaces in Buildings 200 and 300. The Milpitas Adult School would largely be operated on other school sites and remotely during construction although some classes may take place in buildings 300 and 400 during the construction of Phase 1 and in Buildings A, E and F after completion of Phase 1 in coordination with other programs. Remaining functions would be relocated to other school sites or conducted remotely during Phase 1 construction. The District Office would move into Buildings A and B after completion of Phase 1.

The estimated phasing for construction is as follows:

Table 2-3: Construction Phasing and Employees		
Phase	**Duration (months)**	**Number of employees**
Site prep	2 months	6
Excavation	5 months	5
Foundation work	5 months	10
Building Construction	8 months	15
Interior Finishing	9 months	20
Utilities	3 months	5
Landscaping	5 months	12

Earthwork Quantities:

The project anticipates the following earthwork quantities:

- Approximately 5,000-7,000 CY of imported soil.
- Approximately 6,000 CY or base/drain rock
- Approximately 4,500 CY of concrete

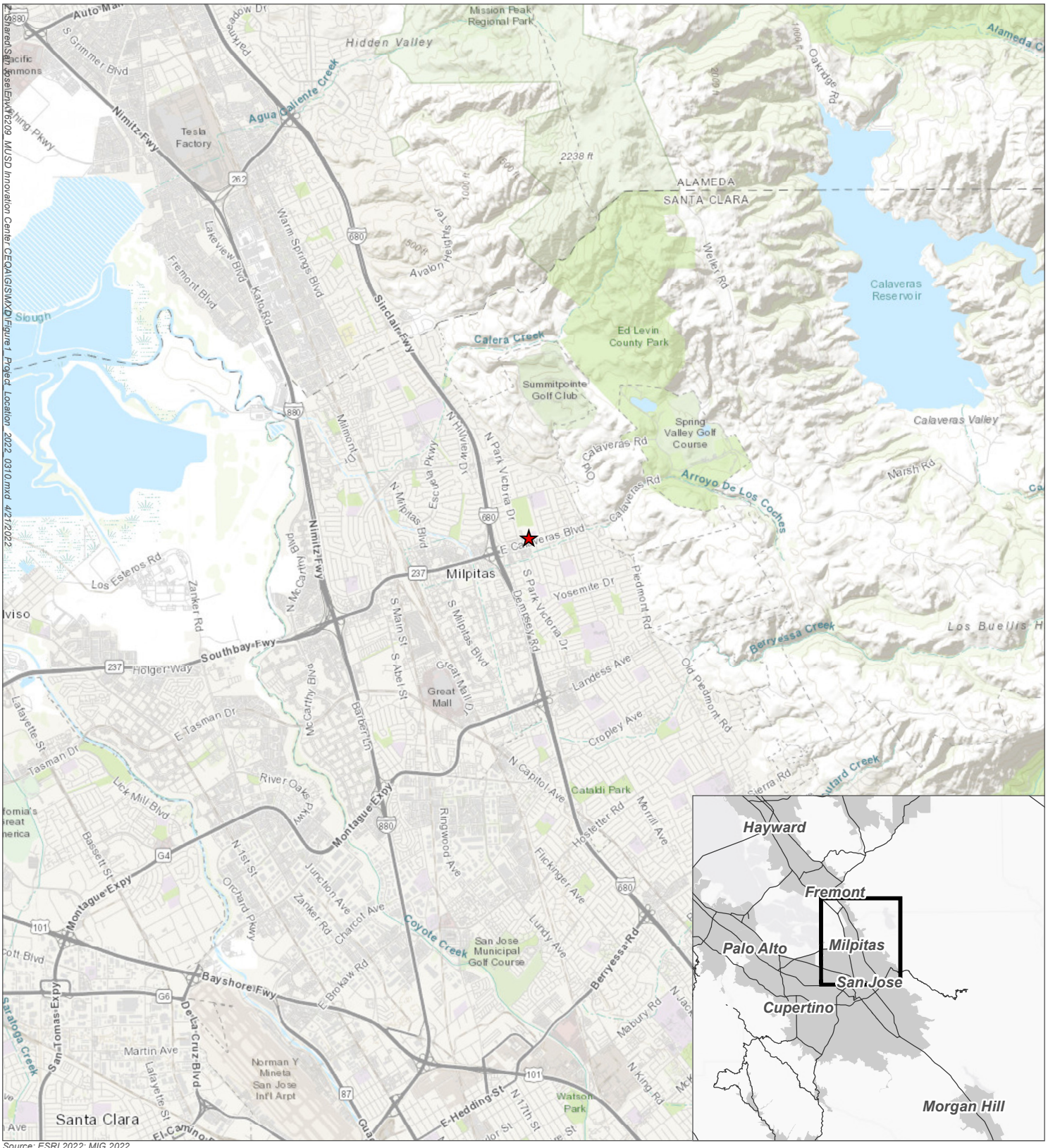
Assuming nine cubic yard truck capacities, this would result in approximately 556 to 778 round trips for the import of soil, 667 round trips for the import of base/drain rock and 500 round trips for the import concrete over the duration of the construction period.

The expected construction equipment type and numbers of days in use on the project are as follows:

Table 2-4: Project Construction Equipment Estimates		
Equipment Type	***No. on Site***	***No. of Working Days In Use***
Loader (duals as an excavator)	2	40
Paver	1	5
Roller	2	15
F-250 Trucks	3	Entire duration
End Dump Trucks	2	15
Scraper	1	10
Water truck	1	40
Dozer	3	40
Crane	1	75

Public road or lane closures are not anticipated to accommodate the proposed construction. Approximately 50 parking stalls in the east parking lot will be utilized for staging and construction. The contractor will be required to prepare a construction logistics plan to coordinate construction and maintain access and safety for students during construction.

Construction hours would be limited to 7:00 AM to 5:00 PM daily and is consistent with the City's noise regulations which limit construction activities to the hours between 7:00 AM and 7:00 PM on weekdays and weekends (Milpitas Municipal Code Chapter 213-3.04).



Source: ESRI 2022; MIG 2022

0 0.75 1.5 3 Miles

★ Project Location

Figure 1 Project Location

MUSD Innovation Campus CEQA

Source: ESRI 2022; MIG 2022

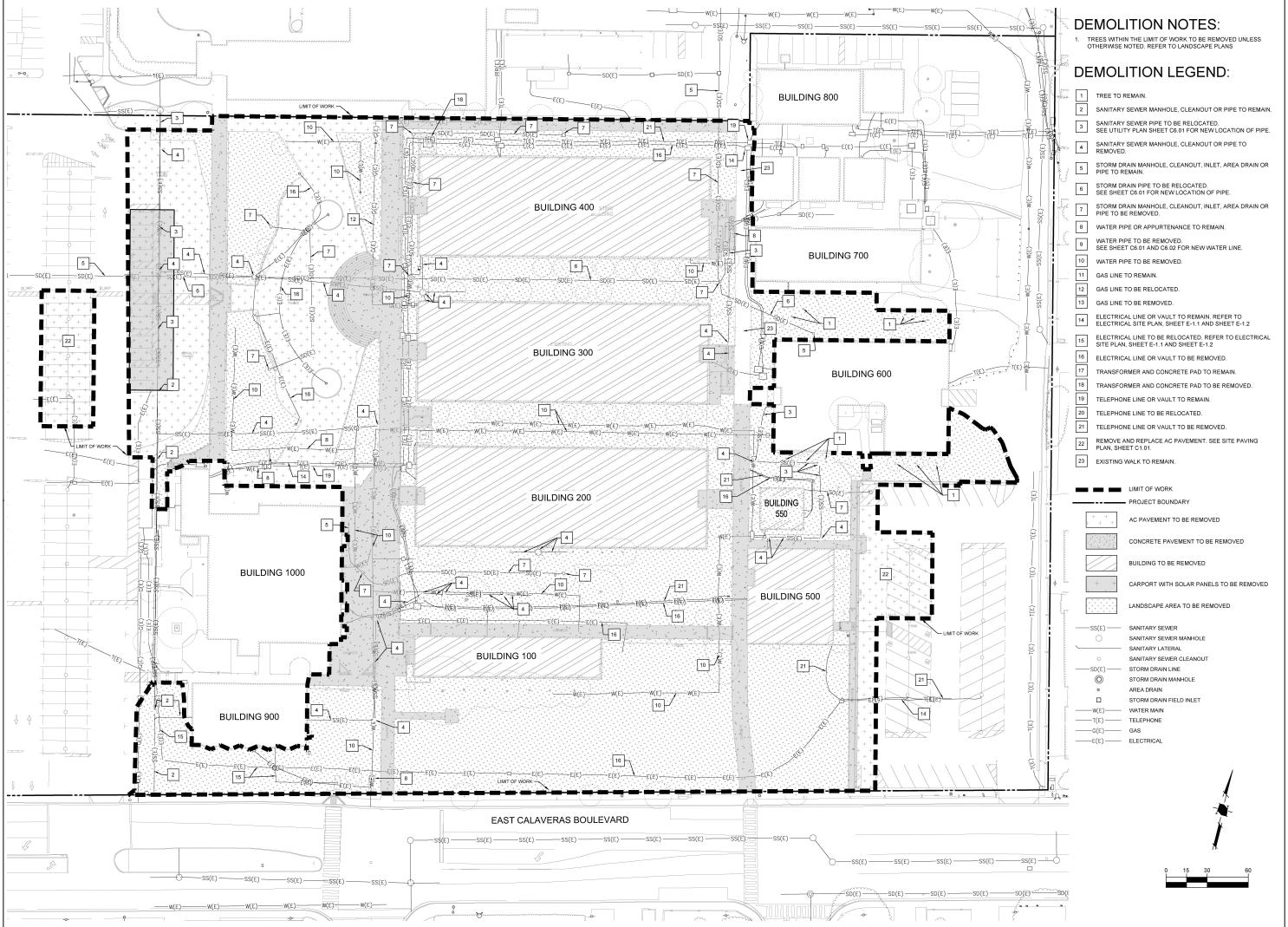
Project Vicinity

Feet
0 125 250 500

Figure 2 Project Vicinity

MUSD Innovation Campus CEQA

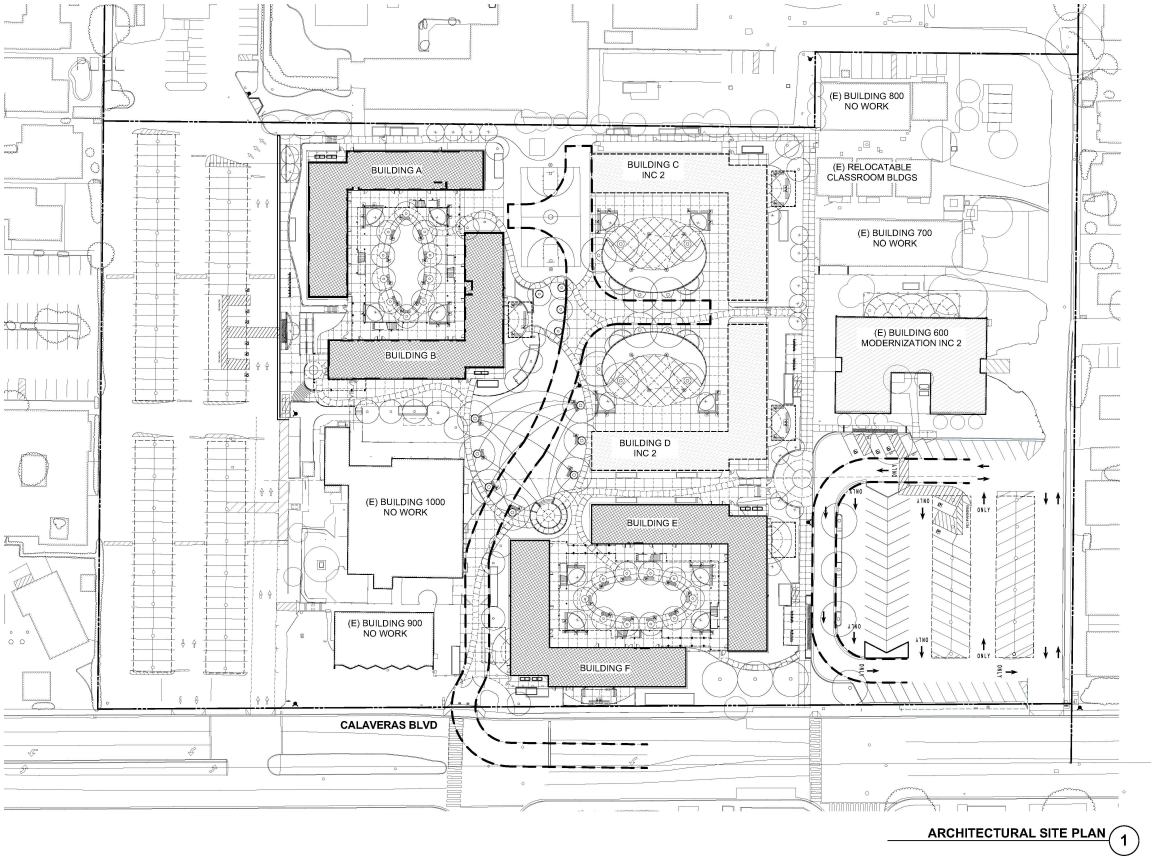
MIG



Source: 12/7/2021 Quattrocchi Kwok Architects

Figure 3 Demolition Plan

MUSD Innovation Campus CEQA



SITE PLAN KEYNOTES

NOT ALL KEYNOTES MAY APPLY TO THIS SHEET

1. FIRE SPRINKLER RISER, S.P.D.
2. MECHANICAL ITEM, S.M.D.
3. PLUMBING ITEM / FIXTURE, S.P.D.
4. ELECTRICAL ITEM, S.E.D.
5. STRUCTURAL ITEM, S.S.D.

GATE SCHEDULE

ID	SIZE	HDWR	GATE DETAIL
G01	4'-0" x 6'-0"	BUTTERFLY HARDWARE	6/A-1.2
G02	4'-0" x 6'-0"	BUTTERFLY HARDWARE	6/A-1.2
G03	4'-0" x 6'-0"	BUTTERFLY HARDWARE	6/A-1.2
G04	4'-0" x 6'-0"	PANIC HARDWARE	6/A-1.2
G05	4'-0" x 6'-0"	BUTTERFLY HARDWARE	6/A-1.2
G06	4'-0" x 6'-0"	BUTTERFLY HARDWARE	6/A-1.2
G07	4'-0" x 6'-0"	BUTTERFLY HARDWARE	6/A-1.2
G08	PR 6'-0" x 6'-0"	BUTTERFLY HARDWARE	2/A-1.2
G09	4'-0" x 6'-0"	BUTTERFLY HARDWARE	6/A-1.2
G10	4'-0" x 6'-0"	BUTTERFLY HARDWARE	6/A-1.2
G11	4'-0" x 6'-0"	PANIC HARDWARE	6/A-1.2
G12	PR 6'-0" x 6'-0"	BUTTERFLY HARDWARE	2/A-1.2
G13	4'-0" x 6'-0"	PANIC HARDWARE	6/A-1.2
G14	4'-0" x 6'-0"	BUTTERFLY HARDWARE	6/A-1.2
G15	PR 20'-0" x 6'-0"	MILPITAS FIRE DEPT. KNOX BOX	2/A-1.2
G16	PR 8'-0" x 6'-0"	PANIC HARDWARE	2/A-1.2
G17	4'-0" x 6'-0"	BUTTERFLY HARDWARE	6/A-1.2

SITE PLAN LEGEND

- NEW BUILDING - INCREMENT 1
- NEW BUILDING - INCREMENT 2
- (E) BUILDING TO BE MODERNIZED - INCREMENT 2
- (E) BUILDING TO REMAIN
- FIRE ACCESS
- PROPERTY LINE
- ACCESSIBLE ROUTE (ADA 2010 "PATH OF TRAVEL")

Source: 12/7/2021 Quattrocchi Kwok Architects

Figure 4 Campus Site Plan

MUSD Innovation Campus CEQA

Figure 5 Site Photographs

1. Looking west at Building 100 and Building 900 (back) from E. Calaveras Blvd. Building 100 and trees, shrubs and lawn surrounding Building 100 to be removed.

2. Looking west at back of Building 100 and front of Building 200. Both buildings and landscaping to be removed.

3. Looking west at back of Building 300 and front of Building 400. Both buildings and landscaping to be removed.

4. Looking south from northwestern part of the site at the side of Buildings 400 and 300. Both buildings and asphalt area and landscaping west of the buildings to be removed.

5. Looking west at Buildings 550 and 500. Both buildings and surrounding landscape area and asphalt to be removed.

6. Looking east at Building 600. Building (with renovations) and trees to remain, surrounding landscaping to be removed.

7. Looking east at back of Building 600 and front of Building 700. Buildings and trees to remain, surrounding landscaping to be removed.

8. Looking west at Building 1000 and Building 900 (back). Buildings to remain, landscaping and asphalt to be removed.

9. Looking north at western parking lot. Central portion to be removed, overall parking lot to remain.

10. Looking southwest at eastern parking lot. Western side to be removed, overall parking lot to remain.

11. Looking east from E. Calaveras Blvd. in front of the campus.

12. Looking west along E. Calaveras Blvd. from in front of the campus.

Photo 1. Rendered view from west parking lot looking northeast across the site.

Photo 2. Rendered view from east Calaveras Boulevard looking northwest.

Source: MUSD 2022

Figure 6 Project Views 1 and 2

Photo 3. Rendered internal site view among proposed buildings.

Photo 4. 3D rendering aerial view.

Source: MUSD 2022

Figure 7 Project Views 3 and 4

2.5 BEST MANAGEMENT PRACTICES

The District has incorporated the following Best Management Practices (BMPs) into the planning, design, construction, operation, and maintenance of the proposed project to minimize the potential adverse effects of the project on the surrounding community and the environment. These BMPs will be included in project construction drawings and/or specifications and as such are considered a part of the project and are not considered mitigation measures.

Table 2-5: Best Management Practices

Impact Section	Best Management Practice
Geotechnical Information	Pavement, subgrade, and gradation requirements - see geotechnical investigation report entitled: "Geotechnical Investigation and Geologic Hazards Evaluation Milpitas High School – Ayer Innovation Center Milpitas, California" Prepared By: Cornerstone Earth Group, 1259 Oakmead Parkway, Sunnyvale, CA 94085 Project No: 578-9-1 Dated: November 3, 2021
Hydrology/Water Quality	The project disturbs more than one acre of land and therefore requires compliance with the requirements of the California General Permit For Stormwater Discharges associated with Construction Activity (Permit No. CAS000002). The Construction General Permit requires the filing of a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) during construction. A SWPPP will be prepared and an NOI will be filed with the SWRCB by the owner's qualified SWPPP designer (QSD). In order to meet the requirements of the National Pollutant Discharge Elimination System (NPDES) program for construction, construction contractors shall install and maintain appropriate BMPs, as shown in the erosion control plans and in accordance with the SWPPP, on all construction projects. BMPs shall be installed in accordance with industry recommended standards, and/or in accordance with the Construction General Permit issued by the state. sediment, construction materials, debris and wastes, and other pollutants must be retained on site and may not be transported from the site via sheet flow, swales, area drains, natural drainage courses, wind, or vehicle tracking to the extent feasible. Under direction of the Contractor's qualified SWPPP practitioner (QSP), erosion and/or sediment control devices shall be modified as needed as the project progresses to ensure effectiveness. The contractor shall download and keep a copy of the SWPPP on site and available for review throughout the entire construction period.
Hazards and Hazardous Materials	Standard BMPs shall be employed to protect stormwater from accidental leaks and potential pollutants as part of the SWPPP prepared for the project (see Hydrology/Water Quality BMPs below). It is standard procedure for the District to sample for asbestos containing materials and lead based paint prior to any demolition or deconstruction activities, and will sample materials as necessary during

	implementation of this project. The contractor will protect all hazardous containing items during the execution of this project and shall comply with all local, state, and federal regulations regarding the safe handling and disposal of hazardous materials. Prior to construction, the District shall conduct subsurface soil testing for agricultural chemicals at the project site and will implement further action, as necessary, to comply with applicable state and federal laws, rules, and regulations.
Noise	To further reduce already less than significant construction noise impacts the District shall: To reduce potential construction noise levels from Project construction activities, the MUSD shall: *1)* **Notify Residential Land Uses of Planned Construction Activities.** This notice shall be provided at least one week prior to the start of any construction activities, describe the noise control measures to be implemented by the project, and include the name and phone number of the designated contact for the MUSD and the City of Milpitas responsible for handling construction-related noise complaints (per Section 5 below). This notice shall be provided to: A) The owner/occupants of residential dwelling units within 200 feet of the MUSD campus. *2)* **Restrict Work Hours:** All construction-related work activities, including deliveries, shall follow more restrictive noise measures than those required in City Municipal Code Section V-213-3-b: a. Construction activities shall not take place between the hours of 5:00 PM and 7:00 AM on weekdays and weekends, or at any time on a holiday, as defined in Section V-213-2-2.05 of the City of Milpitas Municipal Code. b. At no point shall the project exceed the hour restrictions in Section V-213-3-b of the City of Milpitas Municipal Code, which prohibits construction activities from taking place between the hours of 7:00 PM and 7:00 AM on weekdays and weekends or any time on holidays. *3)* **Control Construction Traffic and Site Access.** Construction traffic, including soil and debris hauling, shall follow City-designated truck routes and shall avoid routes that contain residential dwelling units to the maximum extent feasible given specific Project location and access needs. *4)* **Construction Equipment Selection, Use, and Noise Control Measures.** The following measures shall apply to Project construction equipment: a. Contractors shall use the smallest size equipment capable of safely completing necessary work activities. b. Construction staging shall occur as far away from residential and other noise-sensitive land uses as possible.

	c. All stationary noise-generating equipment such as pumps, compressors, and welding machines shall be shielded and located as far from noise-sensitive land uses as practical. Shielding may consist of structures or three- or four-sided enclosures provided the structure/enclosure breaks the line of sight between the equipment and the noise-sensitive land use and provides for proper ventilation and equipment operation. d. Heavy equipment engines shall be equipped with standard noise suppression devices such as mufflers, engine covers, and engine/mechanical isolators, mounts, etc. Equipment shall be maintained in accordance with manufacturer's recommendations during active construction activities. e. Pneumatic tools shall include a noise suppression device on the compressed air exhaust. f. The Project shall connect to existing electrical service at the site to avoid the use of stationary power generators (if feasible and approved by the electric service provider). g. Sequence demolition activities to take advantage of existing shielding/noise reduction by existing buildings or parts of buildings and use methods that minimize noise and vibration, such as sawing concrete blocks and prohibiting on-site hydraulic breakers, crushing, or other pulverization activities. h. No radios or other amplified sound devices shall be audible beyond the Project property line. *5)* **Prepare a Construction Noise Complaint Plan.** The Construction Noise Complaint Plan shall: a. Identify the name and/or title and contact information (including phone number and email) for a designated Project and City representative responsible for addressing construction-related noise issues. b. Include procedures describing how the designated Project representative will receive, respond, and resolve construction noise complaints. At a minimum, upon receipt of a noise complaint, the Project representative shall notify the City contact, identify the noise source generating the complaint, determine the cause of the complaint, and take steps to resolve the complaint.
Noise	Construction hours would be limited to 7:00 AM to 5:00 PM and are consistent with the City's noise regulations which limit construction activities to the hours between 7:00 AM and 7:00 PM on weekdays and weekends (Milpitas Municipal Code Chapter 213-3.04).
Noise – Interior	To reduce classroom noise levels to 45 DNL or less, the District shall incorporate the following interior noise control measures into the Project design:

	1) **Provide mechanical ventilation.** The project will require forced air mechanical ventilation in all units to permit occupancy of units with windows closed. 2) **Prepare final acoustical analysis.** The MUSD shall prepare a final acoustical analysis demonstrating the final exterior wall assembly for all exterior walls with a direct line of sight to East Calaveras Boulevard provide a minimum exterior-to-interior noise reduction of 26 dBA and complies with CalGreen code requirements for non-residential buildings exposed to noise levels above 65 DNL.

2.6 REQUIRED APPROVALS

The District is both the proponent and the Lead Agency for the proposed project. Encroachment permits may be necessary from the City of Milpitas for work within City right-of-way.

Chapter 3. Environmental Checklist and Responses

1. **Project Title:** Innovation Campus Project
2. **Lead Agency Name and Address:** Milpitas Unified School District, 1331 E. Calaveras Boulevard, Milpitas CA, 95035
3. **Contact Person and Phone Number:** Travis Kirk, TBK Construction Management, (209) 777-4073
4. **Project Location:** 1331 East Calaveras Boulevard, Milpitas CA, 95035
5. **Project Sponsor's Name and Address:** Same as Lead Agency
6. **General Plan Designation:** PF – Public Facilities
7. **Zoning:** Institutional
8. **Description of the Project:** The proposed would develop the site by demolishing six of the existing buildings (Buildings 100, 200, 300, 400, 500, and 550) in order to construct six new, two-story prefabricated modular-style buildings. One existing building is proposed for interior renovation only (Building 600). The new or remodeled buildings would support all existing functions and operations currently on the Ayer site (District main offices, adult education school, preschool, and Calaveras Hills Continuing Education High School), and would also add a new high school campus on the site for approximately 500 students and 40 faculty. The project proposes a net increase of 11 parking spaces across the two site parking lots. A small cluster of buildings containing the facilities and operations functions, in the northeast corner of the site would remain unchanged as well as the preschool (Building 900) and theater buildings (Building 1000).
9. **Surrounding Land Uses and Setting:** The school site is surrounded by residential and commercial uses to the west, a public facility use to the north, residential uses to the west and commercial uses to the south.
10. **Other public agencies whose approval is required:** The project may require encroachment permits from the City for curb cut and driveway improvements and utility connections.
11. **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?** The District has not received any request from a Native American tribe traditionally and culturally affiliated with the project area. Thus, no consultation has been conducted.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Greenhouse Gas Emissions	☐	Public Services
☐	Agricultural and Forestry Resources	☐	Hazards and Hazardous Materials	☐	Recreation
☒	Air Quality	☐	Hydrology/Water Quality	☐	Transportation
☒	Biological Resources	☐	Land Use/Planning	☒	Tribal Cultural Resources
☒	Cultural Resources	☐	Mineral Resources	☐	Utilities/Service Systems
☐	Energy	☐	Noise	☐	Wildfire
☐	Geology/Soils	☐	Population/Housing	☒	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

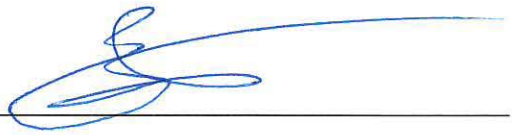
☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project COULD have a significant effect on the environment, there WILL NOT be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

4/28/2022

Date

Milpitas Unified School District

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in 5. below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
    a. Earlier Analysis Used. Identify and state where they are available for review.
    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c. Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
    a. the significance criteria or threshold, if any, used to evaluate each question; and
    b. the mitigation measure identified, if any, to reduce the impact to less than significance.

3.1 AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
*Would the project:**				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐
*Except as provided in Public Resources Code Section 21099				

3.1.1 Environmental Setting

The project is located in the City of Milpitas (City) along a busy arterial corridor providing east/west access across the city. Typical development in the areas near the proposed project site include single-family and multi-family residences, commercial uses, and public facility use.

The project site was originally developed as high school but was closed in 1980. Since then, the site buildings have been used for the MUSD office and continuing education high school, preschool, and adult school uses. The site shares a driveway with the adjacent Milpitas Sports Complex which is operated by the City. The existing buildings on the site are generally single-story, long rectangular structures with flat roofs and numerous large windows on the front and a series of (classroom) doors on the back (see Photos 1 through 7 in Figure 4). The exception is Building 1000, which has a curved, slanted roof and is taller at the front than the rear of the building (see Photo 8 in Figure 4). The color scheme of the buildings is tan with a teal trim. Landscaped areas including a variety of ornamental trees and shrubs as well as lawns surrounding the buildings. There are two parking lots with driveways and solar panel arrays on the site, one on the eastern side of the site for staff and a larger one on the western side for general use (see Photos 9 and 10 in Figure 4). There is also a concrete courtyard with landscaping and basketball courts on the western side of the site (see Photo 4 in Figure 4). Views of the project site are included in Figure 4.

Public views of the campus are available from East Calaveras Boulevard and from the western parking lot which provides access to the Milpitas Sports Complex. Views of the site from the Milpitas Sports Complex itself are mostly blocked by the Sports Complex buildings. From East Calaveras Boulevard, the two parking lots and driveways, as well as the front of Buildings 100, 500, 900, and 1000 and associated landscaping are visible (see Photos 1, 8, 9, 10, and 11 in Figure 5). From the western parking lot, the sides of Buildings 900 and 1000 and the existing

preschool are visible, as is the concrete courtyard to the west of Buildings 300 and 400 (and the sides of these buildings are visible in the distance, see Photo 4 in Figure 5).

