



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL



AGENDA

TUESDAY, OCTOBER 28, 2025

CITY COUNCIL CHAMBER, 455 E. CALAVERAS BLVD, MILPITAS, CA
5:30 PM (PUBLIC BUSINESS)

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-2400

Para sa Tagalog, tumawag sa 408-586-3051

Para español, llame 408-586-3072

** To access written translation during the meeting, scan the QR Code.*

The City Council meeting is held in the City Council Chamber at City Hall, 455 E. Calaveras Blvd.,
Milpitas and via teleconference/Zoom webinar.

You may watch the Council meeting without providing public comment by accessing it via links here.

Meeting shall be livestreamed - Go to:

Facebook: <https://www.facebook.com/CityofMilpitas/>

YouTube: <https://www.milpitas.gov/youtube>

Web Streaming: <https://www.milpitas.gov/webstreaming>

PUBLIC COMMENT INSTRUCTIONS

Oral public comments may only be provided live during the City Council meeting in person, unless the City Council approves remote public comment. All comments provided shall be limited to three minutes or less as determined by the Mayor. All members of the public will be limited to one comment per agenda item, and one comment for non-agenda items. Members of the public may submit written comments by email to CityClerk@milpitas.gov

The meeting will be streamed via Zoom for viewing purposes only unless the City Council approves remote public comment. To watch via Zoom, please register at:

https://ci-milpitas-ca-gov.zoom.us/webinar/register/WN_4PKyeDTXT2ygfWhykGXFWQ

NOTE: If a member of the public wishes to share any presentation materials for Council consideration, they must be submitted to the Clerk's Office by email to CityClerk@milpitas.gov by 12:00 p.m. on the day of the meeting. No presentations will be accepted in person in the Council Chambers.

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Use electronic devices appropriately while on the Council dais.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk (5:30 PM)

ADJOURN TO CLOSED SESSION

(a) CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6

Agency's Designated Representative(s): Rick Bolanos, Liebert Cassidy Whitmore

Employee Organization(s): Professional and Technical Employees, Mid-Management and Confidential Employees, Milpitas Employees Association, Unrepresented Employees

(b) PUBLIC EMPLOYEE EMPLOYMENT AND RESIGNATION

Pursuant to California Government Code Section 54957(b)(1)

Position: Interim City Manager

CLOSED SESSION ANNOUNCEMENT:

Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present.

PLEDGE OF ALLEGIANCE

INVOCATION (Councilmember Chua)

PRESENTATIONS

- Fire Prevention Week (Proclamation)
- Hindu American Awareness and Appreciation Month (Proclamation)
- California Clean Air Day (Proclamation)
- Breast Cancer Awareness Month (Proclamation)

PUBLIC FORUM

Members of the public are invited to speak on any item that does not appear on today's agenda. Comments will be limited to three minutes or less at the Mayor's discretion. When called to speak, you are encouraged to state your name for the record. As an item not listed on the agenda, no action can be taken, however the City Council may instruct the City Manager to place the item on a future meeting agenda.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

READING OF THE CITY COUNCIL CODE OF CONDUCT

APPROVAL OF AGENDA

CONSENT CALENDAR

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar.

C1. Receive City Council Calendar of Meetings (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive City Council Calendar of Meetings for November 2025.

C2. Approve City Council Meeting Minutes (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Approve City Council Meeting minutes of October 2, 2025.

C3. Receive the Preview List of Anticipated Items for the Next Regular City Council Meeting (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive the list of anticipated agenda items for the next regular City Council meeting.

C4. Receive and Review the List of Agenda Items Requested by City Councilmembers (Staff Contact: Suzanne Guzzetta, City Clerk, 408-586-3001)

Recommendation: Receive the list of items that have been requested by City Councilmembers and received consensus in previous meetings to date.

C5. Authorize the City Manager, or Designee, to Execute an Amendment to the Agreement with NJ Associates for Architectural Services (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)

Recommendation: Authorize the City Manager, or designee, to negotiate and execute an amendment to the Professional Services Agreement with NJ Associates for Construction Management Technical Services in the amount of \$49,391 for a total not-to-exceed amount of \$139,391 and extend the term of the agreement to November 14, 2026.

PUBLIC HEARINGS

Members of the public may be allotted up to three (3) minutes or less at the Mayor's discretion, to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of ten (10) minutes for opening statements and up to a total of five (5) minutes maximum for closing statements. Items requested/recommended for continuance are subject to Council's consent at the meeting.

6. Adopt the Gateway-Main Street Specific Plan and Certify the Associated Subsequent Environmental Impact Report (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Recommendation: (1) Adopt a Resolution to approve Specific Plan Amendment SP20-0002 to adopt the Gateway-Main Street Specific Plan, (2) Approve a Zoning Map and Text Amendment ZA25-0002 and introduce Ordinance No. 38.859 to amend the Zoning Ordinance and Zoning Map to establish new Specific Plan boundaries, zoning districts, and zoning regulations, (3) Adopt a Resolution to adopt General Plan Amendment GP25-0002 to amend the Land Use Element Map; and (4) Certify the Subsequent Environmental Impact Report (EIR) to the Milpitas 2040 General Plan EIR for the Gateway-Main Street Specific Plan.

COMMUNITY DEVELOPMENT

7. Receive a Presentation on the Work Completed on the Milpitas Gateway-Main Street Sense of Place Plan and Provide Comments to Staff (Staff Contact: Jay Lee, Planning Director, 408-586-3077)

Recommendation: Receive progress report on the work completed regarding the Milpitas Gateway-Main Street Sense of Place Plan and provide comments.

LEADERSHIP AND SUPPORT SERVICES

**8. Adopt a Resolution Approving the City of Milpitas Investment Policy for Fiscal Year 2025-26
(Staff Contact: Luz Cofresí-Howe, Director of Finance, 408-586- 3111)**

Recommendation: Adopt a resolution approving the City of Milpitas Investment Policy for FY 2025-26.

ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

Members of the City Council or City Manager may make brief announcements at this time. Members of the City Council may also suggest future agenda items. For future agenda items, the City Council shall not debate the topic or engage in discussion but shall simply state a “yes” or “no” as whether to move the item forward. If a majority of the City Council agrees to move the item forward, the City Manager shall place the item on a future agenda.

ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other City agencies exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: ccreech@milpitas.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.milpitas.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: www.milpitas.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.milpitas.gov or at Milpitas City Hall. Contact the City Clerk's Office at 408-586-3001 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to CityClerk@milpitas.gov prior to the meeting. You may request a larger font agenda.

September 2025						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

MILPITAS CITY COUNCIL CALENDAR

October 2025

November 2025						
S	M	T	W	T	F	S
	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 2:00 PM -Santa Clara VTA Monthly Briefing - Northeast Group (CM) (Santa Clara) 5:30 PM -Veterans Commission (GB) 7:00 PM -Community Housing Commission (EC)	2 5:30 PM -Milpitas Chamber of Commerce Board (GB) 5:30 PM -Santa Clara VTA Board of Directors (CM)	3	4
5	6 7:00 PM -Parks, Recreation & Cultural Resources Commission (EC)	7 7:00 PM -City Council CANCELLED	8 4:30 PM -City Council Finance Subcommittee (CM/EC) 7:00 PM -Silicon Valley Clean Energy Board of Directors (GB) (Cupertino)	9 4:00 PM -Treatment Plant Advisory Committee (CM) (San Jose) 4:00 PM -Santa Clara VTA Policy Advisory Committee (EC) 6:00 PM -Youth Advisory Commission (HL)	10	11
12	13 4:30 PM -Economic Development and Trade Commission (WL)	14	15	16	17	18
19	20 7:00 PM -Science, Technology, and Innovation Commission (WL)	21 6:00 PM -Closed Session CANCELLED 7:00 PM -City Council	22 5:30 PM -Cities Assoc. of SCC - Recycling and Waste Reduction Commission (CM)	23	24	25
26	27	28 1:30 PM -Senior Advisory Commission (HL) 5:30 PM -City Council Special Meeting	29	30 12:00 PM -Santa Clara County Library JPA Board Meeting (CM) (Campbell, CA)	31 	

October 2025						
S	M	T	W	T	F	S
	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

MILPITAS CITY COUNCIL CALENDAR

November 2025

December 2025						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 7:00 PM-Parks, Recreation & Cultural Resources Commission (EC) 4:00 PM- Economic Development and Trade Commission Special Meeting (MUSD Innovation Campus)	4 5:00 PM-City Council Special Meeting 6:00 PM-Closed Session 7:00 PM-City Council	5 2:00 PM-Santa Clara VTA Monthly Briefing - Northeast Group (CM) (Santa Clara) 7:00 PM-Community Housing Commission (EC)	6 5:30 PM-Santa Clara VTA Board of Directors (CM) 5:30 PM-Milpitas Chamber of Commerce Board (GB)	7	8
9	10	11  CITY HALL CLOSED IN OBSERVANCE OF VETERANS DAY	12 12:00 PM-Santa Clara Valley Water District - Water Commission (CM) 4:30 PM-City Council Finance Subcommittee (CM/EC) 7:00 PM-Planning Commission 7:00 PM-Silicon Valley Clean Energy Board of Directors (GB) (Cupertino)	13 4:00 PM-Santa Clara VTA Policy Advisory Committee (EC) 4:00 PM-Treatment Plant Advisory Committee (CM) (San Jose) 6:00 PM-Youth Advisory Commission (HL) 7:00 PM-Cities Assoc of SCC (CM)	14	15
16	17 7:00 PM-Science, Technology, and Innovation Commission (WL) 7:00 PM-Library and Education Commission (HL) (Milpitas Public Library)	18 5:00 PM-Closed Session 7:00 PM-City Council	19 6:00 PM-Energy and Environmental Sustainability Commission (EC) 5:30 PM- Planning Commission Special Meeting	20 6:30 PM-Bay Area Water Supply Conserv Agency (CM) (Oak Room - San Mateo Main Library) 7:00 PM-Public Safety and Emergency Preparedness Commission (WL)	21	22
23	24 7:00 PM-Arts Commission (CM)	25	26 7:00 PM-Planning Commission	27  CITY HALL CLOSED FOR THANKSGIVING		28
30						



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

MINUTES

THURSDAY, OCTOBER 2, 2025

The City Council of the City of Milpitas convened in a Regular Meeting of the Milpitas City Council on October 2, 2025, in the City Council Chamber, 455 E. Calaveras Blvd, Milpitas, CA, and via teleconference/Zoom webinar.

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

Mayor Montano called the Regular City Council meeting to order at 11:03 AM. Roll Call was taken by City Clerk Guzzetta.

PRESENT: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam, Councilmember Lien

ABSENT: None.

AB2449

Acting City Attorney Christopher Creech explained that Councilmember Lien had requested to appear remotely pursuant to Government Code Section 54953(f)(2)(A)(ii) for personal and private temporary physical accommodation. He confirmed the request was compliant with AB 2449.

After discussion, motion: to approve Councilmember Lien's request to appear remotely pursuant to AB 2449 and to allow remote public comment at the October 2, 2025 meeting

Motion/Second: Councilmember Chua / Vice Mayor Barbadillo

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam, Councilmember Lien

NOES: None

PLEDGE OF ALLEGIANCE

Mayor Montano led the pledge of allegiance.

PUBLIC FORUM

There were no public speakers.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

Acting City Attorney Creech asked the Mayor and City Councilmembers if they had any personal conflicts of interest. By roll call, there were no conflicts of interest. Acting City Attorney Creech asked the Mayor and City Councilmembers if they had any reportable campaign contributions. By roll call, there were no reportable campaign contributions.

READING OF THE CITY COUNCIL CODE OF CONDUCT

Mayor Montano read the City Council Code of Conduct.

APPROVAL OF AGENDA

After discussion, motion: to approve the agenda.

Motion/Second: Vice Mayor Barbadillo / Councilmember Chua

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam,
Councilmember Lien

NOES: None

CONSENT CALENDAR

After discussion, motion: to approve the Consent Calendar

Motion/Second: Councilmember Chua / Mayor Montano

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam,
Councilmember Lien

NOES: None

1. Consider Donation Request from Korean Language and Culture Foundation (Staff Contact: Renee Lorentzen, Recreation and Community Services Director, 408-586-3409)

Approved a donation request of \$500 for the annual Korean Alphabet Anniversary celebration at the Milpitas Library on October 5, 2025.

AGENDA ITEMS

2. City Council Priority Setting (Staff Contact: Matt Cano, Assistant City Manager, 408-586-3012)

Interim City Manager Deanna Santana introduced the item. Facilitator Shawn Spano led a warm-up exercise asking the City Council what they were most proud of in 2025 and what was most concerning about their work.

Interim City Manager Santana continued the presentation.

Vice Mayor Barbadillo asked about strategies to generate funds beyond internal efforts, specifically about increasing revenue to help balance the budget. Economic Development and Strategic Initiatives Director Alex Andrade responded that they were working on an economic development strategy update and small business development plan, with workshops planned for January. He cited that Milpitas was \$20.8 million above the region in revenue when comparing property tax, sales tax, transit occupancy tax, franchise fees, and investment earnings. He noted their strength in technology and advanced manufacturing, mentioning companies like Rivian, BD Biosciences, and recent property purchases by KNA Partners.

The Vice Mayor asked for specific numbers showing year-over-year growth. Economic Development and Strategic Initiatives Director Andrade highlighted that the Southwestern employment area had become the number one sales tax revenue producing area in Q4 2024, surpassing the Great Mall area. He emphasized the importance of property tax revenues from new equipment that companies bring in.

Mayor Montano stressed that "economic development department is one of the most crucial departments to start bringing in revenues" and suggested looking at creative ways including renting properties and getting event sponsors.

Councilmember Lam asked about alternative revenue measures beyond taxes. Interim City Manager Santana explained that California is restricted in revenue generation starting with Proposition 13, with options limited to licenses, fees, taxes, and grants.

Assistant City Manager Matt Cano continued the presentation of City Council referrals.

Councilmember Lam raised concerns about the My Milpitas app's events button showing "404 page not found" for months. IT Director Daniel Nam acknowledged they would fix the broken link. Councilmember Chua requested monthly statistical analysis from the app showing types of requests, departments involved, and completion times.

The Council recessed at 12:30 PM and reconvened at 1:03 PM.

Assistant City Manager Cano and Interim City Manager Santana continued the presentation.

Councilmember Lam expressed he wasn't prepared to vote on staff recommendations without more understanding. Councilmember Chua suggested deferring the staff recommended items.

Council discussion ensued about the library security contract that ended September 30th. Public Works Director Christian Di Renzo explained the six-month pilot had one vandalism incident versus multiple weekly incidents previously, though vandalism had shifted to daytime hours. Mayor Montano suggested the location of the Dignity on Wheels showers might be related. Assistant City Manager Cano reported they had potentially identified a new location for Dignity on Wheels to start in November.

Councilmember Chua explained the emergency motel stay program's origins, having raised \$14,500 in her first year for temporary stays for job interviews, hospital recovery, or families in cars. Recreation and Community Services Director Renee Lorentzen confirmed they now use \$21,000-\$22,000 annually, with funds lasting four years at current usage.

Vice Mayor Barbadillo questioned the library security effectiveness and need, referencing past elevator vandalism. He also asked about revenue projections from economic development efforts and reconciling the \$75,000 FIFA promotion with a separate \$385,000 street festival showing "no revenue opportunity." Interim City Manager Santana clarified the \$75,000 was for city-sponsored events promoting local businesses during FIFA/Super Bowl, including lighting City Hall, "Taste of Milpitas" restaurant showcases, and marketing materials. The \$385,000 was for a third-party food festival requiring the city to underwrite all costs with minimal revenue recovery potential. Councilmember Chua distinguished between the \$75,000 to engage local businesses versus paying \$385,000 for an outside organization's festival, noting logistical conflicts.

Facilitator Spano then reviewed how the referrals and funding requests aligned with the seven strategic goals: Community Wellness & Open Space, Economic Development & Job Growth, Environment, Governance & Administration, Public Safety, Neighborhoods & Housing, and Transportation & Transit.

Council reviewed the list of agenda item requests from individual Councilmembers, and individually voted electronically for up to six items to advance. City Clerk Guzzetta read the results of the first voting round with the following items receiving a majority of votes and moving forward:

- R3 - Explore expansion of SMART transportation services to San Jose International Airport,
- R8 - Install AI cameras to police patrol cars to detect issues (stolen vehicles, potholes, etc.), and,
- R11 - Storefront crime prevention initiative.

The City Council started a second round of voting, selecting up to five items to advance. City Clerk Guzzetta read the results of the second voting round with the following items receiving a majority of votes and moving forward:

- R6 - Create status updates function for citizens to track their police reports that were submitted online,
- R7 - Add function to online police report system to allow for citizens to upload photos/videos to submitted reports, and
- R12 - Council Community Fund.

These six items selected to advance would be combined with four items from previous prioritization sessions for final ranking.

Police Chief Jared Hernandez raised concerns about the two police report items selected to advance. He explained that less than 5% of online reports have follow-up because supervisors screen them and have officers make personal contact when needed, and noted that status tracking would frustrate citizens and burden the nine detectives who handle 180-200 cases monthly, with 10-20 active cases each requiring constant status changes as investigations progress. For photo uploads, he cited \$50,000 annual storage costs and no evidentiary value for most uploads, noting they already make personal contact to gather relevant evidence.

Councilmember Lien explained that she was unaware of the staff burden and asked to reconsider her vote. Councilmember Lam provided justification for his proposals, explaining that residents desire the ability to track investigation status with simple updates like "in progress" or "closed," and that Ring camera footage could help identify suspects. He reasoned that storage is cheap, and photos could be deleted if not useful. Council discussion ensued about whether the items were meant for simple convenience or would fundamentally change police operations. Vice Mayor Barbadillo suggested it was just making existing processes available online for reports already allowed online. Chief Hernandez maintained it would create operational burdens and storage costs for evidence with no investigative value.

Councilmember Lien formally requested to reconsider her vote.

Councilmember Lam made a motion for the police chief and IT director to provide more information. Acting City Attorney Creech offered insights into procedure regarding parliamentary rules and that Councilmember Lien's request took priority. After discussion, Councilmember Lam withdrew his motion.

Following the discussion, the City Council agreed that the late hour warranted continuation.

After discussion, motion: to defer the entire voting process and bring it back to be redone on November 4th.

Motion/Second: Vice Mayor Barbadillo / Mayor Montano

Motion carried by the following:

AYES: Mayor Montano, Vice Mayor Barbadillo, Councilmember Chua, Councilmember Lam, Councilmember Lien

NOES: None

Councilmember Chua asked that the departments responsible for the requested items provide background information at future prioritization sessions.

ADJOURNMENT

Mayor Montano adjourned the meeting at 4:26 PM.

Draft meeting minutes submitted by City Clerk, Suzanne Guzzetta

TENTATIVE CITY COUNCIL AGENDA ITEM LIST

as of 10/23/2025

November 4, 2025 – Special Meeting (5:00 PM) & Regular Meeting (7:00 PM)

SPECIAL MEETING (5:00 PM)

- Priority Referral Voting (City Manager)

CLOSED SESSION

INVOCATION (Vice Mayor Barbadillo)

PRESENTATION

- Nurse Practitioner Week

CONSENT CALENDAR

1. Receive City Council calendar for November 2025 (City Clerk)
2. Approve City Council meeting minutes of October 21, 2025 (City Clerk)
3. Preview list of items for November 18, 2025 (City Clerk)
4. Councilmember Request List (City Clerk)
5. LCW Amended Agreement (Human Resources / Finance)
6. Bike Lane Enhancement Project Construction Contract Award (Public Works / Engineering)
7. Approve Plans, Specifications, and Budget Appropriation for Calaveras Median Improvement Project (Public Works / Engineering)

PUBLIC HEARINGS

8. MTC TOC Policy (Planning)

COMMUNITY SERVICES

9. MAP Utility Subsidy Increase Consideration (Recreation)

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

OPEN ITEMS				
Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
1	Place a billboard at the Sport Center to inform the community about events and activities	Montano	10/21/2025	An update on this item will be included in the next quarterly prioritization update.
2	Explore the creation of small parks in neighborhoods without them	Montano	10/21/2025	An update on this item will be included in the next quarterly prioritization update.
3	Agendize a discussion on the Acting City Attorney position.	Barbadillo	10/21/2025	An update on this item will be included in the next quarterly prioritization update.
4	Look into concerns regarding increased air traffic over Milpitas	Montano	9/2/2025	An update on this item will be included in the next quarterly prioritization update.
5	Issue a proclamation to thank and recognize the City of Dagupan, Phillipines, follwing his visit there as part of the Sister City program in April 2025	Barbadillo	8/19/2025	Proclamation tentatively scheduled for November 18, 2025
6	Conduct an offsite workshop in early October to discuss and prioritize Council goals and priorities for their terms	Lam	8/19/2025	An update on this item will be included in the next quarterly prioritization update.
7	Revisit the mural selection committee process to make it more inclusive by involving all commissioners in the Arts Commission	Montano	8/19/2025	An update on this item will be included in the next quarterly prioritization update.
8	Exapnd the Milpitas SMART program to include service to the San Jose Airport	Lam	8/12/2025	An update on this item will be included in the next quarterly prioritization update.
9	Staff explore a program similar to San Leandro's, which provides Ring doorbell cameras to residents	Chua	8/12/2025	An update on this item will be included in the next quarterly prioritization update.
10	Policy review on youth sport grant eligibility to address excluding homeschooled children	Mayor	6/17/2025	An update on this item will be included in the next quarterly prioritization update.