Views from the front of the campus include the campus to the north; the coastal hills, East Calaveras Boulevard and businesses and residences to the east; and businesses and East Calaveras Boulevard to the west and south (see Photos 11 and 12 in Figure 5).

3.1.2 Regulatory Setting

City of Milpitas 2040 General Plan

The Milpitas 2040 General Plan contains the following policies related to aesthetics and visual impacts.

- LU 6-3 Minimize the visual impact of large parking lots by locating them away from public streets, and reclaim unneeded and underutilized paved areas that could be converted to neighborhood-enhancing features such as, gathering areas, pocket parks, or other community focused amenities.
- CD 2-2 Continue to develop and implement design standards and guidelines for residential, non-residential, and infrastructure development, both in the private and public realms, consistent with state law, to provide design and site planning approaches, landscaping, site grading and similar architectural and site planning criteria that will add design excellence, visual quality and interest to the community.
- CD 5-7 Encourage the use of creative landscape design to create visual interest and reduce conflicts between different land uses.
- CD 6-5 Promote consistent development patterns along streets, particularly by how buildings relate to the street, to promote a sense of visual order, and provide attractive streetscapes.
- CD 6-8 Apply special paving at major intersections and crosswalks along enhanced corridors to create a visual focal point, improve the pedestrian setting, and slow traffic speeds.
- CD 7-1 Maintain the visual character of hillsides, recognizing both the importance of the exposure of hillside development from offsite public views and the importance of providing panoramic public views from and of hillsides.
- CON 2-3 Avoid removal of large, mature trees that provide wildlife habitat, visual screening, or contribute to the visual quality of the environment through appropriate project design and building siting. If full avoidance is not possible, prioritize planting of replacement trees on-site over off-site locations. Replacement trees for high-quality mature trees should generally be of like kind, and provide for comparable habitat functionality, where appropriate site conditions exist.
- CON 2-4 Proactively work to incorporate tree and plant species into the community that provide vibrant greenery, are drought tolerant, and enhance the visual quality of the city.

3.1.3 Discussion

Would the project:

a) Have a substantial adverse effect on a scenic vista?

Less than Significant Impact. For purposes of determining significance under CEQA, a scenic vista is defined as a viewpoint that provides expansive views of a highly valued landscape for the benefit of the public. None of the roadways surrounding the project site are considered scenic roadways in the Milpitas 2040 General Plan. The Milpitas 2040 General Plan identifies Mission

Hills and Monument Peak to the east of the site as a scenic backdrop to the City and important to the community identity and character (De Novo Planning Group 2020). Mount Diablo is also identified as a significant visual feature located outside the City in northeast Contra Costa County. There are no officially designated scenic vista points in the Milpitas planning area (De Novo Planning Group 2020) and there are no officially designated scenic highways in the vicinity of Milpitas (Caltrans 2022). Given the orientation of the project site to these scenic resources, views of both the site and Mission Hills are available from East Calaveras Boulevard on the southern side of the site, looking east to the hills (see Photo 10 in Figure 5).

The project would introduce new features into the views of Mission Hills from East Calaveras Boulevard, looking to the east. The proposed new buildings would be taller than the existing buildings (two-story instead of one) and buildings along East Calaveras Boulevard would be slightly closer to the road than the existing buildings. From within the project site, the new buildings would block a portion of the views to the hills, just as the existing buildings and trees within the viewshed currently block lower portions of the hillsides. However, the public views of the hillsides from East Calaveras Boulevard would still be maintained due to building setbacks from the sidewalk and roadway. Therefore, potential impacts from the project on scenic vistas would be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The project alignment is not visible from an officially designated state scenic highway. The closest officially designated state scenic highway to the project site is Interstate 680 (I-680) between Mission Boulevard in Fremont to Bernal Avenue near Pleasanton (Caltrans 2022), located over seven miles north of the project site. Therefore, the project would not damage scenic resources within a state scenic highway. The segment of I- 680 extending north from the Santa Clara/Alameda County line, located approximately 2.4 mile north of the site, is eligible for designation as a state scenic highway, however, it does not yet have official designated status.

Because the project does not affect scenic resources within a state scenic highway, there would be no impact.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less than Significant Impact. The proposed project is the redevelopment of an existing school campus to add a technical high school and replace aging buildings. The project site is already developed with existing buildings and landscaping. However, the project would change the visual characteristics of the site as described below.

The project includes the demolition of six existing buildings (100, 200, 300, 400, 500, and 550) and the construction of six new buildings. The six proposed new buildings would be two stories (the existing buildings are one-story) and approximately 25 to 30 feet tall (see Figures 6 and 7). The new buildings would be L-shaped, while the existing buildings are rectangular. The new buildings are designed in a modern style with sloped roofs, balcony overhands and large expanses of windows to provide a strong connection to the outdoor learning areas and ample daylight. The existing buildings have flat roofs and no balcony overhangs and are not modern style (built in the 1950s), although they do include a lot of windows.

The project includes the removal of approximately 84 trees as well as a number of shrubs and lawns. Approximately half the trees to be removed are flowering pears and the rest are a variety of other ornamental tree species. However, the landscaping plan for the project includes planting 70 trees, including species such as honey locust, crape myrtle, Chinese elm, wild lilac, coast live oak, locust and redbud. The landscape plan also includes 1,369 shrubs and herbs; common species include California grey rush, fortnight lily, mock orange, deer grass, New Zealand flax, and 66 pittosporum (see Table 2-2 in Chapter 2 Project Description for more information). Thus, the scenic quality of project landscaping is expected to be similar or improved compared to existing conditions.

Some of the proposed new buildings and landscaping would be visible from East Calaveras Boulevard and the western public access parking lot. Two of the proposed buildings are closer to East Calaveras Boulevard than the existing buildings. However, the main land use of the site (educational) would not change, and the scenic quality of the site and surrounding area would not be degraded by the project. Because the site is in an urban area on an already developed site, no permanent significant change or degradation of the existing visual character or quality of the site or its surroundings is anticipated. Therefore, the impact is considered less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. The proposed project includes new post-mounted lighting in hardscape and planted areas on the main parts of the campus, new pole-mounted lighting on a 3-foot raised concrete base in the eastern parking lot, and new in-grade uplights to illuminate a flag near the western parking lot. The existing campus currently has exterior lighting, and the hours of operation would not change after project completion. In addition, the new lights would be located away from existing residences adjacent to the eastern side of the site. The project site is in an urban area with existing street lights and other lighting associated with houses and businesses. Most of the new lights are not near East Calaveras Boulevard or the western public access driveway. Therefore, proposed project lighting is not expected to adversely affect day or nighttime views of the project area. The impact is considered less than significant.

3.1.4 References

California Department of Transportation. 2022. California State Scenic Highway System Map. Accessed on February 8 at: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa

City of Milpitas. 2021. City of Milpitas General Plan 2040. Prepared by DeNovo Planning Group. Adopted March 9, 2021.

De Novo Planning Group. 2018. City of Milpitas Existing Conditions Report. June. Accessed February 8, 2022 at: https://drive.google.com/uc?export=download&id=1XYV84_4cY2GsWfUBg35vfG4ISJJp-zwV

City of Milpitas. 2021. City of Milpitas General Plan 2040. Prepared by DeNovo Planning Group. Adopted March 9, 2021.

Quattrocchi Kwok Architects and HMH Engineers. 2021 (December 7). Milpitas Innovation Campus Increment 1.

Quattrocchi Kwok Architects and O'Mahony and Myer. 2021 (December 7). Milpitas Innovation Campus Increment 1.

3.2 AGRICULTURAL AND FOREST RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:*				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒
*In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				

3.2.1 Environmental Setting

The project site is located in the City of Milpitas and all proposed project improvements would occur on an existing, developed site. The California Department of Conservation Farmland Mapping and Monitoring Program identifies the area as Urban and Built-up Land.

3.2.2 Discussion

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use or a Williamson Act contract

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

d) Result in the loss of forest land or conversion of forest land to non-forest use?

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

No Impact. (Responses a – e). The proposed project would not impact Prime Farmland, Unique Farmland, Farmland of Statewide Importance, forest land, or land under a Williamson Act contract, as none are present on the site. All construction activities are confined to an existing, developed school site, which includes areas that are used for surface parking, are covered in black top pavement or are natural turf grass. Thus, the project would not result in impacts to any agricultural or forestry resources.

3.2.3 References

California Department of Conservation. 2018. Santa Clara County Important Farmland 2018. Division of Land Resource Protection. August. Accessed on February 9, 2022 at https://filerequest.conservation.ca.gov/RequestFile/2834917

City of Milpitas, 2021. Milpitas General Plan. Land Use Element. Accessed on February 9, 2022. https://milpitas.generalplan.org/

3.3 AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:*				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☒	☐	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐
*Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.				

3.3.1 Environmental Setting

Air quality is a function of pollutant emissions, and topographic and meteorological influences. The physical features and atmospheric conditions of a landscape interact to affect the movement and dispersion of pollutants and determine its air quality.

Federal, state, and local governments control air quality through the implementation of laws, ordinances, regulations, and standards. The federal and state governments have established ambient air quality standards for "criteria" pollutants considered harmful to the environment and public health. National Ambient Air Quality Standards (NAAQS) have been established for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone (O_3), fine particulate matter (particles 2.5 microns in diameter and smaller, or $PM_{2.5}$), inhalable coarse particulate matter (particles 10 microns in diameter and smaller, or PM_{10}), and sulfur dioxide (SO_2). California Ambient Air Quality Standards (CAAQS) are more stringent than the national standards for the pollutants listed above and include the following additional pollutants: hydrogen sulfide (H_2S), sulfates (SO_X), and vinyl chloride. In addition to these criteria pollutants, the federal and state governments have classified certain pollutants as hazardous air pollutants (HAPs) or toxic air contaminants (TACs), such as asbestos and diesel particulate matter (DPM).

The proposed project is located in the San Francisco Bay Area Air Basin (SFBAAB), an area of non-attainment for national and state ozone, state particulate matter (PM_{10}), and national and state fine particulate matter ($PM_{2.5}$) air quality standards (BAAQMD 2017a). The Bay Area Air Quality Management District (BAAQMD) has jurisdiction over air quality in the SFBAAB.

Existing Emissions Sources

The proposed project would be located at an MUSD campus on East Calaveras Boulevard. The school generates emissions from mobile sources (e.g., student and staff vehicle trips to and from school), small stationary sources (e.g., boilers, furnaces, or ovens), and area sources (e.g., water and space heating equipment and landscaping). These existing emissions contribute to local and regional air quality conditions near the high school and in the greater SFBAAB.

Sensitive Receptors

Some people are more affected by air pollution than others. The BAAQMD defines sensitive receptors as "facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly and people with illnesses" (BAAQMD 2017). In general, children, senior citizens, and individuals with pre-existing health issues (e.g., asthmatics) are considered sensitive receptors. Both CARB and the BAAQMD consider schools, schoolyards, parks and playgrounds, daycare facilities, nursing homes, hospitals, and residential areas as sensitive air quality land uses and receptors.

Sensitive air quality receptors near the project site include:

- Single-family residential buildings located approximately 120 feet south of the project site;
- Multi-family residential buildings located approximately 170 feet east of the project site;
- Single family residential buildings located approximately 260 feet west of the project site;
- The Milpitas Sports Center, which borders the project site, and includes swimming pools approximately 110 feet north of the project site and a fitness center approximately 180 feet north of the project site. The Milpitas Sports complex also includes a baseball field approximately 390 feet north of the site, a skate park approximately 480 feet north of the site, and a soccer field approximately 650 feet north of the site, a football field approximately 830 feet north from the project site; and
- An assisted living facility, Sweet Dreams Care Home, approximately 680 feet west of the project site.

3.3.2 Regulatory Setting

In-Use Off-Road Diesel Vehicle Regulation

On July 26, 2007, CARB adopted a regulation to reduce DPM and NO_x emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. This regulation applies to all off-road diesel vehicles over 25 horsepower (hp) used in California and most two-engine vehicles (except on-road two-engine sweepers), which are subject to the *Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road regulation).* Additionally, vehicles that are rented or leased (rental or leased fleets) are included in this regulation.

The Off-Road regulation:

- Imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles;
- Requires all off-road diesel vehicles over 25-horsepower be reported to CARB (using the Diesel Off-Road Online Report System DOORs) and labeled;
- Restricts the adding of older vehicles into fleets; and,
- Requires fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies, VDECS (i.e., exhaust retrofits).

Bay Area Air Quality Management District

The BAAQMD is the agency primarily responsible for maintaining air quality and regulating emissions of criteria and toxic air pollutants within the SFBAAB. The BAAQMD carries out this responsibility by preparing, adopting, and implementing plans, regulations, and rules that are designed to achieve attainment of state and national air quality standards.

The BAAQMD is the agency primarily responsible for maintaining air quality and regulating emissions of criteria and toxic air pollutants within the SFBAAB. The BAAQMD carries out this responsibility by preparing, adopting, and implementing plans, regulations, and rules that are designed to achieve attainment of state and national air quality standards. The BAAQMD currently has 13 regulations containing more than 100 rules that control and limit emissions from sources of pollutants. Table 3-1 summarizes the major BAAQMD rule and regulation that may apply to the proposed project.

Table 3-1: Potentially Applicable BAAQMD Rules and Regulations

Regulation	Rule	Description
1 – General Provisions	1 – General Provisions and Definitions	301- Public Nuisance: Establishes that no person shall discharge quantities of air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number or person or the public; or which endangers the comfort, repose, health or safety of any such person or the public.
6 – Particulate Matter	1 – General Requirements	Limits visible particulate matter emissions.
6 – Particulate Matter	6 – Prohibition of Trackout	Limits the quantity of particulate matter through control of trackout of solid materials on paved public roads from construction sites that are greater than one acre in size.
11 – Hazardous Pollutants	2 – Asbestos Demolition, Renovation, and Manufacturing	Controls emissions of asbestos to the atmosphere during demolition.
Source: BAAQMD 2021		

The *Clean Air Plan* includes 85 distinct control measures to help the region reduce air pollutants and has a long-term strategic vision which forecasts what a clean air Bay Area will look like in the year 2050. The control measures aggressively target the largest source of GHG, ozone pollutants, and particulate matter emissions – transportation. The 2017 Clean Air Plan includes more incentives for electric vehicle infrastructure, off-road electrification projects such as Caltrain and shore power at ports, and reducing emissions from trucks, school buses, marine vessels, locomotives, and off-road equipment.

3.3.3 Discussion

Would the proposed project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The proposed project would not conflict with nor obstruct implementation of the BAAQMD *2017 Clean Air Plan*. The *2017 Clean Air Plan* includes increases in regional construction, area, mobile, and stationary source activities and operations in its emission inventories and plans for achieving attainment of air quality standards. Chapter 5 of the *2017 Clean Air Plan* contains the BAAQMD's strategy for achieving the plan's climate and air quality

goals. This control strategy is the backbone of the *2017 Clean Air Plan*. It identifies 85 distinct control measures designed to:

- Reduce ozone precursors, in order to fulfill California Health & Safety Code ozone planning requirements;
- Protect public health by reducing emissions of ozone precursors, PM, and TACs; and
- Serve as a regional climate protection strategy by reducing emissions of GHG across the full range of economic sectors

The 85 control strategies identified in the 2017 Clean Air plan are grouped by nine economic-based "sectors" as shown in Table 3-2.

Table 3-2: BAAQMD 2017 Clean Air Plan Control Measure Sectors

Sector	No. of Measures	General Description of Sector Applicability
Agriculture (AG)	4	Applies to sources of air pollution from agricultural operations include on and off-road trucks and farming equipment, aircraft for crop spraying, animal waste, pesticide and fertilizer use, crop residue burning, travel on unpaved roads, and soil tillage. AG control measures would not apply to the proposed project because it is located in a developed, urban area.
Buildings (BL)	4	Applies to residential, commercial, governmental and institutional buildings, which generate emissions through energy use for heating, cooling, and operating the building, and from the materials used in building construction and maintenance. BL measures would potentially apply to the proposed new school building.
Energy (EN)	2	Applies to emissions of criteria pollutants, TACs, and GHGs from electricity generated and used within the Bay area, as well as GHG emissions from electricity generated outside the Bay area that is imported and used within the region. EN measures would potentially apply to the proposed new school building.
Natural and Working Lands (NW)	3	Applies to emissions from natural and working lands, including forests, woodlands, shrub lands, grasslands, rangelands, and wetlands. NW control measures generally do not apply to the proposed project because it is located in a developed, urban area, with the exception of measures addressing urban heat island effects.
Stationary Sources (SS)	40	Applies to stationary sources generally used in commercial and industrial facilities. Such sources are typically regulated through BAAQMD rulemaking, permitting, and enforcement programs. SS measures would potentially apply to the proposed project, although most SS measures would be implemented by the BAAQMD via its rulemaking and permitting processes.
Super GHGs (SL)	3	Applies to emissions of methane, black carbon, and fluorinated gases from landfills, wood burning, and large refrigeration systems. SL control measures would not apply to the proposed project because it does not involve operations covered by these measures.

Table 3-2: BAAQMD 2017 Clean Air Plan Control Measure Sectors		
Sector	**No. of Measures**	**General Description of Sector Applicability**
Transportation (TR)	23	Applies to on-road motor vehicles such as light-duty automobiles or heavy-duty trucks, as well as off-road vehicles, including airplanes, locomotives, ships and boats, and off-road equipment such as airport ground-support equipment, construction equipment and farm equipment. In general, most TR measures are not directly applicable to the proposed project, with the exception of measures addressing school-related vehicle trips.
Waste (WA)	4	Applies to emissions from landfills and composting activities. WA measures apply to the proposed project because it would generate waste that contributes to emissions from landfills and composting activities.
Water (WR)	2	Applies to direct emissions from the treatment of water and wastewater at publicly owned treatment works and indirect emissions associated with the energy used to pump, convey, recycle, and treat water and wastewater throughout the Bay. WR measures pertaining to water conservation would apply to the proposed project.

As described in Table 3-2, of the nine economic sectors identified in the Clean Air Plan, six contain at least one control measure that is relevant to the proposed project. As described below, the proposed project includes features and design elements that are consistent with the 2017 Clean Air Plan control measures and implementation mechanisms.

- In general, *Clean Air Plan* control measures EN2 (Decrease Energy Use), BL1 (Green Buildings), and BL4 (Urban Heat Island Mitigation) reduce multiple pollutant emissions by promoting and increasing energy efficiency and reducing urban heat island effects. These *Clean Air Plan* measures would be implemented via the BAAQMD's dissemination of information and best practices, as well as funding for energy efficiency programs. The proposed project would meet all DSA electrical safety and energy efficiency requirements. In addition, the project would work with the Collaborative for High Performance Schools (CHPS), which facilitates and provides recognition for natural resource conservation and pollution reduction in the design, construction, and operation of schools. The project would qualify for the CHPS Designed certification. The project also includes the planting of 70 new trees and over 1,000 shrub plantings to reduce urban heat island effects including evaporative emissions from automobiles in parking lots.

- *Clean Air Plan* control measures SS36 (PM from Trackout) and SS38 (Fugitive Dust) reduce $PM_{2.5}$ emissions from track-out of mud and dirt onto paved, public roadways and fugitive dust emissions from sources including construction activities, respectively. These *Clean Air Plan* measures would be implemented via the BAAQMD's rulemaking and permitting authority. As described in Table 2-2 in Project Description and under discussion b) below, the proposed project includes BMPs to address potential fugitive dust emissions from project construction activities.

- *Clean Air Plan* control measure TR9 (Bicycle and Pedestrian Access and Facilities) reduces multiple pollutant emissions by encouraging bicycle planning and funding

bicycle facilities. The proposed project would include 48 bike rack parking spaces, 12 bike locker spaces.

- *Clean Air Plan* control measure WA4 (Recycling and Waste Reduction) reduces emissions from landfills by diverting recyclables and other materials from landfills. This measure would be implemented via the BAAQMD's dissemination of best practices, such as model ordinances. The contractor would develop a Waste Management Plan and implement procedures to divert 75 percent of construction waste from landfills.
- *Clean Air Plan* control measure WR2 (Support Water Conservation) reduces indirect GHG emissions by promoting water conservation and reduction in water consumption. This measure would be implemented via the BAAQMD's dissemination of best practices, such as model ordinances. The proposed project includes the use of recycled water for irrigation purposes, which reduces potable water consumption.

The BAAQMD's implementation of the control strategies employs a wide range of tools and resources, and many of the control strategies are not intended or designed to be directly implemented or achieved by local government or a school district. The proposed redevelopment would construct a high school that would employ 40 faculty and have an enrollment of 500 students. Students would be enrolled from the existing MUSD service area, and so the project would not generate housing or population growth. The project, therefore, would not have the potential to substantially affect housing, employment, and population projections within the region, which are the basis of the 2017 Clean Air Plan projections. In addition, the project would not result in significant new sources of emissions that would conflict with the *2017 Clean Air Plan.* The proposed project would be consistent with the control measures contained in the *2017 Clean Air Plan*. Finally, the project would not disrupt or hinder implementation of any control measure or create any disparities in air quality effects or impacts. For these reasons, the proposed project would not conflict with the *2017 Clean Air Plan*. No impact would occur.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact with Mitigation Incorporated. The SFBAAB is an area of non-attainment for national and state ozone, state PM_{10}, and national and state $PM_{2.5}$ air quality standards (BAAQMD 2017d). Regarding cumulative impacts, the BAAQMD's CEQA Air Quality Guidelines state (BAAQMD 2017d, pg. 2-1):

> "SFBAAB's non-attainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulative considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Therefore, additional analysis to assess cumulative impacts is unnecessary."

As discussed under paragraph a) above, the proposed project does not conflict with the BAAQMD's Clean Air Plan, and as discussed below, would not result in construction or operational emissions that exceed BAAQMD thresholds of significance. As such, the proposed project would have not result in a cumulatively considerable contribution to regional air quality impacts.

The proposed project would generate criteria air pollutant emissions from fuel combustion in heavy-duty construction equipment, motor vehicles, and area sources such as landscaping equipment, and using of cleaning products. The BAAQMD's CEQA Air Quality Guidelines contain screening criteria to provide lead agencies with a conservative indication of whether a proposed project could result in potentially significant air quality impacts (BAAQMD 2017). Consistent with the BAAQMD's guidance, if a project meets all the screening criteria, then the project would result in a less than significant air quality impact and a detailed air quality assessment in not required for the project.

As described below, project construction and operation would be consistent with all BAAQMD CEQA Guidelines screening criteria and would therefore not violate air quality standards, contribute to an air quality violation, or result in a significant air quality impact from project construction and operation emissions.

Project Consistency with BAAQMD Construction and Operational Screening Criteria

Project construction would occur in two phases, from June 2022 to August 2023 and from June 2023 to August 2024. Construction activities would include site preparation, excavation, foundation work, building construction, interior finishing, and utilities work, lasting approximately 26 months. The project would involve the demolition of five buildings totaling 53,800 square feet and the construction of six buildings totaling 90,600 square feet, resulting in a net addition of 36,800 square feet. Once operational, the project would generate emissions of criteria air pollutants from additional student use of the site such as increased vehicle trips and building energy consumption.

Table 3-3 compares the proposed project with the BAAQMD's construction and operational screening criteria for a high school land use.

Table 3-3: Project Consistency with BAAQMD Screening Criteria(A)

Criterion	Requirement	Project Consistency
1) Land Use Type and Size	Project is below the construction screening sizes (3,012 students and 277,000 sq. ft.) and the operational screening sizes (2,390 students and 311,000 sq. ft.) for the high school land type(B)	The proposed project would add 500 new students and project construction would add a net 36,800 sq. ft.
2) Basic Construction Measures	Project design and implementation includes all BAAQMD *Basic Construction Mitigation Measures*	The District will include all BAAQMD *Basic Construction Mitigation Measures* into all project-related bid, contract, engineering, and site plan documents (e.g., construction drawings).

Table 3-3: Project Consistency with BAAQMD Screening Criteria(A)		
Criterion	**Requirement**	**Project Consistency**
3) Demolition	Demolition activities are consistent with BAAQMD Regulation 11, Rule 2: Asbestos Demolition, Renovation, and Manufacturing	The District is required to comply with this regulation. The District will include compliance with this regulation in all project-related bid, contract, engineering, and site plan documents (e.g., construction drawings).
4) Construction Phases	Construction does not include simultaneous occurrence of more than two construction phases (e.g., grading, paving, and building construction would occur simultaneously)	The project does not include simultaneous occurrence of more than two construction phases.
5) Multiple Land Uses	Construction does not include simultaneous construction of more than one land use type	The project pertains to only one type of land use.
6) Site Preparation	Construction does not require extensive site preparation	The proposed project would not include extensive site preparation or extensive grading as the site is already flat and largely developed.
7) Material Transport	Construction does not require extensive material transport and considerable haul truck activity (greater than 10,000 cubic yards).	The project may require a total of up to approximately 4,000 cubic yards of soil import and approximately 3,500 cubic yards of imported base rock. The project would not exceed the threshold of 10,000 cubic yards of material transport.
Table prepared by MIG using the following sources of information: (A) BAAQMD Screening Criteria from pg. 3-5 of BAAQMD CEQA Guidelines (BAAQMD 2017) (B) Construction screening level size from Table 3-1 of BAAQMD CEQA Guidelines (BAAQMD 2017)		

The BAAQMD's *CEQA Air Quality Guidelines* state that projects that meet all applicable screening criteria would result in a less than significant air quality impact and do not require an operational air quality assessment. As shown in Table 3-3, the proposed project is consistent with all screening criteria and, therefore, would not result in emissions levels that exceed BAAQMD CEQA thresholds of significance. For all projects, the BAAQMD recommends implementation of eight "Basic Construction Mitigation Measures" to reduce construction fugitive dust emissions levels; these basic measures are also used to meet the BAAQMD's best management practices (BMPs) threshold of significance for construction fugitive dust emissions (i.e., the implementation of all basic construction measures renders fugitive dust impacts a less than significant impact). Therefore, the project shall implement Mitigation Measure AIR-1, below, to comply with the BAAQMD's CEQA Guidelines. These BAAQMD basic construction measures would be included in project plans and specifications. The inclusion of the BAAQMD's construction measures as BMPs for the project and the projects overall consistency with BAAQMD construction and operational screening criteria render the proposed project's potential construction and operational emissions a less than significant impact. In addition, the project would implement an Indoor Air Quality Plan and follow VOC restrictions for products such as adhesives, paints, flooring, and composite wood products, which would further reduce emissions.

In developing its CEQA significance thresholds, the BAAQMD considered the emission levels at which a project's individual emissions would be cumulatively considerable. The BAAQMD considers projects that result in emissions that exceed its CEQA significance thresholds to result in individual impacts that are cumulatively considerable and significant. Since the proposed project would not exceed any BAAQMD CEQA significance thresholds, the project would result in less than significant cumulative air quality impacts.

Impact AIR-1: The project could result in fugitive dust emissions.

Mitigation Measure AIR-1: Fugitive Dust Emissions Control. To reduce fugitive dust that would be generated during Project construction activities, the Milpitas Unified School District (MUSD) and/or its designated contractors, contractor's representatives, or other appropriate personnel shall implement the following Bay Area Air Quality Management District (BAAQMD) basic dust control measures during all project construction activities.

- Water all exposed surfaces (e.g., staging areas, soil piles, graded areas, and unpaved access roads) two times per day during construction and adequately wet demolition surfaces to limit visible dust emissions.
- Cover all haul trucks transporting soil, sand, or other loose materials off the Project site.
- Use wet power vacuum street sweepers at least once per day to remove all visible mud or dirt track-out onto adjacent public roads (dry power sweeping is prohibited) during construction of the proposed Project.
- Vehicle speeds on unpaved roads/areas shall not exceed 15 miles per hour.
- Complete all areas to be paved as soon as possible and lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Minimize idling time of diesel-powered construction equipment to five minutes and post signs reminding workers of this idling restriction at access points and equipment staging areas during construction of the proposed Project
- Maintain and properly tune all construction equipment in accordance with manufacturer's specifications and have a CARB-certified visible emissions evaluator check equipment prior to use at the site.
- Post a publicly visible sign with the name and telephone number of the construction contractor and MUSD staff person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours. The publicly visible sign shall also include the contact phone number for the BAAQMD to ensure compliance with applicable regulations.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant with Mitigation Incorporated. The proposed project would be located within ¼-mile of existing stationary and mobile sources of emissions that could expose students and faculty / staff at the site to toxic air contaminants. In addition, project construction activities would emit toxic air contaminants that have the potential to disperse and result in health risks and hazards at sensitive receptor locations. As explained in more detail below, however, the proposed project would not expose sensitive receptors to substantial pollutant concentrations or significant adverse health risks.

Risks and Hazards to New Student and Faculty / Staff Receptors

A review of BAAQMD screening data identified four facilities within ¼ mile of the project site (BAAQMD 2020). Table 3-4 summarizes the stationary sources within ¼ mile of the proposed school site and corresponding cancer risk, non-carcinogenic hazard, and $PM_{2.5}$ concentrations resulting from these sources. See Appendix A for more details. As shown in Table 3-4, these existing emissions sources would not generate carcinogenic, non-carcinogenic, or annual

average $PM_{2.5}$ concentrations at the proposed school site that exceed BAAQMD thresholds of significance. Therefore, the project would not expose new student, faculty, or staff receptors to significant health risks or hazards associated with existing sources of toxic air contaminants.

Table 3-4: School Health Risks from Existing Emission Sources

Stationary / Mobile Emissions Source	Cancer Risk (per million)	Chronic Hazard Index	$PM_{2.5}$ ($\mu g/m^3$)
	Staff		
Conoco Phillips	0.5014	0.07	0.00
Shell Service Station	0.4055	0.03	0.00
Verizon Wireless Generator	2.8100	0.00	0.00
City of Milpitas Generator	0.0016	0.00	0.00
Total Risk	3.1785	**0.10**	**0.00**

Furthermore, a search of the California Department of Toxic Substances Control's (DTSC) EnviroStor database and the State Water Resources Control Board's (SWRCB) Geotracker database resulted in a total of six sites, which included five underground storage containers and a dry-cleaning facility (DTSC 2018, SWRCB 2018). Searches were also completed for the SWRCB's Cease and Desist Order (CDO) / Cease and Abatement Order (CAO) list, CalEPA's list of Sites with Waste Constituents Above Hazardous Waste Levels Outside of the Management Unit, and CalEPA's list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code (CalEPA 2018a, 2018b, 2018c); the project site is not located on any of these lists.

Finally, based on the Transportation Analysis prepared for the project, there are no roadways located within 500 feet of Central Park Elementary School that have an average daily traffic volume of 100,000 vehicles or more (Hexagon 2022).

Pursuant to CEQA Guidelines Section 15816, the information above indicates project site is not a current or former hazardous or solid waste disposal site, a hazardous substance release site, a site that contains buried pipelines which carry hazardous substances, or located within 500 feet of a freeway or busy traffic corridor. In addition, the potential health risks from existing facilities that use, store, handle, or emit hazardous materials do not and will not constitute an actual or potential endangerment of public health to students, faculty, or staff present at the project site. This impact would be less than significant.

Risks and Hazards from Project Construction Emissions and Vehicle Trips

During project construction, the heavy-duty, diesel-powered off-road construction equipment, as well as diesel-powered vendor and haul trucks, would emit DPM, a TAC, as part of their exhaust emissions;

Since the preschool will remain in operation during construction, the following mitigation is proposed:

Mitigation Measure AIR-2: Reduce DPM Emissions. To reduce potential short-term adverse health risks associated with PM_{10} exhaust emissions, including emissions of diesel particulate matter (DPM), generated during project construction activities, the MUSD and/or it's designated contractors, contractor's representatives, or other appropriate personnel shall implement the following construction equipment restrictions for the Project:

- To the extent feasible, contractors shall use the smallest size equipment capable of safely completing work activities.
- To the extent feasible, electric hook-ups shall be provided for stationary equipment (e.g., pumps, compressors, welding sets).

- All construction equipment with a rated power-output of 50 horsepower or greater shall meet U.S. EPA and CARB Tier IV Final Emission Standards for PM_{10}. This may be achieved via the use of equipment with engines that have been certified to meet Tier IV emission standards, or through the use of equipment that has been retrofitted with a CARB-verified diesel emission control strategy (e.g., particulate filter) capable of reducing exhaust PM_{10} emissions to levels that meet Tier IV standards.

The implementation of Mitigation Measure AIR-2 would reduce the amount of DPM from large equipment exhaust by 95% or more (compared to uncontrolled exhaust). In addition, it is noted that construction activities would only occur intermittently, between the hours of 7:00 A.M. and 5:00 P.M. Monday through Friday, and last approximately 26 months. Furthermore, the sensitive receptors in close proximity to construction work areas (i.e., nearby residents and students and employees at the campus) would not be continuously exposed (24 hours) to outdoor pollutant concentrations associated with project construction activities for a prolonged period of time. The campus would not be occupied during Phase 1 of construction, and for Phase 2 of construction any exposure that would occur would be for only a fraction of the 9-, 30- and 70-year averaging time periods used to evaluate incremental risks over a student, worker, and residential exposure scenarios. Furthermore, students and employees would spend a large part of their time indoors while on-site and would benefit from air filtered by the school's air ventilation units. The combination of low emission levels and limited receptor exposure to construction-generated DPM emissions would render potential risks and hazards from construction DPM emissions a less than significant impact.

As described in Section 3.17, the proposed project would result in a net increase of approximately 970 new daily vehicle trips. These trip generation rates would not increase traffic volumes above BAAQMD carbon monoxide screening levels of 44,000 vehicles per hour or 24,000 vehicles per hour where features such as tunnels, garages, underpasses, canyons, and below grade roadways restrict air flow and mixing. Under existing conditions, there are approximately 2,797 peak AM hour vehicle trips at the intersection of Calaveras Boulevard and Park Victoria Drive, and the project is estimated to add approximately 240 peak AM hour trips (Hexagon 2022). The project, therefore, does not exceed the CO screening value would not result in substantial CO concentrations from vehicle trips or idling.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. Construction of the project would generate typical odors associated with construction activities, such as fuel and oil odors. The odors generated by the project would be intermittent and localized in nature and would disperse quickly. There are no other anticipated emissions. Therefore, the project would not create emissions or odors that adversely affect a substantial number of people. This impact would be less than significant.

3.3.4 References

Bay Area Air Quality Management District (BAAQMD) 2017a. "Air Quality Standards and Attainment Status". BAAQMD, Research & Data, Air Quality Standards & Attainment Status. January 5, 2017. Accessed on October 3, 2017 at http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status.

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_____2017c. 2017 Clean Air Plan: Spare the Air, Cool the Climate. BAAQMD, Planning, Rules, and Research Division. April 19, 2017.

_____2017d. California Environmental Quality Act Air Quality Guidelines. San Francisco, CA. June 2010, updated May 2017.

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California Department of Toxic Substances Control (DTSC) 2022. EnviroStor Database Search for 1331 E Calaveras Blvd, Milpitas, CA 95035. Map. March 3, 2022. https://www.envirostor.dtsc.ca.gov/public/

California Environmental Protection Agency (CalEPA) 2018a. "List of Solid Waste Disposal Sites Identified by Water Board with Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit." http://www.calepa.ca.gov/SiteCleanup/CorteseList/

_____2018b. "List of 'Active' Cease and Desist and Cleanup and Abatement Orders from Water Board." http://www.calepa.ca.gov/SiteCleanup/CorteseList/

_____2018c. "List of Hazardous Waste Facilities Subject to Corrective Action Pursuant to Section 25187 of the Health and Safety Code, Identified by DTSC." https://calepa.ca.gov/SiteCleanup/CorteseList/

State Water Resources Control Board 2022. GeoTracker Database Search for 1331 E Calaveras Blvd, Milpitas, CA 95035. Map. March 3, 2022. https://geotracker.waterboards.ca.gov/

Quattrocchi Kwok Architects. 2021. Project Manual for the Milpitas Innovation Campus Increment 1. December 7.

3.4 BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

3.4.1 Environmental Setting

The project site is in an urban area surrounded by residential development to the north, east and west, and residential and commercial development to the south. There is dense urban development for at least a half mile radius around the site, including major regional highways and roadways such as East Calaveras Boulevard along the southern border and I-680 approximately 0.2 mile to the west. The Coast Ranges are approximately 0.5 mile east of the site and the San Francisco Bay is approximately four miles to the west. The project site is an existing adult school and preschool campus developed with buildings, parking lots, and landscaping.

The only vegetation in or near the project site is landscape vegetation such as ornamental trees and shrubs. Plant and wildlife species observed at the site on February 2, 2022 are listed in Table 3-5 below. Some tree species had no leaves during the winter site visit and were not identifiable. Other wildlife common in urban environments are also likely present in the project area.

Table 3-5. Species Observed During the February 2, 2022 Site Visit

Common Name	Latin Name
Plants	
Acacia	*Acacia* spp.
bottlebrush	*Callistemon* sp.
Brush cherry	*Syzygium australe*
Callery pear	*Pyrus calleryana*
Chinese pistache	*Pistacia chinensis*
coast live oak	*Quercus agrifolia*
cork oak	*Quercus suber*
firethorn	*Pyracantha* sp.
Italian cypress	*Cupressus sempervirens*
juniper	*Juniperus* sp.
Monterey pine	*Pinus radiata*
privet	*Ligustrum* sp.
rose	*Rosa* sp.
sweetgum	*Liquidambar styraciflua*
Animals	
American crow	*Corvus branchyrhynchos*
Anna's hummingbird	*Calypte anna*
black phoebe	*Sayornos nigricans*
California towhee	*Melozone crissalis*
House finch	*Haemorphus mexicanus*
lesser goldfinch	*Spinus psaltria*
rock pigeon	*Columba livia*

3.4.2 Regulatory Setting

Federal Regulations

U.S. Migratory Bird Treaty Act

The U.S. Migratory Bird Treaty Act (MBTA; 16 USC §§ 703 et seq., Title 50 Code of Federal Regulations [CFR] Part 10) states it is "unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill; attempt to take, capture or kill; possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or in part, of any such bird or any part,

nest or egg thereof…" In short, under MBTA it is illegal to disturb a nest that is in active use, since this could result in killing a bird, destroying a nest, or destroying an egg. The U.S. Fish and Wildlife Service (USFWS) enforces MBTA. The MBTA does not protect some birds that are non-native or human-introduced or that belong to families that are not covered by any of the conventions implemented by MBTA.

State

Nesting Birds

Nesting birds, including raptors, are protected under California Fish and Game Code Section 3503, which reads, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." In addition, under California Fish and Game Code Section 3503.5, "it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto". Passerines and non-passerine land birds are further protected under California Fish and Game Code 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by CDFW.

Non-Game Mammals

Sections 4150-4155 of the California Fish and Game Code protects non-game mammals, including bats. Section 4150 states "A mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a nongame mammal. A non-game mammal may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission". The non-game mammals that may be taken or possessed are primarily those that cause crop or property damage. Bats are classified as a non-game mammal and are protected under California Fish and Game Code, in addition to being protected if they are a listed species (e.g., CSSC, CFP, state or federal threatened, or state or federal endangered).

Local

Milpitas Municipal Code Chapter 2. Tree Maintenance and Protection

The City of Milpitas requires a permit from the Public Works Department before any person[1] can remove any street tree, protected tree, or heritage tree (Section X-2-4.02). According to Section X-2-7.01, a protected tree is any of the following:

(a) All trees which have a fifty-six-inch (56") or greater circumference of any trunk measured 4 ½ feet from the ground and located on developed residential property.

(b) All trees which have a thirty-seven-inch (37") or greater circumference of any trunk measured 4 ½ feet from the ground and located on developed commercial or industrial property.

1 "Person" means any individual co-partnership, association, corporation, governmental body or unit, or agency (other than the City of Milpitas) or any other entity.

(c) All trees which have a thirty-seven-inch (37") or greater circumference of any trunk measured 4 ½ feet from the ground, when removal relates to any transaction for which zoning approval or subdivision approval is required.

(d) Any tree existing at the time of a zoning or subdivision approval and was a specific subject of such approval or otherwise covered by subsection (b) above.

(e) All trees which have a thirty-seven-inch (37") or greater circumference of any trunk measured 4 ½ feet from the ground and located on a vacant, undeveloped or underdeveloped property.

(f) All heritage trees or groves of trees as defined in Section X-2-2.10.

Although the District meets the City Municipal Code's definition of a Person, none of the trees that could be impacted by the project meet the definition of a protected tree, because the high school campus is not a developed residential property, a commercial or industrial property, a subdivision, or vacant, undeveloped or underdeveloped property, and there are no known heritage trees on the campus.

3.4.3 Discussion

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less than Significant with Mitigation Incorporated. There is no potential for special-status species to occur in or near the project site because there is no suitable habitat for such species in the project area. A search of the California Natural Diversity Database (CNDDB) revealed that there are records of numerous special-status species within five miles of the project site (CNDDB 2022). However, all of these records occur near the San Francisco Bay or in the Coast Ranges located four and 0.5 miles from the site, respectively, and all of these species have specialized habitat requirements that are not present in the project area, such as aquatic habitat (wetlands, marsh, streams or riparian habitat), specialized soils (alkaline or serpentine, etc.), natural vegetation communities (grasslands, scrub, woodlands, etc.), or geologic features (coastal bluff, etc.).

Nesting birds may occur in trees, shrubs and buildings on and adjacent to the project site. All migratory bird species are protected under the Migratory Bird Treaty Act and the California Fish and Game code. If construction activities occur during the avian breeding season (February 1 to September 15), injury to individuals or nest abandonment could occur. Noise and increased construction activity could temporarily disturb nesting or foraging activities, potentially resulting in the abandonment of nest sites. However, with the implementation of Mitigation Measure BIO-1, potential impacts from project construction to nesting birds would be less than significant.

The project includes the removal of approximately 84 trees as well as a number of shrubs that could provide nesting habitat for bird species common in urban environments. Approximately half the trees to be removed are flowering pears and the rest are a variety of other ornamental tree species. However, the landscaping plan for the project includes planting 70 trees and 1,369 shrubs and herbs (see Table 2-2: Landscape Plan in Chapter 2 and response to Question c in Section 3.1 for more information). The planted trees, shrubs, and other vegetation is expected to be roughly equivalent to trees and other vegetation that would be removed as part of the project and would effectively replace nesting bird habitat on the project site. Therefore, no impacts to nesting bird habitat are anticipated over the long term.

MIG bat biologist Kim Briones assessed the site for roosting bat habitat on February 9, 2022. Trees proposed for removal do not have large cavities, peeling bark, or deep crevices that could support roosting bats, and are located in a busy area, away from Calaveras Creek (or any other water source) and are located on a site of abundant human activity. Although some of the buildings to be removed have crevices that could provide bat roosting habitat, there is no indication that bats have ever roosted there. Although bat roosting habitat is present in the buildings, due to the lack of current and historical use, and the highly urbanized surroundings, bats are unlikely to ever occupy the site. Therefore, no mitigation is required.

Impact BIO-1: Project construction could impact nesting birds if construction takes place during the nesting season.

Mitigation Measure BIO-1: To avoid impacts to nesting birds and avoid potential violation of state and federal laws pertaining to birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, tree removal, fence installation, demolition, and grading) should occur outside the avian nesting season (that is, prior to February 1 or after September 15) if possible. If construction and construction noise occurs within the avian nesting season (from February 1 to September 15), all suitable habitats located within the project's area of disturbance including staging and storage areas plus a 250-foot (passerines) and 1,000-foot (raptor nests) buffer around these areas shall be thoroughly surveyed, as feasible, for the presence of active nests by a qualified biologist no more than five days before commencement of any site disturbance activities and equipment mobilization. If project activities are delayed by more than five days, an additional nesting bird survey shall be performed. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys shall be documented.

If pre-construction nesting bird surveys result in the location of active nests, no site disturbance and mobilization of heavy equipment (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within 250 feet of non-raptor nests and 1,000 feet of raptor nests, or as determined by a qualified biologist in consultation with the California Department of Fish and Wildlife, until the chicks have fledged. Monitoring shall be required to ensure compliance with Migratory Bird Treaty Act (MBTA) and relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

No Impact. No riparian habitat or other sensitive habitat occurs on or adjacent to the project site. The closest creek is Calera Creek, located approximately 480 feet south of the project site at its closest point. The creek is channelized at this location and is surrounded by urban development. The project is not expected to impact riparian habitat on Calera Creek due to the distance of the creek from the project site.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. There are no state or federally protected wetlands on or near the project site. As stated in response to Question b above, Calera Creek is located a minimum of 480 feet away from the project site and is not expected to be impacted by the project. There are no other aquatic features or potentially jurisdictional habitats in the project area.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant Impact. The proposed project would not impact wildlife movement or nursery sites. The project site is in a highly urbanized area and there are no established native resident or migratory wildlife corridors or native wildlife nursery sites in the project area. The proposed project would redevelop an existing school campus already developed with buildings, parking lots, and landscaping. Wildlife movement is already restricted in the project area by roads, buildings, and other development. Although common birds and small mammals adapted to urban areas may move through the project area, the area does not generally support species typically found in more natural areas and movement opportunities for large mammals or species with specialized habitat requirements are very limited. After project implementation wildlife movement conditions are expected to be similar to existing conditions.

Windows and glass surfaces on the proposed new buildings could pose a hazard to migratory birds. Birds cannot see clear or reflective glass and collisions can result in injuries or fatalities. However, the existing campus has buildings with glass windows, as does the urban area surrounding the campus. There are no waterbodies or open spaces near the campus that would attract large numbers of migratory bird species. The risk of window strikes to migratory birds at the project site is expected to be similar to existing conditions after project completion. Therefore, this impact is considered to be less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (including the County Heritage and Significant Tree Ordinances)?

Less Than Significant Impact. The proposed project would not conflict with the City's tree ordinance (Milpitas Municipal Code Chapter 2. Tree Maintenance and Protection) because none of the trees that would be removed by the project are protected trees under the ordinance (see Section 3.4.2 under Local above for more information), and project tree removal would be offset by tree planting; see response to Question a above and Table 2-2: Landscape Plan in Chapter 2 for more information.

Local policies such as general plan policies do not apply to the District. However, as explained in the response to Questions a-d above, the proposed project would not impact special-status species, sensitive habitats, wetlands or other aquatic features, or wildlife movement or nursery sites because the project site is in a highly urbanized area where such resources are not present. In addition, potential impacts to nesting birds would be avoided by Mitigation Measure BIO-1 and replacement of removed trees and other vegetation through the project's landscaping plan. Therefore, the proposed project would not conflict with any local policies or ordinances protecting biological resources, even if they applied to the project.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan that applies to the project site. Thus, the proposed project would not conflict with such a plan.

3.4.4 References

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[USFWS] U.S. Fish and Wildlife Service. 2022. National Wetlands Inventory. Accessed February 1, 2022 at: https://www.fws.gov/wetlands/data/mapper.html

3.5 CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

3.5.1 Environmental Setting

Prehistoric

Prior to the arrival of the Spanish missions, Santa Clara County was home to many tribes of Native Americans of diverse ethnic and linguistic backgrounds. The area of Milpitas, California, was predominantly inhabited by the Tamien (sometimes spelled Tamyen) group of the Ohlone Tribe. Often living in semi-permanent or seasonal housing organized around large extended family groups, local inhabitants utilized the abundant natural resources to survive, with special emphasis placed on the role of the acorn, fish, wild game, and plant matter (Levy 1978). Groups would spend the warm summers closer to the Bay, and the colder winter months farther inland. This not only would allow for more comfortable living conditions, but also allow for the local plant and animal population to be regenerated for the next season. Common artifacts that may be found from this time period include stone mortars and pestles, flat stones used for grinding, stone or shell beads, bone or antler tools or jewelry, obsidian or natural stone points used for hunting (and flakes from their production), as well as BRMs (bedrock mortars), often found near streams or other waterways.

Historic

European explorers, including the Spanish, English, and Russians, arrived in California in the 16th and 17th centuries. In 1769, Spain began its colonization efforts by establishing missions in the Spanish territory of Alta California. Members of the Ohlone Tribe, including the Tamien, were forced into the Mission system and used as labor, made to create items to sell to Spanish settlers like candles or textiles, among others. Additionally, many were made to work the land, tending to crops or livestock. The Catholic Church that was tasked with overseeing the work of the missions that sought to “reeducate” the native peoples by Christianizing them and forcibly integrating them into Spanish society and culture. Those thought suitably Christian in religion, as well as Spanish in culture and language, were called *gente de razón*--men of reason.

Following Mexican independence from Spain in 1821, the Mexican government secularized the Spanish missions and offered land grants to citizens in Alta California. The land that the missions occupied was converted into cattle ranches, termed *ranchos.* The native peoples who had been forced off their land were almost entirely disenfranchised and unable to return to their ancestral homes. As a result, many continued working on these cattle ranches, or taking other low-paying jobs, while living on the margins of society.

Following the conclusion of the Mexican American War in 1848 with the signing of the Treaty of Guadalupe-Hidalgo, California was ceded to the United States.

City of Milpitas.

The region where the city of Milpitas is located saw clusters of European-descended settlement during the 1850s, with enclaves of English, German, Irish, and Portuguese Americans emigrating from other parts of the United States as news of the California gold rush spread (Munzel 2017). The primary land use remained agricultural, but settlers began to develop a small town center with a post office and a hotel. A railroad line was extended through the area in 1869, allowing for greater contact between local farmers and ranchers and Bay Area markets (DEIR Milpitas General Plan, 2020). The region remained largely agricultural in nature for the next century.

In 1953, the Ford Motor Company negotiated a lease with the Western Pacific Railraid and opened a assembly plant in Milpitas; the local population and associated development experienced an immediate and explosive boom. To accommodate the workforce needed to staff the assembly plant the town of Milpitas incorporated in 1954, and over the next couple of years established a community newspaper, built new elementary and high schools, and established a planning commission to plan a network of streets and roads and establish a zoning ordinance to guide the construction of thousands of new housing units. In 1963 a local school board was established (Vallejo Times Herald 2015). This growth trend has continued into present-day, with the total current population estimated at 80,000 as of April 2020 (United States Census Bureau 2020).

Project Site at the Present Time

The project site was developed as Milpitas' first high school in 1956 and was based on a mid-century modernist design concept by architectural firm Kress, Goudie, and Kress (Los Gatos Times, 1955). The multi-building campus, connected via outdoor corridors, was called Samuel Ayer High School after a nineteenth century pioneer who settled in Milpitas and became a prominent local politicition (Milpitas Historical Society, 2010-2021).

As Milpitas continued to grow and suburban development was established on former agricultural land surrounding Samuel Ayer High School, the campus also expanded to accommodate greater population. A school bond in 1957 funded approximately 65 additional onsite classrooms, and historic aerial photographs reveal that the school saw a series of expansions and landscape and parking improvements throughout the 1960s (San Francisco Examiner, 1957; Historicaerials.com). The public school closed its doors in 1980 and transitioned into administrative use by the Milipitas School District and currently houses the an independent study program (Milpitas Unified School District, 2020). See *Chapter 2. Project Description* for additional information.

Resources within the Project Site

Records Search Results and Native American Outreach

MIG conducted a California Historical Resources Information System (CHRIS) record search of the project site and a 0.25-mile buffer area through the Northwest Information Center (NWIC). MIG also consulted the National Register of Historic Places (NRHP 2021), California Inventory of Historical Resources/CRHR, the Built Environment Resource Directory (BERD 2021), and the OHP Archaeological Determinations of Eligibility.

On November 8, 2021, MIG received the results of the CHRIS search indicated one known recorded resource within the potential impact area of the project work: Samuel Ayer High School (labeled as Calaveras Hills High School in the CHRIS results, which currently operates at the site, in addition to other District uses). This resource also appears in the Built Environment Resource Directory with the designation 7R, indicating the site was identified in a reconnaissance level survey but not evaluated (BERD 2021). An evaluation of the site is provided below. No other known historic resources are within a quarter-mile of the project.

Several surveys and excavations have taken place over the years in the nearby area, none of which have been published, indicating that Native American artifacts and remains are present.

The Native American Heritage Commission (NAHC) was contacted for a record search of the Sacred Lands File (SLF). The NAHC did not respond to the request despite several attempts to follow up. In the absence of results from the NAHC, MIG reached out to the Native American tribal contacts provided for another recent MUSD project at Milpitas High School. The NAHC provided 11 Native American tribal contacts with local knowledge of cultural and tribal cultural resources in the project vicinity for that project. MIG contacted the same 11 tribes for the Innovation Campus project March 24, 2022. On March 25, 2022, MIG received a response from Katherine Perez of the Northern Yokuts tribe, who noted her tribe is not aware of the Innovation Campus project being in or near any sensitive site, however did note that there is a potential for inadvertent discovery and that protocol and procedures should be provided to address unexpected discoveries. Refer to Section 3.18 Tribal Cultural Resources for additional information.

Built Resources

A historical resource under CEQA is defined as a resource that is eligible for listing the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), or a local register. Per the results of the records search and review of the National Register of Historic Places and Milpitas Cultural Resources Register data there are no known eligible built resources (districts, buildings, structures, or objects) located within a .25-mile radius of the project site.

Because Samuel Ayer High School was built more than 50 years ago and has not been previously evaluated, the analysis provided herein assesses the property's potential for historic significance under the NRHP and CRHR criteria to determine if it qualifies as a historical resource for the purposes of CEQA review. See *Regulatory Setting* for further information on significance criteria.

Criterion A/1 (events): The initial period of construction and expansion of Samuel Ayer High School, ca. 1956 through the 1960s, corresponds with the period of incorporation and rapid growth of the City of Milpitas following the opening of the Ford Motor Company assembly plant in 1953.

It does not appear that the construction or operation of Samuel Ayer High School significantly contributed to this pattern of development, which was spurred by an influx of workers to the region and a need to expand local services including infrastructure, housing, education, and social services.

Therefore, it does not appear that Samuel Ayer High School rises to a level of individual significance under criterion A/1.

Criterion B/2 (persons): Preliminary research has not uncovered any associations between Samuel Ayer High School and persons significant to our past. Therefore, it does not appear that the campus rises to a level of individual significance under criterion B/2.

Criterion C/3 (design): Although it appears that the original campus design for Samuel Ayer High School, by San Jose architectural firm Kress, Goudie, and Kress, may have expressed characteristics of the modernist international style, the existing campus no longer retains architectural integrity due to a series of major additions and alterations that have occurred in

the buildings and landscapes over the past 60 years. As such, the campus does not appear to be characteristic of a type, period, or method of construction. Nor does the original or altered design possess high artistic value.

According to the San Jose Modernism Historic Context Statement, the architectural firm of Kress, Goudie, and Kress was involved in designs for municipal buildings throughout Santa Clara County and the City of San Jose. However, it does not appear that the firm rises to the level of master. As such, neither the original campus nor the property as it exists today represents the work of a master.

Given the reasons summarized above, it does not appear that Samuel Ayer High School rises to a level of individual significance under Criterion C/3.

Criterion D/4 (Likely to yield important information): Preliminary research has not uncovered any likelihood that further study of the Samuel Ayer High School campus would yield information that is important to our shared understanding prehistory or history. Sensitivity towards as-yet undocumented archaeological resources or sites that are not associated with the existing campus buildings is not covered under the scope of this analysis.

As such, it does not appear that the Samuel Ayer High School rises to the level of individual significance under criterion D/4.

In sum, preliminary research into the historic significance of the Samuel Ayer High School campus for the NRHP or the CRHP does not reveal that the resource meets a threshold for significance under any criteria. As such, Samuel Ayer High School would not be considered a historical resource under CEQA.

3.5.2 Regulatory Setting

Federal

National Historic Preservation Act of 1966

Enacted in 1966, the National Historic Preservation Act (NHPA) (16 U.S.C §§ 470 et seq.) declared a national policy of historic preservation and instituted a multifaceted program, administered by the Secretary of the Interior, to encourage the achievement of preservation goals at the federal, state, and local levels. The NHPA authorized the expansion and maintenance of the National Register of Historic Places (NRHP), established the position of State Historic Preservation Officer (SHPO), provided for the designation of State Review Boards, set up a mechanism to certify local governments to carry out the purposes of the NHPA, assist Native American tribes in preserving their cultural heritage, and created the Advisory Council on Historic Preservation (ACHP).

NHPA establishes the nation's policy for historic preservation and sets in place a program for the preservation of historic properties by requiring federal agencies to consider effects to significant cultural resources (i.e. historic properties) prior to undertakings.

National Register of Historic Places

The NRHP was established by the NHPA of 1966 as "an authoritative guide to be used by federal, state, and local governments, private groups, and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment." The NRHP recognizes properties that are significant at the national, state, and local levels. To be eligible for listing in the NRHP, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Districts, sites, buildings, structures, and objects of potential significance must also possess integrity of location, design, setting, materials,

workmanship, feeling, or association. A property is eligible for the NRHP if it is significant under one or more of the following criteria:

Criterion A: It is associated with events that have made a significant contribution to the broad patterns of our history.