ACTIVE ITEMS				
Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
11	Reinstate the posting of the colors by Boy Scouts at City Council Meetings	Chua	4/15/2025	An update on this item will be included in the next quarterly prioritization update.
12	Revise City Council Code of Conduct language regarding the use of electronic devices.	Lam	4/1/2025	An update on this item will be included in the next quarterly prioritization update.
13	Develop a project management informational memo.	Barbadillo	4/1/2025	An update on this item will be included in the next quarterly prioritization update.
14	Create a Milpitas Community Concert Choir with city support for marketing and rehearsal space.	Chua	4/1/2025	An update on this item will be included in the next quarterly prioritization update.
15	Look into adding an entertainment zone to Main Street.	Montano	3/4/2025	An update on this item will be included in the next quarterly prioritization update.
16	Staff provide a detailed analysis of overtime expenditures by department.	Barbadillo	3/4/2025	An update on this item will be included in the next quarterly prioritization update.
17	Look into a policy to require a Super Majority vote by Council for any deductions to budget reserves.	Chua	2/18/2025	An update on this item will be included in the next quarterly prioritization update.
18	Bring back a discussion regarding fentanyl-related issues	Barbadillo	2/18/2025	An update on this item will be included in the next quarterly prioritization update.
19	Feasibility study regarding a police satellite office.	Montano	2/18/2025	An update on this item will be included in the next quarterly prioritization update.
20	Staff organize a job fair for City job openings	Chua	11/19/2024	An update on this item will be included in the next quarterly prioritization update.
21	Bring back a study or analysis of the permit process	Chua	11/19/2024	An update on this item will be included in the next quarterly prioritization update.
22	Explore updating the city's business tax rate schedule	Chua	10/1/2024	An update on this item will be included in the next quarterly prioritization update.
23	Explore funding options for new signage following the decision to rename the Milpitas Library to the Milpitas Jose Esteves Library	Barbadillo	9/3/2024	An update on this item will be included in the next quarterly prioritization update.
24	Update the animal control ordinance to include other animals such as horses and cats	Chua	9/3/2024	An update on this item will be included in the next quarterly prioritization update.

NOTE: Deferred and Completed Items are not listed

**MILPITAS CITY COUNCIL
AGENDA ITEM REQUESTS**

ACTIVE ITEMS				
Request No.	Topic	Submitted by:	Date Requested	STATUS and/or DATE scheduled on City Council meeting agenda:
25	Look into adopting an ordinance similar to San Jose allowing ADUs (Accessory Dwelling Units) to have a separate title and be sold separately.	Chua	8/13/2024	An update on this item will be included in the next quarterly prioritization update.
26	Conduct a traffic study on Escuela Parkway to address circulation concerns	Montano	5/7/2024	An update on this item will be included in the next quarterly prioritization update.
27	Explore the possibility of augmenting the Planning Commission stipend	Barbadillo	4/16/2024	An update on this item will be included in the next quarterly prioritization update.
28	Consideration of the 20% Low Income Below Market Rate Housing	Montano	12/5/2023	An update on this item will be included in the next quarterly prioritization update.
29	Referral for utility infrastructure cost on Main Street from Carlo to Corning Streets	Montano	10/17/2023	An update on this item will be included in the next quarterly prioritization update.
30	Main Street International Festival	Lien	10/3/2023	An update on this item will be included in the next quarterly prioritization update.
31	Pickleball Pilot Project	Chua	2/28/2023	An update on this item will be included in the next quarterly prioritization update.
32	Main Street Infrastructure Projects	Montano	2/28/2023	An update on this item will be included in the next quarterly prioritization update.
33	Main Street Flooding at Library	Chua	2/28/2023	An update on this item will be included in the next quarterly prioritization update.
34	Have the City look into the possibility of a Citywide Senior Discount	Barbadillo	2/7/2023	An update on this item will be included in the next quarterly prioritization update.
35	City Manager look into implementing a workshop for small businesses on the bidding process for projects in the city	Chua	8/9/2022	An update on this item will be included in the next quarterly prioritization update.
36	Quarterly or Monthly crime statistics on Homekey Project	Chua	6/7/2022	An update on this item will be included in the next quarterly prioritization update.
37	Evaluate reopening the childcare center with a non-profit organization running the center	Montano	2/1/2022	An update on this item will be included in the next quarterly prioritization update.
38	Staff to look into mural Art on Great Mall Parkway on the VTA owned Light rail pillars	Montano	11/16/2021	An update on this item will be included in the next quarterly prioritization update.
39	Consider Community Museum and Park on Main St.	Phan	8/20/2019	Discussions with the property owner of this site are ongoing and staff is tracking returning to council by June 2025 with an update.

NOTE: Deferred and Completed Items are not listed



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Authorize the City Manager, or Designee, to Execute an Amendment to the Agreement with NJ Associates for Architectural Services (Staff Contact: Christian Di Renzo, Public Works Director, 408-586-2602)
Category:	Consent Calendar-Community Services and Sustainable Infrastructure
Meeting Date:	10/28/2025
Recommendation:	Adopt a Resolution to authorize the City Manager, or designee, to negotiate and execute an amendment to the Professional Services Agreement with NJ Associates for Construction Management Technical Services in the amount of \$49,391 for a total not-to-exceed amount of \$139,391 and extend the term of the agreement to November 14, 2026.

BACKGROUND:

On November 15, 2022, the City entered into a Professional Services Agreement (Agreement) with NJ Associates, Inc. (NJA) for an amount not-to-exceed \$90,000 for architectural services at various City facilities (Contract No. 23-010). The scope of services under the Agreement included permitting, bid assistance, and contract administration support for multiple Capital Improvement Program (CIP) projects, including the Police Department Locker Room Renovation (CIP 3406), the José Esteves Library sign, and the Milpitas Community Center floor structural assessments.

Additional architectural support services have been identified to assist the City with construction management and administration activities specifically for the Police Department Locker Room Renovation (CIP 3406) (Project). These services are critical to ensure Project compliance, timely responses to contractor requests, and adherence to design and permitting requirements. The Project is unique in its scope as it will need to be managed and therefore completed after-hours to minimize impact to Police Department operations.

ANALYSIS:

Staff is recommending approval of Amendment No. 1 to increase the NJA Agreement in the amount of \$49,391, for a total not-to-exceed \$139,391, to provide construction support services for the Project. These services include:

- Reviewing submittals, shop drawings, and contract materials specifications
- Responding to requests for information (RFIs)
- Conducting site and punch list observations
- Providing overall contract administration and construction phase support

Additional NJA services that have occurred to date were for design assessment and schematic design, construction documents for permitting, and plan reviews for the Project, and for the design of the José Esteves Library signage. As the existing Agreement expires November 14, 2025, staff also recommends the Amendment extend the Agreement term by one year to November 14, 2026 to ensure Project construction is complete.

Staff has determined NJA's continued services are in the City's best interest to provide continuity of architectural oversight and support. As the original designer of the Project, NJA is uniquely familiar with the Project plans, specifications, and intricate details. Engaging a new firm at this stage would require significant time for that firm to become familiar with the project, resulting in delays, inefficiencies, and potentially higher costs. NJA can immediately provide the necessary construction support services, ensuring economies of scale, cost effectiveness, and operational soundness.

PROJECT/PROGRAM SCHEDULE:

Staff is working with One Day Installation and Repairs Inc (ODIR), the awarded construction contractor for the Project, to finalize the construction schedule. Currently, ODIR is going through the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) fingerprinting and background check process required to access the facility. After clearance, a Notice to Proceed will be issued to ODIR. Per the ODIR construction contract, the Project is slated to be completed in 270 days.

Key Project phases include demolition, Mechanical, Electrical, and Plumbing (MEP) technical specification reviews and recommendation, fixtures and finishes compatibility, test and balancing of the systems, and final inspections. Key elements will be phased through critical path and milestone tracking consistent with industry standard lead times for design verification. Each phase of the critical path items will be detailed in the contractor schedule and tracked and verified by NJA.

POLICY ALTERNATIVE(S):

Alternative 1: Do not approve and authorize the City Manager to execute the Amendment No. 1 for Professional Design Services.

Pros: No additional City funds would be expended.

Cons: The City would lack adequate architectural and construction administration support during the Police Department Locker Room Renovation Project. This may result in project delays, higher costs, and potential noncompliance with permitting requirements.

Reason Not Recommended: Timely completion of this project requires architectural and engineering oversight and construction support services to protect the City's interests.

FISCAL IMPACT:

This request is only for increased contractual authority and not a request for additional funding. Adequate funding for this amendment is available in the FY 2026–2030 Adopted Capital Improvement Program budget for project CIP 3406 which was approved by the City Council on June 3, 2025.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This item is not a project under the California Environmental Quality Act (CEQA) Guideline 15378(b).

ATTACHMENT(S):

- (a) Resolution
- (b) NJ Associates Professional Services Agreement (Contract No. 23-010)
- (c) Estimate for Construction Services

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH NJ ASSOCIATES FOR ARCHITECTURAL SERVICES IN THE AMOUNT OF \$49,391 FOR A NEW NOT-TO-EXCEED AMOUNT OF \$139,391 FOR CONSTRUCTION MANAGEMENT AND ARCHITECTURAL SUPPORT SERVICES RELATED TO THE POLICE DEPARTMENT LOCKER ROOM RENOVATION PROJECT (CIP 3406) AND OTHER CITY FACILITY PROJECTS

WHEREAS, on November 15, 2022, the City entered into a Professional Services Agreement (Contract No. 23-010) with NJ Associates, Inc. (“NJ”) in the not-to-exceed amount of \$90,000 for architectural services at various City facilities, including permitting, bid assistance, and contract administration support for multiple Capital Improvement Program (CIP) projects; and

WHEREAS, additional architectural support services have since been identified to assist the City with construction management and administration activities, including submittal and shop drawing review, responding to requests for information (RFIs), conducting site and punch list observations, and providing overall construction phase support; and

WHEREAS, on June 3, 2025, the City Council approved a budget appropriation of \$100,000 for these architectural services as part of the adopted FY 2026–2030 CIP; and

WHEREAS, Amendment No. 1 to the Professional Services Agreement with NJA is necessary to ensure timely completion, project compliance, and continuity of architectural oversight for the Police Department Locker Room Renovation Project (CIP 3406) and other facility projects; and

WHEREAS, the proposed amendment increases the contract by \$49,391 from \$90,000 to a new not-to-exceed amount of \$139,391, with sufficient funds available in the adopted budget; and

WHEREAS, staff recommends that the City Council authorize the City Manager to execute Amendment No. 1 to the Professional Services Agreement with NJA, as NJA is the original designer of the Police Department Locker Room Renovation Project and uniquely qualified to provide these additional services efficiently and cost-effectively

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council hereby approves the projects plans and specifications.
3. The City Council hereby approves and authorizes the City Manager to execute Amendment No. 1 to the Professional Services Agreement with NJ Associates, Inc. in the amount of \$49,391, for a new not-to-exceed total amount of \$139,391, for architectural and construction management services related to the Police Department Locker Room Renovation Project (CIP 3406) and other City facility projects.

4. The City Manager is hereby authorized to execute Amendment No. 1 to design services agreement with NJ Architects for the amount not to exceed \$139,391.

PASSED AND ADOPTED this 28th day of October, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Christopher Creech, Acting City Attorney

CITY OF MILPITAS
PROFESSIONAL SERVICES AGREEMENT

Nov-17-2022

This Agreement is made and entered into as of _____, (“Effective Date”) by and between the City of Milpitas, a municipal corporation organized and operating under the laws of the State of California with its principal place of business at 455 E. Calaveras Boulevard, Milpitas, California 95035 (“City”), and **NJ Associates Inc.**, a CORPORATION with its principal place of business at **212 W. Pine St Suite 1, Lodi, CA 95240** (hereinafter referred to as “Consultant”). City and Consultant are sometimes individually referred to as “Party” and collectively as “Parties” in this Agreement.

RECITALS

A. City is a public agency of the State of California and is in need of professional services for the following project:

Architectural Services at Various City Facilities

(hereinafter referred to as “the Project”).

B. Consultant is duly licensed and has the necessary qualifications to provide such services.

C. The Parties desire by this Agreement to establish the terms for City to retain Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. **Services.**

Consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit A

2. **Compensation.**

a. Subject to paragraph 2(b) below, the City shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit B.

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of **Ninty Thousand Dollars and Zero Cents (\$90,000.00)**. This amount is to cover all printing and related costs, and the City will not pay any additional fees for printing expenses. Periodic payments shall be made within thirty (30) days of receipt of an invoice which includes a detailed description of the work performed. Payments to Consultant for work performed will be made on a monthly billing basis.

3. **Additional Work.**

If changes in the work seem merited by Consultant or the City, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following manner: a letter outlining the changes shall be forwarded to the City by Consultant with a statement of estimated changes in fee or time schedule. An amendment to this Agreement shall be prepared by the City and executed by

both Parties before performance of such services, or the City will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the Agreement term and for four (4) years from the date of final payment under the Agreement for inspection by City.

5. Term.

The term of this Agreement shall be from **November 15, 2022** to **November 14, 2025**, unless earlier terminated as provided herein. The City reserves the right to review the Consultant's performance at the end of each year and cancel all or part of the Agreement.

6. Delays in Performance.

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government, including Cal/OSHA requirements.

b. If required, Consultant shall assist the City, as requested, in obtaining and maintaining all permits required of Consultant by federal, state and local regulatory agencies.

c. If applicable, Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

8. Standard of Care.

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Subconsultant.

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all

provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates, and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Consultant.

Consultant is retained as an independent contractor and is not an employee of City. No employee or agent of Consultant shall become an employee of City. The work to be performed shall be in accordance with the work described in this Agreement, subject to such directions and amendments from City as herein provided.

11. Insurance.

Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under Exhibit D (Insurance Requirements), attached hereto and incorporated herein by this reference. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required therein.

12. Indemnification.

a. To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers.

b. If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance of "design professional" services (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

13. California Labor Code Requirements.

a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is One Thousand Dollars and Zero Cents (\$1,000.00) or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll

records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

b. If the services are being performed as part of an applicable “public works” or “maintenance” project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant’s sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant’s performance of services, including any delay, shall be Consultant’s sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all subconsultants and sub-subconsultants to comply with the same.

15. City Material Requirements. [RESERVED]

16. Laws and Venue.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of Santa Clara, State of California.

17. Termination or Abandonment.

a. City has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event, City shall be immediately given title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. City shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by City and Consultant of the portion of such task completed but not paid prior to said termination. City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled

to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of substantial failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

c. The Consultant understands and accepts that at all times; the Agreement is subject to appropriation of funds by the Milpitas City Council. The Agreement may terminate without penalty, liability or expense of any kind to the City at the end of Agreement term. The City has no obligation to make appropriations for the Agreement in lieu of appropriations for new or other contracts. City budget decisions are subject to the discretion of the Mayor and City Council. Consultant's assumption of risk of possible non-appropriation is a part of the consideration for the Agreement. This section controls against any and all other provisions of the Agreement.

18. Documents.

Except as otherwise provided in "Termination or Abandonment," above, all original field notes, written reports, Drawings and Specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement, be furnished to and become the property of the City.

19. Organization.

Consultant shall assign **Nick Seward** as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.

20. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

21. Notice.

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:

City of Milpitas

455 E. Calaveras Boulevard

Milpitas, California 95035

Attn: Steve McHarris

CONSULTANT:

NJ Associates Inc.

212 W. Pine St Suite 1

Lodi, CA 95240

Attn: Nick Seward

and shall be effective upon receipt thereof.

22. Third Party Rights.

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

23. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

24. Entire Agreement.

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

25. Severability.

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the provisions unenforceable, invalid or illegal.

26. Successors and Assigns.

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

27. Non-Waiver.

None of the provisions of this Agreement shall be considered waived by either party, unless such waiver is specifically specified in writing.

28. Time of Essence.

Time is of the essence for each and every provision of this Agreement.

29. City's Right to Employ Other Consultants.

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects.

30. Prohibited Interests.

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

31. Wage Theft Prevention.

a. Consultant, and any subconsultant it employs to complete work under this Agreement, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act, the California Labor Code and the Milpitas Minimum Wage Ordinance.

b. BY SIGNING THIS AGREEMENT, CONSULTANT AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY, FINDING IN THE FIVE (5) YEARS PRIOR TO EXECUTING THIS AGREEMENT THAT CONSULTANT OR ITS SUBCONSULTANTS HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. CONSULTANT FURTHER AFFIRMS THAT IT OR ITS SUBCONSULTANT(S) HAS EITHER FULLY SATISFIED EACH JUDGMENT, DECISION OR ORDER, OR, IF ANY JUDGMENT, DECISION OR ORDER HAS NOT BEEN FULLY SATISFIED, CONSULTANT AFFIRMS THAT IT OR ITS SUBCONSULTANT(S) IS CURRENTLY SATISFYING SAID JUDGMENT, DECISION OR ORDER THROUGH A PAYMENT OR ALTERNATIVE PLAN APPROVED BY THE APPLICABLE COURT/GOVERNMENT AGENCY AND THAT CONSULTANT OR ITS SUBCONSULTANT(S) ARE IN COMPLIANCE WITH SAID PLAN AS OF THE DATE OF EXECUTING THIS AGREEMENT.

c. If at any time during the term of this Agreement, a court or investigatory government agency issues a final judgment, decision or order finding that Consultant or a subconsultant it employs to perform work under this Agreement has violated any applicable wage and hour law, or Consultant learns of such a judgment, decision, or order that was not previously disclosed in its bid/proposal, Consultant shall inform the City no more than fifteen (15) calendar days after the judgment, decision or order becomes final or from the date of learning of the final judgment, decision or order. Consultant or its subconsultant(s) shall, within thirty (30) calendar days after notifying the City, either (i) fully satisfy any such judgment, decision, or order and provide the City with documentary evidence of satisfying said judgment, decision or order; or (ii) provide the City documentary evidence of a payment or other alternative plan approved by the court/government agency to satisfy the judgment, decision or order. If the Consultant or its subconsultant is subject to a payment or other alternative plan, the Consultant or its subconsultant shall continue to submit documentary evidence every thirty (30) calendar days during the term of the Agreement demonstrating continued compliance with the plan until the judgment, decision or order has been fully satisfied.

d. For purposes of this Section, a "final judgment, decision, or order" refers to one for which all appeals have been exhausted or the time period to appeal has expired. Relevant investigatory government agencies include: the United States Department of Labor, the California Division of Labor Standards Enforcement, the City, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

e. Failure to comply with any part of this Section constitutes a material breach of this Agreement. Such breach may serve as a basis for immediate termination of this Agreement and/or any other remedies available under this Agreement and/or law.

f. Notice provided to the City shall be addressed to: Attention: Finance Director, 455 E. Calaveras Blvd. Milpitas, CA 95035. The Notice provisions of this Section are separate from any other notice provisions in this Agreement and, accordingly, only notice provided to the above address satisfies the notice requirements in this Section.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF MILPITAS
AND NJ ASSOCIATES INC.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF MILPITAS

Approved By:

DocuSigned by:

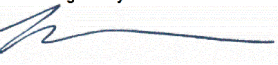
D9F94EEB50844F3...

Steven G. McHarris, City Manager

Nov-17-2022

Date

Approved As To Form:

DocuSigned by:

71850D37D7764FB...

Michael Mutalipassi, City Attorney

Approved:

DocuSigned by:

8C79D33218B7434...

Lauren Lai, CPA, MPA

Finance Director/Risk manager

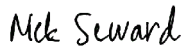
Approved As To Content:

DocuSigned by:

CB638BD01BE04B1...

Roger Lee, Interim Public Works Director

NJ ASSOCIATES INC.

DocuSigned by:

3639349F5C6B499...

Signature

Nick Seward

Name

CEO

Title

Nov-11-2022

Date

EXHIBIT A

Scope of Services

Consultant shall provide all labor, expertise, materials, and staff to provide architectural services for small and mid-size projects for the City. Consultant shall provide these services with a focus on renovations and modifications to existing facilities, including but not limited to: office buildings, recreation facilities, public safety facilities, maintenance buildings, and other site work as assigned by the City's Project Manager. The desired work product from the Consultant will be to provide approved architectural plans for these small and mid-sized projects to then be bid out by the City for completion.

Consultant shall maintain during the course of this agreement the following minimum qualifications:

1. Consulting firm is licensed to practice architecture in the State of California and can effectively provide the required professional services in a timely and professional manner.
2. The individual or individuals or sub-consultants who will be assigned the responsibility to projects shall have significant experience in design and construction consulting within the last five years in the State of California.
3. Consultant and staff shall be knowledgeable of all applicable federal, state, and local building codes, including but not limited to: American with Disabilities Act/Facilities.
4. Transition plans, federal, state and local by-laws as applicable.
5. Firms shall be able to meet the schedule set by City of Milpitas Public Works Department.

All work will be performed in a manner so as not to block access to or disrupt the daily operation of the City of Milpitas. All work must be scheduled with the Public Works Manager for Facilities and Fleet or the designated City representative. Further detail to be found in "Attachment A – Consultant's Execution Plan."

EXHIBIT B**Schedule of Charges/Payments**

Consultant will invoice City on a monthly cycle. Consultant will include with each invoice a detailed progress report that indicates the amount of budget spent on each task. Consultant will inform City regarding any out-of-scope work being performed by Consultant. This is a time-and-materials Agreement.

NJA ARCHITECTURE HOURLY RATES

Owner & Principal	\$195/hr
Project Architect	\$175/hr
Project Manager	\$150/hr
Designer	\$120/hr
Administrative	\$80/hr

REIMBURSABLE EXPENSES

Travel Time	Based on Hourly Rates
Mileage	IRS Value + 15%
Print (24"x36") Black & White Sheet	\$4.00/sheet
Print (12"x18") Black & White Sheet	\$1.00/sheet
Print (8.5"x11") Black & White Sheet	\$0.15/sheet
Print (12"x18") Color Sheet	\$1.50/sheet

SUBCONSULTANT HOURLY RATES

HCS ENGINEERING	
Principal	\$200/hr
Principal Electrical Engineer	\$175/hr
Electrical Engineer	\$140/hr
Designer	\$100/hr

NEXUS ENGINEERING	
Principal	\$210/hr
Professional Engineer	\$180/hr
Engineer	\$170/hr

KLA LANDSCAPE ARCHITECTURE PLANNING	
Principal	\$200/hr
Senior Project Manager	\$140/hr

NEXUS ENGINEERING	
Managing Principal	\$268/hr
Principal	\$240/hr
Senior Associate	\$211/hr
Associate	\$188/hr

SIERRA WEST GROUP	
Principal	\$125/hr

EXHIBIT C

Activity Schedule

Each project will have a separate and distinct Activity Schedule to ensure Consultant can perform the assigned work. To that end, each assigned project shall have a mutually agreed upon Activity Schedule to be approved by both the City and Consultant prior to the performance of any work.

EXHIBIT D INSURANCE REQUIREMENTS

Please refer to the insurance requirements listed below. **Those that have an “X” indicated in the space before the requirement apply to Contractor’s or Consultant’s Agreement.**

Contractor or Consultant shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor or Consultant, its agents, representatives, employees or subcontractors.

Contractor or Consultant shall provide its insurance broker(s)/agent(s) with a copy of these requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements.

Contractor or Consultant shall furnish City with copies of original endorsements affecting coverage required by this Exhibit D. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements and certificates are to be received and approved by City before work commences. City has the right to require Contractor’s or Consultant’s insurer to provide complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications.

Commercial General Liability (CGL):

___ Coverage at least as broad as Insurance Services Office (“ISO”) Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$2,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

X Coverage at least as broad as ISO Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$1,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

___ Coverage at least as broad as ISO Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with limits no less than \$5,000,000.00 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability:

X Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), of if Contractor or Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limits no less than \$1,000,000.00 combined single limit for bodily injury and property damage.

___ Coverage at least as broad as ISO Form Number CA 0001 covering, Code 1 (any auto), with limits no less than \$5,000,000.00 combined single limit for bodily injury and property damage.

___ Garage keepers' extra liability endorsement to extend coverage to all vehicles in the care, custody and control of the Contractor or Consultant, regardless of where the vehicles are kept or driven.

Professional Liability (Errors and Omissions):

X Insurance appropriate to the Contractor or Consultant's profession, with limit no less than \$1,000,000.00 per occurrence or claim, \$2,000,000.00 aggregate.

___ (If Design/Build), with limits no less than \$1,000,000.00 per occurrence or claim, and \$2,000,000.00 policy aggregate.

___ Insurance appropriate to the Contractor or Consultant's profession, with limit no less than _____ per occurrence or claim, _____ aggregate

Workers' Compensation Insurance:

X Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000.00 per accident for bodily injury or disease. *(Not required if Contractor or Consultant provides written verification it has no employees)*

The Employer's Liability policy shall be endorsed to waive any right of subrogation as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Builder's Risk (Course of Construction):

___ Insurance utilizing an "All Risk" (Special Perils) coverage form, with limits equal to the completed value of the project and no coinsurance penalty provisions. If the project does not involve new or major reconstruction, at the option of the City, an Installation Floater may be acceptable. For such projects, a Property Installation Floater shall be obtained that provides for the improvement, remodel, modification, alteration, conversion or adjustment to existing buildings, structures, processes, machinery and equipment. The Property Installation Floater shall provide property damage coverage for any building, structure, machinery or equipment damaged, impaired, broken, or destroyed during the performance of the Work, including during transit, installation, and testing at the City's site.

Contractor's or Consultant's Pollution Legal Liability:

___ Contractor's or Consultant's pollution legal liability and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than \$1,000,000.00 per occurrence or claim and \$2,000,000.00 policy aggregate.

If the Contractor or Consultant maintains higher limits than the minimums shown above, the City requires and shall be entitled to coverage for the higher limits maintained by the Contractor or Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

Cyber Liability Insurance

___ Cyber Liability Insurance with limits not less than \$1,000,000 per claim.

Coverage shall be sufficiently broad to respond to the duties and obligations as is undertaken by Contractor or Consultant in this Agreement and shall include, but not be limited to, claims involving infringement of intellectual property, including but not limited to infringement of copyright, trademark, trade dress, invasion of privacy violations, information theft, damage to or destruction of electronic information, release of private information, alteration of electronic information, extortion, and network security.

The policy shall provide coverage for breach response costs as well as regulatory fines and penalties, and credit monitoring expenses with limits sufficient to respond to these obligations.

Surety Bonds:

Contractor shall provide the following Surety Bonds:

___ Bid Bond
 ___ Performance Bond
 ___ Payment Bond

The Payment Bond and Performance Bond shall be in a sum equal to the contract price. Bonds shall be duly executed by a responsible corporate surety, authorized to issue such bonds in the State of California and secured through an authorized agent with an office in California.

Other Insurance Provisions:

The insurance policies are to contain, or be endorsed to contain the following provisions:

X Additional Insured Status and Primary/Non-Contributory Language:

Contractor's general liability and automobile liability policies shall be primary and shall not seek contribution from the City's coverage and be endorsed to add the City and its elected and appointed officials, officers, attorneys, agents employees and volunteers as additional insureds under such policies using Insurance Services Office form CG 20 10 (or equivalent) on the general liability policy. For construction projects, an endorsement providing completed operations coverage for the additional insured on the general liability policy, ISO form CG 20 37 (or equivalent), is also required.

The limits of insurance required in this Agreement may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of City (if agreed to in a written contract or agreement) before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

Loss Payee Status – Builder’s Risk/Course of Construction Insurance (applicable to Construction Contracts only)

Contractor or Consultant may submit evidence of Builder’s Risk insurance in the form of Course of Construction coverage. Such coverage shall name the City as a loss payee as their interest may appear.

X **Notice of Cancellation, Suspension or Otherwise Voiding Policies:**

Each insurance policy required above shall contain or be endorsed to contain that coverage shall not be suspended, voided, canceled or reduced in coverage or in limits except with thirty (30) days’ prior written notice by certified mail, return receipt requested to the City.

X **Waiver of Subrogation:**

Contractor or Consultant hereby grants to City a waiver of any right to subrogation which any insurer of said Contractor or Consultant may acquire against the City by virtue of the payment of any loss under such insurance. Contractor or Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer. The Workers’ Compensation Policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by Contractor or Consultant, its employees, agents and subcontractors.

 Completed Operations

For Construction Agreements, Contractor shall maintain insurance as required by this Agreement to the fullest amount allowed by law and shall maintain insurance for a minimum of five (5) years following the completion of this project. In the event Contractor fails to obtain or maintain completed operations coverage as required by this Agreement, the City at its sole discretion may purchase the coverage required and the cost will be paid by Contractor.

THE FOLLOWING PROVISIONS APPLY TO ALL AGREEMENTS

Deductibles and Self-Insured Retentions (“SIR”):

Any deductibles or self-insured retentions must be declared to and approved by City. The City may require the Contractor or Consultant to purchase coverage with a lower deductible or retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. At the option of the City, either (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its elected and appointed officials, officers, attorneys, agents, and employees; or (2) the Contractor or Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

All SIRs must be disclosed to Risk Management for approval and shall not reduce the limits of liability.

Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named insured or the City.

City reserves the right to obtain a full-certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers:

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-:VII, unless otherwise acceptable to City.

Claims Made Policies: (note - should be applicable only to professional liability, see below)

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of contract of work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor or Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of work.
4. A copy of the claims reporting requirements must be submitted to the City for review.
5. If the services involve lead-based paint or asbestos identification/remediation, the Contractor's Pollution Liability Policy shall not contain lead-based paint or asbestos exclusions. If the services involve mold identification/remediation, the Contractors Pollution Liability Policy shall not contain a mold exclusion, and the definition of Pollution shall include microbial matter, including mold.

Subcontractors:

Contractor or Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

Subcontractor agrees to be bound to Contractor and City in the same manner and to the same extent as Contractor is bound to City under this Agreement and any other contract documents. Subcontractor further agrees to include the same requirements and provisions of this Agreement, including the indemnity and insurance requirements, with any sub-subcontractor to the extent they apply to the scope of the sub-subcontractor's work. A copy of the City indemnity and insurance provisions will be furnished to the subcontractor upon request.

Verification of Coverage:

Contractor or Consultant shall furnish the City with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the City before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor or Consultant's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Special Risks or Circumstances

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage or other special circumstances.

Failure to Comply:

Each insurance policy required above shall contain or be endorsed to contain that any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its elected and appointed officials, officers, attorneys, agents, and employees.

Applicability of Coverage:

Each insurance policy required above shall contain or be endorsed to contain that the Contractor's or Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

Attachment A

Execution Plan

SCOPE OF WORK - ARCHITECTURAL SERVICES

We have assembled a consultant team well-suited to provide professional Architectural services to the City of Milpitas Public Works Department for mid-size projects with a focus on renovations and modifications to existing facilities, including but not limited to: office buildings, recreation facilities, public safety facilities, maintenance buildings, and other site work. In summary, we submit the following qualifications for your consideration:

1. NJA Architecture is licensed to practice architecture in several states, including the State of California. We have a depth of successful experience delivering public work projects for California municipalities and we have included the subconsultant experts necessary to effectively provide the required professional services.
 2. All members of the Architectural and specialty subconsultant team have extensive experience in the design and construction of significant projects in the State of California within the last five years. The City of Milpitas can depend upon NJA to responsibly deliver projects on time and under budget, while maintaining quality, meeting the needs of your users, and abiding by code requirements.
 3. At NJA we pride ourselves in our ability to navigate code and accessibility requirements. We are the experts you can depend upon to develop strategic plans to balance short term solutions, schedule, and budget constraints with long term building code and accessibility requirements. This comprehensive approach protects the City by ensuring compliance with California Building Codes and the Americans with Disabilities Act.
 4. Our experience guiding municipalities through their ADA Transition Plans means NJA can quickly assess and prioritize requirements by identifying physical obstacles limiting access, present the City with recommendations to meet federal, state, and local compliance, and put the plan into action, taking proactive steps to anticipate future changes.
 5. NJA develops robust detailed work plans for each project, forecasting needs across all active projects, and allocating staff based upon a long history of successful project delivery. Through oversight and planning, we ensure strict adherence to schedule milestones and review periods as set by City of Milpitas Public Works Department.
- All work to be performed will be fully-coordinated with scheduling requirements established by the Public Works Manager for Facilities and Fleet or the designated City representative to maintain access to and prevent disruption of daily activities of the City of Milpitas. Scheduling requirements and coordination details will be included in project specifications and reviewed with contractors during bid qualifications.

NJA's design integration approach includes input from our client and team members through every step of the process. This organic progression builds on the information and evolution of your project at each stage, maximizing the three elements of Architecture: Budget, Design, and Function. This integrated process can be outlined for potential projects by the City using the following steps:

STEP 1: PROGRAMMING

A thorough understanding of site, context, existing conditions, and facility needs is key to a successful project kick-off. Working closely with the City, we will develop detailed project programs through meetings and interviews. Our goal for this phase will be to engage in an accurate assessment, optimizing space and facility needs to make the best use of the budget.

STEP 2: SURVEYING

We recommend professional site surveys, 3D laser scans, and geotechnical investigations, where necessary, for accurate assessments of existing conditions. Reliable information creates a dependable foundation, and legacy documentation is often insufficient for the successful launch of a new project.

STEP 3: INTERVIEWS WITH CITY

Using the information gathered and further developed in STEPS 1 and 2, NJA will lead a 'dry run' of the project with conceptual design and City Officials to establish base parameters for site and building designs. Early identification of site, building, program, and operational constraints avoids unexpected delays later in the project.

STEP 4 SITE & BUILDING ANALYSIS

Each project will present a unique challenge for the City and the design team. A thorough assessment of the limitations and improvements necessary for the success of each project is crucial to overall success. Weighing these needs against the available budget, established schedule, and a cogent understanding of priorities can help to inform an ideal project approach that addresses both established goals and unforeseen liabilities.

STEP 5:

DESIGN VISION & CONSENSUS

Following City interviews and site analysis, NJA will develop detailed site and building 'Schematic Design' plans, including parking, accessibility, security, upgrades and renovations, building systems, finishes, materials, and renderings to establish the look and feel of the project. In this phase we engage our engineers to develop an outline of the technical systems. Using these materials we can converse with contractors about cost estimates, review City goals to achieve the project on time and within budget and follow up on interviews for a soft approval before approaching leadership.



Docusign Envelope ID: 65321C39-A8E1-419E-B91B-E1F6477BE299

STEP 6:

DESIGN/COST ESTIMATE/BUDGET

This step is a critical point in the process that determines the ultimate feasibility and success of the project. We work closely with our engineering team, cost estimators, and the contractor to develop cost-saving alternatives to the initial design brief. Early identification and tracking of alternatives and potential cost reduction measures is key to efficient value-engineering. It will be the final stage of design precedent to Design Development.

STEP 7:

VERIFICATION

This period is reserved, where necessary, for City review and approvals. Time is provided to complete internal processes with leadership, selling the project to decision-makers or community groups as necessary using NJA's graphic illustrations.

STEP 8:

ENTITLEMENTS

When required, this step includes all necessary applications and architecture and engineering items required for the final applications to be deemed complete by the various agencies and stakeholders, and the official submittal of documents with application fees. This step sets the goal post and timeline for required approvals.

STEP 9:

REGULATORY APPROVAL

It is prudent to include time to receive any regulatory feedback that was not obtained earlier, and to account for those requirements. NJA engages in established protocols for code compliance and program alignment at each stage of development. As part of our QA/QC process, staff beyond the project team are assigned compliance reviews at the conclusion of each phase. We utilize checklists developed over decades of project delivery experience and leadership oversees each project ensure conformance.

STEP 10:

DESIGN DEVELOPMENT & CONSTRUCTION DOCUMENTS

The majority of NJA's time and resources will be used to generate the technical design and documentation required for construction. Engineering systems will be fully developed, and options vetted during this phase. The preceding steps ensure a smooth and efficient process, with the City's primary point-of-contact moving forward through bidding & construction. At 85% completion, plans will be sent to the City for initial submittal. Corrections are typically received around the same time as 100% completion and implemented into the design. Final plans are then submitted to the City and regulatory agencies for approval, and the plan check process is completed.

STEP 11:

BIDDING

This step may overlap with STEP 10 while plan check is underway in order to condense the schedule. As each project progresses, we can discuss the urgency of beginning the bidding stage earlier before plans are 100% permitted. In our experience, this timeline could allow for revisions during bid and plan check process, so that the issued permit plans are final for construction with GC input.

STEP 12:

CONSTRUCTION PHASE

NJA will provide periodic observations, review of payment applications prior to City authorizations, shop drawing review and coordination, request for information or clarifications from and to the GC, and other normal or agreed upon services during construction. A pre-construction meeting with the GC and its primary sub-contractors is a meeting we attend and urge the City to require for most projects.

Quality Control Plan

Critical Components and Risk Factors

Project success depends upon a clear understanding of scope, owner priorities, goals, and risks. Assessment and identification of the critical path provides benchmarks for the team to mitigate potential risks to project success.

TASK 1-2: PROJECT INITIATION, PROJECT MANAGEMENT REVIEW AND SCHEDULING

Critical Components: interview owner, end-users, and maintenance staff; review existing building documentation, repair history, and field-survey existing conditions.

Key Risk Factors: identification of program needs, deferred maintenance, and code compliance.

TASK 3: CONCEPTUAL AND SCHEMATIC DESIGN

Critical Components: confirm existing systems, test fit program and scope, review potential solutions, present alternatives, and prepare schematic layouts including square footages, dimensions, circulation patterns and FF&E.

Key Risk Factors: identify conflicts, unknown requirements, and potential future needs; maintain cost expectations, identify design contingencies and escalation.

TASK 4: DESIGN DEVELOPMENT PLANS AND COST ESTIMATES

Critical Components: incorporate owner and end-user reviews, maintain competing program needs, incorporate changes, communicate budget impacts, coordinate MEP, prepare plans, cut-sheets, and opinion of probable cost.

Key Risk Factors: review owner, end-user, and code requirements to identify conflicts, develop design contingencies and escalation amounts, modify plans to meet budget.

TASK 5-6: CONSTRUCTION DOCUMENT PLANS, SPECIFICATIONS, ESTIMATES, AND PERMITS

Critical Components: prepare submittal drawings and technical specifications, identifying materials, workmanship, finishes, and equipment required for a complete and functional project, detailing each construction condition.

Key Risk Factors: coordinate systems, develop design contingencies and cost escalation models

TASK 7: FINAL SUBMITTALS

Critical Components: prepare final construction documents, final opinion of probable costs, special or supplemental conditions, recommend a construction testing and inspection list for materials identifying type, quantity, frequency, schedule, and cost estimate for tests to be performed during construction.

Key Risk Factors: complete coordination, code compliance and life safety considerations.

TASK 8: ASSISTANCE DURING BIDDING

Critical Components: prepare addenda, respond to RFIs, modify bid package and CDs as necessary to meet project budget and assist in obtaining new proposals

Key Risk Factors: robust cost control measures encourage bid budget alignment

TASK 8: ASSISTANCE DURING CONSTRUCTION

Critical Components: monitor construction progress, field changes, and alterations, assist with change orders by providing documentation, calculations and costs, prepare record drawings by incorporating field observations and contractor as-built drawings.

Key Risk Factors: maintain design intent through site visits and QA/QC procedures.

TASK 9: BASIS OF DESIGN DOCUMENT, MAINTENANCE PLAN, AND CLOSE-OUT

Critical Components: prepare comprehensive BOD document and maintenance plan to cover the entire building, parking area, and appurtenances; review and forward O&M Manuals, return all client materials and documents, provide wet-signed project mylars and electronic record drawings.

Key Risk Factors: ensure lasting satisfaction with a thorough Project Close-out Process.

Quality Control Plan

Quality Assurance and Quality Control

NJA utilizes a robust system of Quality Assurance (QA) measures to guard against deficiency during execution and Quality Control (QC) procedures to evaluate results for conformance with requirements. Our process ensures every aspect of a project meet the highest standards.

35% SCHEMATIC DESIGN

QA: Programming Exercise, Systems Questionnaire, SD Checklist, AHJ Code Matrix
QC: Architect and Owner Review of Program, Scope, Drawings, Outline Specs, and Costs

65% DESIGN DEVELOPMENT

QA: Integrate Program Goals and Project Scope Review, DD Checklist, Systems Analysis
QC: Code Analysis, Architect/Owner Assessment Review, Obtain Authorization to Proceed

90% CONSTRUCTION DOCUMENTS

QA: Value Engineering and Add Alternative Development, SMEP Coordination, CD Checklist
QC: Code Analysis, Architect Oversight, Budget Assessment

100% CONSTRUCTION DOCUMENTS

QA: SMEP Coordination Checklists, AHJ, Code Submittal Checklist
QC: Architect Code Review of Drawings and Specifications

65% DESIGN DEVELOPMENT

QA: Integrate Program Goals and Project Scope Review, DD Checklist, Systems Analysis
QC: Code Analysis, Architect/Owner Assessment Review, Obtain Authorization to Proceed

90% CONSTRUCTION DOCUMENTS

QA: Value Engineering and Add Alternative Development, SMEP Coordination, CD Checklist
QC: Code Analysis, Architect Oversight, Budget Assessment

100% CONSTRUCTION DOCUMENTS

QA: SMEP Coordination Checklists, AHJ, Code Submittal Checklist
QC: Architect Code Review of Drawings and Specifications

BID SUPPORT SERVICES

QA: Pre Bid Conference, Contractor Review, RFI Procedures and Log, Addenda Preparation
QC: Bid Evaluation, Architect / Owner / Contractor Bid Qualification Meeting

CONSTRUCTION SUPPORT SERVICES

QA: Job Conference Reports, Submittal Schedule, Submittal Log and Review Procedures
QC: Architect Review of Submittals, Construction Visits to assess progress and quality, Final Project Walk upon Project Completion

POST-CONSTRUCTION SUPPORT SERVICES

QA: Closeout Procedures, O&M Manual Checklist
QC: Architect Closeout Review, Owner Satisfaction Survey



SERVICE AGREEMENT

CITY OF MILPITAS

MILPITAS POLICE DEPARTMENT LOCKER ROOM RENOVATION PROJECT

PREPARED FOR

Hank Terlaje, CIP Constr. Mgr.
City of Milpitas
1265 N. Milpitas Blvd.
Milpitas, CA 93035

PREPARED BY

NJ Associates, Inc. DBA NJA & NJA Architecture
Licensed Architect, Owner, John Vierra (License No. C35199)
Licensed Architect, Owner, Nick Seward (License No. C38947)

DATE

06.27.25

PROJECT SCOPE

PROJECT LOCATION 1275 N. Milpitas Blvd.
Milpitas, CA 95305

- › **Permitting, Bid assistance, and Contract Administration support services for planned renovations to the the womens locker room of the existing Milpitas Police Department. Program as follows, and noted per the reference drawings:**
 - › Demolition of select areas of the existing locker rooms and exercise room
 - › Expansion of Womens Locker Room and renovations to Mens showers
 - › Creation of Body Cam Storage area and Vestibules
- › **Site Improvements**
 - › Limited accessibility improvements, as noted per the reference drawings

WHAT TO EXPECT

NJA Architecture is pleased to provide a list of services identified in the following pages. We strive to provide a sensible and well-thought out design solution to meet our clients needs. In addition, we firmly believe that architecture should be an authentic expression of our clients' values.

At each stage of the design process, we work together as a collaborative team. NJA, the client, consultants, and government agencies meet and communicate to maximize opportunities and ensure requirements are being met.

After signature of this agreement, your point of contact will reach out to you and set up a kick-off call to review the project timeline and any missing items to get the work started.