Criterion B: It is associated with the lives of persons who are significant in our past.

Criterion C: It embodies the distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction.

Criterion D: It has yielded, or may be likely to yield, information important in prehistory or history.

Cemeteries, birthplaces, or graves of historic figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations; reconstructed historic buildings; and properties that are primarily commemorative in nature are not considered eligible for the NRHP unless they satisfy certain conditions. In general, a resource must be at least 50 years of age to be considered for the NRHP, unless it satisfies a standard of exceptional importance.

State

California Environmental Quality Act (CEQA)

CEQA provides criteria to evaluate whether a building, structure, object, or site is significant. Under CEQA Guideline §15064.5(a), historic resources include the following those meeting the criteria listed below.

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.)

(2) A resource included in a local register of historical resources, as defined in §5020.1(K) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of §5024.1 (g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, providing the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historic Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4852) including the following:

(1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(2) Is associated with the lives of persons important in our past;

(3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(4) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to §5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in §5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code §5020.1(j) or 5024.1. In accordance with CEQA, properties designated or eligible at all levels are deserving of protection by a lead agency when any undertaking proposes to demolish or alter any such property.

California Register of Historical Resources

Created in 1992 and implemented in 1998, the California Register of Historical Resources (CRHR) is "an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate properties that are to be protected, to the extent prudent and feasible, from substantial adverse change (CA Public Resources Code)." Certain properties, including those listed in or formally determined eligible for listing in the NRHP and California Historical Landmarks (CHLs) numbered 770 and higher, are automatically included in the CRHR. Other properties recognized under the California Points of Historical Interest program, identified as significant in historic resources surveys, or designated by local landmarks programs may be nominated for inclusion in the CRHR. A resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the State Historical Resources Commission determines that it meets one or more of the following criteria, which are modeled on NRHP criteria (Public Resources Code):

Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

Criterion 2: It is associated with the lives of persons important in our past.

Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values.

Criterion 4: It has yielded, or may be likely to yield, information important in history or prehistory.

Resources nominated to the CRHR must retain enough of their historic character or appearance to be recognizable as historic resources and to convey the reasons for their significance. It is possible that a resource whose integrity does not satisfy NRHP criteria may still be eligible for listing in the CRHR. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if, under Criterion 4, it maintains the potential to yield significant scientific or historical information or specific data. Resources that have achieved significance within the past 50 years also may be eligible for inclusion in the CRHR, provided that enough time has lapsed to obtain a scholarly perspective on the events or individuals associated with the resource.

Senate Bill (SB) 18

California Government Code, Section 65352.3 incorporates the protection of California traditional tribal cultural places into land use planning for cities, counties, and agencies by establishing responsibilities for local governments to contact, refer plans to, and consult with California Native American tribes as part of the adoption or amendment of any general or specific plan proposed on or after March 1, 2005. SB18 requires public notice to be sent to tribes listed on the Native American Heritage Commission's SB18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time frame has been agreed upon by the tribe), indicating whether or not they want to consult with the local government. Consultations are for the purpose of preserving

or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code that may be affected by the proposed adoption or amendment to a general or specific plan.

Assembly Bill (AB) 52

Specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. AB 52 requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. AB 52 specifies examples of mitigation measures that may be considered to avoid or minimize impacts on tribal cultural resources. The bill makes the above provisions applicable to CEQA projects that have a notice of preparation or a notice of negative declaration filed or mitigated negative declaration on or after July 1, 2015. AB 52 amends Sections 5097.94 and adds Sections 21073, 21074, 2108.3.1., 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to the California Public Resources Code (PRC), relating to Native Americans.

Health and Safety Code, Sections 7050 and 7052

Health and Safety Code Section 7050.5 declares that, in the event of the discovery of human remains outside a dedicated cemetery, all ground disturbances must cease, and the county coroner must be notified. Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

Penal Code Section 622.5

Penal Code Section 622.5 provides misdemeanor penalties for injuring or destroying objects of historic or archaeological interest located on public or private lands but specifically excludes the landowner.

Government Code Section 6254(r)

Government Code explicitly authorizes public agencies to withhold information from the public relating to Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.

Government Code Section 6250 et. seq.

Records housed in the Information Centers of the California Historical Resources Information System (CHRIS) are exempt from the California Public Records Act.

Local

Milpitas Cultural Resources Register

Title XI, Chapter 4 of the Milpitas Municipal Code establishes the criteria and procedures for recognizing officially designated cultural resources within the city.

The designation criteria state that an improvement may be designated a cultural resource by the city council, and any area within the City may be designated an historic district by the City Council if it meets the following criteria:

A. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history; or

B. It is identified with persons or events significant in local, State, or national history; or

C. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or

D. It is representative of the notable work of a builder, designer, or architect.

Milpitas 2040 General Plan

The following relevant policies are from the Milpitas 2040 General Plan Conservation Element:

- *Policy CON 4-1:* Review proposed developments and work in conjunction with the California Historical Resources Information System, Northwest Information Center at Sonoma State University, to determine whether project areas contain known archaeological resources, either prehistoric and/or historic-era, or have the potential for such resources.
- *Policy CON 4-2:* If found during construction, ensure that human remains are treated with sensitivity and dignity, and ensure compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.
- *Policy CON 4-3:* Work with Native American representatives to identify and appropriately address, through avoidance or mitigation, impacts to Native American cultural resources and sacred sites during the development review process.
- *Policy CON 4-4:* Consistent with State, local, and tribal intergovernmental consultation requirements such as SB 18 and AB 52, the City shall consult as necessary with Native American tribes that may be interested in proposed new development and land use policy changes.
- *Policy CON 5-1:* Protect significant historic resources and use these resources to promote a sense of place and history in Milpitas through implementation of the Milpitas Cultural Resources Preservation Program (Municipal Code, Title XI, Chapter 4), the Conceptual Historic Resources Master Plan, the conservation and preservation of the City's historical collection at the Milpitas Community Museum, and other applicable codes, regulations, and area plans.

3.5.3 Discussion

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

No Impact. A project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. The Samuel Ayer High School, located on East Calaveras Boulevard, has been in use as an education or administrative facility since it was constructed in 1956. The District's Calaveras Hills High School (Continuing Education School), District offices, Adult School, and a preschool currently operate at the site. The property is not listed in the local cultural resources register but the buildings are more than 50 years old and therefore required analysis for eligibility as a historical resource under CEQA.

Per preliminary research outlined above, it does not appear that the Samuel Ayer High School campus is eligible for listing in the NRHP or CRHR, and therefore the property is not considered a historical resource under CEQA. As such, the proposed project, including demolition of existing

facilities, would not cause any substantial adverse change to historical resources in the immediate surroundings. No impacts to historical resources would occur.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant Impact with Mitigation Incorporated (Responses b – c). There are no previously known archaeological resources, as identified in the CHRIS search from the NWIC, within the project site. However, the CHRIS search identified several surveys and excavations that have taken place over the years within 0.25 of a mile of the project site. None of these reports have been published, indicating that Native American artifacts and remains are likely to be present at these locations. Two of these reports are immediately adjacent to the project site.

Therefore, the potential for encountering previously unknown potentially significant prehistoric resources during construction near the project site is moderate. Further, a local Native American tribal contact, Katherine Perez of the Northern Yokuts tribe, noted her tribe is not aware of the Innovation Campus project being in or near any sensitive site; however, she did note that there is a potential for inadvertent discovery and that protocol and procedures should be provided to address unexpected discoveries. Therefore, there is potential for discovery of archaeological resources and human remains during project construction.

Recommended cultural mitigation measures CUL-1a, CUL-1b and CUL-1c provided below include the requirement to have an archaeological monitor present during all ground disturbing activity for locations in native and /or undisturbed soils, as well as provisions to stop work in the event of an archaeological discovery, and include additional measures if considered appropriate by the archaeologist. These are considered sufficient mitigations to protect archaeological resources and tribal resources from construction activities. Additionally, mitigation measure TRIB-1a (see Section 3.18) includes the requirement for tribal monitoring in the event Native American archaeological resources are present. This ensures that TCRs will be treated appropriately and according to tribal practices.

The project site does not contain any known archaeological resources, although the construction aspects of the project may encounter native and or undisturbed soils, which has the potential for the unanticipated discovery of archaeological resources. With the incorporation of Mitigation Measure CUL-1a, CUL-1b, and TRIB-1a, the project would have a less than significant impact on archaeological resources and human remains.

Mitigation Measure CUL-1a: Inadvertent Discovery of Archaeological Resources. In the event that archaeological resources (sites, features, or artifacts) are exposed during project construction activities for the Project, immediately stop all construction work occurring within 100 feet of the find until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find. The archaeologist will determine whether additional study is warranted. Should it be required, the archaeologist may install temporary flagging around a resource to prevent any disturbances from construction equipment. Depending upon the significance of the find under CEQA (14 CCR 15064.5[f]; California Public Resources Code, Section 21082), the archaeologist the archaeologist may determine it is appropriate to record the find (thereby addressing any data potential) and allow work to continue. If the archaeologist observes the discovery to be potentially significant, preservation in place or additional treatment may be required.

Mitigation Measure CUL-1b: Inadvertent Discovery of Human Remains. In accordance with Section 7050.5 of the California Health and Safety Code, if potential human remains are found, the lead agency (City of Milpitas) staff and the Santa Clara County Coroner shall be immediately

notified of the discovery. The coroner would provide a determination regarding the nature of the remains within 48 hours of notification. No further excavation or disturbance of the identified material, or any area reasonably suspected to overlie additional remains, can occur until a determination has been made. If the County Coroner determines that the remains are, or are believed to be, of Native American ancestry, the coroner would notify the Native American Heritage Commission within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the Native American Heritage Commission must immediately notify those persons it believes to be the Most Likely Descendant from the deceased Native American. Within 48 hours of this notification, the Most Likely Descendant would recommend to the lead agency their preferred treatment of the remains and associated grave goods.

Mitigation Measure CUL-1c: Archaeological Monitoring. Archaeological monitoring shall be instigated for all ground disturbing activities within native and or undisturbed soils at the site. An archaeologist who meets the Secretary of the Interior's Standards for Archaeology shall be present at the project site during ground disturbing activities, including machine or hand excavation. No ground disturbing activities, with the exception of road surface removal, shall be allowed to take place if the archaeologist is not present. An archaeological report meeting the Secretary of the Interior's Standards detailing the findings of the monitoring will be submitted to the Northwest Information Center after monitoring has ceased.

Mitigation Measure TRIB-1a: Inadvertent Discovery of Tribal Cultural Resources. If any previously unrecorded resources (including, but not limited to: historic building features, chipped or ground stone, or other debris) are discovered during ground-disturbing work, the work will cease at that location and within 100 feet, until the tribal representatives are consulted and MUSD determines how to proceed.

It is possible for a lead agency to determine that an artifact is considered significant to a local tribe, and thus considered a significant resource under CEQA, even if it would not otherwise be considered significant under CEQA. As such, all Native American tribal finds are to be considered significant until the lead agency has enough evidence to make a determination of significance. In the event that Native American archaeological resources are discovered, or suspected to have been discovered, tribal representatives and qualified archaeologists will determine how to proceed. These determinations will be written into the project record. If the lead agency chooses not to follow the recommended mitigation measures, this refusal will also be written into the project record, along with its reasoning.

3.5.4 References

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3.6 ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	☒
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

3.6.1 Environmental Setting

Energy consumption is closely tied to the issues of air quality and GHG emissions, as the burning of fossil fuels and natural gas for energy has a negative impact on both, and petroleum and natural gas currently supply most of the energy consumed in California.

Energy is primarily categorized into three areas: electricity, natural gas, and fuels used for transportation. According to the U.S. Energy Information Administration (U.S. EIA), California is the most populous state in the U.S., representing 12 percent of the total national population, has the largest economy, and is second only to Texas in total energy consumption. However, California has one of the lowest per capita energy consumption levels in the U.S. This is a result of California's mild climate, extensive efforts to increase energy efficiency, and implementation of alternative technologies. California leads the nation in electricity generation from solar, geothermal, and biomass resources (U.S. EIA 2021).

In 2020, approximately one-third of California's total power mix was from renewable sources. (CEC 2021a). In 2020 the California electric system used 272,576 gigawatt hours (GWh) of electricity, down two percent, or 5,128 GWh, from 2019 (CEC 2021a, CEC 2020). Santa Clara County consumed 16,435 GWh of electricity, approximately six percent of the state's electricity consumption in 2020 (CEC 2021b). In 2020, California consumed approximately 12,332 million therms of natural gas. Approximately 39 percent of this natural gas was consumed by the residential sector. Santa Clara County consumed approximately 419 million therms of natural gas in the same year, accounting for approximately 3.4 percent of statewide consumption. The residential and non-residential sectors made up approximately 59 percent and 41 percent of county-wide consumption, respectively (CEC 2021b).

There were statewide totals of approximately 12,572 million gallons of gasoline and 1,744 million gallons of diesel fuel sold in 2020 (CEC 2021d). Santa Clara County accounted for approximately four percent of gasoline sales with 511 million gallons of gasoline and approximately two percent of diesel sales with 35 million gallons of diesel sold in 2020.

3.6.2 Regulatory Setting

Since increased energy efficiency is closely tied to the State's efforts to reduce GHG emissions and address global climate change, the regulations, policies, and action plans aimed at reducing GHG emissions also promote increased energy efficiency and the transition to renewable energy sources. The U.S. EPA and the State address climate change through numerous pieces of legislation, regulations, planning, policy-making, education, and implementation programs aimed at reducing energy consumption and the production of GHG.

The proposed project would not involve the development of facilities that include energy intensive equipment or operations. While there are numerous regulations that govern GHG

emissions reductions through increased energy efficiency, the following regulatory setting description focuses only on regulations that: 1) provide the appropriate context for the proposed project's potential energy usage; and 2) may directly or indirectly govern or influence the amount of energy used to develop and operate the proposed improvements.

Senate Bill 350 (Clean Energy and Pollution Reduction Act) and Senate Bill 100

SB 350 was signed into law in September 2015 and establishes tiered increases to the state's Renewable Portfolio Standard (RPS). The bill requires 40 percent of the state's energy supply to come from renewable sources by 2024, 45 percent by 2027, and 50 percent by 2030. SB 350 also set a new goal to double the energy efficiency savings in electricity and natural gas through energy efficiency and conservation measures. The state's RPS program was further strengthened by the passage of SB 100 in 2018. SB 100 revised the state's RPS Program to require retail sellers of electricity to serve 50 percent and 60 percent of the total kilowatt-hours sold to retail end-use customers be served by renewable energy sources by 2026 and 2030, respectively, and requires 100 percent of all electricity supplied come from renewable sources by 2045.

CARB Low Carbon Fuel Standard Regulation (LCFS)

CARB initially approved the LCFS regulation in 2009, identifying it as one of the nine discrete early action measures in the 2008 Scoping Plan to reduce California's GHG emissions. The LCFS regulation defines a Carbon Intensity, or "CI," reduction target (or standard) for each year, which the rule refers to as the "compliance schedule." The LCFS regulation requires a reduction of at least 10 percent in the CI of California's transportation fuels by 2020 and maintains that target for all subsequent years. In 2018, CARB approved amendments to the LCFS regulation, which included strengthening and smoothing the carbon intensity benchmarks through 2030 in-line with California's 2030 GHG emission reduction target enacted through SB 32, adding new crediting opportunities to promote zero emission vehicle adoption, alternative jet fuel, carbon capture and sequestration, and advanced technologies to achieve deep decarbonization in the transportation sector. Under the 2018 amendment, the LCFS regulation now requires a reduction of at least 20 percent in CI by 2030 and beyond.

3.6.3 Discussion

Would the project:

a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

a) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The proposed project would involve the demolition/removal of six existing buildings and the construction of six new buildings to a portion of MUSD's site that will be the Innovation Campus. Project construction would require the use of construction equipment and generate construction-related vehicle trips that would combust fuel, primarily diesel and gasoline. The use of this fuel energy would be required to construct necessary student support facilities (the project) and would not be considered wasteful, inefficient, or unnecessary. Once constructed, the new facilities would consume electricity and natural gas to power building lighting, space heating, and water heating facilities. The construction of buildings at an existing campus is inherently energy efficient because it avoids new school construction and maximizes use of existing school grounds. In addition, all public school projects are submitted to the Division of the State Architect (DSA) for plan review and must comply with DSA and California Energy Commission (CEC) requirements for energy efficiency, currently the 2022 Building Energy Efficiency Standards. DSA reviews all applications for compliance to these standards. The

project would also comply Collaborative for High Performance Schools (CHPS) requirements for a CHPS Designed certification. The new buildings following these requirements would be more energy efficient than existing campus buildings, and would include features such as daylight dimming controls and lighting occupancy sensors that would reduce energy consumption. Thus, the project would not result in the wasteful, inefficient, or unnecessary consumption of resources during operation and would not conflict with any plan or policy for renewable energy or energy efficiency.

3.6.4 References

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3.7 GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? *Note: Refer to Division of Mines and Geology Special Publication 42.*	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

3.7.1 Environmental Setting

The information contained in the following Setting section is summarized from a site specific Geotechnical Investigation and Geologic Hazards Evaluation prepared for the project by Cornerstone Earth Group (Cornerstone) dated November 2021 and is included here as Appendix B.

Regional Geologic Setting

The relatively flat-lying plain along the western edge of the San Francisco Bay is bounded by the Santa Cruz Mountains on the west and the San Francisco Bay to the east. The Coast Ranges geomorphic province of California stretches from the Oregon border nearly to Point Conception. In the San Francisco Bay area, most of the Coast Ranges have developed on a basement of

tectonically mixed Cretaceous- and Jurassic-age (70 to 200 million years old) rocks of the Franciscan Complex. Younger sedimentary and volcanic units locally cap these basement rocks. Still younger surficial deposits that reflect geologic conditions of the last million years or so cover most of the Coast Ranges.

Movement on the many splays of the San Andreas Fault system has produced the dominant northwest-oriented structural and topographic trend seen throughout the Coast Ranges today. This trend reflects the boundary between two of the Earth's major tectonic plates, 1) the North American plate to the east and 2) the Pacific plate to the west. The San Andreas Fault system and its major branches is about 40 miles wide in the Bay area and extends from the San Gregorio Fault near the coastline to the Coast Ranges-Central Valley blind thrust at the western edge of the Great Central Valley. The San Andreas Fault is the dominant structure in the system, nearly spanning the length of California, and capable of producing the highest magnitude earthquakes. Many other subparallel or branch faults within the San Andreas system are equally active and nearly as capable of generating large earthquakes. Right-lateral movement dominates on these faults but an increasingly large amount of thrust faulting resulting from compression across the system has more recently been identified by geologists working in the bay region.

Local Geology

The site is in an area adjacent to the San Francisco Bay where Holocene age (11,000 years or less before present) alluvial fan deposits account for the majority of Quaternary sediment which has been shed from the northwest-trending East Bay Hills located in the eastern portion of the Milpitas and nearby Calaveras Reservoir quadrangles (CGS, 2001). The gentle southwest sloping alluvial plain within the Milpitas Quadrangle is covered by Holocene and Pleistocene alluvial fan and associated deposits, most of which been deposited by the various creeks that drain the east foothills (California Geological Survey, 2001).

Regional Seismicity

The San Francisco Bay Area is one of the most seismically active regions in the United States. Significant earthquakes occurring in the Bay area are generally associated with crustal movement along well-defined, active fault zones of the San Andreas Fault system. The San Andreas Fault generated the great San Francisco earthquake of 1906 and the Loma Prieta earthquake of 1989, and passes approximately 17.0 miles west of the school site. The closest active faults in the San Andreas Fault system to the project site are the Hayward fault, approximately 0.5 mile to the east, and the Calaveras fault, approximately 6.3 miles to the east.

The faults considered capable of generating significant earthquakes are generally associated with the well-defined areas of crustal movement, which trend northwesterly. The San Andreas Fault generated the great San Francisco earthquake of 1906 and the Loma Prieta earthquake of 1989, and passes approximately 17.0 miles west of the school site. Other major active faults in the Bay Area include the Monte Vista-Shannon, Greenville Connected, Mount Diablo Thrust and Sargent-Berrocal Fault Zones.

3.7.2 Regulatory Setting

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. There are no Alquist-Priolo earthquake fault zones on the project site (California Geological Survey, 1974).

Seismic Hazard Mapping Act

The Seismic Hazard Mapping Act was passed in 1990 following the Loma Prieta earthquake to reduce threats to public health and safety and to minimize property damage caused by earthquakes. The act directs the U.S. Department of Conservation to identify and map areas prone to the earthquake hazards of liquefaction, earthquake-induced landslides, and amplified ground shaking. The act requires site-specific geotechnical investigations to identify potential seismic hazards and formulate mitigation measures prior to permitting most developments designed for human occupancy within the Zones of Required Investigation.

California Building Code

The 2019 California Building Codes (CBC) cover grading and other geotechnical issues, building specifications, and non-building structures.

California Public Resources Code

Section 5097 of the Public Resources Code specifies the procedures to be followed in the event of the unexpected discovery of historic, archaeological, and paleontological resources, including human remains, historic or prehistoric resources, paleontological resources on nonfederal land. The disposition of Native American burials falls within the jurisdiction of the California Native American Heritage Commission (NAHC). Section 5097.5 of the Code states the following:

> *No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.*

3.7.3 Discussion

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other significant evidence of a known fault?

Less Than Significant Impact. As discussed above, several significant faults are located near the site, most notably the Hayward Fault Zone located approximately ½-mile (approximately 2,800 feet) east of the site. However, no faults are mapped trending through or immediately adjacent to the site. Accordingly, the site is not located within a state-designated Earthquake Fault Zone[2]. A review of aerial photos by Cornerstone did not reveal any patterns of photographic features indicative of active faulting nor did surface reconnaissance reveal any patterns of geomorphic features indicative of faulting. Additionally, subsurface explorations did not reveal any stratigraphic or groundwater patterns that would suggest disruption of the structure or water table by fault offset. Cornerstone concluded that fault surface rupture hazard is not a significant geologic hazard at the site.

2 Cornerstone 2021. Geotechnical Investigation and Geologic Hazard Evaluation. Ayer Innovation Center. November 3.

ii) Strong seismic ground shaking?

Less Than Significant Impact. The project would be located in the seismically active San Francisco Bay Region. Significant earthquakes have occurred in the San Francisco Bay Area and are believed to be associated with crustal movements along a system of subparallel fault zones that generally trend in a northwesterly direction. Strong ground-shaking at the project site will probably occur during the design life of the project as a result of a major earthquake on one of the active faults in the region.

The project would construct six new buildings on an existing developed site. The project plans reference that all pavement, subgrade, and grading shall follow the requirements of the site-specific Geotechnical Investigation and Geologic Hazards Evaluation prepared for the project (Cornerstone 2021). Adherence to the recommendations of the site-specific report would result in a less than significant impact due to strong seismic groundshaking.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Liquefaction occurs when loose, saturated sandy soils lose strength and flow like a liquid during earthquake shaking. Ground settlement often accompanies liquefaction. Soils most susceptible to liquefaction are saturated, loose, silty sands, and uniformly graded sands.

The proposed project is located in an identified liquefaction zone. The Geotechnical Investigation included an analysis of the liquefaction potential. The analysis found the four areas studied could experience total settlement due to liquefaction ranging from approximately 1/3- inch to 1 ¼-inch, which would result in differential settlement ranging from ¼- to ¾-inch between adjacent foundation elements or over a horizontal distance of 30 feet.

The report concluded that foundations should be designed to tolerate the anticipated total and differential settlements. Based on the assumed foundation loads, the report found it feasible to support the proposed buildings on shallow foundations, but that the foundations would need to be designed to tolerate total and differential settlement due to static loads and liquefaction-induced settlement. Detailed recommendations are included in the Foundations section of the report, and as noted above are included in the project design plans. For these reasons, the impact is considered less than significant.

iv) Landslides?

No Impact. The project site is located in a flat area surrounded by other flat topography. The site is not located in or adjacent to any mapped landslides and is not located within a county or state regulatory zone for landsliding. Due to the flat-lying nature of the site and the absence of slopes within a few miles of the site the potential for landsliding is negligible.

b) Result in significant soil erosion or the loss of topsoil?

Less Than Significant Impact. The project site is in a relatively flat area and would not be exposed to substantial slope instability, erosion, or landslide related hazards. The project would be subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Permit for construction which requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) which includes erosion control measures to be implemented during project construction (see Section 3.10). Additionally, the project plans include an erosion control plan to minimize soil erosion during construction. The plan includes erosion control measures including the placement of hydroseeding, straw rolls, sediment basins, storm drain inlet protection, and a stabilized construction entrance. All previously disturbed areas not covered by pavement or new buildings would be landscaped to prevent significant erosion. Compliance with these requirements would ensure the project would not result in substantial soil erosion or the loss of topsoil.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact. Subsidence is the sinking of the Earth's surface in response to geologic or man-induced causes. Lateral spreading involves the lateral movement of a liquefied soil layer (and overlying layers) toward a free face. Lateral spreading is typically associated with liquefaction of one or more subsurface layers near the bottom of an exposed slope.

A stormwater channel fed by Arroyo de Los Coches is located approximately 450 feet south of the site. Based on our review of aerial images and street views, the engineered channel is approximately eight feet deep with concrete lining and vertical side walls. Cornerstone evaluated the potential for lateral spreading to impact the site and determined that movements from lateral spreading would be less than ¼-foot. In addition, lateral movements of less than ½-foot (six inches) are generally considered tolerable to most improvements. Therefore, the potential for lateral spreading to affect the site would be considered negligible.

As noted above, the potential for landsliding to impact the project was also considered negligible (Cornerstone 2021) and that liquefaction-induced subsidence and specific recommendations were made in the project's Geotechnical Investigation and Geologic Hazards Evaluation to address the potential hazard. The impact is considered less than significant.

d) Be located on expansive soil, as noted in the 2010 California Building Code, creating substantial direct or indirect risks to life or property?

Less Than Significant Impact. Highly to very highly expansive surficial soils cover the site. The site specific geotechnical report includes recommendations that slabs on grade should have sufficient reinforcement and be supported on a layer of non-expansive fill, and that footings should extend below the zone of seasonal moisture fluctuation. Positive drainage away from buildings and limited landscaping irrigation were also noted to limit moisture changes in surficial soils. A plug of low-permeability clay soil, sand-cement slurry, or lean concrete placed within trenches just outside of where the trenches pass into building and pavement areas were recommended in the Cornerstone report. Detailed grading and foundation recommendations addressing this hazard are contained in the "Earthwork" and "Foundation" sections of the report. The impact is considered less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The proposed project consists of the construction of new school facilities at an existing developed site. These new buildings would connect to the existing sewer facilities in the area. Septic tanks or alternative wastewater facilities are not included as part of the proposed project.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact. Paleontological resources are the mineralized (fossilized) remains of prehistoric plant and animal life exclusive of human remains or artifacts. Pleistocene alluvium (deposited sediments) is considered sensitive for vertebrate fossils, which are considered a significant paleontological resource (City of Milpitas 2007). Representative soils samples obtained from boring and test pit conducted as part of the site-specific geotechnical report found that site soils consist of Holocene alluvial deposits (Qjf) and undocumented fill. Pleistocene alluvium was not encountered, therefore the project does not have the potential to destroy unique paleontological resource because Pleistocene era alluvium is not present on the site to the depths that were surveyed (between 30 to 100 feet below existing grades). Additionally, the project occurs at an existing developed school campus. There are no known unique geological features in the project vicinity.

3.7.4 References

Cornerstone. 2021. Geotechnical Investigation and Geologic Hazards Evaluation, Ayer Innovation Campus. 1331 E Calaveras Boulevard, Milpitas CA, Project Number 578-9-1. November 12.

3.8 GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

3.8.1 Environmental Setting

Gases that trap heat in the atmosphere and affect regulation of the Earth's temperature are known as greenhouse gases (GHGs). Many chemical compounds found in the earth's atmosphere exhibit the GHG property. GHGs allow sunlight to enter the atmosphere freely. When sunlight strikes the earth's surface, it is either absorbed or reflected back toward space. Earth that has absorbed sunlight warms up and emits infrared radiation toward space. GHGs absorb this infrared radiation and "trap" the energy in the earth's atmosphere. Entrapment of too much infrared radiation produces an effect commonly referred to as "Global Warming", although the term "Global Climate Change" is preferred because effects are not just limited to higher global temperatures.