01 SCOPE OF SERVICES

TASK 1.0

SCHEMATIC DESIGN

1.0 Assessment and Schematic Design

- › Services completed under prior agreement
-

TASK 2.0

DESIGN DEVELOPMENT

2.0 Design Development

- › Services completed under prior agreement
-

TASK 3.0

CONSTRUCTION DOCUMENTS

3.0 Construction Documents

- › Services completed under prior agreement
-

TASK 4.0

PERMITTING

4.1 Permitting

- › Permit applications and submittal of documentation to City
 - › Plan check revisions as required
 - › Coordination with City staff and officials
 - › Time and Material basis
-

TASK 5.0

CONTRACT ADMIN

4.2 Bid Assistance

- › Assistance during bidding, clarification of CDs
- › Time and Material basis

4.3 Contract Administration

- › Respond to RFIs
- › Review Submittals, Shop Drawings, and Applications for Payment
- › Attend Job Conferences as necessary
- › Site Observations as necessary
- › Punchlist Observations
- › Time and Material basis

01 SCOPE OF SERVICES

ARCHITECTURAL SERVICES NOT PROVIDED

- › Changes in the project's program defined in 1.0 Project Scope
- › Environmental Analysis - Phase 1 & 2 reports
- › Hazardous material reports and abatement if necessary
- › Joint trench design & dry utilities
- › PUE determinations
- › Frontage improvements, street improvements and/or dedication
- › Fire sprinkler plan, fire alarms, and fire suppression system
- › Boundary and Topographic Surveys, Record of Survey, or Monument Preservation
- › Geotechnical engineering and reports
- › Civil Engineering, Site Design and Storm Water Pollution Prevention Plan (SWPPP)
- › Landscape Design
- › Building Commissioning
- › Food Service Equipment Design and Specification
- › Lighting Design
- › Acoustic Design
- › Solar Design and Engineering
- › EV charging stations and engineering
- › Signage design and signage permits
- › Furniture and equipment design and engineering
- › Construction Staking
- › Any governmental fees required by this work
- › NJA cannot assume responsibility for construction means, methods, techniques, sequences or procedures, safety, precautions, programs connected with the work, or for acts and omissions by the Contractor, subcontractors, or others.

02 FEE BREAKDOWN

	SERVICES	FEE
TASK 1.0 SCHEMATIC DESIGN	Services completed under prior agreement	
TASK 2.0 DESIGN DEVELOPMENT	Services completed under prior agreement	
TASK 3.0 CONSTRUCTION DOCUMENTS	Services completed under prior agreement	
TASK 4.0 PERMITTING AND CONTRACT ADMIN. TIME AND MATERIAL ALLOWANCE NOT TO EXCEED	PERMITTING (INCLUDING UNBILLED T&M BALANCE)	\$23,200 (T&M) _____
	BIDDING ASSISTANCE	\$2,500 (T&M) _____
	CONTRACT ADMINISTRATION	\$7,000 (T&M) _____
		DATE AUTHORIZATION
	REIMBURSABLE EXPENSES	\$2,000 (T&M) _____
		DATE AUTHORIZATION
	TOTAL (ABOVE SERVICES T&M)	\$34,700

ARTICLE 2.1

PAYMENT
TERMS

Balance will be invoiced monthly on progress to date.
Final drawings will be issued to client upon receipt of payment of remaining balance.

Payments are due and payable within (30) calendar days of Client's receipt of NJA's invoice. Undisputed amounts unpaid (30) calendar days after the invoice date shall bear interest from the date payments are due at a rate of 10% per annum (.833% per month), or the maximum amount allowed by applicable law.

ARTICLE 2.2

ADDITIONAL
SERVICES

At the request of Client, NJA shall provide additional services not included in the Architectural Services specified above. Additional services shall be provided on an hourly basis in accordance with the following hourly rate, and shall be billed on a monthly basis:

Principal/Owner	\$250/hour
Senior Project Designer/Manager	\$195/hour
Project Architect/Manager	\$175/hour
Project Designer	\$155/hour
Architectural Staff Level 2	\$110/hour
Architectural Staff Level 1	\$90/hour
Admin Staff	\$75/hour

Note: Amendments to Article 2.0 Payment Schedule will be updated at the time of approved additional services if any.

ARTICLE 2.3

REIMBURSABLE
EXPENSES

NJA shall be compensated for reimbursable expenses such as reproductions and postage.

30 x 42 Black & White	\$6.56 ea.
24 x 36 Black & White	\$4.00 ea.
8.5 x 11 Color	\$0.50 ea.
8.5 x 11 Black & White	\$0.25 ea.
12 x 18 Color	\$1.50 ea.
12 x 18 Black & White	\$1.00 ea.

Site Visits - Travel - IRS Standard Millage Rate +15%

Client Meetings: 6 virtual meetings and 2 site visits are assumed.

Any invoice amounts disputed in good faith by Client and the reasons therefore will be reported to NJA within five (5) calendar days after receipt of the applicable invoice, and Client and NJA agree to work diligently to resolve the dispute within ten (10) calendar days of NJA's receipt of the notice of dispute from Client.

03 LEGAL AGREEMENT

ARTICLE 3.1

SCOPE OF SERVICES

See Article 1 for Architectural Services.

ARTICLE 3.2

FEE BREAKDOWN

See Article 2 for Fee Breakdown.

ARTICLE 3.3

CLIENT RESPONSIBILITIES

Client's responsibilities include, but are not limited to the following:

1. Provide full information about the objectives, schedule, and constraints of the Project. NJA may rely on the accuracy and completeness of information furnished by Client.
2. Permit Fees, contractor's fees, consultant fees outside this architectural agreement
3. Obtain project cost from a licensed contractor at each phase of the design process to ensure plans are meeting client's budget.

ARTICLE 3.3

OWNERSHIP OF INSTRUMENTS OF SERVICE

All ideas, designs, drawings and plans are the original work of and owned by NJA and use of said work product is limited to the Project of Client, and for the construction of ONE building only. Any use, reuse, or disclosure of said plans, reproductions, ideas and designs, other than by NJA, is prohibited without the prior written permission of NJA.

ARTICLE 3.5

TERM & TERMINATION

Client's responsibilities include, but are not limited to the following:

1. The term of this Agreement shall commence on the date signed under the Execution section and shall expire when final drawings are provided to Client and payment in full is made to NJA.
2. Client has the right to terminate this Agreement at any time with or without cause by providing written notice of termination to NJA. In the event Client terminates this Agreement, Client

shall be responsible for payment to NJA for Architectural Services performed up to the date of termination (hourly rate times the time invested).

3. If Client fails to make payment on any undisputed amount, then NJA may (a) terminate this Agreement or (b) suspend provision of Architectural Services until payment is made in full. NJA shall not be held responsible for any delays resulting from untimely payment by Client. NJA shall terminate or suspend this Agreement by providing written notice of same to Client.
4. This Agreement shall terminate automatically on the occurrence of bankruptcy or insolvency of either party.
5. NJA shall immediately cease providing Architectural Services to Client upon any termination or suspension of this Agreement. Any and all amounts due by Client to NJA shall be paid within thirty (30) days of the date of termination of this Agreement.

ARTICLE 3.6

INSURANCE

Throughout the term of this Agreement, NJA agrees to and shall obtain from insurers of NJA's choice, who are admitted to do business in California, and to maintain in force for the duration of this Agreement: (a) a policy of commercial liability insurance covering the activities of NJA in performing the Architectural Services with a combined single limit of not less than \$1,000,000 per accident or occurrence and not less than \$2,000,000 in the aggregate; (b) worker's compensation insurance in statutory form during any times in which NJA has one or more employees other than owners exempt from such coverage; and (c) a policy of errors and omissions insurance covering the architectural services provided by NJA hereunder with a policy limit of not less than \$1,000,000.

ARTICLE 3.7

INDEMNIFICATION

Client acknowledges and agrees that NJA is not responsible or liable for any act, or failure to act, on the part of Client, its employees, subcontractors, agents, or assigns (collectively, "Client Representatives") nor for any personal injury or property damage sustained by Client, Client Representatives, or by any third person caused by Client's or Client Representatives' act or failure to act with regard to improper use and interpretation of the finalized Construction Documents, or otherwise caused by Client or Client Representatives. Client agrees to and shall indemnify, defend, and hold NJA harmless from and against any and all liabilities, claims, causes of action, damages, losses, costs or expenses, including reasonable attorneys' fees and litigation costs, arising from or in any way connected with any acts or omissions by Client or Client Representatives related to any improper use or interpretation of the finalized Construction Documents, or otherwise caused by Client or Client Representatives.

ARTICLE 3.8

**DISPUTE
RESOLUTION**

1. The parties shall submit any and all disputes concerning the interpretation or the enforcement of rights and duties under this Agreement, or any deadlock arising between the parties that cannot be resolved, to mediation by a mediator to be mutually agreed to by the parties or appointed by a judge of the applicable County Superior Court if the parties cannot so agree. Mediation shall be held under the Construction Industry Mediation Rules of the American Arbitration Association. No written or oral representation made during the course of any mediation shall be deemed a party admission.
2. In the event the dispute cannot be resolved by mediation, the parties shall submit the dispute to arbitration, if mutually agreed by the parties, or to the County Superior Court. This Agreement shall be governed by the laws of the state of California, irrespective of such state's choice-of-law principles.
3. It is understood that any and all liabilities incurred by NJA throughout the course of rendering professional services on the Project shall be limited to a maximum of the net fee received by NJA not including expenses and subconsultants for all Architectural Services rendered on the Project. UNDER NO CIRCUMSTANCES WILL NJA BE LIABLE TO CLIENT OR ANY THIRD PARTY FOR SPECIAL, INDIRECT, INCIDENTAL, OR CONSEQUENTIAL DAMAGES OF WHATEVER NATURE ARISING OUT OF OR RELATING TO THIS AGREEMENT, EVEN IF NJA HAS BEEN NOTIFIED OF THE POSSIBILITY OF SUCH DAMAGES.

ARTICLE 3.9

**RELATIONSHIP OF
PARTIES**

This Agreement is not intended to create, and shall not be construed to create, an employment relationship, partnership, joint venture, or other form of joint or shared enterprise between NJA and Client. NJA is an independent contractor performing Architectural Services for the benefit of Client.

ARTICLE 3.10

**FORCE
MAJEURE**

The time period specified for any act herein will be extended for any periods of time during which any party is prevented from commencing or proceeding with performance by any act of God, riot, drought, flood, earthquake, strike, war, terrorist attack, civil unrest, action, or failure to act by any governmental authority, litigation commenced by any person or entity not a party to this Agreement, failure or inability of any public utility to deliver service, or any similar cause beyond the reasonable control of any party.

ARTICLE 3.11

NOTICES

Any and all notices, demands, requests, or other communications required or permitted by this Agreement or by law to be served on or given to either party hereto by the other party hereto must be in writing and will be deemed duly served and effective when personally delivered to the party to whom it is directed, or in lieu of such personal service, three (3) business days after having been deposited in the United States mail, postage prepaid, registered or certified, return receipt requested, or twenty-four (24) hours after having been provided to Federal Express or other overnight courier service for delivery, and addressed to the party to whom it is directed, at the address provided at the party's signature line below.

ARTICLE 3.12

MISCELLANEOUS

This Agreement is intended by the parties as a final expression of their agreement with respect to the terms included herein and may not be contradicted by evidence of a prior agreement or of a contemporaneous oral agreement. Any modification or waiver of any of the terms of this Agreement must be expressly made in writing by the parties. The invalidity of any provision of this Agreement as determined by a court of competent jurisdiction will in no way affect the validity of any other provision of this Agreement. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and permitted assigns. This Agreement is personal to the parties and may not be assigned by either party without written consent of the other party.

ARTICLE 3.13

EXECUTION

This Agreement was executed voluntarily without any duress or undue influence on the part of or on behalf of the parties hereto. The parties acknowledge and agree that they have read and understood this Agreement and its legal effect. Each person executing this Agreement on behalf of another person or entity represents that the execution of this Agreement has been duly authorized by the party on whose behalf the person is executing this Agreement and that such person is authorized to execute this Agreement on behalf of such party. IN WITNESS WHEREOF, each of the undersigned has signed this Agreement indicating his or her assent and agreement hereto.

03 LEGAL AGREEMENT SIGNATURES

The terms and conditions of this Contract are valid 60 days starting the date the contract was issued. After 60 days, NJA reserves the right to review the fee schedule and terms and conditions of this agreement.

CLIENT SIGNATURE

NJA ARCHITECTURE SIGNATURE

CLIENT NAME

NJA ARCHITECTURE NAME

DATE



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt the Gateway-Main Street Specific Plan and Certify the Associated Subsequent Environmental Impact Report (Staff Contact: Jay Lee, Planning Director, 408-586-3077)
Category:	Public Hearings-Community Development
Meeting Date:	10/28/2025
Recommendation:	(1) Adopt a Resolution to approve Specific Plan Amendment SP20-0002 to adopt the Gateway-Main Street Specific Plan, (2) Approve a Zoning Map and Text Amendment ZA25-0002 and introduce Ordinance No. 38.859 to amend the Zoning Ordinance and Zoning Map to establish new Specific Plan boundaries, zoning districts, and zoning regulations, (3) Adopt a Resolution to adopt General Plan Amendment GP25-0002 to amend the Land Use Element Map; and (4) Certify the Subsequent Environmental Impact Report (EIR) to the Milpitas 2040 General Plan EIR for the Gateway-Main Street Specific Plan.

BACKGROUND:

The Milpitas Midtown Specific Plan was originally adopted by City Council in 2002 to maximize land use, transportation, and economic opportunities along the City's historic Main Street and to energize and catalyze mixed-use, transit-oriented development in the Midtown area, also known as the "heart" of Milpitas. Although there have been several minor amendments to the Midtown Specific Plan since its original adoption to incorporate updates associated with the former Transit Area Specific Plan (now Metro Specific Plan), Park and Recreation Master Plan, and former Bikeway Master Plan (now incorporated into the Trail, Pedestrian, and Bicycle Master Plan), the Midtown Specific Plan has not been comprehensively updated. As a result, while significant redevelopment occurred in the southern end of the former Plan area, the initial vision for mixed-use redevelopment remains unrealized in the rest of the area as market conditions and best land use and zoning practices have changed over time. Obstacles to redevelopment in the Midtown area include small and fragmented parcel sizes and ownership, depreciating assets, lack of a cohesive identity, gaps in the transportation network, and a perceived shortage of parking and public open space.

Therefore, the City is comprehensively updating the Midtown Specific Plan and renaming it to the "Milpitas Gateway-Main Street Specific Plan" (Specific Plan) to reflect a greater focus on 1) the historical significance of Main Street as a place for community members to gather and mingle; 2) the importance of Calaveras Blvd. as a primary gateway into central Milpitas; and 3) the valuable 1-880 freeway frontage along Abbott Avenue with opportunities for new mixed-use commercial and office development.

The Specific Plan will provide a new vision and strategic policy framework to guide redevelopment and reinvestment in these three focus areas and transform this important gateway into an attractive and vibrant destination for the City and the region. These policies address several important topics like land use, building design, transportation, open space, and infrastructure, and encourage ground floor retail, outdoor dining, pedestrian activity, preservation and celebration of historic resources, and community gatherings.

The update also includes a change to the Plan area and boundaries to annex several areas that would benefit from inclusion into the Plan area. Furthermore, these changes would result in a more identifiable and logical Plan area with a more defined edge along I-880 Freeway to the west and the Metro Specific Plan to the south. Additionally, the Specific Plan will establish new zoning districts within the Plan area that achieve the Plan vision, strategies, and policies by providing clear but flexible development standards to facilitate mixed-use redevelopment. To adopt and effectuate the Specific Plan, a Specific Plan Amendment, Zoning Text and Map

Amendment, and General Plan Amendment are required. These amendments are further discussed in the report to follow.

In recognition of the need for reinvestment in the area, on [April 6, 2021](#), the City Council adopted the FY2022-26 Capital Improvement Plan (CIP), which included the Milpitas Gateway-Main Street Plan (Midtown Specific Plan Update) as a capital project for the City to initiate (CIP No. 3437). Soon after, City staff partnered with local nonprofit Catalyze SV to facilitate a series of three community conversations from April to June 2021 to discuss the revitalization of Main Street with Milpitas' stakeholders. The first conversation on April 29, 2021 focused on business, the second conversation on May 27, 2021 focused on housing, and the third conversation on June 24, 2021 focused on history and culture.

On [September 21, 2021](#), the City Council authorized the City Manager to execute a master funding agreement with the Metropolitan Transportation Commission (MTC) to receive \$500,000 in grant funding through the Priority Development Area Planning Grant Program and a professional services agreement with Ascent Environmental for consultant services to prepare the Gateway-Main Street Specific Plan (Project).

Since initiating the Project in 2021, the Project team has completed the following work:

1. **Kick-Off Meeting and Site Tour:** The Project team held a virtual kick-off meeting on October 26, 2021 to initiate the project and discuss the City's goals and objectives, team roles and responsibilities, Project area context and efforts under way, and Specific Plan and focus area boundaries.
2. **Material Review and Preliminary Mapping:** The consultant reviewed relevant existing and in-progress studies and created a series of maps that depict the local context.
3. **Existing Conditions Assessment:** The consultant assessed the physical context of the Plan area with a focus on identifying preliminary opportunities and constraints related to land use and development. Completed deliverables include the Land Use, Zoning and Urban Form Analysis, Market Study, Transportation Analysis, Affordable Housing and Community Benefits Memorandum, and Resilience and Climate Adaptation Assessment.
4. **Community Engagement Strategy:** The Project team prepared a Community Engagement Strategy, which identifies roles and responsibilities, timelines for outreach activities, and a detailed, comprehensive communication strategy for creating awareness and excitement about the Project.
5. **Pop-Up Event:** The Project team attended the City-sponsored Holiday Magic event on Main Street on December 17 and 18, 2021. The team spoke with approximately 25 people and received generally positive feedback related to the Project. Feedback included excitement about Main Street being a "real downtown", need for improvements to make Main Street attractive, desire for retail shops and restaurants, and support for housing, especially affordable housing, along Main Street.
6. **Council Ad Hoc Main Street Revitalization Subcommittee:** City staff presented the key findings of the Land Use, Zoning and Urban Form Analysis to the Council Ad Hoc Main Street Revitalization Subcommittee at its meeting on April 12, 2022. Staff received feedback to thoughtfully incorporate new housing along Main Street while maintaining and strengthening the neighborhood commercial character and find solutions for better parking opportunities throughout the corridor.
7. **Stakeholder Interviews:** The Project team hosted six stakeholder interviews with local business owners, property owners, and developers to allow participants to discuss issues and opportunities in a smaller context. Key takeaways included support for analyzing the economic feasibility of development in establishing maximum densities and heights, positive feedback regarding City permitting processes, need for outdoor dining and site activation, and flexibility in building design, parking, and open space requirements to ensure feasibility.
8. **Community Workshops and Surveys:** The Project team hosted two community workshops on June 29, 2022 and February 13, 2023 and opened an online survey following each event to solicit additional feedback from those unable to attend these workshops. The Project team provided findings from the existing conditions analysis and the preliminary Plan strategies and alternatives. Participants were able to provide feedback through live polls during the presentation and small breakout group discussions. Feedback included: (1) vision for a walkable and mixed-use development at different scales and with affordable housing; (2) support for outdoor dining and public art; (3) need for public gathering spaces, additional parking opportunities, and streetscape amenities; and (4) desire for dining, recreation, and

shopping options. Please refer to the community workshop summaries (Attachments 1 and 2) for more information.

9. **Technical Advisory Committee (TAC):** The Project team hosted two meetings with the TAC to introduce the project, hear staff's initial concerns and needs regarding specific Plan topics, and receive feedback on the Plan strategies and alternatives.
10. **Visioning, Scenario Planning, and Plan Strategies and Alternatives:** Based on the robust existing conditions analysis and feedback received from the community, Council, and TAC, the Project team prepared a vision memo with the Plan strategies and alternatives related to land use, mobility, and open space. The consultant also conducted feasibility analysis for three development scenarios to test different development frameworks to ensure that Plan recommendations will be practical and implementable.
11. **Draft Specific Plan:** The Project team prepared an Administrative Draft Specific Plan for review by the TAC. Following review by the TAC, the Project team incorporated feedback received and prepared a Public Draft Specific Plan, which was released for public review in April 2025. Based on comments received by City staff, the TAC, and the public, the Project team then prepared the Public Hearing Draft Specific Plan, which is now before the Planning Commission for recommendation for adoption by the City Council.
12. **Environmental Analysis:** Concurrent with preparing the Draft Specific Plan, the Project team conducted environmental analysis as required by the California Environmental Quality Act (CEQA). The Project team prepared a Draft Subsequent EIR to the Milpitas 2040 General Plan EIR for the Specific Plan, which was made available for public review. Following public review, the Project team prepared a Final Subsequent EIR to respond to comments received.

ANALYSIS:

Specific Plan Vision and Strategies

The Plan vision and strategies are organized into four (4) focus areas or districts: (1) Crossroads, (2) Main Street, (3) Gateway, and (4) Abbott. The Plan area is envisioned as a group of neighborhoods that together create a complete community and center for Milpitas. New infill housing and mixed-use development will be paired with complete streets, new urban open spaces, and placemaking to distinguish the Plan area as a walkable and bike-friendly urban community. The guiding principles are organized around four themes: (1) vision and placemaking, (2) land use and development, (3) transportation and access, and (4) open space and community amenities.

The overall land use strategy also divides the Plan area into four functional areas, each with a distinct priority: Focus Areas, Other Districts, Urban Reserve Areas, and Existing Neighborhoods.

Focus Areas

Crossroads District

The Gateway and Crossroads will serve as a regional destination and gateway to Milpitas with higher-intensity mixed use and residential development, a community anchor at Serra Way, and active gathering spaces. Key strategies to implement this vision include:

1. Establishing a higher intensity and scale for the Crossroads (up to 7 stories) area;
2. Reimagining Serra Way and Main Street into complete, multimodal streets that can serve as entertainment corridors; and
3. Incorporating gateway signage and branding, streetscape improvements, pedestrian and bicycle improvements, and parking opportunities.

Main Street

Main Street will continue to evolve into a walkable and thriving destination, supported by civic and cultural anchors, infill residential development as a moderate scale, and neighborhood retail nodes with a focus on retail and outdoor dining. Key strategies to implement this vision include:

1. Establishing a moderate intensity and scale along Main Street (up to 5 stories);
2. Reimagining Main Street as a shared street and Abel Street as a complete, multimodal street; and
3. Incorporating streetscape improvements and urban parks, plazas, and paseos.

Gateway District

The Gateway District will provide a vital west gateway entry into the City and serve as a highly visible community commercial node along Calaveras Boulevard, with opportunities for freeway-oriented retail and services, neighborhood shopping, and hotel and convention space. Key strategies to implement this vision include:

1. Establishing a moderate intensity and scale for the Gateway area (up to 5 stories);
2. Transitioning to more neighborhood-oriented retail and services along Abbot Avenue; and
3. Identifying complete streets improvements along Calaveras Boulevard to balance the scale of this busy corridor with a more comfortable bike and pedestrian experience.

Abbott District

The Abbott District will provide a mix of commercial uses including retail, office, and creative industrial development with new connections and open spaces. Key strategies to implement this vision include:

1. Prohibiting residential development and establishing a 50-foot maximum height throughout the district;
2. Establishing new street connections from Abbott Ave. to Thompson Ct. and Abel St. to Abbott Ave.; and
3. Extending the Hetch Hetchy greenway and establishing campus-style parks and plazas.

Other Districts

Other Districts include the Library District, centered around the Milpitas Library, and the Creek Industrial District, which is the industrial area north of Calaveras Boulevard and east of Main Street. The Library District will allow for a mix of retail, office, multifamily residential, civic, and open space uses. The Creek Industrial District is not expected to change in character as it will still be zoned for heavy industrial uses due to its proximity to the Union Pacific Railroad line.

Urban Reserve Areas

The Urban Reserve Areas include areas that are not expected to change in the near future but would benefit from high-level policies in the event future changes are considered in the long term. These areas include the Elmwood Correctional Facility and North and South Railyards (Union Pacific Railroad property). If and when it is determined these areas or their associated facilities are no longer needed for their current purpose, redevelopment should be coordinated with the Specific Plan to ensure orderly development and integration with the community.

Existing Neighborhoods

There are several existing low-density residential neighborhoods within the Plan area, which are to be preserved and enhanced with future public improvements such as new streets, streetscape, and open spaces that connect residents to adjacent commercial uses. No new development is planned or anticipated in these areas. Instead, the Specific Plan provides guidance on neighborhood transitions, landscaping, and connections.

Specific Plan Components

In addition to the typical Introduction and Vision chapters, the Specific Plan addresses the following topics.

Land Use and Zoning

This chapter implements the land use strategy and framework discussed above by 1) maintaining the existing zoning for most of the properties in the Other Districts, Urban Reserve Areas, and Existing Neighborhoods; and 2) establishing new zoning districts for the properties in the four Focus Areas. The new zoning districts, which only apply to properties within the Specific Plan area, are listed below:

- MS-MU (Main Street Mixed-Use)
- XR-MU (Crossroads Mixed-Use)
- GW-MU (Gateway Mixed-Use)
- LD-MU (Library District Mixed-Use)
- AD-BP (Abbott District Business Park)

This chapter provides permitted uses, density ranges, and development standards (e.g., setbacks, frontage design, parking, open space, etc.) for each Specific Plan zoning district, similar to existing zoning district

regulations found in the Milpitas Municipal Code.

This chapter also utilizes incentive-based zoning by offering additional development capacity beyond what is allowed by zoning in exchange for community benefits related to sustainability, economic development, lot consolidation, public parking, public open space, and historic preservation. This chapter also establishes Retail Priority Areas and Activity Streets, which require retail or active uses at the ground floor to promote pedestrian activity. These policies, which seek to facilitate ground-floor retail and pedestrian activity, outdoor dining, and vibrant commercial corridors, will help implement the Plan's vision for an Entertainment District on Main Street. The Main Street Entertainment District is intended to serve as one of the City's primary entertainment areas with a high concentration of restaurants, shopping, public gathering spaces, and special events.

Lastly, this chapter establishes the Urban Reserve Overlay (URO), which serves as an overlay for properties within the Urban Reserve Areas. Policies tailored to each Urban Reserve Area can be found in Section 3.8.

Objective Design Standards

This chapter builds on the Citywide Milpitas Residential and Mixed-Use Objective Design Standards (ODS) by establishing additional ODS applicable to properties within the Plan area. The Specific Plan ODS focus on requirements for commercial and pedestrian-oriented mixed-use development to promote a cohesive development and architectural/building design character within the Plan area. Beyond supporting consistent and organized development in this area, these standards will also streamline development review by providing clarity and certainty for developers in designing development projects. The ODS cover a variety of topics including site planning, urban form, and building design.

Mobility

This chapter relies on a complete streets approach to encourage multimodal travel and provide transportation options for people of all ages and abilities. This chapter establishes new cross sections for key streets within the Plan area, including Main Street, Abel Street, Serra Way, Abbott Avenue, and Calaveras Boulevard (outside the Caltrans right-of-way), to reimagine these streets to prioritize the movement of people over just vehicles and complement future development. A key strategy is to prioritize pedestrian activity on Main Street and multimodal travel on Abel Street, which will allow these parallel streets to better complement one another.

This chapter also provides cross sections and locations for new streets and connections to reduce block lengths, increase access in underserved areas, and support retail with greater opportunities for street frontages. Lastly, this chapter provides policies to support public transit and shared micromobility and identifies specific pedestrian and bicycle improvements.

Public Realm

This chapter identifies opportunities for improvements to existing park facilities, new parks and open space, placemaking and district branding, and streetscape and landscaping. As the Plan area is largely built out, the public realm framework largely relies on neighborhood-scale parks, trail/greenway connections, and urban plazas. This chapter also provides landscape and hardscape palettes to establish a distinct sense of place within the Plan area.

Infrastructure

This chapter addresses infrastructure and public services topics to ensure that the Plan area will be adequately served by utilities and public/community amenities. Topics addressed include storm drainage, flooding, water supply and distribution, sewer, solid waste, energy and technology, fire protection and emergency response, police services, schools, libraries, and childcare.

Administration and Implementation

This chapter establishes an implementation program to ensure implementation of the Specific Plan vision, strategies, and policies. The implementation program identifies implementation actions, responsibilities, time frames, and funding sources based on feasibility and Council priorities.

Related Efforts

While the Specific Plan provides the policy framework and long-term strategies to transform the Plan area into

a vibrant destination and gateway to the City over time, the City has also initiated the following Main Street revitalization efforts to complement the Specific Plan through public improvements and facilitate important near-term changes to the area.

Main Street Sense of Place Plan and Impact Fee Study: The City received a \$600,000 grant from MTC to prepare a master streetscape plan for Main Street, create a Basic Infrastructure Plan (BIP), and establish an impact fee study to fund the improvements in the BIP. The goal of the project is to implement the policies in the Specific Plan related to public improvements to revitalize and transform Main Street into a complete street with infrastructure and amenities to support future redevelopment along the corridor.

Storefront Improvement Grant Program: The City launched this pilot program in Spring 2020 to provide grants for exterior commercial storefront improvements to help increase economic vitality for local businesses along Main Street. Thus far, two businesses have received grants through this program and have used the funds to upgrade their storefronts (i.e., exterior paint, improved landscaping, new light fixtures, etc.). Several other businesses have submitted applications.

Milpitas Historic Downtown Business Association (MHDBA): The MHDBA was formed in 2024 and recently obtained non-profit status. The MHDBA boundary includes 197 businesses and all the properties between Weller Lane (to the north), Curtis Avenue (to the south), Abel Street (to the west), and Main Street (to the east). The MHDBA has met multiple times since its formation to discuss the Specific Plan, Main Street Sense of Place Plan and Impact Fee Study, public safety concerns, and other topics.

Special Events: The City organized and hosted several special events along Main Street, including an art walk in Fall 2024 and Movies on Main Street in Summer 2025. Both events were well attended and received. The City is also considering future food truck nights and other special events to facilitate outdoor dining, entertainment, and community gatherings.

Additionally, the City prepared the Milpitas Public Art Master Plan, which establishes policies, programs, and recommendations for public art, including art features and placemaking at key intersections along Main Street. The City will also soon initiate the Historic Resource Master Plan Update to identify and assess historic resources, many of which are along Main Street, and create a program for Historic Resource Markers.

General Plan Conformance

The City’s General Plan is the primary long-range planning document that provides the vision for the future growth and development of Milpitas. The Gateway-Main Street Specific Plan, including proposed changes to the Zoning Ordinance and Map and General Plan, conform to the policies and standards in the City’s General Plan, as demonstrated in the following table.

Table 1: General Plan Conformance

Policy	Conformance
<i>Land Use Element Policy LU 1-4:</i> Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offers residents of all income levels, age groups and special needs sufficient housing opportunities and choices for locating in Milpitas.	The Specific Plan through its land use and zoning strategy will allow for a variety of housing types at different densities to meet the needs of all income levels, age groups, and special needs populations. Currently, most of the smaller rental units in a high-density setting in the Metro Specific Plan area. The Specific Plan will facilitate the production of this housing type in another area in the City, while also allowing for larger townhomes and preserving existing single-family residential neighborhoods.
<i>Land Use Element Action LU-2a:</i> Periodically review and maintain the goals and development standards and guidelines included within Milpitas’s Specific Plan areas to affirm the unique character and	The Specific Plan will build on the original vision and policies of the Midtown Specific Plan for mixed-use redevelopment of the City’s historic commercial and industrial core. The Specific Plan includes policies and zoning districts intended for mixed-use, transit-oriented development, which will complement the

Policy	Conformance
development vision for Special Planning Areas within Milpitas. Specifically, the city should: <i>Maintain and implement the Gateway-Main Street Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community 'gathering place' while maintaining needed industrial, service and commercial areas.</i>	existing local businesses and community facilities in the Plan area. The Public Realm Chapter also provides opportunities for new parks, plazas, and open space, which will serve as gathering spaces for the community.
Land Use Element Policy LU 4-2: Emphasize efforts to reduce regional vehicle miles traveled by supporting land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit.	The Specific Plan land use and zoning strategy prioritizes higher-density, mixed-use development (particularly in the Crossroads District), which is found to promote multimodal transportation and minimize vehicle miles traveled (VMT). The Specific Plan also establishes reduced parking ratios, requires bicycle parking, and utilizes other transportation demand management (TDM) measures to further promote multimodal transportation.
Circulation Element Policy CIR 1-5: Encourage reduced blocks in new developments to develop a grid or modified grid network to enhance walkability.	The Mobility Chapter identifies new street and connection locations throughout the Plan area to reduce block sizes and increase connectivity. As redevelopment occurs, the City will require new streets and midblock connections to implement this aspect of the Specific Plan.
Circulation Element Policy CIR 4-1: Encourage a shift to active transportation modes by expanding and enhancing current pedestrian and bicycle facilities.	The Mobility Chapter reimagines key streets within the Plan area as complete streets by providing new cross sections that emphasize wide sidewalks and bicycle facilities. The chapter also provides specific pedestrian and bicycle improvements, which can be incorporated into the City's Capital Improvement Program or completed as part of private redevelopment.
Community Design Element Policy CD 4-1: Provide special attention to development within or adjacent to Specific Plan areas or special districts.	The ODS Chapter provides building architecture and design standards unique to the Plan area to promote a cohesive and distinct built environment. The ODS focus on requirements for commercial and pedestrian-oriented mixed-use development to establish the Plan area as an important destination within Milpitas.
Economic Development Policy ED 3-2: Continue to implement the City's adopted Specific Plans to create attractive and vibrant mixed-use neighborhoods that provide a mixture of housing, shopping, employment, as well as entertainment, cultural and recreational activities.	The Land Use and Zoning Chapter establishes the permitted uses for the Plan area in a manner that facilitates ground-floor retail, outdoor dining, and entertainment uses to transform key corridors into vibrant and active areas where visitors can dine, shop, play, and work all in one location.
Economic Development Action ED-3c: Support the redevelopment of Serra Center into a mixed-use residential and commercial hub that capitalizes on housing and jobs opportunities emerging within the City's Specific Plan areas. Economic Development Action ED-3f: Encourage new development on Main Street that creates a sense of place (i.e., arts & culture, food and beverages, open spaces, parks).	The Serra Center is envisioned as a catalyst opportunity site for enhancing the gateway into the Crossroads District. Chapter 2 of the Specific Plan provides two options for redevelopment of the Serra Center. Option 1 (Mixed-Use Commercial District) envisions the Serra Center as lifestyle center with urban mixed-use blocks organized along a linear spine of park blocks. Option 2 (Mixed-Use Retail and Entertainment Core) envisions the Serra Center as a mixed-use retail and entertainment core, lined with ground floor shops and uses on a central park or urban green.

Policy	Conformance
	The Specific Plan also establishes new zoning districts along Main Street that allow for higher densities and heights to facilitate new development and create an important commercial and entertainment corridor within Milpitas.
Utilities and Community Services Policy 1-1: Provide adequate public infrastructure (i.e., street, sewer, water, and storm drain systems) to meet the needs of existing and future development.	The Infrastructure and Public Services Chapter provides policies and requirements to ensure future development will be adequately served by utilities and community services. This chapter also identifies future studies and analyses that need to be completed to better understand impacts to utilities and services as redevelopment increases demand.

Housing Element Implementation

The City's Housing Element is one of eight mandatory elements of the City's General Plan. The Housing Element is the City's roadmap to meeting its future housing needs within a specified 8-year timeframe (2023-2031), which is determined by the State's Regional Housing Needs Allocation (RHNA) for Milpitas. The Housing Element provides goals, policies, programs, and a housing sites inventory to demonstrate how Milpitas will meet its RHNA obligations. The site inventory, which can be found in Appendix E of the Housing Element, identifies many sites within the Plan area for housing development. The Specific Plan will implement the Housing Element by 1) rezoning many of these sites to allow for housing development at the assumed densities; and 2) facilitating housing production on non-inventory sites that nonetheless will help the City meet its RHNA obligations.

Public Comment

Staff conducted consultation regarding the proposed project and associated Subsequent EIR with local Native American tribes, pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18. Consultation letters describing the proposed project and associated Subsequent EIR were mailed on August 9, 2024, to designated representatives from tribes whose historical territory coincides with the present-day boundaries of Milpitas. Two tribes requested consultations with the City regarding the Specific Plan and associated Subsequent EIR. The tribes requested the records search and reports for the project area and suggested mitigation measures. Both tribal consultations concluded with the end of the public review period for the Subsequent EIR on July 24, 2025.

Staff provided public notice for the proposed Specific Plan amendments, Zoning Text and Map amendments, and General Plan amendments in accordance with City and State noticing requirements. The Planning Department published a notice of the City Council hearing in The Mercury News on October 5, 2025. A public notice was also provided on the City's website, www.milpitas.gov, and posted at City Hall.

POLICY ALTERNATIVE(S):

Alternative: Do not adopt the Gateway-Main Street Specific Plan and certify the associated Subsequent EIR.

Pros: None.

Cons: Without the Gateway-Main Street Specific Plan, the existing Midtown Specific Plan would remain in place. Absent new policies and standards to facilitate catalytic development, the Main Street area and Calaveras Boulevard corridor would likely continue to suffer from disinvestment and a lack of identity. The City would potentially miss out on the opportunity to revitalize an important area of the city. Furthermore, failure to adopt the Gateway-Main Street Specific Plan would result in the forfeiture of the remaining grant funding from MTC.

Reason not recommended: In light of the City's anticipated Regional Housing Needs Allocation (RHNA) from the Association of Bay Area Governments (ABAG), the Gateway-Main Street Specific Plan is needed to help Midtown realize its full development potential and support regional and state efforts to address critical housing needs. If Midtown is unable to accommodate more housing development, it will be more challenging to meet

the City's RHNA obligation. Moreover, the Gateway-Main Street Specific Plan is needed to implement the vision of the recently adopted General Plan, which establishes Midtown as a key opportunity area for new economic growth and development in the City.

PROJECT SCHEDULE/KEY MILESTONES

The key milestones following Plan adoption with a tentative schedule are below:

1. Review and process development projects under the new Specific Plan regulations (as applications are submitted);
2. Require developers to construct public improvements and utilize development impact fees to construct public improvements (as development projects are constructed and impact fees are collected); and
3. Complete the Main Street Sense of Place Plan and Impact Fee (late 2026).

The detailed implementation program can be found in Chapter 8 of the Specific Plan.

FISCAL IMPACT:

The Gateway-Main Street Specific Plan will help facilitate the mixed-use redevelopment of Main Street, Calaveras Boulevard, and the surrounding area. If this redevelopment were to occur, the City would receive development impact fees and experience increased property and sales tax revenues. Furthermore, the Gateway-Main Street Specific Plan establishes the policy framework for the Main Street Sense of Place Plan currently under development, which will establish an impact fee for the Specific Plan to fund future public improvements in the Specific Plan area, further improving the likelihood of redevelopment and reinvestment.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The City has prepared a Subsequent EIR to the Milpitas 2040 General Plan EIR for consideration and certification by the Council prior to Specific Plan adoption. The Final Subsequent EIR includes a Draft Subsequent EIR that was publicly circulated for 45 days to seek input from responsible agencies and the general public. The Draft Subsequent EIR, with comments and prepared responses to them comprise the Final Subsequent EIR. Two public agencies responded to the Draft Subsequent EIR: California Department of Transportation (Caltrans) and Santa Clara Valley Transportation Authority (VTA). Both comment letters make recommendations related to Vehicle Miles Traveled (VMT) mitigation through Transportation Demand Management (TDM) measures, which the response to comments in the Final EIR addresses.

The Subsequent EIR provides an assessment of the reasonably foreseeable and potentially significant adverse environmental effects that may occur beyond what was evaluated in the City of Milpitas 2040 General Plan EIR. Potentially significant impacts were identified based on review of comments received as part of the public scoping process and additional research and analysis of relevant project data during preparation of the Subsequent EIR. Three distinct levels of environmental evaluation have been addressed by this CEQA review:

1. As described in Section 1.3, Effects Found Not to Be Significant, of the Draft Subsequent EIR, it was determined the project would result in no impact to the following environmental resources topics: agriculture and forestry resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, and wildfire. Accordingly, these resources are not addressed further in the Subsequent EIR.
2. Analysis of environmental resource topics in the Subsequent EIR that, in some cases, call for policy mitigations to be applied to future project approvals include: aesthetics, air quality, cultural and tribal cultural resources, biological resources, energy, greenhouse gas emissions and climate change, land use and planning, noise and vibration, population and housing, public services and recreation, transportation, and utilities and service systems. Each of these impacts, their significance criteria prior to and following any necessary mitigation measures, and the mitigation measures that are called for in each category are spelled out in the summary table, Table ES-1 of the Draft Subsequent EIR.
3. Significant and unavoidable impacts and cumulative impacts that cannot be reduced to a level less than significant or for which there is no feasible mitigation include impacts to the following environmental resource topics: cultural and tribal cultural resources and utilities and services systems. A summary of these impacts can be found on pages ES-2 through ES-3 of the Draft Subsequent EIR. These call for a statement of overriding considerations that explain that the benefits of the Specific Plan overall

outweigh the consequences of the adverse environmental effect. The overriding considerations and benefits of the Specific Plan include: creation of a walkable mixed-use community that attracts and retains residents and businesses; increase in housing opportunities to support future anticipated population growth and the City's effort to meet the State-mandated Regional Housing Needs Allocation; increase in economic opportunities and investment in vacant and underutilized properties; improved connectivity throughout the neighborhood; new public parks and plazas and improvements to other recreational amenities; and establishment of policies for Urban Reserve Areas to guide future redevelopment in an integrated manner.

Additionally, the Subsequent EIR presents two Project Alternatives that might lessen or avoid some potential environmental effects compared to the proposed project: No Project Alternative and Increased Residential Development for Main Street and Crossroads Districts Alternative. The Alternatives are explored in Chapter 5 of the Draft Subsequent EIR. While the Alternatives reduce potential effects, they do not meet the objectives of the Specific Plan (see Section 2.3 of the Draft Subsequent EIR). As such, no alternatives are recommended.

The Final Subsequent EIR reflects the limited environmental impact of the Specific Plan by describing policy-based mitigation, and these policies are applied to individual projects that move forward and are based upon the Specific Plan. Projects which might go beyond the scope of the analysis of this program level Subsequent EIR may require both an amendment to the Specific Plan and further environmental analysis before they could receive entitlement.