GHGs that contribute to climate regulation are a different type of pollutant than criteria or hazardous air pollutants because climate regulation is global in scale, both in terms of causes and effects. Some GHGs are emitted to the atmosphere naturally by biological and geological processes such as evaporation (water vapor), aerobic respiration (carbon dioxide), and off-gassing from low oxygen environments such as swamps or exposed permafrost (methane); however, GHG emissions from human activities such as fuel combustion (e.g., carbon dioxide) and refrigerant use (e.g., hydrofluorocarbons) significantly contribute to overall GHG concentrations in the atmosphere, climate regulation, and global climate change.

Human production of GHG has increased steadily since pre-industrial times (approximately pre-1880) and atmospheric carbon dioxide concentrations have increased from a pre-industrial value of 280 parts per million (ppm) in the early 1800's to 418 ppm in January 2022 (NOAA 2022). The effects of increased GHG concentrations in the atmosphere include climate change (increasing temperature and shifts in precipitation patterns and amounts), reduced ice and snow cover, sea level rise, and acidification of oceans. These effects in turn will impact food and water supplies, infrastructure, ecosystems, and overall public health and welfare.

The 1997 United Nations' Kyoto Protocol international treaty set targets for reductions in emissions of four specific GHGs – carbon dioxide, methane, nitrous oxide, and sulfur hexafluoride – and two groups of gases – hydrofluorocarbons and perfluorocarbons. These GHGs are the primary GHGs emitted into the atmosphere by human activities. The six common GHGs are described below.

- Carbon Dioxide (CO_2). CO_2 is released to the atmosphere when fossil fuels (oil, gasoline, diesel, natural gas, and coal), solid waste, and wood or wood products are burned.
- Methane (CH_4). CH_4 is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from the decomposition of organic waste in municipal solid waste landfills and the raising of livestock.

- Nitrous oxide (N_2O). N_2O is emitted during agricultural and industrial activities, as well as during combustion of solid waste and fossil fuels.
- Sulfur hexafluoride (SF_6). SF_6 is commonly used as an electrical insulator in high voltage electrical transmission and distribution equipment such as circuit breakers, substations, and transmission switchgear. Releases of SF_6 occur during maintenance and servicing as well as from leaks of electrical equipment.
- Hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs). HFCs and PFCs are generated in a variety of industrial processes.

GHG emissions from human activities contribute to overall GHG concentrations in the atmosphere and the corresponding effects of global climate change (e.g., rising temperatures, increased severe weather events such as drought and flooding). GHGs can remain in the atmosphere long after they are emitted. The potential for a GHG to absorb and trap heat in the atmosphere is considered its global warming potential (GWP). The reference gas for measuring GWP is CO_2, which has a GWP of one. By comparison, CH_4 has a GWP of 25, which means that one molecule of CH_4 has 25 times the effect on global warming as one molecule of CO_2. Multiplying the estimated emissions for non-CO_2 GHGs by their GWP determines their carbon dioxide equivalent (CO_2e), which enables a project's combined global warming potential to be expressed in terms of mass CO_2 emissions. GHG emissions are often discussed in terms of Metric Tons of CO_2e, or $MTCO_2e$.

Existing GHG Emission Sources at the Project Site

As described in Section 3.3, Air Quality, the proposed project would be located at an existing MUSD campus, which includes mobile, small stationary, and area sources of emissions. The school also generates indirect GHG emissions from electrical energy consumption, water use, and solid waste generation.

3.8.2 Regulatory Setting

California Global Warming Solutions Act (AB32) and Related Legislation

California Air Resources Board (CARB) is the lead agency for implementing Assembly Bill (AB) 32, the California Global Warming Solutions Act adopted by the Legislature in 2006. AB 32 requires the CARB to prepare a Scoping Plan containing the main strategies that will be used to achieve reductions in GHG emissions in California.

Executive Order B-30-15, 2030 Carbon Target and Adaptation, issued by Governor Brown in April 2015, sets a target of reducing GHG emissions by 40 percent below 1990 levels in 2030. By directing state agencies to take measures consistent with their existing authority to reduce GHG emissions, this order establishes coherence between the 2020 and 2050 GHG reduction goals set by AB 32 and seeks to align California with the scientifically established GHG emissions levels needed to limit global warming below two degrees Celsius.

To reinforce the goals established through Executive Order B-30-15, Governor Brown went on to sign SB-32 and AB-197 on September 8, 2016. SB-32 made the GHG reduction target to reduce GHG emissions by 40 percent below 1990 levels by 2030 a requirement as opposed to a goal. AB-197 gives the Legislature additional authority over CARB to ensure the most successful strategies for lowering emissions are implemented, and requires CARB to, "protect the state's most impacted and disadvantaged communities …[and] consider the social costs of the emissions of greenhouse gases."

On December 14, 2017 CARB adopted the second update to the Scoping Plan, the *2017 Climate Change Scoping Plan Update* (*2017 Scoping Plan Update*). The primary objective of the *2017 Scoping Plan Update* is to identify the measures needed to achieve the mid-term GHG reduction target for 2030 (i.e., reduce emissions by 40 percent below 1990 levels by 2030), as established under Executive Order B-30-15 and SB 32. To achieve these goals, the *2017*

Scoping Plan Update includes a recommended plan-level efficiency threshold of six metric tons or less per capita by 2030 and no more than two metric tons by 2050.

BAAQMD 2017 Clean Air Plan

As discussed in Section 3.3, Air Quality, the BAAQMD's *2017 Clean Air Plan* is a multi-pollutant plan focused on protecting public health and the climate. The *2017 Clean Air Plan* lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, consistent with GHG reduction targets adopted by the state of California.

3.8.3 Discussion

Global climate change is the result of GHG emissions worldwide; individual projects do not generate enough GHG emissions to influence global climate change. Thus, the analysis of GHG emissions is by nature a cumulative analysis focused on whether an individual project's contribution to global climate change is cumulatively considerable.

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. The project would consist of the demolition of existing buildings and the addition of new buildings on an existing MUSD campus. The proposed project would generate pollutant emissions, including GHG emissions, from fuel combustion in heavy-duty construction equipment, motor vehicles, and area sources such as landscaping equipment. As described in Section 3.3, Air Quality, the BAAQMD's CEQA Air Quality Guidelines contain screening criteria to provide lead agencies with a conservative indication of whether a proposed project could result in a potentially significant GHG impact (BAAQMD 2017). Consistent with the BAAQMD's guidance, if a project meets all the screening criteria, then the project would result in a less than significant GHG impact and a detailed GHG assessment is not required for the project.

The BAAQMD does not maintain screening criteria or CEQA significance thresholds for GHG emissions; however, such emissions are usually amortized over the lifetime of a project and included in a project's estimate of annual GHG emissions for comparison to BAAQMD operational GHG thresholds. Amortized construction GHG emissions would not substantially change the project's GHG emissions profile, which is below the BAAQMD screening size. The BAAQMD operational GHG screening size for a high school land use type is 49,000 square feet, which is higher than the 36,800-square foot net building development being proposed by the project. The proposed project, therefore, would not generate significant levels of GHG emissions.

In addition to meeting the screening requirement, the project also incorporates features that would reduce GHGs. As discussed in Section 3.3., Air Quality, the proposed project would include all BAAQMD Basic Construction measures (see Table 2-1) and would be consistent with all applicable BAAQMD screening criteria (see Table 3-2). In addition, the project includes 48 bike rack parking spaces, 12 bike locker spaces, and three parking spaces for electric vehicles. The contractor would also develop and follow a Waste Management Plan and implement procedures to divert 75 percent of construction waste from landfills.

b) Conflict with an applicable, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions, including the BAAQMD Clean Air Plan, and Plan Bay Area. Most of the policies contained in these plans apply or are implemented at the local and regional level by regional planning agencies and municipal governments and,

therefore, do not directly apply to the project. As described in Section 3.3, Air Quality, the proposed project would be consistent with the measures in BAAQMD's Clean Air Plan.

The proposed project would not add or increase residential housing units within the City and thus would not directly cause or contribute to increases in VMT or emissions associates with vehicle travel (the project's re-distribution of vehicle trips on the roadway system is addressed in Section 3.17, Transportation). Furthermore, the project site is located in the center of the city, which would generally result in shorter trip lengths for commuting students who would be enrolled there compared to those students' commute to Milpitas High School, which is located in northern Milpitas. As such, the proposed project would not conflict with Plan Bay Area or local and regional goals for reducing single-occupancy vehicle trips. No impact would occur.

3.8.4 References

Bay Area Air Quality Management District (BAAQMD) 2017. California Environmental Quality Act Air Quality Guidelines. San Francisco, CA. June 2010, updated May 2017.

National Oceanic and Atmospheric Administration (NOAA) 2022. Trends in Atmospheric Carbon Dioxide Mauna Loa, Hawaii. Earth System Research Laboratory. Global Monitoring Division. October 5, 2021. Web. March 1, 2022. https://www.esrl.noaa.gov/gmd/ccgg/trends/

Quattrocchi Kwok Architects. 2021. Project Manual for the Milpitas Innovation Campus Increment 1. December 7.

3.9 HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☒	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within 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, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

3.9.1 Environmental Setting

The project is located at the Samuel Ayer Education Center, an approximately 9.3-acre site at 1331 East Calaveras Boulevard. The site formerly operated as the Samuel Ayer High School until from 1956 to 1980. The site currently supports the following functions: MUSD's main offices, adult education school, preschool, and the Calaveras Hills Continuing Education High School.

The project site is surrounded by commercial development to the southwest, single-family residential housing on the west, the Milpitas Sports Complex (owned and operated by the City of Milpitas) to the north and single- and multi-family residential housing to the east and southeast. School and residential uses do not typically use significant amounts of hazardous materials. No hazardous waste sites are located on the project site (CalEPA 2022). The nearest hazardous waste site is a Shell gas station leaking underground storage tank (LUST) Cleanup Site located at 12 North Park Victoria Drive, immediately adjacent to the project site to the west. The Shell LUST site has a cleanup status of "Completed – Case Closed as of 1/20/2016" (SWRCB 2022).

3.9.2 Regulatory Setting

Federal

United States Environmental Protection Agency

The United States Environmental Protection Agency (EPA) was created in 1970 to serve as a single source collection of all federal research, monitoring, standard-setting, and enforcement activities to make sure there is appropriate protection of the environment. The EPA's duty is to create and enforce regulations that protect the natural environment and apply the laws passed by Congress. The EPA is also accountable for establishing national criteria for various environmental programs and enforcing compliance.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, the EPA was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) enacted in 1976 governs the disposal of solid waste and hazardous materials. The Resource Conservation and Recovery Act gives the EPA the power to control the generation, transportation, treatment, storage, and disposal of hazardous substances that cannot be disposed of in ordinary landfills. It also allows for each state to apply their own hazardous waste programs instead of implementing the federal program on the condition that the state's program is just as strict in its requirements. This state program must be permitted by the EPA in order to be used.

State

California Environmental Protection Agency

The California Environmental Protection Agency (Cal/EPA) was established in 1991 and is comprised of: the California Air Resources Board, the State Water Resources Control Board, the Regional Water Quality Control Board, CalRecycle, the Department of Toxic Substances Control, the Office of Environmental Health Hazard Assessment, and the Department of Pesticide Regulation. This integrated group amalgamates all of California's environmental authority agencies into one and has led the state of California in developing and applying numerous progressive environmental policies in America. The primary goal of the Cal/EPA is to restore, protect, and enhance the environment.

San Francisco Bay Regional Water Quality Control Board

The San Francisco Bay Regional Water Quality Control Board (RWQCB) is one of nine regional water quality control boards that exercise rulemaking and regulatory activities by basins throughout the state. The boards were created by the landmark Porter-Cologne Act. The San Francisco Bay Regional Water Quality Control Board covers Region 2, which includes Alameda, Contra Costa, San Francisco, Santa Clara (north of Morgan Hill), San Mateo, Marin, Sonoma, Napa, Solano Counties.

The RWQCB oversees cases involving groundwater contamination within the San Francisco Bay Area from Spills, Leaks, Incidents and Clean-up (SLIC) cases. The County of Santa Clara's Department of Environmental Health, however, is charged with oversight of most LUST cases. In the incidence of a spill at a project site, the applicant would notify the County of Santa

Clara to determine which agency would be the lead regulator—County, RWQCB, or Department of Toxic Substance Control (DTSC).

Cortese List

The provisions in Government Code Section 65962.5 are commonly referred to as the "Cortese List." The Cortese list was authorized by the state legislature in 1985. A list of several types of hazardous materials sites is gathered by several agencies as directed by the statute.

Under Government Code Section 65962.5. (a), tThe Department of Toxic Substances Control shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

1. All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.

2. All land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.

3. All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land.

4. All sites listed pursuant to Section 25356 of the Health and Safety Code.

All sites included in the Abandoned Site Assessment Program. Government Code Section 65962.5. (c) The State Water Resources Control Board shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

1. All underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code.

2. All solid waste disposal facilities from which there is a migration of hazardous waste and for which a California regional water quality control board has notified the Department of Toxic Substances Control pursuant to subdivision (e) of Section 13273 of the Water Code.

3. All cease and desist orders issued after January 1, 1986, pursuant to Section 13301 of the Water Code, and all cleanup or abatement orders issued after January 1, 1986, pursuant to Section 13304 of the Water Code, that concern the discharge of wastes that are hazardous materials.

The proposed project site is not on the Hazardous Waste and Substances Sites (Cortese) List (DTSC 2022).

California Department of Toxic Control

The California Department of Toxic Control, a department of the Cal/EPA, is the primary agency in California for regulating hazardous waste, cleaning up existing contamination, and finding ways to reduce the amount of hazardous waste produced in California. The California Department of Toxic Control regulates hazardous waste primarily under the authority of the Federal Resource Conservation and Recovery Act and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning.

Local

Milpitas Office of Emergency Management

The City of Milpitas Fire Department Office of Emergency Management (OEM) is responsible for coordination of the City's preparedness efforts to mitigate against, respond to, and recover from natural and technological disasters. The OEM prepares updates to the City's multi-hazard emergency plan, maintains the Emergency Operation Center in a state of readiness, trains City employees in disaster planning, manages the Community Emergency Response Team program, supports the amateur radio auxiliary communications service, provides disaster preparedness information to residents and local businesses, and organizes disaster recovery and relief efforts in cooperation with the California Office of Emergency Services and the Federal Emergency Management Agency (FEMA), works closely with the Santa Clara County Office of Emergency Management and special districts such as Valley Water.

3.9.3 Discussion

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. The project proposes the redevelopment of the site to provide new educational building facilities at the site to maintain existing uses, as well as provide for the addition of a new 500-student comprehensive high school. The project would not involve the routine transport, use or disposal of hazardous materials. Use of hazardous materials would be limited to small quantities of construction fuels and fluids during the short-term construction period as well as small quantities of fertilizers and pesticides for landscaping and household cleansers and other chemicals for cleaning purposes. These materials would be stored and used in accordance with the manufacturer's specifications. The compliance with existing hazardous materials regulations would reduce any chance of upset conditions to less than significant levels.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact. The proposed project is the construction of school facilities that would not include the use of hazardous materials after project completion except for small quantities of fertilizers and pesticides for landscaping and small amounts of cleaning agents or other fluids necessary for building sanitation and maintenance during the operation of these facilities.

Small quantities of fuels or fluids could be accidentally released into the environment during construction. Waste management and materials pollution control BMPs include designated areas for material delivery and storage, materials use, stockpile management, spill prevention and control, solid and hazardous waste management, contaminated soil, concrete waste, sanitary/septic, and liquid waste management. With the compliance of applicable regulations and the implementation of standard construction hazardous materials BMPs, the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving hazardous materials.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or hazardous waste within one-quarter mile of an existing or proposed school?

Less Than Significant with Mitigation Incorporated. The proposed project site is the site of existing school facilities The project would add new facilities and high school students to the site. The project consists of the construction and operation of school facilities to serve the

existing high school student population within the District's attendance boundary. No other schools are located within ¼- mile of the project site.

The project would remove six existing buildings (100, 200, 300, 400, 500, and 550). The existing school buildings to be demolished were constructed in the mid-1950s and may contain asbestos containing materials (ACM) and lead-based paints due to the age of the structures. As noted in Table 2.5: Best Management Practices, the District routinely tests existing structures for ACM and lead-based paints prior to any demolition or deconstruction activities and will sample materials as necessary during prior to demolition of the six existing buildings. The BMPs include that the project contractor will protect all hazardous containing items during the execution of this project and shall comply with all local, state, and federal regulations regarding the safe handling and disposal of hazardous materials.

Construction grading would be limited to little to no cut and approximately 3,500 CY of fill due to the already flat topography at the site. Section 3.3.3 states "Mitigation Measure AIR-2 shall be implemented to limit emissions of DPM during construction to less than significant levels" (see Section 3.3.3 for additional information). With the implementation of Mitigation Measure AIR-2, the proposed project would not create a significant hazard to schools in the vicinity.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less than Significant Impact. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, otherwise known as the Cortese List (CalEPA 2022, DTSC 2022, SWRCB 2022). There is one Cortese list site, a former LUST site associated with a Shell gas station, immediately adjacent to the project site to the west at 12 North Park Victoria Drive (SWRCB 2022). The Shell LUST site has a cleanup status of "Completed – Case Closed as of 1/20/2016," meaning a closure letter or other formal closure decision document has been issued for the site. In 1984, a subsurface investigation revealed gasoline had entered groundwater from a leaking underground storage tank on the Shell site. The 500-gallon waste oil LUST was removed and replaced in 1987. From 1989 to 1990, groundwater well monitoring revealed elevated levels of total petroleum hydrocarbons as gasoline (TPHg) and benzene. From 1992 to 1995, a soil vapor extraction and treatment (SVET) program detected and removed TPHg and benzene from the site. From 1992 to 1996 and 1997 to 2000, a groundwater extraction and treatment (GWET) program was conducted to remove petroleum hydrocarbon (TPHg, benzene, total petroleum hydrocarbons as diesel, and methyl tertiary-butyl ether [MTBE]) from the site's soil and groundwater. Ongoing soil sampling and site monitoring occurred from 1996 to 2005. In 2007, one 550-gallon waste oil LUST was removed from the site, and in 2009, a Corrective Action Plan and Site Conceptual Model was developed for the site. Additional subsurface investigations occurred in 2011 and 2013. In 2014, soil vapor probes were installed to assess vapor intrusion concerns; vapor levels detected did not exceed the RWQCB's commercial land use environmental screening levels (ESLs) nor the SWRCB's Low Threat Underground Storage Tank Case Closure Policy soil vapor criteria. The LUST case was issued a closure/no further action letter in 2016.

Because the hazardous materials site adjacent to the project site has been fully remediated and issue a formal closure letter from the Santa Clara County Local Oversight Program, the lead cleanup oversight agency in the case, it is not anticipated that this Cortese List site would create a significant hazard to the project nor its occupants. This impact is less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The project site is not within an airport land use plan or within two miles of a public or public use airport. The closest airport to the project site is Norman Y. Mineta San Jose International Airport, located approximately five and a half miles south of the project site.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. East Calaveras Boulevard and North Park Victoria Drive are local roadways providing the primary access to the school. The contractor would maintain access for emergency vehicles for the duration of construction and therefore would not significantly impair or physically interfere with an adopted emergency evacuation plan. Fire access plans are subject to review and approval by the DSA. After project construction is completed, there would be no impediment to vehicular or emergency vehicle access. Thus, the proposed project would have a less-than-significant impact to emergency plans.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

No Impact. The project site is not within the wildland-urban interface (ABAG 2021). However, it is located near areas designated as wildland-urban interface, which are located approximately 0.5 miles east of the site. The project does not propose new structures within areas designated as wildland-urban interface and is therefore not subject to wildfire-related building practices. The District's proposed building plans are subject to approval by the DSA, which includes adherence to current fire code standards. Therefore, the project would not expose people or structures to significant risk of loss due to wildland fires.

3.9.4 References

Association of Bay Area Governments (ABAG). Bay Area Hazards: Wildland-Urban Interface. Accessed February 9, 2022 at https://mtc.maps.arcgis.com/apps/mapviewer/index.html?layers=d45bf08448354073a26675776f2d09cb

California Department of Toxic Substances (DTSC). 2022. EnviroStor Database. Accessed February 9, 2022 at https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=1285+Escuela+Parkway+Milpitas.

California Environmental Protection Agency (CalEPA). 2022. Cortese List Data Resources. Accessed February 9, 2022 at https://calepa.ca.gov/sitecleanup/corteselist/.

City of Milpitas. 2022. Office of Emergency Management. Accessed February 9, 2022 at https://www.ci.milpitas.ca.gov/milpitas/departments/fire/office-of-emergency-management/.

State Water Resources Control Board (SWRCB). 2022. GeoTracker Database. Accessed February 9, 2022 at https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=1285+Escuela+Parkway+Milpitas.

3.10 HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv) Impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

3.10.1 Environmental Setting

The project is located in the City of Milpitas where the climate is Mediterranean, characterized by warm, dry summers, and cool, wet winters averaging 14 to 18 inches of precipitation per year (De Novo Planning Group 2018). Winter precipitation can cause flooding of local creeks, as well as surcharging of the City's drainage system. The City lies at the base of the Diablo Range to the east, extending from the foothills to the San Francisco Bay. Drainage patterns have been altered by urbanization and runoff has increased, creating an ever-increasing risk of flooding.

The City of Milpitas encompasses approximately 13.5 square miles, all of which are within the 315-square mile Coyote Creek watershed. The closest waterway to the project site is Calera Creek, located approximately 500 feet south of the project site at its closes point. Overall topography of the campus is relatively flat with a gentle downward slope to the west. Based on the project's grading and drainage plan, the overall ground surface of the campus ranges from

approximately elevation 60 feet in the western portion of the campus to approximately elevation 70 feet in the eastern portion of the campus (Quattrocchi Kwok Architects 2021).

The City's stormwater is collected in a system of nearly 77 miles of storm drain pipelines ranging from three inches to 96 inches in diameter, with outfalls and pumping stations along the City's major waterways that ultimately drain to the San Francisco Bay. (De Novo Planning Group 2018). Stormwater runoff from the project site is conveyed by a network of storm drains that ultimately discharge to Coyote Creek or its tributaries. Coyote Creek in turn discharges to San Francisco Bay.

Local Groundwater Resources

Currently, Milpitas does not use groundwater to meet customer demands under normal conditions and reserves groundwater supply for emergencies in the event that the San Francisco Public Utilities Commission (SFPUC) and Valley Water cannot deliver contracted water supplies. The City has two existing groundwater wells, one of which is active. Both wells include chlorine disinfection facilities, but are solely for emergency water supply purposes (De Novo Planning Group 2020).

3.10.2 Regulatory Setting

In addition to CEQA, other federal and state laws apply to the hydrology and water quality identified in this report. Each of these laws is identified and discussed below.

Storm Water Drainage

The discharge of storm water from the City's municipal storm sewer system is regulated primarily under the federal Clean Water Act (CWA) and California's Porter-Cologne Water Quality Control Act. The San Francisco Bay Regional Water Quality Control Board (RWQCB) implements these regulations at the regional level. Under the CWA, the RWQCB has regulatory authority over actions in waters of the United States, through the issuance of water quality certifications.

As authorized by the CWA, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or man-made ditches. The State and Regional Water Quality Control Boards administer the NPDES permit program in California for general and individual permits. The City is a co-permittee with other members of a regional association known as the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), which shares a joint regional municipal discharge permit issued by the RWQCB to discharge stormwater into the San Francisco Bay (Order R2-2015-0049) and is also referred to as the Municipal Regional Stormwater NPDES Permit (MRP).

If activities, discharges, or proposed activities and discharges from a property could affect California's surface, coastal, or ground waters, in most cases a permit will need to be acquired from the RWQCB. Dischargers whose projects disturb one or more acres of ground surface are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). The project is required to obtain coverage under this permit as it includes more than one acre of ground disturbance. Coverage under the Construction General Permit is obtained by filing a Notice of Intent with the SWRCB and preparing a Storm Water Pollution Prevention Plan (SWPPP).

Flood Zone Mapping

The National Flood Insurance Program branch of the Federal Emergency Management Agency (FEMA) maintains maps of floodways and floodplains for the United States. FEMA maps these areas on Flood Insurance Rate Maps or FIRMs. A typical FIRM will show specific flood hazard

areas, flood risk zones, and floodplains at a local level of detail. In some identified flood hazard zones, certain types of construction and/or uses are prohibited or are required to carry flood insurance. The project site is located within Zone X, an area of minimal flood hazard. The Zone X designation applies to areas of 0.2 percent annual chance of flood; and areas of one percent annual chance of flood with average depths of less than one foot or with drainage areas less than one square mile; (FEMA 2022).

Valley Water (formerly the Santa Clara Valley Water District, SCVWD)

Valley Water is a water resources agency responsible for balancing flood protection needs with the protection of natural water courses and habitat in the Santa Clara Valley. Valley Water serves 16 cities and 1.8 million residents; providing wholesale water supply, operating three water treatment plants, and providing flood protection along the creeks and rivers within the county.

Santa Clara Valley Urban Runoff Pollution Prevention Program

SCVURPPP is an association of thirteen municipalities in the Santa Clara Valley, together with the County of Santa Clara and Valley Water. SCVURPPP incorporates regulatory, monitoring, and outreach measures aimed at improving the water quality of South San Francisco Bay and the streams of the Santa Clara Valley.

Participating agencies (including the City of Milpitas) must meet the provisions of the MRP by ensuring that new development and redevelopment mitigate water quality impacts to storm water runoff both during the construction and operation of projects. In addition, other provisions of the MRP include construction site control, water quality monitoring program, pollutants of concern control programs (including litter, PCBs, mercury, pesticides, and copper), watershed management, illicit discharge detection and elimination, industrial and commercial site controls, municipal operations, and public information/participation.

City of Milpitas General Plan

The City of Milpitas General Plan contains the following hydrology and water quality policies that are relevant to the project:

> *Policy SA 2-3:* Require all development projects to demonstrate how storm water runoff will be detained or retained on-site, treated, and/or conveyed to the nearest drainage facility as part of the development review process. Project applicants shall demonstrate that project implementation would not result in increases in the peak flow runoff to adjacent lands or drainage facilities that would exceed the design capacity of the drainage facility or result in an increased potential for offsite flooding.
>
> *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 4-4:* 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 4-14:* 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).

3.10.3 Discussion

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact. The proposed project would not violate any water quality standards or waste discharge requirements. The proposed project could impact water quality during the short-term construction period through the accidental release of construction fuels or fluids or through an increase in sedimentation or erosion due to ground disturbance.

The project involves more than one acre of disturbance and is therefore required to obtain coverage under the Construction General Permit. The Construction General Permit requires the preparation of a SWPPP. In addition to the preparation of a SWPPP, the project includes the preparation of an erosion control plan which includes measures to be implemented during construction of the project for erosion and sediment control including, but not limited to, stabilized construction entrance, storm drain inlet protection, sediment basin, hydroseed/hydromulch erosion control blankets, and straw rolls (Quattrocchi Kwok Architects and HMH Engineers 2021). These measures ensure the project would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less than Significant Impact. Although the new technical high school could increase water use at the project site, the City of Milpitas does not utilize groundwater for water supply except during emergencies. Therefore, the proposed project is not expected to use groundwater. However, the proposed project would increase the impervious surface area of the project site from 284,236 square feet (existing) to 334,484 square feet (proposed), an increase of 50,048 square feet (Quattrocchi Kwok Architects and HMH Engineers 2021). The project site is within an area map for subwatersheds with less than 65 percent imperviousness (SCVURPPP 2019). As such, the project is required to incorporate hydromodification measures including site design, source control and stormwater treatment measures as well as prevent increases in runoff flows (volume and rate) compared to pre-project conditions. The stormwater control plan for the proposed project includes source control measures such as beneficial landscaping and storm drain labels, and site design measures such as disconnected downspouts, pervious pavement, other self-treatment area, and self-retaining area (Quattrocchi Kwok Architects and HMH Engineers 2021). As such, the project is not expected to substantially decrease groundwater supplies or interfere substantially with groundwater recharge.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial erosion or siltation on- or off-site;

Less than Significant Impact. The proposed project would not alter the existing drainage pattern of the site or area nor result in substantial erosion or siltation. The project occurs on an existing developed school campus and does not alter the course of a stream or river because none are present on site. The project includes and erosion control plan with erosion and sediment control BMPs that would be implemented throughout project construction to prevent erosion or siltation. The project plans include post-construction stormwater design, source control and treatment control features to treat stormwater runoff on-site prior to its release to the storm drain system, in conformance with the post-construction requirements of the MRP. Therefore, the project would not substantially alter the existing drainage system of the site or area through the addition of

impervious surfaces or result in substantial erosion or siltation on- or off-site. The impact is considered less than significant.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

Less Than Significant Impact. The project site is an existing school campus. The proposed project includes a 17.6 percent (50,048 square feet) increase in impervious area compared to existing conditions, however, as previously described, the project plans include properly sized source control and site design stormwater controls to ensure the project does not exceed existing runoff rates and volumes (see response to Questions c and d above). Therefore, the proposed project would not alter the rate or amount of surface water runoff in a manner which would result in flooding on- or off-site.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Less than Significant Impact. As stated above, the project would result in a 17.6 percent increase in impervious areas at the site. The project plans include properly sized stormwater treatment controls to ensure the project does not exceed existing runoff rates and volumes, and to treat stormwater prior to discharge into the storm drain system. Therefore, the project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

iv) Impede or redirect flood flows?

No Impact. The project includes the construction of six new buildings on an existing, developed adult school campus. These buildings are not located within mapped areas subject to flooding (FEMA 2022). Therefore, the project would not impede or redirect flood flows.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact. The project site is not within a flood hazard zone (see Regulatory Setting above). The terms tsunami or seiche are described as ocean waves or similar waves in large water bodies, usually created by undersea fault movement or by a coastal or submerged landslide. The site is over three miles east of the San Francisco Bay shoreline at 21 to 29 feet above mean sea level and is not within a tsunami hazard zone (CDOC 2019). Therefore, the project is not at risk to release pollutants in the event of a flood, seiche or tsunami since the site is not in an area subject to such hazards.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The proposed project would not significantly impact water quality (see response to Question a above) or groundwater (see response to Question b above). Therefore, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

3.10.4 References

California Department of Conservation (CDOC). 2019. Santa Clara County Tsunami Hazard Areas. Accessed February 7, 2022 at: https://www.conservation.ca.gov/cgs/tsunami/maps/santa-clara

City of Milpitas. 2021. City of Milpitas General Plan 2040. Prepared by DeNovo Planning Group. Adopted March 9, 2021.

De Novo Planning Group. 2018. City of Milpitas Existing Conditions Report. June. Accessed February 7, 2022 at: https://drive.google.com/uc?export=download&id=1XYV84_4cY2GsWfUBg35vfG4ISJJp-zwV

Federal Emergency Management Agency (FEMA). 2021. FEMA Flood Map Service Center. FIRM panel 06085C0059J. Accessed February 7, 2022 at: https://msc.fema.gov/portal/search?AddressQuery=1285%20Escuela%20Parkway%2C%20Milpitas#searchresultsanchor

Quattrocchi Kwok Architects and HMH Engineers. 2021 (December 7). Milpitas Innovation Campus Increment 1.

Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). 2019. HMP Applicability Map, City of Milpitas. Accessed February 7, 2022 at: https://scvurppp.org/wp-content/uploads/2019/08/Milpitas_HMP_Map.pdf

Valley Water. 2021 Coyote Watershed (Complete). Accessed February 7, 2022 at: https://www.valleywater.org/accordion/coyote-watershed.

3.11 LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) 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?	☐	☐	☐	☒

3.11.1 Environmental Setting

The project site is located in the City of Milpitas at a site that was utilized as a high school campus until 1970 when the high school operations moved to the Milpitas High School. The site currently supports various District operations including the Adult School, Calaveras Hills Continuing Education High School, various District offices, and a privately operated preschool.

3.11.2 Discussion

Would the project:

a) Physically divide an established community?

No Impact. The proposed project is the redevelopment of an existing school campus with a new school facilities including the addition of a new 500-student technical high school. The project does not include any physical barriers such as new roads or fences such that existing land use patterns would change resulting in a division of an established community.

b) 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?

No Impact. The MUSD is exempt from local land use plans, policies, and most local regulations. In addition, the proposed project is the redevelopment of an existing school campus with new school facilities including the addition of a new 500-student technical high school. The existing uses of the project site are educational and administrative, and no new uses are proposed as part of the project. Therefore, the project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

3.12 MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local -general plan, specific plan or other land use plan?	☐	☐	☐	☒

3.12.1 Environmental Setting

The State Geologist identifies four areas within Milpitas that contain Regionally Significant Construction Aggregate Resources. These areas, located in the foothills outside City limits, are part of the South San Francisco Bay Production-Consumption Region and contain sandstone deposits. Three of the sites are located west of the Ed Levin Park along Tularcitos and Los Coches Creeks, and the fourth is along Scott Creek at the County line. All of the areas are currently being quarried (De Novo Planning Group 2020).

3.12.2 Discussion

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact (Responses a – b). There are no known mineral resources of regional value or local importance on or adjacent to the project site. Therefore, the project would not result in the loss of availability of known mineral resources.

3.12.3 References

De Novo Planning Group. 2020. Draft Environmental Impact Report for the Milpitas General Plan Update. November 2. Accessed on February 9, 2022 at https://milpitas.generalplan.org/s/Milipitas_Public_Draft_EIR_reduced.pdf.

3.13 NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) 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 in other applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) 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 two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

3.13.1 Environmental Setting

Noise may be defined as loud, unpleasant, or unwanted sound. The frequency (pitch), amplitude (intensity or loudness), and duration of noise all contribute to the effect on a listener, or receptor, and whether the receptor perceives the noise as objectionable, disturbing, or annoying.

The Decibel Scale (dB)

The decibel scale (dB) is a unit of measurement that indicates the relative amplitude of a sound. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a tenfold increase in acoustic energy, while 20 dBs is 100 times more intense, 30 dBs is 1,000 more intense, and so on. In general, there is a relationship between the subjective noisiness, or loudness of a sound, and its amplitude, or intensity, with each 10 dB increase in sound level perceived as approximately a doubling of loudness.

Sound Characterization

There are several methods of characterizing sound. The most common method is the “A-weighted sound level,” or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is typically most sensitive. Thus, most environmental measurements are reported in dBA, meaning decibels on the A-scale.

Human hearing matches the logarithmic A-weighted scale, so that a sound of 60 dBA is perceived as twice as loud as a sound of 50 dBA. In a quiet environment, an increase of 3 dB is usually perceptible, however, in a complex noise environment such as along a busy street, a noise increase of less than three dB is usually not perceptible, and an increase of 5 dB is usually perceptible. Normal human speech is in the range from 50 to 65 dBA. Generally, as environmental noise exceeds 50 dBA, it becomes intrusive and above 65 dBA noise becomes excessive. Nighttime activities, including sleep, are more sensitive to noise and are considered affected over a range of 40 to 55 dBA. Table 3-6 lists typical outdoor and indoor noise levels in terms of dBA.

Table 3-6: Typical Outdoor and Indoor Noise Levels		
Common Outdoor Activities	**Noise Level (dBA)**	**Common Indoor Activities**
	-110-	Rock Band
Jet flyover at 1,000 feet		
	-100-	
Gas lawn mower at 3 feet		
	-90-	
Diesel truck at 50 feet at 50 mph		Food blender at 3 feet
	-80-	Garbage disposal at 3 feet
Noise urban area, daytime		
Gas lawnmower, 100 feet	-70-	Vacuum cleaner at 10 feet
Commercial area		Normal speech at 3 feet
Heavy traffic at 300 feet	-60-	
		Large business office
Quiet urban daytime	-50	Dishwasher next room
Quite urban nighttime	-40-	Theater, large conference room (background)
Quiet suburban nighttime		
	-30-	Library
Quite rural nighttime		Bedroom at night
	-20-	
		Broadcast/recording studio
	-10-	
Lowest threshold of human hearing	-0-	Lowest threshold of human hearing
Source: Caltrans 2013		

Sound levels are typically not steady and can vary over a short time period. The equivalent noise level (L_{eq}) is used to represent the average character of the sound over a period of time. The L_{eq} represents the level of steady noise that would have the same acoustical energy as the sum of the time-varying noise measured over a given time period. L_{eq} is useful for evaluating shorter time periods over the course of a day. The most common L_{eq} averaging period is hourly, but L_{eq} can describe any series of noise events over a given time period.

Variable noise levels are values that are exceeded for a portion of the measured time period. Thus, L01 is the level exceeded one percent of the time and L90 is the level exceeded 90

percent of the time. The L90 value usually corresponds to the background sound level at the measurement location.

Noise exposure over the course of an entire day is described by the day/night average sound level, or DNL, and the community noise equivalent level, or CNEL. Both descriptors represent the 24-hour noise impact on a community. For DNL, the 24-hour day is divided into a 15-hour daytime period (7:00 A.M. to 10:00 P.M.) and a nine-hour nighttime period (10:00 P.M. to 7:00 A.M.) and a 10 dB "penalty" is added to measure nighttime noise levels when calculating the 24-hour average noise level. For example, a 45 dBA nighttime sound level would contribute as much to the overall day-night average as a 55 dBA daytime sound level. The CNEL descriptor is similar to DNL, except that it includes an additional five dBA penalty beyond the 10 dBA for sound events that occur during the evening time period (7:00 P.M. to 10:00 P.M.). The artificial penalties imposed during DNL and CNEL calculations are intended to account for a receptor's increased sensitivity to sound levels during quieter nighttime periods.

Sound Propagation

The energy contained in a sound pressure wave dissipates and is absorbed by the surrounding environment as the sound wave spreads out and travels away from the noise generating source. Theoretically, the sound level of a point source attenuates, or decreases, by 6 dB with each doubling of distance from a point source. Sound levels are also affected by certain environmental factors, such as ground cover (asphalt vs. grass or trees), atmospheric absorption, and attenuation by barriers. Outdoor noise is also attenuated by the building envelope so that sound levels inside a residence are from 10 to 20 dB less than outside, depending mainly on whether windows are open for ventilation or not.

When more than one point source contributes to the sound pressure level at a receiver point, the overall sound level is determined by combining the contributions of each source. Decibels, however, are logarithmic units and cannot be directly added or subtracted together. Under the dB scale, a doubling of sound energy corresponds to a three dB increase in noise levels. For example, if one noise source produces a sound power level of 70 dB, two of the same sources would not produce 140 dB – rather, they would combine to produce 73 dB.

Under controlled conditions in an acoustical laboratory, the trained, healthy human ear can discern one-dB changes in sound levels when exposed to steady, single-frequency ("pure-tone") signals in the mid-frequency (1,000–8,000 Hz) range. In typical noisy environments, changes in noise of one to two dB are generally not perceptible. However, it is widely accepted that people can begin to detect sound level increases of three dB in typical noisy environments. Further, a five-dB increase is generally perceived as a distinctly noticeable increase, and a 10-dB increase is generally perceived as a doubling of loudness.

Noise Effects

Noise effects on human beings are generally categorized as:

- Subjective effects of annoyance, nuisance, and/or dissatisfaction
- Interference with activities such as speech, sleep, learning, or relaxing
- Physiological effects such as startling and hearing loss

Most environmental noise levels produce subjective or interference effects; physiological effects are usually limited to high noise environments such as industrial manufacturing facilities or airports.

Predicting the subjective and interference effects of noise is difficult due to the wide variation in individual thresholds of annoyance and past experiences with noise; however, an accepted method to determine a person's subjective reaction to a new noise source is to compare it to the existing environment without the noise source, or the "ambient" noise environment. In general,

the more a new noise source exceeds the ambient noise level, the more likely it is to be considered annoying and to disturb normal activities.

Under controlled conditions in an acoustical laboratory, the trained, healthy human ear is able to discern one-dB changes in sound levels when exposed to steady, single-frequency ("pure-tone") signals in the mid-frequency (1,000–8,000 Hz) range. In typical noisy environments, changes in noise of one to two dB are generally not perceptible. However, it is widely accepted that people are able to begin to detect sound level increases of three dB in typical noisy environments. Further, a five dB increase is generally perceived as a distinctly noticeable increase, and a 10 dB increase is generally perceived as a doubling of loudness that would almost certainly cause an adverse response from community noise receptors.

Existing Noise Environment

The proposed project is located at an existing MUSD campus, an active school campus that includes drop off and pick up periods, bells, schools sports, and after school activities. Traffic noise modeling conducted in 2020 for the City's General Plan indicates transportation noise levels on East Calaveras Boulevard adjacent to the MUSD campus are 70 dB DNL at a distance of 40 feet from the centerline of the roadway and 60 dB DNL at a distance of 187 feet from the centerline of the roadway (City of Milpitas, 2020, Table 3.12-2). Modeling also shows that these noise levels may increase by approximately 3.5 dB DNL by 2040 (City of Milpitas, 2020, Table 3.12-12).

Sensitive Receptors

Noise sensitive receptors are areas where unwanted sound or increases in sound may have an adverse effect on people or land uses. Residential areas, hospitals, schools, and parks are examples of noise receptors that could be sensitive to changes in existing environmental noise levels. The closest noise sensitive receptors in proximity to the project site include:

- Single-family residential buildings located approximately 120 feet south of the project site, across East Calaveras Boulevard;
- Multi-family residential buildings located approximately 170 feet east of the project site;
- Single family residential buildings located approximately 260 feet west of the project site; and
- The Milpitas Sports Center, which borders the project site, and includes swimming pools approximately 110 feet north of the project site and a fitness center approximately 180 feet north of the project site. The Milpitas Sports complex also includes a baseball field approximately 390 feet north of the site, a skate park approximately 480 feet north of the site, and a soccer field approximately 650 feet north of the site, a football field approximately 830 feet north from the project site.

3.13.2 Regulatory Setting

California Building Standards Code

The California Building Standards Code is contained in Title 24 of the California Code of Regulations and consists of 11 different parts that set various construction and building requirements. Part 2, California Building Code, Section 1207, Sound Transmission, establishes sound transmission standards for interior walls, partitions, and floor/ceiling assemblies. Specifically, Section 1207.4 establishes that interior noise levels attributable to exterior noise sources shall not exceed 45 dBA DNL or CNEL (as set by the local General Plan) in any habitable room.

The California Green Building Standards (CALGreen) Code is Part 11 to the California Building Standards Code. Chapter 5, Nonresidential Mandatory Standards, Section, establishes additional standards for interior noise levels:

- Section 5.507.4.1.1 sets forth that buildings exposed to a noise level of 65 dB L_{eq} (1-hour) during any hour of operation shall have exterior wall and roof-ceiling assemblies exposed to the noise source meeting a composting sound transmission class (STC) rating of at least 45 (or an outdoor indoor transmission class (OITC) of 35, with exterior windows of a minimum STC of 40.
- Section 5.507.4.2 sets forth that wall and roof assemblies for buildings exposed to a 65 dBA L_{eq} pursuant to Section 5.507.4.1.1, shall be constructed to provide an interior noise environment attributable to exterior sources that does not exceed 50 dBA L_{eq} in occupied areas during any hour of operation. This requirement shall be documented by preparing an acoustical analysis documenting interior sound levels prepared by personnel approved by the architect or engineer of record.

Milpitas Municipal Code

Title V, Public Health, Safety, and Welfare, Chapter 213, Noise Abatement, of the City Municipal Code establishes that construction activities, including deliveries, shall be limited to the hours of 7:00 AM to 7:00 PM on weekdays and weekends, and that no construction work shall be conducted or performed on holidays (Section V-213-3-b).

Milpitas 2040 General Plan

The City of Milpitas' General Plan Noise Element is intended to preserve a nuisance-free noise environment for existing and future land uses by minimizing exposure to harmful and excessive noise Levels (Goal N-1). The General Plan sets forth the following policies related to noise control:

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 to ensure acceptable noise exposure levels for existing and future development. For schools, Table N-1 categorizes an exterior noise exposure of below 65 DNL normally acceptable, of 65-75 DNL conditionally acceptable, and of greater than 75 DNL unacceptable (City of Milpitas 2021).

Policy N 1-2: Require new development to mitigate excessive noise to the standards indicated in Tables N-1 and N-2 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.

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.

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:

- A significant impact will occur if the project results in an exceedance of the noise level standards contained in this element. 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.
- Where existing traffic noise levels are 60 dB DNL or less at the outdoor activity areas of noise-sensitive uses, a +5 dB DNL increase in roadway noise levels will be considered significant;
- Where existing traffic noise levels are greater than 60 dB DNL and up to 65 dB DNL at the outdoor activity areas of noise-sensitive uses, a +3 dB DNL increase in roadway noise levels will be considered significant; and
- Where existing traffic noise levels are greater than 65 dB DNL at the outdoor activity areas of noise-sensitive uses, a + 1.5 dB DNL increase in roadway noise levels will be considered significant.

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 1-12: Require non-transportation related noise from site specific noise sources to comply with the standards shown in Table N-2.

Policy N 1-13: Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent sensitive uses through the enforcement of the City's noise standards (see Title V, Chapter 213 of the Milpitas Municipal Code).

As described in Policy N-1.8, the General Plan includes the following actions related to construction noise:

- *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 am and 7:00 pm. 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-1e Coordinate with Caltrans, VTA, BART, local school districts, Santa Clara County, and the cities of San Jose, and Fremont when necessary, to ensure that these agencies obtain City concurrence prior to initiating or approving any noise generating projects affecting Milpitas.

3.13.3 Discussion

Would the project result in:

a) 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 in other applicable local, state, or federal standards?

As described in more detail below, the construction and operation of the proposed project would generate less than significant noise levels from a variety of sources.

Short-term, Temporary Construction Noise Levels

The construction of the proposed project is anticipated to have two phases, with Phase 1 scheduled to occur from June 2022 to August 2023 and Phase 2 scheduled to occur from June 2023 to August 2024. Construction would last approximately 26 months. Construction activities would include demolition, site preparation (e.g., land clearing), grading, utility trenching, foundation work material deliveries (requiring travel along City roads), building construction, paving, and interior finishing. These types of construction activities would generate noise and vibration from heavy equipment operations at different work areas. The construction equipment estimated to be used during project construction is shown in Table 3-6 below.

Table 3-7: Project Construction Equipment

Equipment Type	Number on Site	Number of Working Days In Use
Loader (duals as an excavator)	2	40
Paver	1	5
Roller	2	15

Table 3-7: Project Construction Equipment		
Equipment Type	**Number on Site**	**Number of Working Days In Use**
F-250 Trucks	3	Entire duration
End Dump Trucks	2	15
Scraper	1	10
Water Truck	1	40
Dozer	3	40
Crane	1	75

Some heavy equipment, such as the loader, would be mobile equipment that would move around work areas; other equipment, such as the crane, would generally operate in a fixed location until work activities are complete. Heavy equipment generates noise from engine operation, mechanical systems, and components (e.g., fans, gears, propulsion of wheels or tracks), and other sources such as back-up alarms. Mobile equipment generally operates at different loads, or power outputs, and produces higher or lower noise levels depending on the operating load. Stationary equipment generally operates at a steady power output that produces a constant noise level. Vehicle trips, including worker, vendor, and haul truck trips are likely to primarily occur on Calaveras Boulevard and I-680. Table 3-7, Typical Construction Equipment Noise Levels, indicates the anticipated noise levels of construction equipment at difference distances from equipment work areas.

Table 3-8: Typical Construction Equipment Noise Levels								
Equipment	**Noise Level at 50 feet (Lmax)(A)**	**Percent Usage Factor(B)**	**Predicted Equipment Noise Levels (L_{eq})(C)**					
			50 Feet	**100 Feet**	**125 Feet**	**150 Feet**	**200 Feet**	**250 Feet**
Backhoe	80	0.4	76	70	68	66	64	62
Bulldozer	85	0.4	81	75	73	71	69	67
Compressor	80	0.4	76	70	68	66	64	62
Concrete Mixer	85	0.4	81	75	73	71	69	67
Crane	85	0.16	77	71	69	67	65	63
Delivery Truck	84	0.4	80	74	72	70	68	66
Excavator	85	0.4	81	75	73	71	69	67
Front End Loader	80	0.4	76	70	68	66	64	62
Generator	82	0.5	79	73	71	69	67	65
Man Lift	85	0.2	78	72	70	68	66	64
Paver	85	0.5	82	76	74	72	70	68
Pneumatic tools	85	0.5	82	76	74	72	70	68
Pumps	77	0.5	74	68	66	64	62	60
Roller	85	0.2	78	72	70	68	66	64
Scraper	85	0.4	81	75	73	71	69	67
Tractor	84	0.4	80	74	72	70	68	66

Sources: Caltrans, 2013; FHWA, 2010

(A) L_{max} noise levels based on manufacturer's specifications.

(B) Usage factor refers to the amount (percent) of time the equipment produces noise over the time period

(C) Estimate does not account for any atmospheric or ground attenuation factors. Calculated noise levels based on Caltrans, 2009: L_{eq} (hourly) = L_{max} at 50 feet – 20log (D/50) + 10log (UF), where: L_{max} = reference L_{max} from

Table 3-8: Typical Construction Equipment Noise Levels								
Equipment	**Noise Level at 50 feet (Lmax)[(A)]**	**Percent Usage Factor[(B)]**	**Predicted Equipment Noise Levels (L_{eq})[(C)]**					
			50 Feet	**100 Feet**	**125 Feet**	**150 Feet**	**200 Feet**	**250 Feet**
manufacturer or other source; D = distance of interest; UF = usage fraction or fraction of time period of interest equipment is in use.								

Construction noise impacts generally occur when construction activities occur in areas immediately adjoining noise sensitive land uses, during noise sensitive times of the day, or when construction durations last over extended periods of time. The closest that construction activities could occur to sensitive receptors located near the project site are:

- Single-family residential buildings located approximately 120 feet south of the project site;
- Multi-family residential buildings located approximately 170 feet east of the project site;
- Single-family residential buildings located approximately 260 feet west of the project site; and
- The Milpitas Sports Center, which borders the project site, and includes swimming pools approximately 110 feet north of the project site and a fitness center approximately 180 feet north of the project site. The Milpitas Sports complex also includes a baseball field approximately 390 feet north of the site, a skate park approximately 480 feet north of the site, and a soccer field approximately 650 feet north of the site, a football field approximately 830 feet north from the project site.

With regard to construction noise, demolition, site preparation, and grading phases typically result in the highest temporary noise levels due to the use of heavy-duty equipment such as dozers, excavators, graders, loaders, scrapers, and trucks. As shown in Table 3-7, the worst-case L_{eq} noise levels associated with the operation of equipment such as a dozer, excavator, and paver are predicted to be approximately 85 dBA at a distance of 50 feet from the equipment operating area. The nearest sensitive receptors are approximately 120 feet from the project site. Conservatively using 100 feet, the noise levels from equipment with the highest noise levels operating at the edge of the project site would be approximately 76 dBA L_{eq} for a single piece of equipment or up to 79 dBA L_{eq} for two pieces of equipment operating in close proximity. These estimated noise levels are above the daytime ambient noise level conditions near the campus (assumed to be approximately 70 dB). As site preparation and excavation actives are completed and vertical building construction begins, work activities would occur further from property lines, require less heavy-duty equipment, and generate lower construction noise levels. Typical construction activities would generate noise levels that are approximately five to 10 dBA L_{eq} less than worst case noise levels and would also be in line with the daytime ambient noise environment near the MUSD campus.

The City's General Plan Noise Element generally focuses on protecting Milpitas citizens by minimizing construction noise intrusion; however, the City's General Plan and Municipal Code do not establish a specific, numeric standard for construction noise levels (e.g., 90 dBA L_{eq}). The proposed project, therefore, would not generate construction noise levels that exceed City standards or otherwise result in a substantial temporary increase in ambient noise levels because:

- Worst-case noise levels are expected to occur intermittently over a seven-month period during site preparation and excavation.

- Construction equipment contains standard noise suppression devices such as mufflers, engine shields/covers, and engine/mechanical isolators/mounts that typically reduce engine, mechanical, and exhaust noise levels below standard reference noise levels, which are based on older equipment operations. The MUSD is proposing the use of pre-fabricated modular buildings. All of the project's new buildings would be constructed off-site, and then shipped and assembled on-site. Limiting on-site building construction to foundation work and assembly reduces on-site noise by using a less intensive construction method.
- The phased nature of the project would limit the amount of receptors exposed to construction noise levels at any one time. Phase 1 would involve the construction of buildings located in the northwest and southeast portion of the project site, and Phase 2 would involve the construction of buildings in the eastern portion of the project site. Since project construction is divided into phases, only certain receptors would be exposed to construction noise levels. Residences to the west of the project site would only be within range of the equipment noise when the construction was occurring on the west side of the property, such as during Phase 1. These receptors would have a greater distance from construction during Phase 2 of project work, which would not involve construction activities on the west side of the project site. Similarly, receptors to the south of the project site across East Calaveras Boulevard would only be exposed to construction noise levels during Phase 1, receptors to the northeast of the site would be exposed to construction noise during Phase 2, and receptors to the southeast of the site would be exposed to construction noise during Phase 1. Phased construction also allows other existing buildings to shield receptors from potential construction noise level.
- The proposed Project would follow more restrictive noise measures than those required by the City of Milpitas Municipal Code, which limits construction activities to the hours of 7:00 A.M. to 7:00 P.M. on weekdays and weekends (Section V-213-3-b). The project would limit construction to the hours of 7:00 A.M. and 5:00 P.M. on weekdays and weekends. This generally limits construction activities to daytime hours when people are generally considered to be least sensitive to environmental noise levels.

While construction would temporarily increase noise levels at residences to the east, west, and south, this noise increase would be temporary, with the majority of construction activities generating noise levels similar to the existing ambient noise environment. The project's temporary noise level increases would occur during the time periods permitted by the City's Municipal Code (7:00 A.M. to 7:00 P.M.), and would not exceed any City or MUSD standard, or otherwise result in a substantial temporary increase in ambient noise levels. The construction of the project, therefore, would not generate noise levels that exceed an applicable standard. This impact would be less than significant.

Although construction noise levels would not exceed applicable City standards, MIG recommends the Project implement the following BMPs to further reduce already less than significant noise levels at the residential receptors adjacent to the Project site:

Construction Noise Control BMPs

To reduce potential construction noise levels from Project construction activities, the MUSD shall:

1) *Notify Residential Land Uses of Planned Construction Activities.* This notice shall be provided at least one week prior to the start of any construction activities, describe the noise control measures to be implemented by the project, and include the name and phone number of the designated contact for the MUSD and the City of Milpitas responsible for handling construction-related noise complaints (per Section 5 below). This notice shall be provided to: A) The owner/occupants of residential dwelling units within 200 feet of the MUSD campus.

2) *Restrict Work Hours:* All construction-related work activities, including deliveries, shall follow more restrictive noise measures than those required in City Municipal Code Section V-213-3-b:

   a) Construction activities shall not take place between the hours of 5:00 PM and 7:00 AM on weekdays and weekends, or at any time on a holiday, as defined in Section V-213-2-2.05 of the City of Milpitas Municipal Code.
   b. At no point shall the project exceed the hour restrictions in Section V-213-3-b of the City of Milpitas Municipal Code, which prohibits construction activities from taking place between the hours of 7:00 PM and 7:00 AM on weekdays and weekends or any time on holidays.

3) *Control Construction Traffic and Site Access.* Construction traffic, including soil and debris hauling, shall follow City-designated truck routes and shall avoid routes that contain residential dwelling units to the maximum extent feasible given specific project location and access needs.

4) *Construction Equipment Selection, Use, and Noise Control Measures.* The following measures shall apply to project construction equipment:

   a. Contractors shall use the smallest size equipment capable of safely completing necessary work activities.
   b. Construction staging shall occur as far away from residential and other noise-sensitive land uses as possible.
   c. All stationary noise-generating equipment such as pumps, compressors, and welding machines shall be shielded and located as far from noise-sensitive land uses as practical. Shielding may consist of structures or three- or four-sided enclosures provided the structure/enclosure breaks the line of sight between the equipment and the noise-sensitive land use and provides for proper ventilation and equipment operation.
   d. Heavy equipment engines shall be equipped with standard noise suppression devices such as mufflers, engine covers, and engine/mechanical isolators, mounts, etc. Equipment shall be maintained in accordance with manufacturer's recommendations during active construction activities.
   e. Pneumatic tools shall include a noise suppression device on the compressed air exhaust.

f. The Project shall connect to existing electrical service at the site to avoid the use of stationary power generators (if feasible and approved by the electric service provider).
g. Sequence demolition activities to take advantage of existing shielding/noise reduction by existing buildings or parts of buildings and use methods that minimize noise and vibration, such as sawing concrete blocks and prohibiting on-site hydraulic breakers, crushing, or other pulverization activities.
h. No radios or other amplified sound devices shall be audible beyond the Project property line.

5) Prepare a Construction Noise Complaint Plan. The Construction Noise Complaint Plan shall:

a. Identify the name and/or title and contact information (including phone number and email) for a designated Project and City representative responsible for addressing construction-related noise issues.
b. Include procedures describing how the designated project representative will receive, respond, and resolve construction noise complaints.

At a minimum, upon receipt of a noise complaint, the project representative shall notify the City contact, identify the noise source generating the complaint, determine the cause of the complaint, and take steps to resolve the complaint.

For the reasons outlined above, the proposed project's construction activities would not generate noise levels that exceed standards or otherwise result in a substantial, temporary increase in ambient noise levels at sensitive receptor locations. The impact is considered less than significant.