ATTACHMENT(S):

- (a) Specific Plan Amendment SP20-0002 Resolution
- (b) General Plan Amendment GP 25-0002 Resolution
Exhibit A: General Plan Map Amendment
- (c) Ordinance No. 38.859 - Zoning Text and Map Amendments Ordinance
Exhibit A: Zoning Map Amendment
- (d) Public Hearing Draft Gateway-Main Street Specific Plan
- (e) Subsequent EIR to the Milpitas 2040 General Plan Final EIR for the Gateway-Main Street Specific Plan
- (f) Planning Commission Resolution No. 25-014

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
APPROVING SPECIFIC PLAN AMENDMENT NO. SP20-0002 TO ADOPT THE
GATEWAY-MAIN ST. SPECIFIC PLAN AND CERTIFYING THE SUBSEQUENT
EIR TO THE MILPITAS 2040 GENERAL PLAN EIR FOR THE GATEWAY-
MAIN ST. SPECIFIC PLAN (SCH #2024070432)**

WHEREAS, the City of Milpitas, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Sections 65450-65457 authorize cities to prepare specific plans to systematically implement the General Plan, specify the required contents of specific plans, allow specific plans to be adopted by resolution or ordinance and amended as often as deemed necessary by the legislative body, and requires specific plans to be consistent with the General Plan; and

WHEREAS, on March 19, 2002, the Milpitas City Council adopted the Midtown Specific Plan to maximize land use, transportation, and economic opportunities along the City’s historic Main Street and energize and catalyze mixed-use, transit-oriented development in the Midtown area, known as the “heart” of Milpitas; and

WHEREAS, since May 19, 2002, the Milpitas City Council adopted various amendments to the Midtown Specific Plan to incorporate updates associated with the Transit Area Specific Plan, Park and Recreation Master Plan, and Bikeway Master Plan; and

WHEREAS, California Government Code Section 65860 requires a city’s zoning ordinance to be consistent with its adopted general plan, including any specific plan that has been adopted to establish planning policies for a defined geographic area of the city; and

WHEREAS, in September 2021, the City initiated a multi-year process to comprehensively update the Midtown Specific Plan by hiring consultants and approving a work plan and schedule; and

WHEREAS, the Gateway-Main St. Specific Plan (“Specific Plan”) carries forward some of the major goals of the Midtown Specific Plan but has substantially updated the Plan area and policies to address current local conditions and community priorities; and

WHEREAS, the Specific Plan is a focused document that provides an integrated and internally consistent statement of the official land use policy consistent with the Milpitas 2040 General Plan; and

WHEREAS, the City released the Public Review Draft Specific Plan in April 2025, made the Public Review Draft Specific Plan available on the project website (<https://www.milpitasmainstreet.org/>), and invited comments by the public from April 10, 2025 up to the adoption of the Specific Plan; and

WHEREAS, in accordance with the Government Code, the City has duly consulted with other governmental agencies, local Native American tribes, and other entities and stakeholders, and complied with all prerequisites for the adoption of the Specific Plan and related actions herein; and

WHEREAS, on March 9, 2021, a Final Environmental Impact Report (FEIR) was certified for the Milpitas 2040 General Plan in accordance with the California Environmental Quality Act (CEQA);

and

WHEREAS, the City prepared a Draft Subsequent EIR to the Milpitas 2040 General Plan EIR for the Specific Plan (State Clearinghouse No. 2024070432) that identifies the potential environmental impacts of the project and recommends mitigation measures to reduce the impacts to a less than significant level where feasible, released the Draft Subsequent EIR on April 17, 2025 for a 45-day public review period that was set to end on June 2, 2025 but was extended to July 24, 2025, and prepared a Findings of Fact and Statement of Overriding Considerations to comprehensively describe the potential impacts, mitigations measures, and overriding considerations in adopting the Specific Plan; and

WHEREAS, the City has received comments on both the Public Review Draft Specific Plan and the Draft Subsequent EIR, considered and analyzed the comments, made changes to the Specific Plan, and prepared a Final Subsequent EIR, which includes the comments received and responses to comments; and

WHEREAS, the City has prepared a Specific Plan Amendment, Zoning Text and Map Amendment, and General Plan Amendment (“Amendments”) to adopt the Specific Plan, amend the Zoning Ordinance and Zoning Map to establish new Specific Plan boundaries, zoning districts, and zoning regulations, and amend the General Plan for consistency with the proposed amendments to the Zoning Ordinance; and

WHEREAS, the City Council makes and accepts as its own the findings set forth in this resolution; and

WHEREAS, the City Council is the final authority on Specific Plan amendments; and

WHEREAS, on September 24, 2025, the Planning Commission held a duly noticed public hearing on the subject application, considered evidence presented by City staff and other interested parties, and adopted Resolution 25-014 recommending, among other things, that the City Council approve Specific Plan Amendment No. SP20-0002 and adopt the Subsequent EIR to the General Plan EIR for the Specific Plan (SCH # 2024070432) related thereto; and

WHEREAS, on October 28, 2025, the City of Milpitas City Council held a duly noticed public hearing on the proposed Specific Plan Amendment, considered all written and oral reports of staff and public testimony on the matter, and such other matters as are reflected in the record of this matter; and

WHEREAS, all legal prerequisites to the adoption of this resolution and the City Council’s review, recommendation, and approval of the Specific Plan have been met.

NOW THEREFORE, the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

SECTION 1. RECITALS

The City Council has considered the full record before it, which includes, but is not limited to, all published staff reports, oral and written testimony by staff, the Planning Commission, City Council, and the public, and all other relevant materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. SPECIFIC PLAN AMENDMENT FINDINGS (SECTION XIII.D.10.050)

The City Council finds based upon the full record before it that all findings and prerequisites required for the Specific Plan amendments proposed have been met, including those set forth in the Government Code, including Sections 65450-65457, and the Milpitas Municipal Code, including Title XIII, Chapter D.10 (Specific Plans). The City Council makes the following further and specific findings based on the evidence in the administrative record in support of Specific Plan Amendment No. SP20-0002:

1. *That the Specific Plan is consistent with the General Plan and other adopted goals and policies of the City.*

As demonstrated in Table 1 (General Plan Conformance), the Specific Plan furthers many of the goals, policies, and actions of the General Plan, including but not limited to those in the Land Use, Circulation, Community Design, Economic Development, and Utilities and Community Services Elements. The Specific Plan also promotes neighborhood and housing development, commercial vitality, multimodal transportation, sustainable development, recreation, and streamlined permitting, which align with the City Council's priorities of community wellness and open space, economic development and job growth, environment, governance and administration, neighborhoods and housing, and transportation and transit. Therefore, the Specific Plan is consistent with the General Plan and other adopted goals and policies of the City.

2. *The proposed Specific Plan is in compliance with California Environmental Quality Act requirements.*

The City prepared a Draft Subsequent EIR to the Milpitas 2040 General Plan EIR for the Specific Plan (State Clearinghouse No. 2024070432) that identifies the potential environmental impacts of the project and recommends mitigation measures to reduce the impacts to a less than significant level where feasible, released the Draft Subsequent EIR on April 17, 2025 for a 45-day public review period that was set to end on June 2, 2025 but was extended to July 24, 2025, and prepared a Findings of Fact and Statement of Overriding Considerations to comprehensively describe the potential impacts, mitigations measures, and overriding considerations in adopting the Specific Plan. The Subsequent EIR finds that the Specific Plan would result in significant and unavoidable impacts and cumulative impacts that cannot be reduced to a level less than significant or for which there is no feasible mitigation include impacts to the following environmental resource topics: cultural and tribal cultural resources (Impacts 3.4-1, 3.4-2, and 3.4-3 and Cumulative Impact 4.4.4-1) and utilities and services systems (Impact 3.13-1 and Cumulative Impact 4.4.12-1). However, the overriding considerations and benefits of the Specific Plan outweigh the consequences of the adverse environmental effect. The Subsequent EIR further concludes that while the two Project Alternatives might lessen or avoid some potential environmental effects compared to the proposed project, they do not meet the objectives of the Specific Plan. Additionally, City staff conducted consultation regarding the Specific Plan and associated Subsequent EIR with local Native American tribes, pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18. Therefore, the proposed Specific Plan is in compliance with California Environmental Quality Act requirements.

3. *The proposed Specific Plan would not result in a net loss of potential housing units.*

No downzoning of any property within the Plan area is proposed as part of the Specific Plan. The standards proposed increase the viability of redevelopment and strengthen the likelihood of housing

development as expressed in the Housing Element of the General Plan. Moreover, the plan facilitates housing production on non-inventory sites that will help the City meet its RHNA obligations. Therefore, the proposed Specific Plan would not result in a net loss of potential housing units.

SECTION 3. AMENDMENT OF MILPITAS MIDTOWN SPECIFIC PLAN

The Milpitas Gateway-Main St. Specific Plan is hereby adopted and shall supersede the Midtown Specific Plan in its entirety.

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City prepared a Draft Subsequent EIR to the Milpitas 2040 General Plan EIR for the Specific Plan (State Clearinghouse No. 2024070432) that identifies the potential environmental impacts of the project, including not only the adoption of the Specific Plan itself but also the related Zoning Text and Map Amendments and General Plan Amendment, and recommends mitigation measures to reduce the impacts to a less than significant level where feasible, released the Draft Subsequent EIR on April 17, 2025 for a 45-day public review period that was set to end on June 2, 2025 but was extended to July 24, 2025, and prepared a Findings of Fact and Statement of Overriding Considerations to comprehensively describe the potential impacts, mitigations measures, and overriding considerations in adopting the Specific Plan. The Subsequent EIR finds that the Specific Plan would result in significant and unavoidable impacts and cumulative impacts that cannot be reduced to a level less than significant or for which there is no feasible mitigation include impacts to the following environmental resource topics: cultural and tribal cultural resources (Impacts 3.4-1, 3.4-2, and 3.4-3 and Cumulative Impact 4.4.4-1) and utilities and services systems (Impact 3.13-1 and Cumulative Impact 4.4.12-1). However, the overriding considerations and benefits of the Specific Plan outweigh the consequences of the adverse environmental effect. The Subsequent EIR further concludes that while the two Project Alternatives might lessen or avoid some potential environmental effects compared to the proposed project, they do not meet the objectives of the Specific Plan. The City Council therefore finds that its actions are consistent with CEQA and State CEQA guidelines and that no additional environmental review is required. The City Council approves, certifies, and adopts this Subsequent EIR, the Findings of Fact, and the Statement of Overriding Consideration, including any Mitigation Monitoring and Reporting Program contained therein and incorporates those records, findings, and facts as if fully set forth herein.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held incorrect, invalid, illegal, or unenforceable, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared incorrect, invalid, illegal, or unenforceable.

SECTION 6. CITY COUNCIL APPROVAL

The City Council hereby approves Specific Plan Amendment No. SP20-0002, based on the above findings.

PASSED AND ADOPTED this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Christopher Creech, Acting City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPTING GENERAL PLAN AMENDMENT NO. GP25-0002 TO AMEND THE LAND USE ELEMENT MAP TO ACHIEVE CONSISTENCY BETWEEN THE MILPITAS 2040 GENERAL PLAN, GATEWAY-MAIN ST. SPECIFIC PLAN, AND ZONING MAP

WHEREAS, the City of Milpitas, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

WHEREAS, on March 9, 2021, the Milpitas City Council adopted the Milpitas 2040 General Plan, updating and revising the land use policies, goals, and objectives contained in the City’s previous General Plan; and

WHEREAS, California Government Code Section 65860 requires a city’s zoning ordinance to be consistent with its adopted general plan, including any specific plan that has been adopted to establish planning policies for a defined geographic area of the city; and

WHEREAS, the City has prepared a General Plan Amendment to amend the Land Use Map for to achieve consistency between the Milpitas 2040 General Plan, Gateway-Main St. Specific Plan, and Zoning Map; and

WHEREAS, in accordance with the Government Code, the City has duly consulted with other governmental agencies, local Native American tribes, and other entities and stakeholders, and complied with all prerequisites for the adoption of the General Plan amendments and related actions herein; and

WHEREAS, on March 9, 2021, a Final Environmental Impact Report (FEIR) was certified for the Milpitas 2040 General Plan in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the City prepared a Draft Subsequent EIR to the Milpitas 2040 General Plan EIR for the Specific Plan (State Clearinghouse No. 2024070432) that identifies the potential environmental impacts of the project and recommends mitigation measures to reduce the impacts to a less than significant level where feasible, released the Draft Subsequent EIR on April 17, 2025 for a 45-day public review period that was set to end on June 2, 2025 but was extended to July 24, 2025, and prepared a Findings of Fact and Statement of Overriding Considerations to comprehensively describe the potential impacts, mitigations measures, and overriding considerations in adopting the Specific Plan; and

WHEREAS, the City Council makes and accepts as its own the findings set forth in this resolution; and

WHEREAS, the City Council is the final authority on General Plan, including amendments to the Land Use Map; and

WHEREAS, on September 24, 2025, the Planning Commission held a duly noticed public hearing on the subject application, considered evidence presented by City staff and other interested parties, and adopted Resolution 25-014 recommending, among other things, that the City Council approve the General Plan Amendment GP25-0002 and certify the Subsequent EIR to the General Plan EIR related thereto (State Clearinghouse No. 2024070432); and

WHEREAS, on October 28, 2025, the City of Milpitas City Council held a duly noticed public hearing on the proposed General Plan Amendment, considered all written and oral reports of staff and public testimony on the matter, and such other matters as are reflected in the record of this matter; and

WHEREAS, all legal prerequisites to the adoption of this resolution and the City Council's review, recommendation, and approval of the Specific Plan have been met.

NOW THEREFORE, the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

SECTION 1. RECITALS

The City Council has considered the full record before it, which includes, but is not limited to, all published staff reports, oral and written testimony by staff, the Planning Commission, City Council, and the public, and all other relevant materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. GENERAL PLAN AMENDMENT FINDINGS (SECTION XI-10-57.02)

The City Council finds based upon the full record before it that all findings and prerequisites required for the General Plan amendments proposed have been met, including those set forth in the Government Code, including Sections 65350 et seq., the Milpitas Municipal Code, including Section XIII.D.8.050, and page IN-8 of the Milpitas 2040 General Plan itself. The City Council makes the following further and specific findings based on the evidence in the administrative record in support of General Plan Amendment No. GP25-0002:

- 1. The proposed General Plan Amendment is internally consistent with all other provisions of the General Plan.*

The proposed General Plan Amendment would amend the Land Use Element Map (Figure LU-1) to include several properties in the Plan area and change the land use designation to MGSP (Milpitas Gateway-Main St. Specific Plan). This amendment is necessary to update and effectuate the proposed Specific Plan, which would achieve many of the General Plan policies and actions as discussed earlier in this report. The Midtown Specific Plan area would be replaced with the new Gateway-Main St. Specific Plan area, which includes new sites and expands the Plan area to better achieve the Plan objectives for mixed-use redevelopment and public improvements to create a vibrant community and important destination within Milpitas. Additionally, the Gateway-Main St. Specific Plan includes

updated land use policies and strategies, which further the goals and policies of the General Plan and implements several General Plan actions related to housing development, economic development, and multimodal transportation. Furthermore, no other provisions of the General Plan would be amended as part of the proposed amendment. Therefore, the proposed General Plan Amendment is internally consistent with all other provisions of the General Plan.

2. *Approval of the proposed General Plan Amendment would not result in the General Plan being amended more frequently than four times per calendar year consistent with California Government Code section 65358.*

Thus far in 2025, the City has amended the General Plan twice, once as part of the adoption of the Neighborhood Commercial Mixed-Use (NCMU) zoning districts, also known as the Housing Opportunity Districts (HODs) Project, and another time as part of the adoption of the Comprehensive Zoning Ordinance (CZO) Update. Approval of the proposed General Plan Amendment would result in the third amendment of 2025. Therefore, the proposed General Plan Amendment would not result in the General Plan being amended more frequently than four times per calendar year.

3. *The proposed General Plan Amendment serves the public necessity, convenience, and general welfare.*

The proposed General Plan Amendment is necessary to update and effectuate the proposed Specific Plan, which would: 1) create a walkable mixed-use community that attracts and retains residents and businesses, increase housing opportunities to support future anticipated population growth, 2) increase economic opportunities and investment in vacant and underutilized properties, 3) improve connectivity throughout the Plan area, 4) provide opportunities for new public parks and plazas and improvements to other recreational amenities, and 5) establish policies for Urban Reserve Areas to guide future redevelopment in an integrated manner. Therefore, the proposed General Plan Amendment serves the public necessity, convenience, and general welfare.

4. *The proposed General Plan Amendment is in compliance with California Environmental Quality Act requirements.*

The City prepared a Draft Subsequent EIR to the Milpitas 2040 General Plan EIR for the Specific Plan (State Clearinghouse No. 2024070432) that identifies the potential environmental impacts of the project and recommends mitigation measures to reduce the impacts to a less than significant level where feasible, released the Draft Subsequent EIR on April 17, 2025 for a 45-day public review period that was set to end on June 2, 2025 but was extended to July 24, 2025, and prepared a Findings of Fact and Statement of Overriding Considerations to comprehensively describe the potential impacts, mitigations measures, and overriding considerations in adopting the Specific Plan. The Subsequent EIR finds that the Specific Plan would result in significant and unavoidable impacts and cumulative impacts that cannot be reduced to a level less than significant or for which there is no feasible mitigation include impacts to the following environmental resource topics: cultural and tribal cultural resources (Impacts 3.4-1, 3.4-2, and 3.4-3 and Cumulative Impact 4.4.4-1) and utilities and services systems (Impact 3.13-1 and Cumulative Impact 4.4.12-1). However, the overriding considerations and benefits of the Specific Plan outweigh the consequences of the adverse environmental effect. The Subsequent EIR further concludes that while the two Project Alternatives might lessen or avoid some potential environmental effects compared to the proposed project, they do not meet the objectives of the Specific Plan. Additionally, City staff conducted consultation regarding the Specific Plan and associated Subsequent EIR with local Native American tribes, pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18.

Therefore, the proposed Specific Plan is in compliance with California Environmental Quality Act requirements.

5. *The proposed General Plan Amendment would not result in a net loss of potential housing units.*

No downzoning of any property within the Plan area is proposed as part of the Specific Plan. The standards proposed increase the viability of redevelopment and strengthen the likelihood of housing development as expressed in the Housing Element of the General Plan. Moreover, the plan facilitates housing production on non-inventory sites that will help the City meet its RHNA obligations. Therefore, the proposed Specific Plan would not result in a net loss of potential housing units.

SECTION 3. AMENDMENT OF MILPITAS GENERAL PLAN 2040 LAND USE MAP (FIGURE LU-1)

The Milpitas General Plan 2040 Land Use Map (Figure LU-1), as amended, which was originally adopted as part of Milpitas General Plan 2040, is hereby amended as depicted within the map as attached hereto in **Exhibit A**.

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City prepared a Draft Subsequent EIR to the Milpitas 2040 General Plan EIR for the Specific Plan (State Clearinghouse No. 2024070432) that identifies the potential environmental impacts of the project and recommends mitigation measures to reduce the impacts to a less than significant level where feasible, released the Draft Subsequent EIR on April 17, 2025 for a 45-day public review period that was set to end on June 2, 2025 but was extended to July 24, 2025, and prepared a Findings of Fact and Statement of Overriding Considerations to comprehensively describe the potential impacts, mitigations measures, and overriding considerations in adopting the Specific Plan. The Subsequent EIR finds that the Specific Plan would result in significant and unavoidable impacts and cumulative impacts that cannot be reduced to a level less than significant or for which there is no feasible mitigation include impacts to the following environmental resource topics: cultural and tribal cultural resources (Impacts 3.4-1, 3.4-2, and 3.4-3 and Cumulative Impact 4.4.4-1) and utilities and services systems (Impact 3.13-1 and Cumulative Impact 4.4.12-1). However, the overriding considerations and benefits of the Specific Plan outweigh the consequences of the adverse environmental effect. The Subsequent EIR further concludes that while the two Project Alternatives might lessen or avoid some potential environmental effects compared to the proposed project, they do not meet the objectives of the Specific Plan. The City Council therefore finds that its actions are consistent with CEQA and State CEQA guidelines and that no additional environmental review is required. The City Council has approved and adopted this Subsequent EIR, the Findings of Fact, and the Statement of Overriding Considerations, as set forth in Resolution No. 25-014, and incorporates those records, findings, and facts as if fully set forth herein.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held incorrect, invalid, illegal, or unenforceable, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared incorrect, invalid, illegal, or unenforceable.

SECTION 6. CITY COUNCIL APPROVAL

The City Council hereby approves General Plan Amendment No. GP25-0002, based on the above findings.

PASSED AND ADOPTED this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

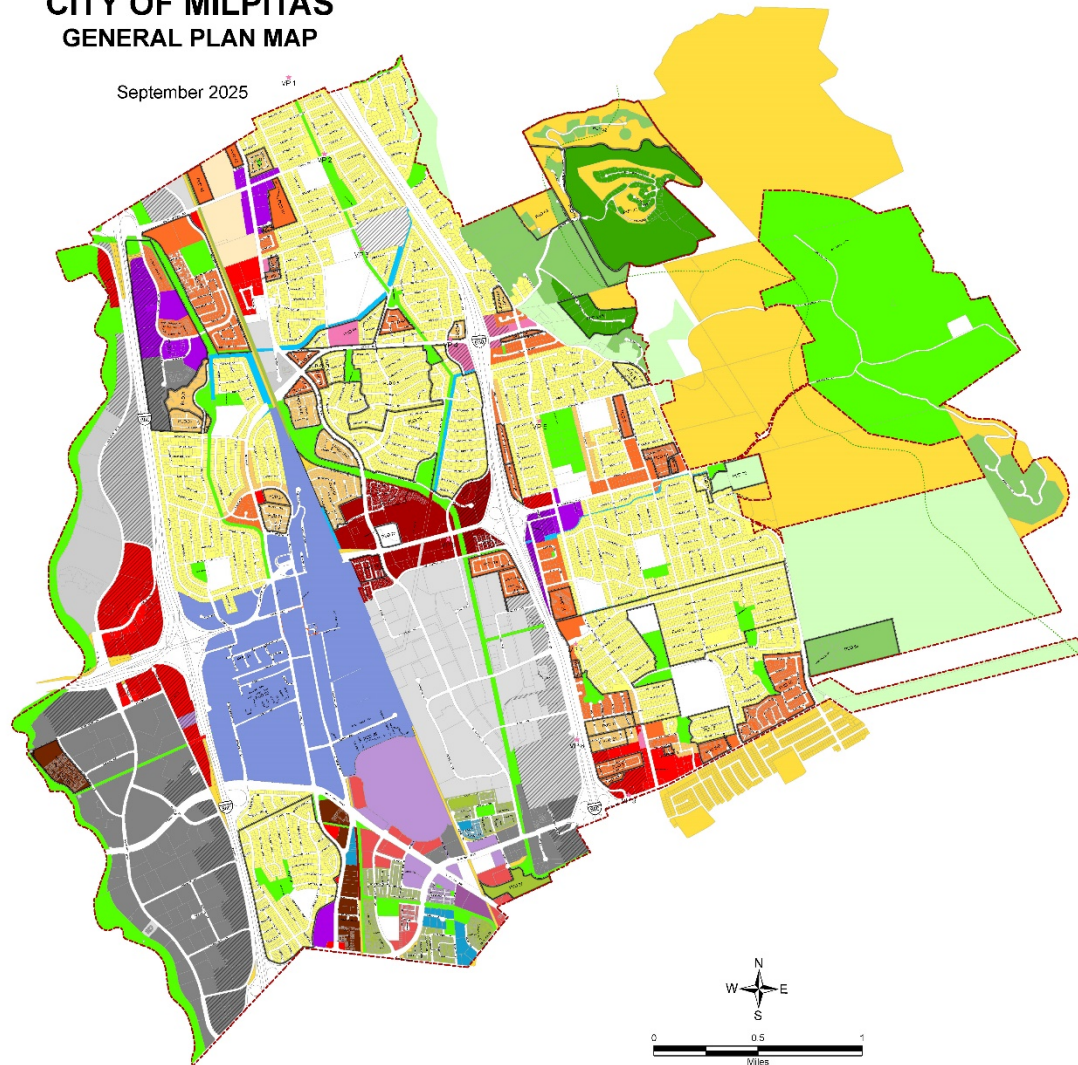
APPROVED AS TO FORM:

Christopher Creech, Acting City Attorney

Exhibit A: General Plan Map Amendment

CITY OF MILPITAS GENERAL PLAN MAP

September 2025



General Plan Use by Parcel

- LDR - Low Density Residential
- MDR - Medium Density Residential
- MMSP - Milpitas Metro Specific Plan
- HDR - High Density Residential
- TWC - Town Center
- VHDR - Very High Density Residential
- BPRD - Business Park/Research & Development
- MFG - Manufacturing
- POS - Permanent Open Space
- HMD - Hillside Medium Density
- NCMU - Neighborhood Commercial Mixed Use
- HLD - Hillside Low Density
- INP - Industrial Park
- HVL - Hillside Very Low Density
- VWV - Waterway
- GNC - General Commercial
- NC - Neighborhood Commercial
- MHP - Mobile Home Park
- VHDMU - Very High Density Mixed Use
- MFH
- NA
- BVMU
- RRMU
- VHD
- BPRD-R
- ROW
- URR
- <null>
- Other

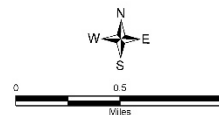
Overlay

- Freeway Corridor Overlay (FC)

Other Features

- MGSP - Gateway-Main St. Specific Plan
- Planned Unit Development (PUD)
- Precise Plan Area of the Midtown Specific Plan
- City Boundary
- Parcels
- Crestline
- View Points

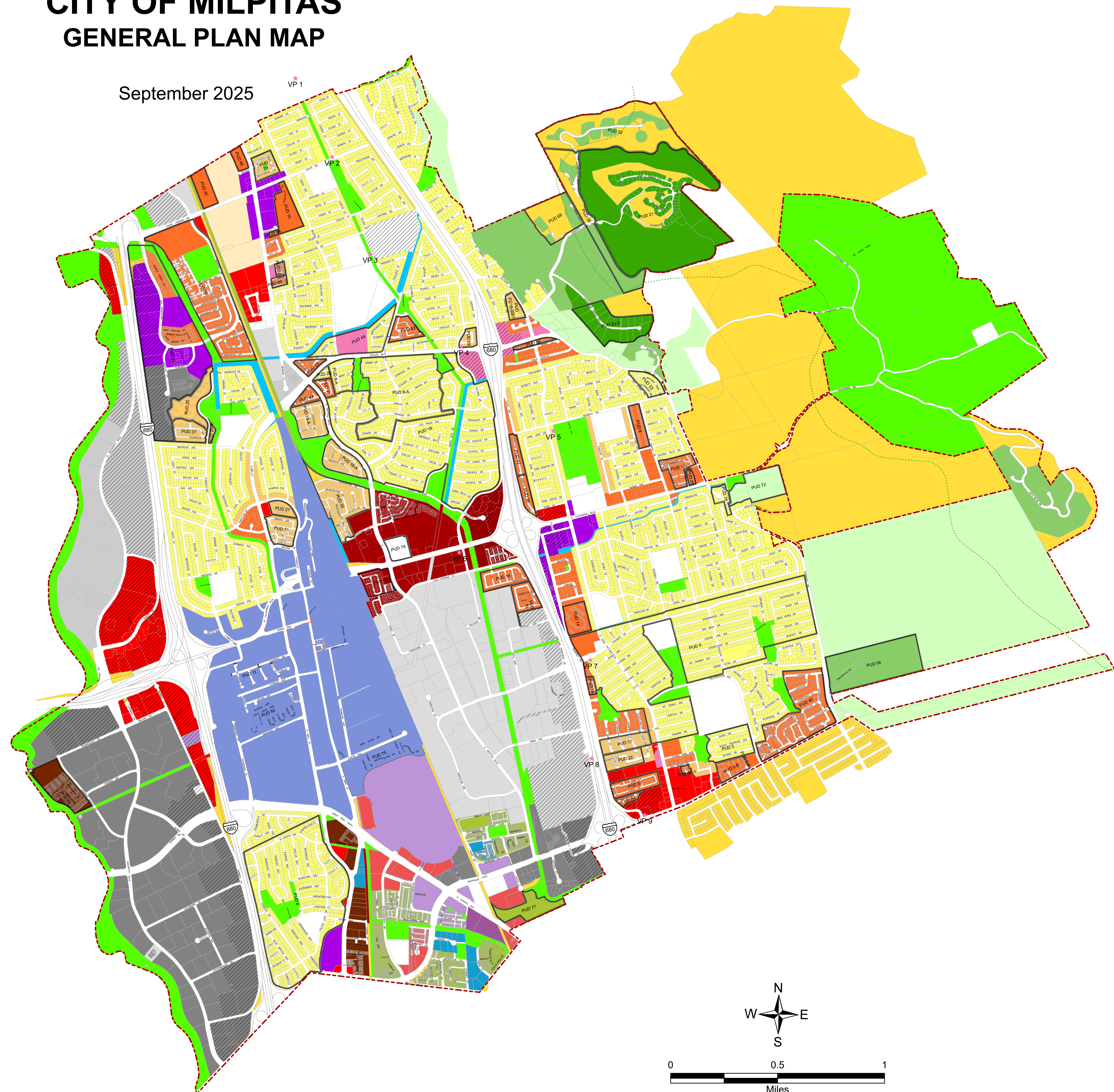
*Note: The "H" Hillside Combining District is mapped as R1-H. The Site and Architectural (S) Overlay was adopted through a voter initiative and is not currently mapped on any parcel.



CITY OF MILPITAS

GENERAL PLAN MAP

September 2025



General Plan Use by Parcel

- LDR - Low Density Residential
- MDR - Medium Density Residential
- MMSP - Milpitas Metro Specific Plan
- HDR - High Density Residential
- TWC - Town Center
- VHDR - Very High Density Residential
- BPRD - Business Park/Research & Development
- MFG - Manufacturing
- POS - Permanent Open Space
- HMD - Hillside Medium Density
- NCMU - Neighborhood Commercial Mixed Use
- HLD - Hillside Low Density
- INP - Industrial Park
- HVL - Hillside Very Low Density
- WW - Waterway
- GNC - General Commercial
- NC - Neighborhood Commercial
- MHP - Mobile Home Park
- VHDMU - Very High Density Mixed Use
- MFH
- NA
- BVMU
- RRMU
- VHD
- BPRD-R
- ROW
- URR
- <null>
- Other

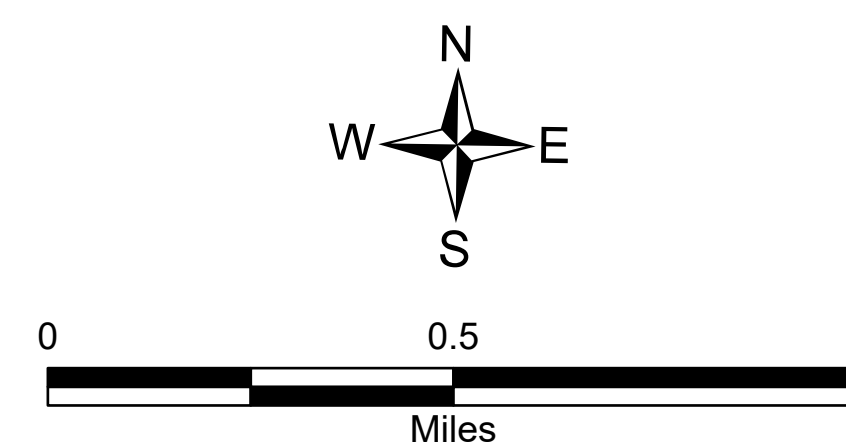
Overlay

- Freeway Corridor Overlay (FC)

Other Features

- MGSP - Gateway-Main St. Specific Plan
- Planned Unit Development (PUD)
- Precise Plan Area of the Midtown Specific Plan
- City Boundary
- Parcels
- Crestline
- View Points

*Note: The "H" Hillside Combining District is mapped as R1-H. The Site and Architectural (S) Overlay was adopted through a voter initiative and is not currently mapped on any parcel.



REGULAR

NUMBER: XX.XXX

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING THE MILPITAS MUNICIPAL CODE TITLE XIII, PART B, CHAPTERS B.2 AND B.14 TO ESTABLISH THE GATEWAY-MAIN ST. SPECIFIC PLAN ZONING DISTRICTS AND REGULATIONS; AND AMENDING THE ZONING MAP OF THE CITY OF MILPITAS TO ESTABLISH THE NEW SPECIFIC PLAN BOUNDARIES.

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, upon motion by _____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Christopher Creech, Acting City Attorney

RECITALS AND FINDINGS:

WHEREAS, the City of Milpitas, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

WHEREAS, the City Council is the final authority on General Plan, Specific Plan, and Zoning amendments, including amendments to the Zoning Ordinance and Zoning Map; and

WHEREAS, on March 9, 2021, the Milpitas City Council adopted the Milpitas 2040 General Plan, updating and revising the land use policies, goals, and objectives contained in the City’s previous General Plan; and

WHEREAS, California Government Code Sections 65450-65457 authorize cities to prepare specific plans to systematically implement the General Plan, specify the required contents of specific plans, allow specific plans to be adopted by resolution or ordinance and amended as often as deemed necessary by the legislative body, and requires specific plans to be consistent with the General Plan; and

WHEREAS, on March 19, 2002, the Milpitas City Council adopted the Midtown Specific Plan to maximize land use, transportation, and economic opportunities along the City’s historic Main Street and energize and catalyze mixed-use, transit-oriented development in the Midtown area, known as the “heart” of Milpitas; and

WHEREAS, since May 19, 2002, the Milpitas City Council adopted various amendments to the Midtown Specific Plan to incorporate updates associated with the Transit Area Specific Plan, Park and Recreation Master Plan, and Bikeway Master Plan; and

WHEREAS, the City’s Zoning Ordinance was originally adopted in 1955 and the City Council adopted a comprehensive update to the Zoning Ordinance on September 2, 2025; and

WHEREAS, California Government Code Section 65860 requires a city’s zoning ordinance to be consistent with its adopted general plan, including any specific plan that has been adopted to establish planning policies for a defined geographic area of the city; and

WHEREAS, the City wishes to adopt the Gateway-Main St. Specific Plan, which is a comprehensive update of the Midtown Specific Plan, to carry forward some of the major goals of the Midtown Specific Plan while substantially updating the Plan area and policies to address current local conditions and community priorities; and

WHEREAS, the City has prepared a Zoning Text and Zoning Map Amendment (“Amendments”) to establish new Specific Plan boundaries, zoning districts, and zoning regulations; and

WHEREAS, in accordance with the Government Code, the City has duly consulted with other governmental agencies, local Native American tribes, and other entities and stakeholders, and complied with all prerequisites for the adoption of the Specific Plan and related actions herein; and

WHEREAS, pursuant to Milpitas Municipal Code Section XIII.D.6.050 the City Council finds that all the findings required for the Amendments have been met; and

WHEREAS, on March 9, 2021, a Final Environmental Impact Report (FEIR) (SCH # 2020070348) was certified for the Milpitas 2040 General Plan in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the City prepared a Draft Subsequent EIR to the Milpitas 2040 General Plan EIR for the Specific Plan (State Clearinghouse No. 2024070432) that identifies the potential environmental impacts of the project and recommends mitigation measures to reduce the impacts to a less than significant level where feasible, released the Draft Subsequent EIR on April 17, 2025 for a 45-day public review period that was set to end on June 2, 2025 but was extended to July 24, 2025, and prepared a Findings of Fact and Statement of Overriding Considerations to comprehensively describe the potential impacts, mitigations measures, and overriding considerations in adopting the Specific Plan; and

WHEREAS, the City has received comments on both the Public Review Draft Specific Plan and the Draft Subsequent EIR, considered and analyzed the comments, made changes to the Specific Plan, and prepared a Final Subsequent EIR, which includes the comments received and responses to comments; and

WHEREAS, on September 24, 2025, the Planning Commission held a duly noticed public hearing on the subject application, considered evidence presented by City staff and other interested parties, and adopted Resolution 25-014 recommending that the City Council approve Specific Plan Amendment SP20-0002, Zoning Map and Text Amendment ZA25-0002, and General Plan Amendment GP25-0002, and certify the Subsequent EIR to the Milpitas 2040 General Plan EIR for the Specific Plan (State Clearinghouse No. 2024070432); and

WHEREAS, all legal prerequisites to the adoption of this ordinance and the City Council's review and approval of the Amendments and CEQA review contained herein have been met.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City prepared a Draft Subsequent EIR to the Milpitas 2040 General Plan EIR for the Specific Plan (State Clearinghouse No. 2024070432) that identifies the potential environmental impacts of the project and recommends mitigation measures to reduce the impacts to a less than significant level where feasible, released the Draft Subsequent EIR on April 17, 2025 for a 45-day public review period that was set to end on June 2, 2025 but was extended to July 24, 2025, and prepared a Findings of Fact and Statement of Overriding Considerations to comprehensively describe the potential impacts, mitigations measures, and overriding considerations in adopting the Specific Plan. The Subsequent EIR finds that the Specific Plan would result in significant and unavoidable impacts and cumulative impacts that cannot be reduced to a level less than significant or for which there is no feasible mitigation include impacts to the following environmental resource topics: cultural and tribal cultural resources (Impacts 3.4-1, 3.4-2, and 3.4-3 and Cumulative Impact 4.4.4-1) and utilities and services systems (Impact 3.13-1 and Cumulative Impact 4.4.12-1). However, the overriding considerations and benefits of the Specific Plan outweigh the consequences of the adverse environmental effect. The Subsequent EIR further concludes that while the two Project Alternatives might lessen or avoid some potential environmental effects compared to the proposed project, they do not meet the objectives of the Specific Plan. The City Council therefore finds that its actions are consistent with CEQA and State CEQA guidelines and that no additional environmental review is required. The City Council has approved and adopted this Subsequent EIR, the Findings of Fact, and the Statement of Overriding Considerations, as set forth in Resolution No. 25-XXX, and incorporates those records, findings, and facts as if fully set forth herein.

SECTION 3. ZONING TEXT AND MAP AMENDMENT FINDINGS (XIII.D.6.050)

The City Council finds based upon the full record before it that all findings and prerequisites required for the Zoning Text and Zoning Map amendments proposed have been met, including those set forth in the Government Code, including Sections 65850 et seq., and Milpitas Municipal Code, including Section XIII.D.6.050. The City Council makes the following further and specific findings based on the evidence in the public record in support of Zoning Amendment No. ZA25-0002:

- A. The proposed Zoning Amendment is consistent with and conforms to the goals and policies of the General Plan.*

The proposed Zoning Amendment would 1) amend the Zoning Text to add references to the Specific Plan regulations in the Milpitas Zoning Ordinance and 2) amend the Zoning Map to change the zoning for all properties within the new Plan area to “Gateway-Main St. Specific Plan Area” and reference the zoning districts and regulations in the Specific Plan for those properties. These amendments would establish the Specific Plan as the regulatory document for land use and zoning in the Plan area and are necessary to update and effectuate the Specific Plan, which would achieve many of the General Plan policies and actions, including Policies LU 1-4, LU 4-2, CIR 1-5, CIR 4-1, CD 4-1, ED 3-2, and

UCS 1-1 and Actions LU-2a, ED-3c, and ED-3f. These policies and actions call for the City to review and update its specific plans, facilitate housing and commercial redevelopment in these areas, encourage multimodal transportation, prioritize redevelopment of the Serra Center and Main Street, and provide public improvements to support new development. The proposed Zoning Amendment and Specific Plan would help achieve these goals. Therefore, the proposed Zoning Amendment is consistent with and conforms to the goals and policies of the General Plan.

- B. *The proposed Zoning Amendment is consistent with and conforms to the goals and policies of any Specific Plan, if applicable.*

The goal of the proposed Zoning Amendment is simply to establish the Specific Plan as the regulatory document for land use and zoning the Plan area. No other amendments to the Zoning Ordinance are proposed. The existing Midtown Specific Plan will be repealed and replaced with the adoption of this plan. However, the Gateway-Main Street Specific plan updates, modernizes, effectuates, and furthers the objectives of the Midtown Specific Plan in a manner that reflects current market conditions and current best land use and zoning practices. Therefore, the proposed Zoning Amendment is consistent with and conforms to the goals and policies of the Specific Plan.

- C. *The proposed Zoning Amendment will not be detrimental to the public interest, health, safety, convenience, and general welfare.*

The proposed Zoning Amendment will establish the land use regulations and development standards in the Specific Plan intended to protect the public interest, health, safety, convenience, and general welfare. These include maximum residential densities, maximum height limits, minimum setbacks from property lines, minimum parking ratios, context-sensitive design standards, required public improvements, and other requirements and standards. These regulations will ensure new development minimizes impacts to existing neighborhoods related to privacy, shade, neighborhood and community character, transportation, parking, utilities, and visual aesthetics.

- D. *The proposed Zoning Amendment is in compliance with the provisions of California Environmental Quality Act.*

The City prepared a Draft Subsequent EIR to the Milpitas 2040 General Plan EIR for the Specific Plan (State Clearinghouse No. 2024070432) that identifies the potential environmental impacts of the project and recommends mitigation measures to reduce the impacts to a less than significant level where feasible, released the Draft Subsequent EIR on April 17, 2025 for a 45-day public review period that was set to end on June 2, 2025 but was extended to July 24, 2025, and prepared a Findings of Fact and Statement of Overriding Considerations to comprehensively describe the potential impacts, mitigations measures, and overriding considerations in adopting the Specific Plan. The Subsequent EIR finds that the Specific Plan would result in significant and unavoidable impacts and cumulative impacts that cannot be reduced to a level less than significant or for which

there is no feasible mitigation include impacts to the following environmental resource topics: cultural and tribal cultural resources (Impacts 3.4-1, 3.4-2, and 3.4-3 and Cumulative Impact 4.4.4-1) and utilities and services systems (Impact 3.13-1 and Cumulative Impact 4.4.12-1). However, the overriding considerations and benefits of the Specific Plan outweigh the consequences of the adverse environmental effect. The Subsequent EIR further concludes that while the two Project Alternatives might lessen or avoid some potential environmental effects compared to the proposed project, they do not meet the objectives of the Specific Plan. Additionally, City staff conducted consultation regarding the Specific Plan and associated Subsequent EIR with local Native American tribes, pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18. Therefore, the proposed Specific Plan is in compliance with California Environmental Quality Act requirements.

- E. *The proposed Zoning Amendment would not result in a net loss of potential housing units.*

No downzoning of any property within the Plan area is proposed as part of the Specific Plan. The standards proposed increase the viability of redevelopment and strengthen the likelihood of housing development as expressed in the Housing Element of the General Plan. Moreover, the plan facilitates housing production on non-inventory sites that will help the City meet its RHNA obligations. Therefore, the proposed Specific Plan would not result in a net loss of potential housing units.

- F. *The proposed Zoning Amendment is internally consistent with other applicable provisions of this Title.*

The primary goal of the proposed Zoning Amendment is to establish the Specific Plan as the regulatory document for land use and zoning the Plan area. No other amendments to the Zoning Ordinance are proposed. Pursuant to Section XIII.D.10.020(C) of the Milpitas Municipal Code, “The regulations provided by an adopted Specific Plan shall replace those of the current or underlying zone or zones, and the development standards and/or design standards or guidelines identified in the Specific Plan shall take precedence over the general standards included in this Title and any adopted design standards or guidelines.” Therefore, the proposed Zoning Amendment is internally consistent with other applicable provisions of Title XIII (Zoning).

- G. *The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire, medical, etc.) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, etc.), to accommodate the uses and development densities of intensities allowed in the proposed new zone.*

The proposed densities are suitable for the Plan area and can be accommodated as future redevelopment occurs. Early in the planning process, the project consultant prepared an Existing Conditions Report that includes the following: Land Use, Zoning and Urban Form Analysis, Market Analysis, Affordable Housing, Equity, and Community Benefits

Analysis, Transportation and Circulation Analysis, Public Utilities and Infrastructure Analysis, and Resilience and Climate Adaptation Assessment. This analysis informed the proposed densities and scale of development in the Specific Plan by demonstrating what level of development would be feasible in the Plan area given the size and shape of parcels, existing transportation and utilities infrastructure, real estate market realities, and other physical and regulatory constraints. Additionally, through the Gateway-Main St. Specific Plan TAC, the Specific Plan identifies potential infrastructure and service challenges and recommends improvements to ensure adequate provision of infrastructure and services, which will be implemented as development occurs. Furthermore, the City prepared a Subsequent EIR to the Milpitas 2040 General Plan for the Specific Plan, which analyzes potential impacts to many of these topics and identifies mitigation measures to minimize impacts. The analysis found that impacts to public services (including fire, police, and schools) and utilities and services systems (including sewer, stormwater, and solid waste) resulting from the anticipated development from the Specific Plan would be less than significant. Lastly, through the City's development review process, City staff will evaluate each future development proposal and require improvements and impose conditions of approval as needed.

- H. *If located within or adjacent to residential areas, the requested zone change is compatible with the character of the residential neighborhood.*

The Plan area includes a residential neighborhood south of the Serra Center and east of the Calaveras Center, and other residential neighborhoods near the Great Mall (Parc Metro and Montevista Apartments). There are also residential neighborhoods adjacent to the Plan area to the north (other neighborhoods are separated by railroads or major thoroughfares). Although the new Specific Plan zoning districts will allow for higher-density residential development near these existing neighborhoods, the Specific Plan and Citywide Residential and Mixed-Use ODS will provide design standards to ensure appropriate transitions from new development to existing neighborhoods. Design standards include upper floor step-backs, 45-degree daylight planes, enhanced setbacks, and significant building articulation. These standards will be applied to new development proposals to ensure adequate daylight, minimize shadows, and maintain privacy and views for existing neighborhoods.

SECTION 4. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XIII, PART B, CHAPTER B.2, SECTION B.2.020

Title XIII, Part B, Chapter B.2, Section B.2.020 of the Milpitas Municipal Code is hereby amended to read as follows:

The following zones are established and shall be shown on the official Zoning Map.