Long-term, Operational Noise Levels

Once operational, the proposed project would keep all existing uses and add a 500-student high school. While the adult school would operate during nighttime hours, it is an existing use, and the new operation of the high school would be primarily during daytime hours when people are generally considered to be less sensitive to environmental noise levels. Potential new noise sources associated with the high school could include PA systems, alarms and bells, and HVAC units. Although the project could result in new noise sources at the existing campus, these noise sources would not generate noise levels that exceed City standards or otherwise result in a substantial permanent increase in noise levels in the vicinity of the campus for the following reasons:

- New operations from the project will occur primarily near the center of campus, which will shield adjacent receptors from new operational noise.
- The additional operational noise from 500 students would be distributed throughout the campus at any one time and would be unlikely to substantially increase overall ambient noise levels at sensitive receptor locations. The courtyard is centrally located on campus, so in situations where the students may gather, such as during breaks, they would likely gather near the center of campus, further away from sensitive receptors. The nearest receptors to the courtyard area. The residential receptors to the east, south, and west would be at least 400 feet from the center of the courtyard. The basketball court on campus would be located in the northern portion of campus.
- The project will follow requirements for noise and vibration control, including acoustical performance requirements. The project will have a maximum allowable background

noise level of 40 dBA for the operation of HVAC units, plumbing, or electrical equipment (Milpitas Unified School District 2021).

- Student drop-off and pick-up is anticipated to occur for approximately twenty minutes in the mornings before school starts and the afternoons after school ends and would produce noise from talking, vehicle engine noise, car stereos, and car doors slamming. Vehicles would access the campus for pick-up and drop-off at the west driveway or east driveway. For both sites, vehicle trips for pick-up and drop-off would not substantially change the existing noise environment, and for the west lot, the pick-up and drop-off activities would take place primarily near commercial uses, which are less sensitive to short-term changes in noise levels.
- The project would generate approximately 960 trips per day, with 260 additional AM peak hour trips and 70 PM peak hours trips (Hexagon 2022). Under existing traffic conditions, there are 1,565 existing peak AM hour trips along East Calaveras Boulevard (Hexagon 2022). The project is estimated to add approximately 240 AM peak hour trips along East Calaveras Boulevard, which would be generate an approximate 15.3 percent increase in of existing peak AM hour trips. Assuming that peak hour trips are 10 percent of daily trips, there would be approximately 15,650 existing daily trips along East Calaveras Boulevard. The projected 960 additional daily trips that the project would generate would increase daily trips by approximately 6.1 percent. Caltrans considers a doubling of traffic volumes to increase traffic noise levels by three decibels (Caltrans 2013). The proposed project would not generate a substantial amount of traffic and would not double traffic volumes for daily or peak hour trips.

For the reasons outlined above, the proposed project would not generate noise levels that exceed City or MUSD standards or otherwise result in a substantial permanent increase in noise levels in the vicinity of the MUSD campus. The impact is considered less than significant.

Other Planning Considerations – Noise and Land Use Compatibility

The California Supreme Court in California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal.4th 369 (2015) ruled that CEQA review is focused on a project's impact on the environment "and not the environment's impact on the project." Per this ruling, a Lead Agency is not required to analyze how existing conditions might impact a project's future users or residents; however, a Lead Agency may elect to disclose information relevant to a project even if it not is considered an impact under CEQA. Furthermore, the City's General Plan Noise Element sets noise standards for receiving land uses which require evaluation for consistency and compliance even if such evaluation is not required by CEQA.

Exterior Noise Exposure

As described above, traffic noise modeling conducted for the City's General Plan indicates exterior ambient noise levels along the segment of East Calaveras Boulevard adjacent to the proposed project site are 70 dB DNL at a distance of 40 feet from the centerline of the roadway and 60 dB DNL at a distance of 187 feet from the centerline of the roadway. (City of Milpitas, 2020, Table 3.12-2) (under existing 2020 conditions). These noise levels may increase by approximately 3.5 dB DNL.

The proposed project's nearest building façade is approximately 60 feet from the centerline of East Calaveras Boulevard. At this distance, exterior noise levels would be approximately 67.4 dB DNL under existing conditions, and could reach approximately 70.9 dB DNL under 2040 conditions. These values fall within the City's 65 dB DNL to 75 dB DNL range for the conditionally acceptable noise levels for schools. The proposed project, therefore, is considered compatible with the existing ambient noise environment provided an interior noise level of 45 dBA L_{eq} can be met. Based on the traffic noise modeling conducted for the City's General Plan,

up to 25.9 dB of exterior-to-interior noise attenuation would be needed to meet an interior noise level of 45 DNL.

Interior Noise Compatibility

The California Building Standards Code establishes that interior noise levels attributable to exterior noise sources shall not exceed 45 DNL or CNEL (as established by the local General Plan) for new school developments. The CHPS best practices manual also specifies an interior classroom noise level of 45 dBA L_{eq} and encourages interior noise levels of 35 dBA L_{eq}.

As described above, daily noise exposure levels at the closest new exterior building façade fronting East Calaveras Boulevard could be up to 70.9 DNL under future conditions. Typical building construction provides an exterior-to-interior noise reduction of approximately 12 dBA with windows open and approximately 25 dBA with windows closed. For this study, typical standard construction techniques include a basic framed wall with an STC rating of 39, consisting of 5/8-inch siding, ½-inch insulation board sheathing, 2-inch by 4-inch studs spaced every 16 inches, standard fiberglass insulation, and ½-inch drywall; windows and doors are rated STC 27 and occupy no more than 50 percent of the exterior wall area. Cracks and openings in window and door assemblies can reduce exterior to interior noise attenuation. Mechanical ventilation must also be provided to allow for use of classroom areas with windows closed.

The CALGreen Code establishes additional standards for interior noise levels that may apply to non-residential developments if a building is located within a 65 CNEL noise contour of an airport, freeway, railroad, industrial source, etc. or otherwise exposed to a noise level of 65 dBA on an hourly L_{eq} basis. As summarized above, the proposed project could result in new school buildings within the 65 DNL contour associated with East Calaveras Boulevard. The proposed project, therefore, would be subject to the prescriptive or performance standard requirements of the CALGreen code, which requires that exterior wall and roof-ceiling assemblies exposed to the noise source meet specific sound transmission class (STC) or outdoor-indoor transmission class (OITC) ratings. The STC and OITC exterior wall and roof assembly requirements set forth by the CALGreen code generally require the assembly to have an STC of 40 or an OITC of 30, which would be sufficient to meet the interior noise standard of 45 DNL; however, the final exterior assemblies would need to be reviewed and confirmed.

MIG recommends the project implement the following BMPs to reduce interior noise levels in classrooms:

Interior Noise Control BMPs

To reduce classroom noise levels to 45 DNL or less, the District shall incorporate the following interior noise control measures into the Project design:

1) *Provide mechanical ventilation.* The project will require forced air mechanical ventilation in all units to permit occupancy of units with windows closed.

2) *Prepare final acoustical analysis.* The MUSD shall prepare a final acoustical analysis demonstrating the final exterior wall assembly for all exterior walls with a direct line of sight to East Calaveras Boulevard provide a minimum exterior-to-interior noise reduction of 26 dBA and complies with CalGreen code requirements for non-residential buildings exposed to noise levels above 65 DNL.

The implementation of the interior noise attenuation measures above would reduce interior noise to levels 45 CDNL or less and require the MUSD to verify the final design of the exterior wall assembly for new classroom buildings meet CalGreen noise standards.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less Than Significant Impact. The potential for groundborne vibration and noise is typically greatest when vibratory or large equipment such as rollers, impact drivers, or bulldozers are in operation. For the proposed project, these types of equipment would primarily operate during site preparation, grading, and paving work. This equipment would, at worst-case, operate at least 120 feet or more from receptor locations, with intervening elevation differences, roadbeds, and other factors that would reduce direct transmission of groundborne vibration to residential buildings. The proposed project, therefore, would not generate substantial or excessive groundborne vibration levels.

c) 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 two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The MUSD campus is not within an airport land use plan nor is it within two miles of a public or private airport. Norman Y. Mineta San Jose International Airport is the closest airport to the project site, approximately 5.5 miles southwest of the campus.

3.13.4 References

California Department of Transportation (Caltrans) 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol. Sacramento, California. September 2013.

_____2020. Transportation and Construction Vibration Guidance Manual. Sacramento, California. April 2020.

City of Milpitas 2020. Draft Environmental Impact Report for the Milpitas General Plan Update. City of Milpitas, CA. November 2, 2020.

_____2021. City of Milpitas General Plan 2040. Accessed at https://milpitas.generalplan.org/content/documents-and-maps

Hexagon, 2022. Transportation Analysis for the MUSD Innovation Center Project. February 24, 2022.

Milpitas Unified School District 2021. Project Manual for the Milpitas Innovation Campus Increment 1. December 7, 2021.

The U.S. Department of Housing and Urban Development. 2009a. HUD Noise Handbook. March 2009.

_____2009b. HUD Noise Supplement. Sound Transmission Class Guidance.

U.S. Federal Highway Administration (FHWA) 2010. “Construction Noise Handbook, Chapter 9 Construction Equipment Noise Levels and Ranges”: Accessed online at: <https://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook00.cfm>

3.14 POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce a 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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

3.14.1 Discussion

Would the project:

a) 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)?

No Impact. The proposed project provides new facilities for existing students as well as creating a new high school campus at the site. The proposed buildings include classrooms to support the new enrollment. The added high school campus would not increase the overall student population within the District. The District is not proposing the provision of new housing nor is it revising its attendance boundaries. The new high school students would have attended Milpitas High School, the only other comprehensive high school within the District. Considering the project area is primarily built out and no changes in surrounding land uses are proposed, the proposed project would not induce population growth, either directly or indirectly.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The proposed project would not remove any existing housing, nor would it displace any people necessitating the construction of replacement housing elsewhere. No impact would occur.

3.15 PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☐	☒
ii) Police protection?	☐	☐	☐	☒
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☐	☒

3.15.1 Environmental Setting

The Milpitas Fire Department serves the residents of Milpitas. In addition to direct fire suppression and prevention, the Milpitas Fire Department performs support functions such as emergency medical services, rescue services, hazardous and toxic materials emergency response, coordination of City-wide disaster response efforts, enforcement of fire and life safety codes, enforcement of State and Federal hazardous materials regulations, and investigation of fire cause, arson and other emergency events for cause and origin (City of Milpitas 2022a). Milpitas Fire Station #1 is located at 777 S Main Street, Milpitas Fire Station #2 is located at 1263 Yosemite Drive, Milpitas Fire Station #3 is located at 45 Midwick Drive, and Milpitas Fire Station #4 is located at 775 Barber Lane. Fire Station #1 is approximately 1.7 miles from the site. Fire Station #2 is approximately 0.7 miles from the site. Fire Station #3 is approximately 1.7 miles from the site. Fire Station #4 is approximately 2.23 miles to the southeast.

The Milpitas Police Department is responsible for public safety in the project vicinity. The Milpitas Police Department has an office at 1275 N Milpitas Blvd, located approximately 1.75 miles from the project site (City of Milpitas 2022b).

The Milpitas Recreation and Community Services Department maintains 31 community parks, one dog park, and 24 tennis courts (City of Milpitas 2022c).

The Santa Clara County Library Milpitas Branch is located at 160 N. Main Street, approximately 1.25 miles west of the project site (City of Milpitas 2022c).

3.15.2 Discussion

Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant

environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?

ii) Police?

iii) Schools?

iv) Parks?

v) Other public facilities?

No Impact. The proposed project consists of the construction of six, two-story modular buildings to support existing functions currently on site and a new 500-student technical high school.

The proposed school buildings would require service from local emergency services providers (fire and police). The project would not increase the demand for emergency services as the project site is an existing school site that already receives fire and police services from the City. The project would not affect service ratios or response times or require the provision of new or physically altered stations as the new student enrollment generated by the project would consist of students that would have attended an existing school (Milpitas High School) in the same District.

The proposed project does not include new housing and would not induce population growth (see Response 3.14a). The project would increase existing enrollment numbers on site by 500 students; however, the project would serve students that would have attended Milpitas High School. As such, the project would not increase but rather transfer enrollment at local schools.

The project includes the provision of new school buildings and, therefore, would not require the construction of such facilities elsewhere. The project would not increase the use of local and regional parks or require the provision of new or physically altered parks, or other governmental facilities. The site would provide recreational facilities to serve the existing and new student population. No impact would occur.

3.15.3 References

City of Milpitas. 2022a. Milpitas Fire Department. Accessed February 9, 2022 at https://www.ci.milpitas.ca.gov/milpitas/departments/fire/.

———. 2022b. Milpitas Police Department. Accessed March 7, 2022 at https://www.ci.milpitas.ca.gov/milpitas/departments/police/.

———. 2022c. About Milpitas. Accessed March 7, 2022 at https://www.ci.milpitas.ca.gov/milpitas/about-milpitas/.

3.16 RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) 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?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

3.16.1 Discussion

Would the project:

a) Increase the use of existing neighborhood or regional parks or other recreational facilities such that significant physical deterioration of the facility would occur or be accelerated?

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. (Responses a – b). The project proposes to redevelop an existing site used for educational purposes to maintain existing functions and would also include the addition of buildings to support a new 500-student high school campus. The project does not provide housing that would increase enrollment within the District, nor does it adjust the current attendance boundaries. The proposed project would not induce population growth (see Response 3.14a); therefore, it would not increase the use of existing neighborhood and regional parks or other recreational facilities. The project does not include or require the construction or expansion of recreational facilities.

3.17 TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☐	☒

The information contained in this section is based on a Transportation Analysis prepared by Hexagon Transportation Consultants (February 2022).

3.17.1 Environmental Setting

Existing Transportation Setting

Regional access to the project site is provided via I-680. Local access to the site is provided via East Calaveras Boulevard and Park Victoria Drive. These roadways are described below.

- I-680 is a north-south freeway which extends from I-280 in San Jose in the south and ends at I-80 near Green Valley in the north. Within the project vicinity, I-680 primarily has three northbound lanes and three southbound mixed flow lanes as well as an HOV lane in the southbound direction. Access to the site is provided by an interchange at I-680 and Calaveras Boulevard.
- Calaveras Boulevard (SR 237) is a four- to six-lane, east-west, arterial that extends from I-880 at its west end, through central Milpitas, eastward to and past I-680 to Piedmont Road. West of Main Street it is called West Calaveras Boulevard and east of Main Street, it's called East Calaveras Boulevard. Between I-880 and I-680, Calaveras Boulevard is also SR 237. East of Piedmont Road, East Calaveras Boulevard turns into Calaveras Road, a two lane east-west rural road that extends into the hills several miles and ultimately connects to I-680 in Sunol. The section of East Calaveras Boulevard fronting the project site is four-lanes wide, with a two-way-center-left-turn lane, and provides access to the site via two driveways.
- Park Victoria Drive is a two- to four-lane, north-south collector street that begins as North Park Victoria Drive just south of Scott Creek Road in the north and terminates at East Calaveras Boulevard in the south. South of East Calaveras Boulevard it turns into South Park Victoria Drive, which is four lanes wide to Yosemite Drive and four lanes wide with center left-turn lane from Yosemite Drive to Landess Avenue.

The bicycle network in the vicinity of the site consists of an existing Class III bike route on East Calaveras Boulevard east of I-680 and along the site frontage. There are existing Class II bike lanes on Park Victoria Drive both north and south of East Calaveras Boulevard. The 2021 City

of Milpitas Draft Trail, Pedestrian, and Bicycle Master Plan proposes that East Calaveras Boulevard be upgraded to a Class IV bicycle track and that Park Victoria Drive be upgraded to a Class IIB buffered bike lane. The plan refers to the former as a high-need/low-feasibility improvement and the latter as a high-need/high-feasibility improvement. The City's plan also proposes to provide bicycle parking at the southeast quadrant of the Park Victoria Drive/East Calaveras Boulevard intersection.

Pedestrian facilities in the vicinity of the site consist of sidewalks along East Calaveras Boulevard, Park Victoria Drive, and all residential streets. There are two high-visibility crosswalks across East Calaveras Boulevard fronting the site. One is located at the intersection with Calaveras Court, which also provides a pedestrian-actuated flashing beacon. The other is provided at Carnegie Drive. The signalized intersection at North Park Victoria Drive and East Calaveras Boulevard provides crosswalks, curb ramps, and pedestrian-actuated pedestrian-crossing phases on all approaches.

Existing transit service in the project vicinity is provided by the Valley Transportation Authority (VTA). The site is served by local bus Line 47 and school service Line 246 and Line 247. Line 47 links the Milpitas BART station and McCarthy Ranch (at McCarthy Boulevard & Ranch Drive) via Calaveras Boulevard, Park Victoria Drive and Montague Expressway, with service every 30 minutes between 7:00 AM and 8:00 PM weekdays. Line 47 also provides weekend and holiday service.

On school days during the school year, Line 246 provides school service between Milpitas High School and Yellowstone/Butano (just north of Landess Avenue) via North Park Victoria Drive and East Calaveras Boulevard. Line 246 has two northbound departures in the morning before school and three southbound departures in the afternoon after school. The bus stops nearest the site are located along the site frontage on both the north and south sides of East Calaveras Boulevard. Line 247 offers school service between Milpitas High School and Park Victoria/Landess, via Park Victoria Drive, with one northbound departure in the morning before school and one southbound departure in the afternoon after school. The bus stops nearest the site are located on the east and west sides of North Park Victoria Drive just north of East Calaveras Boulevard.

The Milpitas BART station is located approximately 2.75 miles from the project site at the Montague Expressway/Great Mall Parkway intersection.

Existing Traffic Operations

Traffic conditions in the field were observed in order to identify existing operational deficiencies and to confirm the accuracy of calculated levels of service. The purpose of this effort was (1) to identify any existing traffic problems that may not be directly related to intersection level of service, and (2) to identify any locations where the level of service calculation does not accurately reflect level of service in the field. The field observations revealed that the level of service analysis generally reflects actual existing traffic conditions. Notable observations are summarized below.

Park Victoria Drive and East Calaveras Boulevard. During the AM peak hour, the northbound left turn queue on Park Victoria Drive onto westbound East Calaveras Boulevard occasionally spills out of the turn pocket and into the adjacent northbound through lane. However, this was observed to not adversely affect northbound through traffic and all northbound left-turn vehicles in the queue cleared in a single cycle.

East Calaveras Boulevard and Site Driveway West. Eastbound left turns on East Calaveras Boulevard into the site's west driveway were observed to operate satisfactorily during all peak hours. The intersection is unsignalized, so vehicles have to wait for gaps in westbound traffic in order to turn. Drivers westbound were seen to observe the "Keep Clear" pavement marking on East Calaveras Boulevard, allowing the eastbound left turns into the site when westbound traffic

was queued back from Park Victoria Drive past the driveway. The maximum observed queue of eastbound left turns was five vehicles- approximately 125 feet, in the AM peak hour, and three vehicles in the PM peak hour. The vehicle storage provided in the left-turn pocket is 200 feet from the driveway back to Park Victoria Drive.

3.17.2 Discussion

Would the project:

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Less Than Significant Impact. The proposed project consists of the redevelopment of an existing school site with six new two-story buildings, modernization of an existing building and minor modifications to the existing parking lots on the site. Project activities would occur on the interior of the site and would not result in permanent changes to the local roadway circulation system, transit facilities, or bicycle or pedestrian facilities.

According to the Valley Transportation Authority (VTA) Transportation Impact Analysis (TIA) Technical Guidelines, a project would create an impact on pedestrian and bike circulation if: (1) it would reduce, sever or eliminate existing or planned bike/pedestrian access and circulation in the area; (2) it would preclude, modify, or otherwise affect proposed bicycle and pedestrian projects and/or policies identified in an adopted plan; or (3) it would cause a change to existing bike paths such as alignment, width of the trail ROW, or length of the trail.

All changes proposed by the project would be confined to the project site. The project site borders the surrounding transportation infrastructure only along its East Calaveras Boulevard frontage. Since the project design would not alter its existing frontage along East Calaveras Boulevard, the project would not change or eliminate any existing pedestrian or bikeway facilities. Nor would the proposed project preclude or modify any planned bicycle or pedestrian improvements or related policies. Specifically, the project would not preclude the City's proposed East Calaveras Boulevard upgrade to a Class IV bicycle track.

Pedestrian trips generated by the project would be predominately high school students walking directly to school or walking to and from the nearest bus stop. As described previously, the site is currently served by two high-visibility crosswalks, one with pedestrian-actuated flashing beacon, providing direct access across East Calaveras Boulevard to the site. The nearest traffic signal provides crosswalks, curb ramps, and pedestrian-actuated pedestrian-crossing phases on all approaches. Nearly all the surrounding streets have existing sidewalks. These existing facilities would be adequate to accommodate the anticipated project pedestrian demand.

Based on the CMP criteria, it's expected that the proposed project would not create an adverse impact to bike/pedestrian circulation in the area. Thus, the project would result in a less than significant impact to bike and pedestrian facilities.

As described previously, transit access to the site is provided by school service routes. Line 246 has bus stops fronting the site and Line 247 has stops on North Park Victoria Drive located 600 feet from the site. The stops fronting the site are provided with benches. There are no shelters or bus duck outs. The project also would create additional bus trips. A "ballpark" transit mode share for the project would be about 10 percent. Based on the estimated project trip generation, this would equate to 26 bus trips in the commute AM, 16 bus trips in the school PM and 7 bus trips in the commute PM peak hours. According to OPR's guidelines, "When evaluating impacts to multimodal transportation networks, lead agencies generally should not treat the addition of new transit users as an adverse impact." However, it is recommended that the MUSD coordinate with VTA to determine if additional bus service is desirable to support the additional demand generated by the project.

According to the VTA TIA Technical Guidelines, a project would create an impact on transit if: (1) it would cause a permanent or temporary reduction of transit availability or interference with existing transit users (relocation/closure of a transit stop or vacation of a roadway utilized by transit) or (2) result in significant delays in transit service. The project, by itself, would not preclude, modify or otherwise affect existing or proposed transit projects or policies identified by the VTA. The project would not alter the site frontage, remove, or cause the removal of the existing bus stops. Therefore, the project would not result in any significant impacts to bus service.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3(b), which pertains to vehicle miles travelled?

Less Than Significant Impact. Under the proposed project, 500 students who would otherwise be attending Milpitas High School would instead be attending Calaveras High School on the MUSD Innovation Campus. There would therefore be no net change in the number of students attending within the District. Because the MUSD Innovation Campus is located closer to the geographic center of the school district than is the Milpitas High School, and since all students are drawn from within the district, it was anticipated that average trip lengths would be shorter to/from the MUSD Innovation Campus project site. This was borne out in the analysis, described below.

The Valley Transportation Authority (VTA) countywide travel demand forecast (TDF) model was used to estimate average trip lengths for students attending Milpitas High School and for students who would attend Calaveras High School on the proposed Innovation Campus. The results of the VMT analysis showed the average school trip length to be 3.10 miles for Milpitas High School and 2.87 miles for Calaveras High School (Innovation Campus). Consequently, the proposed Innovation Campus project would lower overall VMT in the district and therefore would result in a less than significant impact to VMT.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant. The proposed project would involve the addition of new buildings at an existing site originally developed as a high school. The proposed site design does not add new design features such as sharp curves, dangerous intersections, or incompatible uses at the site. The new facilities include six, two-story modular buildings to replace six structures at the site which will be used for educational purposes, which is an existing use on site. Proposed site plans show an integrated network of pedestrian pathways throughout the site. Student drop off areas remain on the drive aisles towards the interior sides of the parking lots, closest to the proposed buildings. No new intersections are proposed. The Transportation Analysis found impacts to bicycles, pedestrians and transit less than significant.

d) Result in inadequate emergency access?

Less than Significant Impact. Road or lane closures are not anticipated during construction. Fire lane access would be maintained on-site throughout construction. Site plans (see Figure 4) show fire access being provided from East Calaveras Boulevard through the middle of the campus between the existing buildings 900 and 1000 (preschool and theater), and proposed Buildings A and B to the south, and Buildings C, D, E, and F to the east. Fire access on-site is subject to review and approval by DSA. Therefore, the proposed project would not result in inadequate emergency access.

3.17.3 Non-CEQA Transportation Related Issues

The Transportation Analysis prepared for the project included an analysis of non-CEQA related transportation including site access, onsite circulation, parking, and local roadway performance as a result of the project. These issues are not addressed in the CEQA Initial Study checklist,

however, the District opted to include these analyses to benefit the community and interested agencies, such as the City of Milpitas.

Existing Intersection Level of Service

A level of service analysis was conducted at the principal signalized intersection in the project vicinity to determine the effects of the proposed project on intersection delay. This analysis is provided for informational purposes, as in accordance with state guidelines, the metric used to determine environmental impacts is VMT, which is discussed above under Response b). The level of service analysis evaluated conditions at the intersection of Park Victoria Drive and East Calaveras Boulevard for the AM, school PM, and PM peak hours both with and without the project.

Traffic volumes were estimated based on new traffic counts. The new counts were adjusted to account for the effects of Covid to temporarily suppress traffic volumes below the expected baseline. The 'Covid adjustment' was estimated using a factor derived by comparing new 2022 counts to historical counts at the intersection of North Milpitas Boulevard and East Calaveras Boulevard, which is the nearest intersection for which CMP, pre-Covid volumes were available. The traffic count data are included in Appendix A of the Transportation Analysis included in this Initial Study as Appendix C.

The derived Covid-adjustment factor was 1.32 for the AM peak hour and 1.20 for the PM peak hour. The Covid-adjusted existing volumes used in the analysis are shown on Figure 3.

The operations of the study intersection were evaluated using TRAFFIX software to determine levels of service (LOS). The existing lane configurations were used in the analysis. The results of the level of service analysis show the study intersection of Park Victoria Drive and East Calaveras Boulevard currently operates at LOS D during the AM, school PM, and PM peak hours. The TRAFFIX level of service calculation sheets are included in Appendix B.

Project Traffic Estimates

The magnitude of traffic produced by a new development and the locations where that traffic would occur were estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site was estimated for the AM, school PM, and PM peak hours. As part of the project trip distribution step, an estimate was made of the directions to and from which the project trips would travel. In the project trip assignment step, the project trips were assigned to specific streets and intersections in the study area. These procedures are described further in the following paragraphs.

The trip generation estimates for the proposed project are based on rates obtained from the Institute of Transportation Engineers' (ITE) publication *Trip Generation*, 11th Edition. Based on trip generation rates applicable to the proposed high school use, it is estimated that the project would generate 960 trips per day, with 260 trips occurring during the AM peak hour, 160 trips occurring during the school PM peak hour, and 70 trips occurring during the PM peak hour. These trip generation estimates are shown in the following Project Trip Generation table.

	ITE		Daily	AM Peak Hour			School PM Peak Hour			PM Peak Hour		
Land Use	Code[1]	Size	Trips	Total	In	Out	Total	In	Out	Total	In	Out
High School	525	500 students	970	260	177	83	160	51	109	70	34	36

[1]based on rates from Institute of Transportation Engineers (ITE), *Trip Generation*, 11th Edition.

The trip distribution for the high school was estimated based on existing traffic patterns to and from the site. The trip assignment was determined by distributing, at the turning-movement level, the number of project trips to the driveways and adjacent streets.

Existing Plus Project Intersection Level of Service

The existing plus project volumes were established by adding the project trips to the existing volumes. The existing plus project volumes are shown on Figure 5 of Appendix C.

The results of the intersection level of service analysis under existing and existing plus project conditions are summarized in the following Intersection Level of Service Summary table. The results of the level of service analysis show the study intersection of Park Victoria Drive and East Calaveras Boulevard would operate at LOS D during the AM, school PM, and PM peak hours under existing plus project conditions.

			Existing		Existing + Project			
	Peak	Count	Avg.		Avg.		Increase in:	
Intersection	Hour	Date	Delay	LOS	Delay	LOS	Delay[1]	V/C
N. Park Victoria & E. Calaveras	AM	1/26/22	48.1	D	48.1	D	0.3	0.020
	school PM	1/26/22	36.1	D	36.6	D	0.8	0.010
	PM	1/26/22	36.1	D	36.3	D	0.3	0.003

Note 1: Signalized intersection levels of service are based on the Highway Capacity Manual (HCM) methodology. Signalized intersection levels of service and delays reported are for average control delay per vehicle.
Note 2: City of Milpitas LOS standard is LOS D.
[1] The increase in delay shown here represents increase in critical delay.

Existing Site Layout

The site is located on the north side of East Calaveras Boulevard approximately 100 feet east of Park Victoria Drive. It is bounded on the west by commercial uses along North Park Victoria Drive, on the north by the Milpitas Sports Center, and on the east by residential development.

The following features of the project site and adjacent Sports Center bear noting: (1) the MUSD project site has two separate and distinct areas for vehicle circulation and parking- the west lot and the east lot; (2) the west lot adjoins a lot to the north- which is part of the adjacent Sports Center site (the north lot is not on the project site, so it's not shown on the site plan): (3) the west lot and north lot share access on East Calaveras Boulevard.

Each of the west lot and east lot is self-contained and serves a different population. The east lot serves school faculty. The west lot serves everyone else- district employees, high school students, adult school students and pre-school attendees. Each of the lots has its own separate driveway access to East Calaveras Boulevard via the 'west driveway' and 'east driveway', respectively.

This study accounts for the north lot only to the extent that it's a factor in the analysis. Thus, the Sports Center and accompanying north lot are not under review as part of this study. However, it's noteworthy that Sports Center traffic is required to use the same west driveway as the MUSD project, and parking between the two uses (MUSD and Sports Center) may be shared at times. The analysis presented here reflects this.

Project Site Access and Circulation

The Transportation Analysis included a review of site circulation and access. The project proposes changes to both the west lot and the east lot. The site plan shows that approximately three-quarters of the west lot would remain unchanged, including access and on-site circulation. The proposed changes to the east lot would be more substantial.

The site plan shows that the existing site access would remain. The site is accessed via two driveways on East Calaveras Boulevard. The west driveway is located approximately 150 feet east of Park Victoria Drive. The east driveway is located 650 feet east of the west driveway.

Along the site frontage, East Calaveras Boulevard is two lanes wide in each direction, with a raised median opposite the west driveway. This section of East Calaveras Boulevard has curb and gutter, and sidewalks on both sides. Parking is prohibited on East Calaveras Boulevard along the site frontage on both sides of the street.

The west driveway on East Calaveras Boulevard is accessed by two closely-spaced one-way driveways that function operationally as a single two-way driveway. The inbound driveway is located 30 feet east of the outbound driveway. The inbound driveway is accessed from the west by a single 200-foot eastbound left-turn pocket on East Calaveras Boulevard. Note that this left-turn 'pocket' is technically a third eastbound through lane that starts at Park Victoria Drive and drops into a left-turn lane at the west driveway. From the east, the west inbound driveway is accessed from/to East Calaveras Boulevard by right turns in and out. Outbound (southbound) left turns onto eastbound East Calaveras Boulevard are prohibited by the raised median island. The driveway is not signalized.

The east driveway has full access to and from East Calaveras Boulevard. The driveway is two lanes wide with a single lane in each of the inbound and outbound directions. The driveway is accessed from the west via left turns from the left-most through lane. From the east, the east driveway is accessed by right turns in and out. Outbound (southbound) left turns are permitted onto eastbound East Calaveras Boulevard. The driveway is not signalized.

West Lot Improvements

The project proposes to redesign the northern portion of the west lot to create a new frontage and entry to the proposed new Building A and Building B on campus. The redesign would entail the following.

- Remove the existing student loading/unloading area and twelve covered parking spaces in the northeast section of the west lot.
- Shift the curb face westward to align with the existing curb line directly south of it.
- Construct a sidewalk and painted red curb along the 240-foot frontage thus created.
- Add two new drop-off areas, one at the north end and one at the south end of the newly constructed frontage.
- Add bicycle racks adjacent to the south drop-off area.
- Add six handicap accessible parking spaces, with all attendant features, located across the drive aisle from the south drop-off area. This would result in a net loss of three parking spaces.

West Lot Access

The effect of the project on vehicle access at the west driveway was evaluated with respect to vehicle queuing, sight distance and safety.

The west lot is accessed at the aforementioned west driveway. Vehicles inbound at the west driveway access the west lot via right turns from the westbound shoulder lane on East Calaveras Boulevard and via left turns from the eastbound left-turn pocket on East Calaveras Boulevard. Vehicles outbound at the west driveway exit the west lot via right turns into the westbound shoulder lane on East Calaveras Boulevard. Left turns are prohibited out of the west driveway.

At the west driveway, the maximum inbound trips would occur in the AM peak hour and the maximum outbound trips would occur during the school PM peak hour (i.e., after school lets out). The maximum combined number of existing and project trips would occur during the AM peak hour for both inbound and outbound trips.

Observations of existing conditions in the field showed that the maximum observed queue of eastbound left turns at the left turn pocket was five vehicles- approximately 125 feet, in the AM peak hour, and three vehicles- approximately 75 feet, in the school PM and PM peak hours.

During the existing AM peak hour there were 82 eastbound left turns into the west driveway. As stated above, this corresponded to an observed maximum queue of 125 feet (five vehicles). With the addition of project trips, the number of eastbound left turns into the west driveway would more than double- to 177 trips. Were the maximum queue length proportional to the traffic volumes, the maximum queue under existing plus project conditions in the AM peak hour would be approximately 270 feet (125 x 177/82). This exceeds the 200-foot length of the eastbound left-turn pocket.

It's important to note, however, that most of the school project trips will occur in a relatively brief 20-minute duration immediately before and after school start and dismissal. For queuing purposes, with the maximum queue being most relevant, it’s more meaningful to consider conditions during this 20-minute spike in traffic rather than the entire hour. With an entire “hours’ worth” of school traffic concentrated into a 20-minute timeframe, vehicle backups can be expected to considerably exceed the 200 feet of storage in the eastbound left-turn pocket. Similar dynamics can be expected in the school PM peak hour. Consequently, vehicle queues would spill back into the intersection at Park Victoria Drive during the 20-minute spike in project traffic before the start of school. It is therefore recommended that the eastbound left-turn pocket at the west driveway be closed for a brief period before the start of school (AM peak hour) and after classes let out (school PM peak hour).

Recommendation 1: The school should develop a traffic management plan for the site. This should consider closing the eastbound left-turn pocket at the west driveway for a brief period each day before the start and after the end of school to prevent project queues from spilling into the Park Victoria/Calaveras Boulevard intersection. Other options within the traffic management plan to consider include implementing a carpool program, school bus service, staggered start and end times for school, and/or changing on-site loading locations.

With implementation of Recommendation 1, the inbound left-turns into the west driveway would need to enter from the east. In which case the inbound right-turn volume at the west driveway would be considerably higher. However, inbound vehicles via an uncontrolled and unconflicted right turn is operationally superior to the existing operation where most of the inbound vehicles are left turns that yield to all opposing traffic on westbound East Calaveras Boulevard. Also noteworthy is that diversion of traffic from the eastbound left turn pocket to the westbound right turn may cause additional school traffic to utilize neighborhood streets (to the east of the site) to access westbound Calaveras Boulevard.

West Lot Student Loading and Unloading

The spike in traffic volumes similarly affects vehicle queuing on site. Of particular significance is the operation of the student loading areas on site. Student loading operations will directly impact vehicle queues and the possibility that queues could extend back to East Calaveras Boulevard.

Once entering the west lot, vehicles that are unloading students will proceed north toward the student loading area marked by 240 feet of red curb. After unloading the student, vehicles will continue north to the north end of the lot, turn left and then left again to travel southbound down the middle aisle to the outbound west driveway, where the vehicle will turn right onto westbound East Calaveras Boulevard.

There will likely occur some deviations from the intended operation due to unavoidable variations in driver behavior, similar to that observed at an airport. For example, if getting to the loading area is delayed because of a lengthy queue, it's likely some drivers will choose to let out the student before getting to the student loading area and exit the queue and follow the route out of the lot, thereby creating potential vehicle conflicts as vehicles ahead of them attempt to exit the loading area. This will also occur when one or more cars dwell too long during unloading, thereby delaying vehicles behind that are ready to exit. For these reasons, it's recommended that the school assign staff to direct traffic at the loading area during the morning before school and the afternoon after school.

Recommendation 2: The school's traffic management plan should include assigning staff to direct traffic at the student loading area in the west lot during the morning before school and the afternoon after school.

As described previously, the proposed site design would effectively provide approximately 240 feet of red curb along which to load and unload students before and after school. Note that although the plan shows two designated "drop-off areas" of length 20 feet each, the remainder of the frontage in the redesigned area adjacent to new Buildings A and B would effectively be available for student loading. The storage for vehicles queued during loading of students was therefore assumed to be 240 feet.

Vehicle queues extending past the 240-foot loading area would be unavoidable during the peak student loading period. However, every effort should be made to prevent vehicle queues spilling back onto East Calaveras Boulevard. In the west lot, the available vehicle storage on site, back from and including the loading area, is approximately 475 feet.

Maximum vehicle queues for school loading are typically around 1.5 feet of loading/queuing length for each enrolled student. With the addition of 500 students, then, the expected maximum vehicle queues for student loading would be approximately 750 feet. Note that, although a queue of that length would exceed the available storage capacity (475 feet) for student loading in the west lot, the project would provide additional storage in the east lot, where a separate loading area is to be provided. The vehicle storage capacity for the site as a whole is addressed in the following section describing the east lot.

In terms of student loading operation, one difference between the morning drop-offs and afternoon pick-ups is that observations at schools generally show that, for the afternoon student pick-up, many vehicles arrive before the bell and park in the student loading area and in a queue behind it. This can result in a lengthy stationary queue that builds until the school bell. Also, because students emerge randomly after the bell, the queued vehicles tend to leave randomly, rather than leaving in accordance with their position in the queue. This can create a little more disorder in the loading operation during the afternoon pick-up. This is another consideration in support of Recommendation 2 (assigning staff to direct traffic).

Sight distance is satisfactory for vehicles exiting the west driveway. There are no vertical or horizontal curves, no on-street parking, no landscaping and no signs that would obstruct the line of sight looking east down East Calaveras Boulevard.

East Lot Improvements

The project proposes to expand the east lot westward by approximately 80 feet, increasing the lot size by about 50 percent, and providing several improvements as described below.

- Construct a new curb and sidewalk along the new west border of the east lot.
- Add a loading area for students.
- Add a third north-south parking aisle and extend westward the two existing east-west aisles along the north and south borders of the east lot.
- Add handicap parking and improve handicap access.
- Add bicycle racks and lockers adjacent to the walkway at the southwest corner of the lot.

East Lot Access

Vehicle access to and from the east lot was evaluated with respect to vehicle queuing, sight distance and safety.

The east lot is accessed at the previously mentioned east driveway. Presently, the east driveway is full access- there are no turn restrictions. Vehicles inbound at the east driveway access the east lot via right turns from the westbound shoulder lane on East Calaveras Boulevard and via left turns from the left-most eastbound through lane on East Calaveras Boulevard. Vehicles outbound at the east driveway exit the east lot via right turns into the westbound shoulder lane on East Calaveras Boulevard or by left turns onto westbound East Calaveras Boulevard.

At the east driveway, the maximum inbound trips would occur in the AM peak hour and the maximum outbound trips would occur during the school PM peak hour (i.e., after school lets out). Observations of existing conditions in the field showed the maximum queue of left turns into the east lot from eastbound Calaveras Boulevard was two vehicles in the AM peak hour and one vehicle in the other peak hours. The effective storage for the eastbound left-turn into the east lot is 400 feet. This is the distance back from the east driveway to the westbound stop bar for the pedestrian crossing at the intersection of East Calaveras Boulevard and Calaveras Court.

Under existing plus project conditions, the estimated number of eastbound left turns into the east driveway during the AM peak hour was 109 vehicles. This volume of traffic could result in vehicle queues that, at times during peak loading periods, spill back to Calaveras Court. It's important to note that this condition would occur only during the brief 20-minute spike in traffic during the periods of student unloading and loading before and after school. Furthermore, the eastbound traffic volume on East Calaveras Boulevard is relatively low at the times when school starts and ends, so it's probable that the effective reduction to one lane for a brief period would not appreciably impair traffic flow on eastbound East Calaveras Boulevard.

East Lot Circulation

As stated previously, operations at the student loading areas will directly impact vehicle queues on site and possibly extend back to and into East Calaveras Boulevard.

Upon entering the east lot at the east driveway, the route to the student loading area is straight north to the north end of the lot, turn left, follow the drive aisle to the west end of the

lot, then turn left into the designated lane for loading and unloading students. The loading lane is 20 feet wide, physically separated from the adjacent parking aisle, and marked with a red curb along the adjacent sidewalk. The site plan shows the loading lane would provide a usable loading area approximately 150 feet long. To exit the site from the loading area, vehicles would turn left out of the loading area, then proceed straight (eastward) to the main drive aisle onto which vehicles turn right and then right again onto westbound East Calaveras Boulevard.

Although left turns are currently permitted out of the east driveway, the brief period of congestion at the east driveway would cause long delays for outbound left turns from the east driveway onto eastbound East Calaveras Boulevard. These delays will, in turn, create or exacerbate vehicle backups on site from the driveway, back through the student loading area and further back along the parking aisles on site. Consequently, it's recommended that left turns outbound from the east driveway be prohibited during the 20-minute loading and unloading periods before and after school.

Recommendation 3: The school's traffic management plan should consider prohibiting outbound left turns from the east driveway onto eastbound East Calaveras Boulevard during the 20-minute periods just before and after school.

The redesigned east lot would include an additional parking aisle and two additional rows of parking west of the existing parking. The additional parking aisle, located west of the existing parking, would be one-way southbound. Access to and from many of the parking spaces in the east lot would be blocked by queues during peak loading periods, and thus, should be used solely by staff.

The project proposes two new or modified handicap-accessible parking spaces that access the middle parking aisle. The proposed striping shows the handicap access to the campus would entail crossing the middle parking aisle, then crossing the north (oriented east-west) aisle. The fewest possible handicap crossings is desired.

Recommendation 4: The project should consider modifying the proposed new handicap-accessible parking in the east lot to reduce the number of aisle crossings from two to one.

East Lot Student Loading and Unloading

As described above, the east lot loading lane would provide 150 feet of red curb along which to unload and load students before and after school. Note that although the plan shows a designated 40-foot "drop-off area" at the south end of the loading lane, the entire 150 feet would effectively be available for student loading and unloading. As was recommended for the west lot, school staff should be assigned to monitor and direct the loading operation in the east lot.

Recommendation 5: The school's traffic management plan should include assigning staff to direct traffic at the student loading area in the east lot during the morning before school and the afternoon after school.

During the peak periods for loading and unloading students before and after school, a primary concern is that vehicle queues do not spill back out of the lot and onto East Calaveras Boulevard. For that assessment, the relevant measure is the available vehicle storage for loading/unloading plus the available storage for the vehicle queues behind it. This total on site storage for queuing in the east lot is approximately 540 feet.

As described previously, this analysis assumes maximum vehicle queues of 750 feet on site during pickup and drop off. Although a queue of that length would exceed the available 540-foot storage in the east lot, the site as a whole- including the available 475 feet of storage in

the west lot- would provide total storage of over 1,000 feet between the two lots. This would be sufficient to accommodate the maximum vehicle queues on site, provided that incoming vehicles distribute themselves to the lots proportionally.

Recommendation 6: The school's traffic management plan should address the potential need to direct vehicles to the appropriate driveways in order to optimize utilization of the west and east lots.

Sight distance is generally satisfactory for vehicles exiting the east driveway. There are no vertical or horizontal curves, no on-street parking, no landscaping and no signs that would obstruct the line of sight looking east or west down East Calaveras Boulevard.

Pedestrian Access and Circulation

The site plan shows adequate pedestrian facilities between buildings and outdoor areas on the campus. Before school and after school gets out, there will be considerable pedestrian traffic across the site driveways. For safety and efficiency, it is recommended that staff monitor and facilitate pedestrians crossing the driveways.

Recommendation 7: The school's traffic monitoring plan should assign staff to the site driveways during peak loading periods to ensure that students using the sidewalk are able to safely cross the driveways while minimizing driver delays entering and exiting the driveways.

Parking

The existing site provides 197 spaces in the west lot and 69 spaces in the east lot. The site, in total, provides 266 parking spaces. Review of the site plan shows that the changes to the site proposed by the project would result in 177 spaces in the west lot and 100 spaces in the east lot. This would reduce the west lot supply by 20 spaces and increase the east lot supply by 31 spaces. The project would therefore result in a total net gain of 11 spaces on the site, with the distribution of spaces on site changing slightly.

The existing demand for parking on site was determined by surveying the site in February 2022. The survey entailed counting, during each hour from morning until evening, the number of occupied spaces in each of the west and east lots. By so doing it was determined that the maximum total parking demand for the two lots at any one time was 71 occupied spaces in the west lot and 56 occupied spaces in the east lot. The total site parking demand was therefore 127 occupied spaces. (See Appendix C for the parking survey data)

The additional parking required for students was estimated to equal the number of student parking permits issued by the school. Based on the proposed issuance of 86 parking permits (provided by the District), the project would increase student parking demand by 86 spaces over and above the existing demand. The additional parking for 40 faculty was assumed to be 40 additional parking spaces. It was assumed for this analysis that students will park in the west lot and faculty will park in the east lot. Accordingly, the total parking demand in the west lot would be 157 spaces and the total parking demand in the east lot would be 96 spaces. Thus, the projected supply of 177 spaces in the west lot would be sufficient to accommodate the projected demand of 157 spaces and the projected supply of 100 spaces in the east lot would be sufficient to accommodate the projected demand for 96 spaces.

The site plan shows that bicycle parking is to be provided for students and staff. Eight bike racks would be provided along the new frontage in the west lot and eight bike racks would be provided along the east lot loading lane in front of new Building E. In addition, eight bike racks would be provided at the west frontage of the existing Building 600.

Six bike lockers would be provided at the south end of the new loading area in the west lot and six bike lockers would be provided adjacent to the east lot loading lane, in front of new Building E.

Bus Stops

VTA provides bus service along East Calaveras Boulevard with a stop directly fronting the site. The project site plan identifies the bus stop, though shows no indication to improve it. Currently, the bus stop's only feature is a bench. In order to encourage transit usage, the project could consider installing a bus shelter.

3.17.4 References

Hexagon Transportation Consultants. 2021. Transportation Analysis for Ayer Innovation Center. November 3, 2021.

3.18 TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
Cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☒	☐	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	☐	☒	☐	☐

3.18.1 Environmental Setting

The Native American peoples that have inhabited Milpitas since prehistory are primarily the Tamien (also spelled Tamyen) of the Ohlone Tribe. Living in large groups of extended family members, from 50 to 500 individuals, the Tamien peoples inhabited the area in semi-permanent and seasonal housing. Utilizing the abundant natural resources of the area, the local peoples thrived in the area between the estuaries and the Bay itself (Levy 1978).

In 1769, Spain began its colonization efforts by establishing missions in the Spanish territory in Alta California. The Ohlone peoples, along with other local native groups, were forced into service of the Missions, made to tend to crops and livestock, create buildings, and manufacture products to sell to Spanish settlers.

Following Mexican independence from Spain in 1821, the Mexican government secularized the Spanish missions and offered land grants to citizens in Alta California. After this, much of the area formerly occupied by the missions was converted into cattle ranches or *ranchos*. The native peoples who had no land to return home to, often were left no choice but to continue their work as ranch hands, farm laborers, or other low-paying jobs on the margins of society.

As early as the 1850s, Milpitas became a developing business area, with many hotels, saloons, and restaurants for the travelers and immigrants coming to the Bay Area. In the 1950s, Ford Motor Company developed a local production plant, leading to a massive increase in development and immigration. This trend continued into the 1960s and 1970s, leading to a highly developed area

in the present-day (Munzel 2017). The current population of Milpitas is estimated around 84,000 as of the 2020 United States Census.

3.18.2 Regulatory Setting

Native American Graves Protection and Repatriation Act of 1990

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American tribe claiming affiliation.

Native American Heritage Commission, Public Resources Code Sections 5097.9 – 5097.991

Section 5097.91 of the Public Resources Code (PRC) established the Native American Heritage Commission (NAHC), whose duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. Under Section 5097.9 of the PRC, a state policy of noninterference with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites or sacred shrines located on public property. Section 5097.98 of the PRC specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner. Section 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands.

California Native American Graves Protection and Repatriation Act of 2001

Codified in the California Health and Safety Code Sections 8010–8030, the California Native American Graves Protection Act (NAGPRA) is consistent with the federal NAGPRA. Intended to "provide a seamless and consistent state policy to ensure that all California Indian human remains and cultural items be treated with dignity and respect," the California NAGPRA also encourages and provides a mechanism for the return of remains and cultural items to lineal descendants. Section 8025 established a Repatriation Oversight Commission to oversee this process. The act also provides a process for non–federally recognized tribes to file claims with agencies and museums for repatriation of human remains and cultural items.

Assembly Bill 52

Assembly Bill (AB) 52 specifies that a project that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. AB 52 requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requests in writing to the lead agency, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

No Native American tribes contacted the MUSD under AB52, and thus AB52 consultation was not required as part of the project.

Milpitas 2040 General Plan

The following relevant policies are from the Milpitas General Plan Mitigation Measures:

- **Policy CON 4-1:** Review proposed developments and work in conjunction with the California Historical Resources Information System, Northwest Information Center at Sonoma State University, to determine whether project areas contain known archaeological resources, either prehistoric and/or historic-era, or have the potential for such resources.
- **Policy CON 4-2:** If found during construction, ensure that human remains are treated with sensitivity and dignity, and ensure compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.
- **Policy CON 4-3:** Work with Native American representatives to identify and appropriately address, through avoidance or mitigation, impacts to Native American cultural resources and sacred sites during the development review process.
- **Policy CON 4-4**: Consistent with State, local, and tribal intergovernmental consultation requirements such as SB 18 and AB 52, the City shall consult as necessary with Native American tribes that may be interested in proposed new development and land use policy changes.

3.18.3 Discussion

Would the project:

a) Cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?

a) Less Than Significant with Mitigation. Under CEQA, a significant resource is one that is listed in a California or local historic register or is eligible to be listed. As such, lead agencies have a responsibility to evaluate such resources against the California Register criteria prior to making a finding as to a proposed project's impacts to historical resources (PRC § 21084.1, 20174, 14 CCR § 15064.5(3).

It is possible for a lead agency to determine that an artifact, site, or feature is considered significant to a local tribe, without necessarily being eligible for the CRHR. A determination of such by a lead agency would make an artifact a significant resource under CEQA.

No recorded Tribal Cultural Resources are known to be present at the area of proposed work or within a quarter-mile of said area, according to the aforementioned SLF outreach to local tribes.

Outreach was made to the tribal contacts provided by the NAHC for information on the location and nature of the resource(s) to determine if the project would impact known resources. No tribes indicated the site being in or near any sensitive site, therefore, there is no confirmed potential for impacting known tribal cultural resources. North Valley Yokuts Tribe Chairwoman Katherine Perez did, however, note that that there is still potential for inadvertent discovery and therefore protocols and procedures should be in place in the event that unanticipated resources are discovered.

Tribal Cultural Resource mitigation measures TRIB-1a (below) is a provision to stop work in the event of a Tribal Cultural Resource discovery, and includes additional measures if considered appropriate by a tribal representative. These measures would protect unknown tribal cultural resources from construction activities. These measures ensure that TCRs will be treated appropriately and according to tribal practices.

The implementation of Mitigation Measures CUL-1a, CUL-1b, and CUL-1c (see Section 3.5.3) and TRIB-1a, would safeguard any TCRs if they are found to be present.

3.18.4 References

California State Parks. 2021. Office of Historic Preservation. Built Environment Resource Directory. Accessed November 2, 2021 at http://ohp.parks.ca.gov/pages/1068/files/Santa%20Clara.csv

De Novo Planning Group. 2020. Milpitas General Plan Draft EIR., 2 Nov

Levy, Richard. “Costanoan.” Handbook of North American Indians, edited by William Surtevant, Smithsonian Institution, Washington DC, 1978, p. 485.

Munzel, Steve. The Milpitas Community Museum, 2017. Accessed November 2, 2021 at http://milpitashistory.org/home/.

National Park Service. 2021. National Register of Historic Places NPGallery Database. Accessed on September 28, 2021 at” https://npgallery.nps.gov/nrhp

Native American Heritage Commission. 2021. Sacred Lands File Search, RE:16203 Milpitas High School Performing Arts Center, Second Gym and Fitness Center Project Santa Clara County. October 15, 2021.

Northwest Information Center, Sonoma State University. 2021. California Historical Resources Information System – Record Search, File No. 21-609. November 8.

Perez, Katherine. Personal Communication via email to C.Lau: Re: Milpitas Unified School District Innovation Center (Ayer) Campus Project, Santa Clara County. March 24, 2022.

3.19 UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d) 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?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

3.19.1 Discussion

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?

Less than Significant Impact. The proposed project consists of the redevelopment of an existing school campus. New impervious areas are proposed as part of the project, however source control and site design measures are included to ensure the project does not increase the rate or volume of stormwater runoff. Anticipated utility usage is less than or equal to the historical uses for the site. The project will connect to existing on-site utilities and do not require off-site improvements to serve the proposed development. Any existing stormwater drainage facilities damaged by construction would be repaired and replaced in place and would not be increased in size or relocated. Therefore, the project would have less than significant impact.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than Significant Impact. (Responses b - c). The project redevelops the existing site to support existing operations plus the addition of 500-student high school. The new buildings would be constructed according to current California building standards to reduce indoor water use. The project removes 54,760 square feet of existing buildings and is replaced with 90,600 square feet, an increase of 35,840 square feet. New students to the site will be shifted from Milpitas High School and the District's attendance boundaries are not changing. Therefore, the overall number of students in the District will remain unchanged and overall water use would be stable.

During project construction, portable toilets would be provided by the contractor which would be processed at a local facility, in accordance with State and local regulations. The wastewater created from portable toilets used during project constriction is also negligible.

d) 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?

Less than Significant Impact. Construction waste would be generated by the project over the short-term, construction waste would not exceed the capacity of the landfill that serves the area. Construction contractors are required to divert 75 percent of construction waste to minimize disposal in landfills. While there would be new students attending the site, they would be existing students transferred from the Milpitas High School Campus. The school district's boundaries are not changing and the overall number of students in the District will remain unchanged. Therefore, the project would not generate solid waste in excess of State or local standards or the capacity of the local infrastructure, and the impact would be less than significant.

e) Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?

No Impact. The project would not conflict with any federal, State, or local statutes and regulations related to solid waste.

3.20 WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Is the project located near state responsibility areas or lands classified as very high fire hazard severity zones?	☐ Yes		☒ No	
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

3.20.1 Environmental Setting

The project site is situated within the City of Milpitas and is not located in an area designated as a Very High Fire Hazard Severity Zone (CAL Fire 2008). The nearest area with a Very High Fire Hazard Severity Zone designation is located in Alum Rock Park in eastern San Jose, located approximately 4.5 miles southeast of the project site. The project site is in an area mapped as Non-Very High Fire Hazard Severity Zone (CAL FIRE 2008).

3.20.2 Discussion

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact (a through d). As discussed in the Environmental Setting provided above, the project is not located in a Very High Fire Hazard Severity Zone. The nearest such zone is located over four miles to the southeast of the project site.

3.20.3 References

CAL FIRE. 2008. Santa Clara County Very High Fire Severity Zones in LRA as Recommended by CAL FIRE. October 8. Accessed February, 9 2022 at https://osfm.fire.ca.gov/media/6536/fhszl_map43.jpg

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the efforts of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

3.21.1 Discussion

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant with Mitigation Incorporated. The proposed project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. There are sensitive biological resources (nesting birds) that would be protected through Mitigation Measure BIO-1. Mitigation is incorporated into the project to prevent potentially significant impacts to Cultural Resources and Tribal Cultural Resources (Mitigation Measures CUL-1a, CUL-1b, CUL-1c and TRIB-1a) for unanticipated discoveries.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the efforts of past projects, the effects of other current projects, and the effects of probable future projects)?

Less Than Significant Impact. The project will not have environmental effects that are individually limited but cumulatively considerable because it does not cause any long term or growth-related impacts. The project will construct new buildings at an existing school campus. The new facilities would serve the existing students within the District and provide for enrollment current within the District. The uses provided by the new buildings are uses that are already accommodated on site. Past and subsequent projects to update MUSD facilities would not result in cumulative impacts because the projects would be implemented incrementally as MUSD budget allows and as planned in the Capital Improvement Program. School facilities are a function of the housing supply in the school district area and improvements occur within already developed school sites. Therefore, the cumulative impacts are considered less than significant.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant with Mitigation Incorporated. Project construction could result in adverse short-term construction impacts. The project could have potentially significant impacts on air quality. However, mitigation measures have been identified and included in the project (AIR-1 and AIR-2) to reduce these impacts to less-than-significant levels. The project also includes the District's standard measures for dust and erosion control during construction and would adhere to the City's Municipal Code requirements for construction noise. The project would have a less than significant impact on all other resource areas.

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