Table B.2.020-A: Zones Established

Abbreviation	Zone Name	General Plan Land Use Designation
Residential Zones		
R1	Single-Family Zone	Low Density Residential (LDR), Medium Density Residential (MDR)
R2	One and Two-Family Zone	Medium Density Residential (MDR)
R3	Multi-Family Zone	High Density Residential (HDR)
R4	Multi-Family Very High Density Zone	Very High Density Residential (VHDR)
MHP	Mobile Home Park Zone	Mobile Home Park (MHP)
Commercial Zones		
CO	Administrative and Professional Office Zone	General Commercial (GNC), Neighborhood Commercial (NC)
C1	Neighborhood Commercial Zone	Neighborhood Commercial (NC)
C2	General Commercial Zone	General Commercial (GNC), Neighborhood Commercial (NC), Neighborhood Commercial Mixed Use (NCMU)
HS	Highway Service Zone	General Commercial (GNC), Neighborhood Commercial (NC)
Mixed Use Zones		
MXD	Mixed Use Zone	Neighborhood Commercial Mixed Use (NCMU)
MXD3	Very High Density Mixed Use Zone	Very High Density Mixed Use (VHDMU)
TC	Town Center Zone	Town Center (TC)
Industrial Zones		
M1	Light Industrial Zone	Manufacturing (MFG)
M2	Heavy Industrial Zone	Manufacturing (MFG)
MP	Industrial Park Zone	Industrial Park (INP)
BPRD	Business Park Research and Development Zone	Business Park/Research & Development (BPRD)
Metro Specific Plan Zones		
R3-Metro	Metro Multi-Family High Density Residential Zone	Milpitas Metro Specific Plan
R4-Metro	Metro Multi-Family Very High Density Residential Zone	Milpitas Metro Specific Plan
R5-Metro	Metro Urban Residential Zone	Milpitas Metro Specific Plan
MXD2-Metro	Metro High Density Mixed Use Zone	Milpitas Metro Specific Plan
MXD3-Metro	Metro Very High Density Mixed Use Zone	Milpitas Metro Specific Plan
BPRD-R-Metro	Metro Business Park Research and Development, Limited Residential Zone	Milpitas Metro Specific Plan
BPRD-Metro	Metro Business Park Research and Development Zone	Milpitas Metro Specific Plan
Milpitas Commercial Specific Plan Area		

Table B.2.020-A: Zones Established		
Abbreviation	Zone Name	General Plan Land Use Designation
See Chapter B.16 (Milpitas Commercial Specific Plan Area)		
Gateway-Main St. Specific Plan Zones		
See Chapter B.14 (Gateway-Main St. Specific Plan Area)		
Other Zones		
A	Agricultural Zone	All
I	Institutional Zone	Public Facilities (PF)
POS	Park and Open Space Zone	Permanent Open Space (POS)
Overlay Zones		
FC	Freeway Corridor Overlay Zone	n/a
S	Site and Architectural Overlay Zone	n/a
"H"	"H" Hillside Combining District	Hillside Very Low Density (HVL), Hillside Low Density (HLD), Hillside Medium Density (HMD)

SECTION 5. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XIII, CHAPTER B.14

Title XIII, Part B, Chapter B.14 (Reserved) of the Milpitas Municipal Code is hereby amended to read as follows:

Chapter B.14 Gateway-Main St. Specific Plan Area

Sections:

B.14.010 Purpose

B.14.020 Metro Specific Plan Zones Use Regulations

B.14.010 Purpose

- A. **Main Street Mixed-Use (MS-MU) Zone.** The MS-MU zone supports a mix of residential infill and smaller pedestrian-oriented retail shops, restaurants, services, and office uses, as well as urban parks, plazas, and open spaces within the framework of an active streetscape environment. Active retail, restaurant, and residential uses generate pedestrian activity at the street level, with office and residential uses above the ground floor encouraged.
- B. **Crossroads Mixed-Use (XR-MU) Zone.** The XR-MU zone has a commercial mixed-use focus and supports a mix of retail, entertainment, and office, together with urban multifamily residential,

civic, and recreational uses. The XR-MU zone is a pedestrian-oriented streetscape environment, with ground-floor commercial uses prioritized along retail priority streets and corners.

- C. **Library District Mixed-Use (LD-MU) Zone.** The LD-MU zone, centered around the Milpitas Library on N. Main Street, supports a compatible mix of retail, office, multifamily residential, and civic uses within a pedestrian-oriented streetscape environment.
- D. **Gateway Mixed-Use (GW-MU) Zone.** The GW-MU zone supports a freeway and commercial corridor service orientation along Calaveras Boulevard and I-880, transitioning to a neighborhood-oriented residential focus to the north, and a commercial/mixed-use focus adjacent to Crossroads Mixed-Use.
- E. **Abbott District Business Park (AD-BP) Zone.** The AD-BP zone allows for a compatible mix of commercial, office, light industrial, open space, and public uses, organized within a campus setting.
- F. **Urban Reserve Overlay (URO Zone).** The URO is applied as an overlay for areas that will be subject to future study when these uses are ready for redevelopment. The policies of the Specific Plan found in Section 3.8 apply within these areas.

B.14.020 Metro Specific Plan Zones Use Regulations and Development Standards

Pursuant to Subsection D.10.020.D, the standards and regulations adopted by the Gateway-Main St. Specific Plan shall replace those of the current or underlying zone or zones, if any, and the development standards and/or design standards or guidelines identified in the Gateway-Main St. Specific Plan shall take precedence over the general standards included in this Title and any adopted design standards or guidelines.

SECTION 6. AMENDMENT OF THE ZONING MAP OF THE CITY OF MILPITAS

The Zoning Map of the City of Milpitas, as amended, which was originally adopted as part of Ordinance No. 38.858 (“Zoning Map”), is hereby amended as depicted within the map as attached hereto in **Exhibit A**.

SECTION 7. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision, or part has no effect on the validity of the remainder.

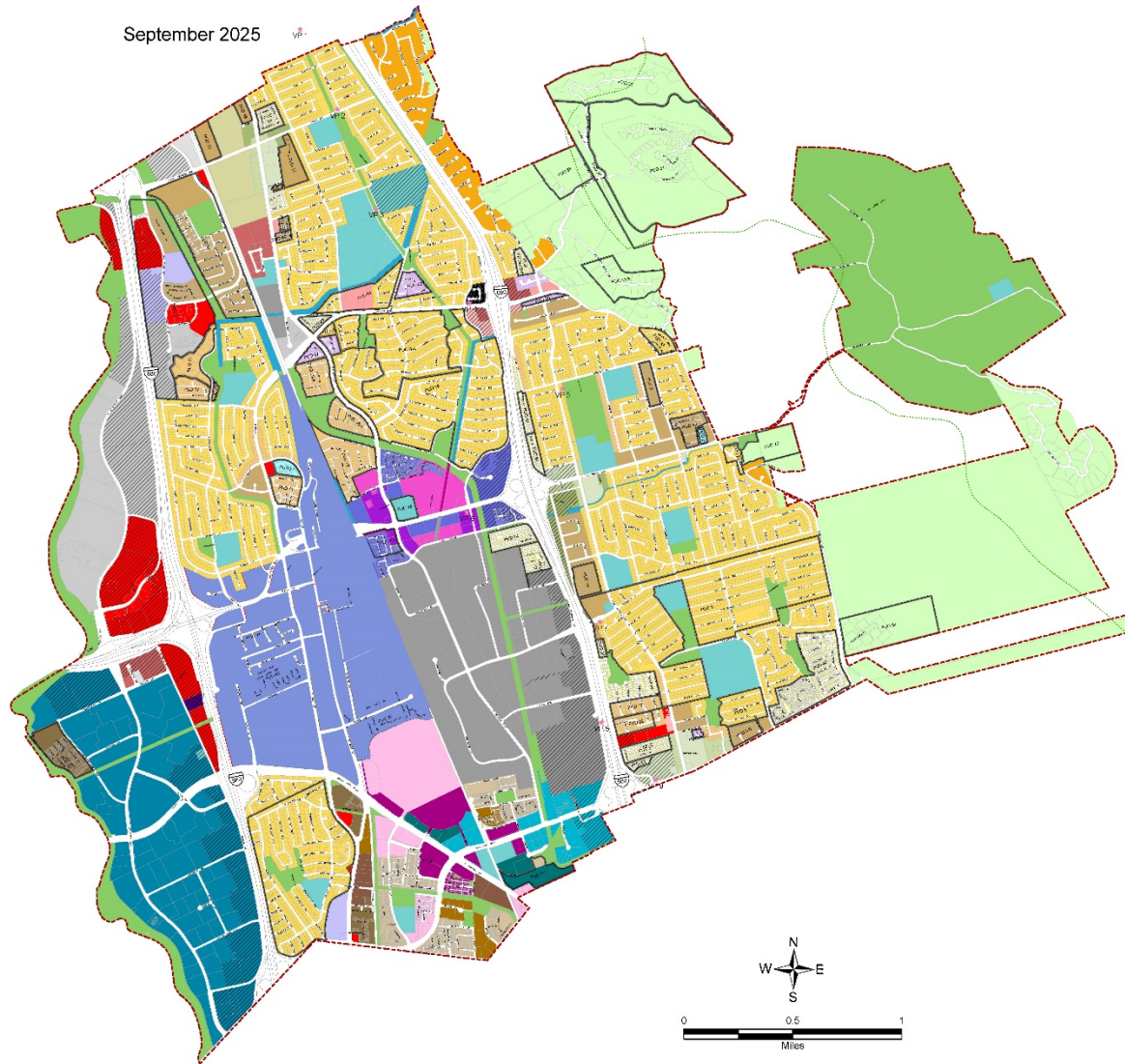
SECTION 8. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance takes effect 30 days from the date of its passage. The City Council hereby directs the City Clerk to cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

Exhibit A: Zoning Map Amendment

CITY OF MILPITAS ZONING MAP

September 2025



Zones

- Single-Family minimum lot size 2,500 s.f. (R1-2.5)
- Single-Family minimum lot size 3,000 s.f. (R1-3)
- Single-Family minimum lot size 4,000 s.f. (R1-4)
- Single-Family minimum lot size 5,000 s.f. (R1-5)
- Single-Family minimum lot size 6,000 s.f. (R1-6)
- Single-Family minimum lot size 10,000 s.f. (R1-10)
- Single-Family with Hillside Combining District (R1-H)*
- One or Two-Family (R2)
- Multi-Family (R3)
- Multi-Family Very High Density (R4)
- Mobile Home Park (MHP)
- Mixed Use (MXD)
- Very High Density Mixed Use (MXD3)
- Town Center (TC)
- Town Center (TC1)
- Town Center (TC2)
- Town Center (TC3)
- Neighborhood Commercial Mixed Use (NCMU1)
- Neighborhood Commercial Mixed Use (NCMU2)
- Neighborhood Commercial Mixed Use (NCMU3)
- Administrative and Professional Office (CO)
- Neighborhood Commercial (C1)
- General Commercial (C2)
- Highway Services (HS)
- Light Industrial (M1)
- Heavy Industrial (M2)
- Industrial Park (MP)
- Business Park Research & Development (BPRD)
- Institutional (I)
- Agricultural (A)
- Park and Open Space (POS)
- Waterway

Milpitas Metro Specific Plan Zones

- Metro Multi-Family High Density Residential (R3-Metro)
- Metro Multi-Family Very High Density Residential (R4-Metro)
- Metro Urban Residential (R5-Metro)
- Metro High Density Mixed Use (MXD2-Metro)
- Metro Very High Density Mixed Use (MXD3-Metro)
- Metro Business Park Research & Development, Limited Residential (BPRD-R-Metro)
- Metro Business Park Research & Development (BPRD-Metro)

Milpitas Gateway-Main St. Specific Plan Zones

- See Milpitas Gateway-Main St. Specific Plan for zones

Overlay

- Freeway Corridor Overlay (FC)

Other Features

- Planned Unit Development (PUD)
- Precise Plan Area of the Midtown Specific Plan
- Midtown Specific Plan Area
- Metro Specific Plan Area
- City Boundary
- Parcels
- Crestline
- View Points

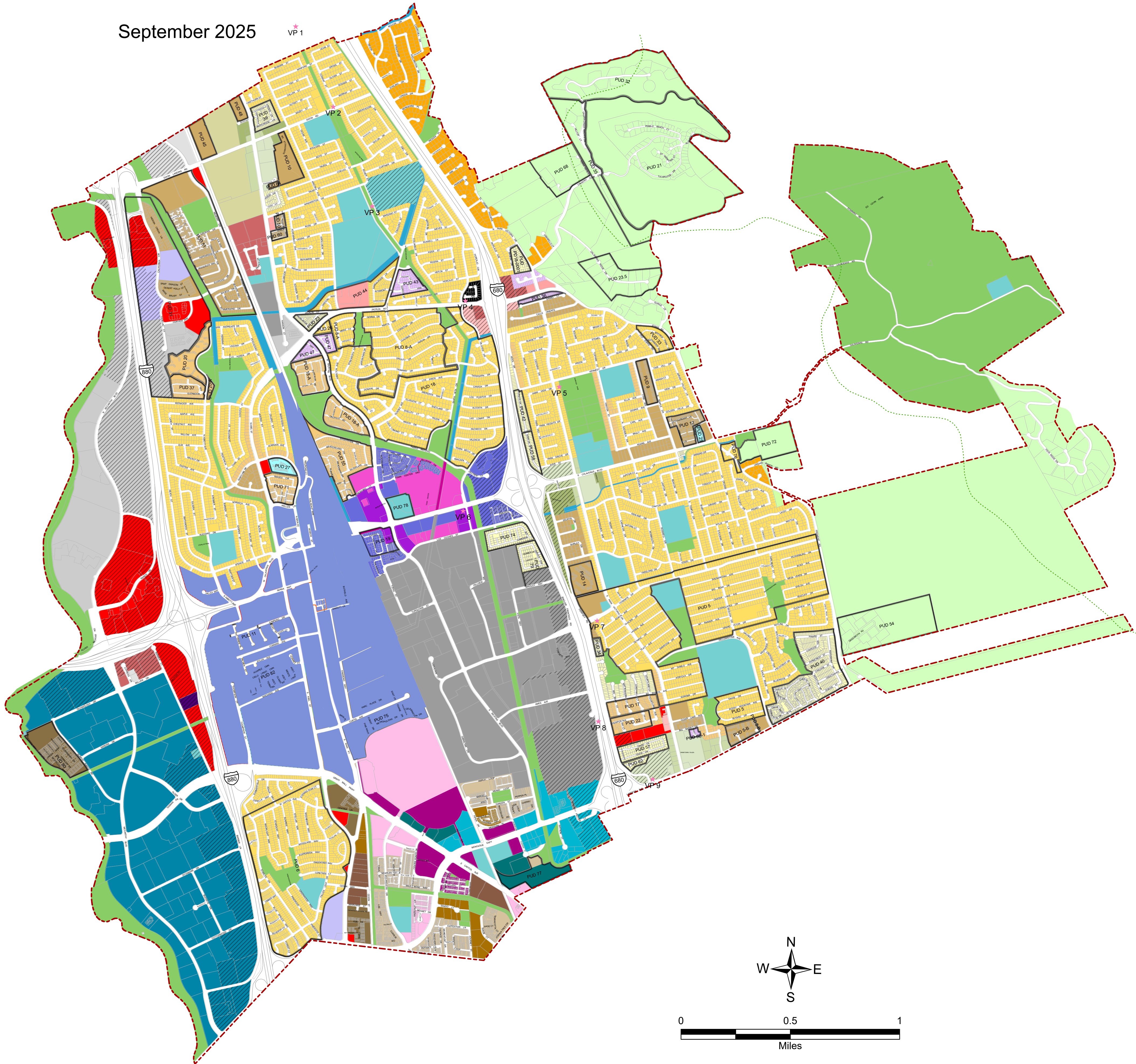
*Note: The "H" Hillside Combining District is mapped as R1-H. The Site and Architectural (S) Overlay was adopted through a voter initiative and is not currently mapped on any parcel.

CITY OF MILPITAS

ZONING MAP

September 2025

VP 1



Zones

- Single-Family minimum lot size 2,500 s.f. (R1-2.5)
- Single-Family minimum lot size 3,000 s.f. (R1-3)
- Single-Family minimum lot size 4,000 s.f. (R1-4)
- Single-Family minimum lot size 5,000 s.f. (R1-5)
- Single-Family minimum lot size 6,000 s.f. (R1-6)
- Single-Family minimum lot size 10,000 s.f. (R1-10)
- Single-Family with Hillside Combining District (R1-H)*
- One or Two-Family (R2)
- Multi-Family (R3)
- Multi-Family Very High Density (R4)
- Mobile Home Park (MHP)
- Mixed Use (MXD)
- Very High Density Mixed Use (MXD3)
- Town Center (TC)
- Town Center (TC1)
- Town Center (TC2)
- Town Center (TC3)
- Neighborhood Commercial Mixed Use (NCMU1)
- Neighborhood Commercial Mixed Use (NCMU2)
- Neighborhood Commercial Mixed Use (NCMU3)
- Administrative and Professional Office (CO)
- Neighborhood Commercial (C1)
- General Commercial (C2)
- Highway Services (HS)
- Light Industrial (M1)
- Heavy Industrial (M2)
- Industrial Park (MP)
- Business Park Research & Development (BPRD)
- Institutional (I)
- Agricultural (A)
- Park and Open Space (POS)
- Waterway

Milpitas Metro Specific Plan Zones

- Metro Multi-Family High Density Residential (R3-Metro)
- Metro Multi-Family Very High Density Residential (R4-Metro)
- Metro Urban Residential (R5-Metro)
- Metro High Density Mixed Use (MXD2-Metro)
- Metro Very High Density Mixed Use (MXD3-Metro)
- Metro Business Park Research & Development, Limited Residential (BPRD-R-Metro)
- Metro Business Park Research & Development (BPRD-Metro)

Milpitas Gateway-Main St Specific Plan Zones

- See Milpitas Gateway-Main St. Specific Plan for zones

Overlay

- Freeway Corridor Overlay (FC)

Other Features

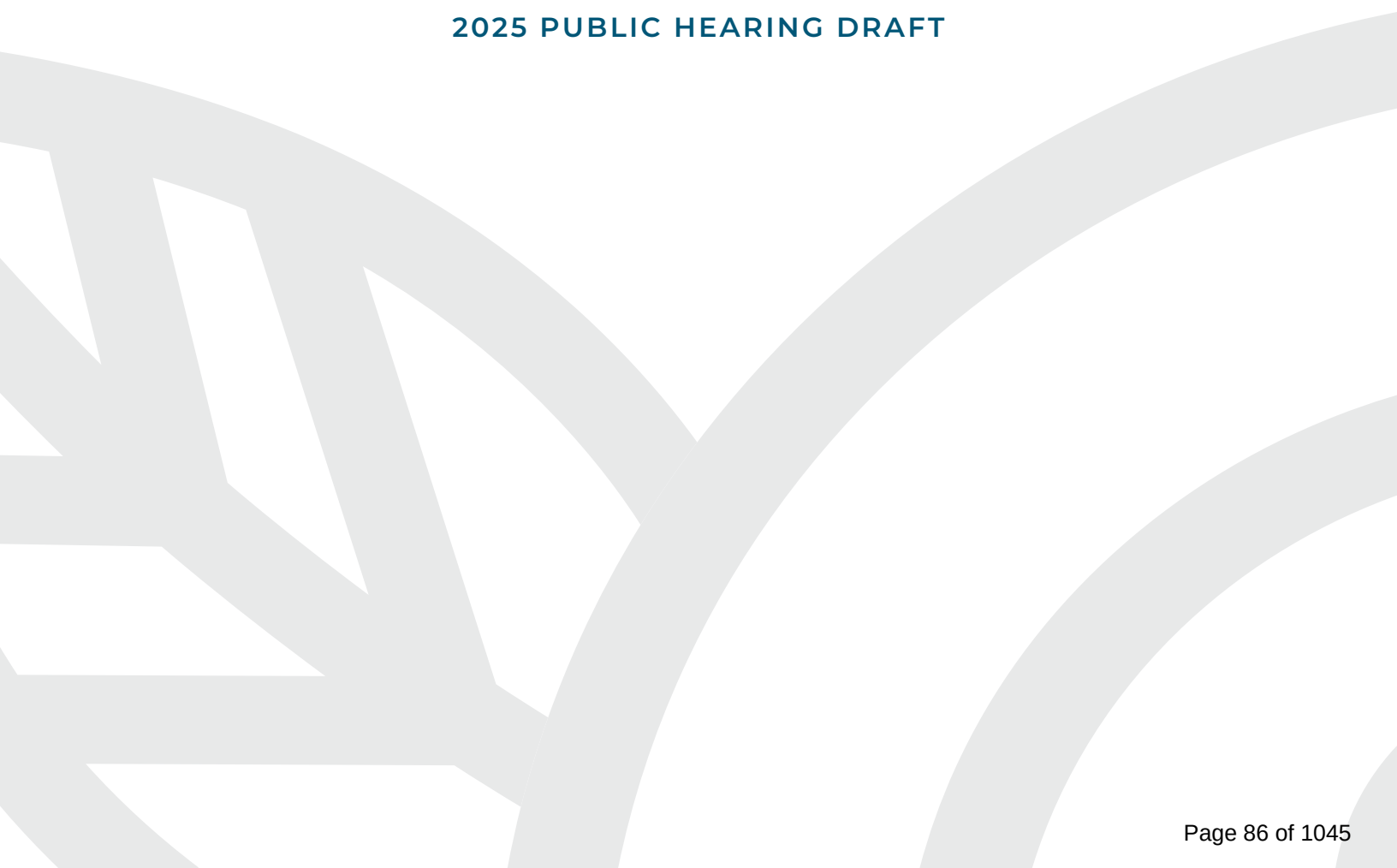
- Planned Unit Development (PUD)
- Precise Plan Area of the Midtown Specific Plan
- Midtown Specific Plan Area
- Metro Specific Plan Area
- City Boundary
- Parcels
- Crestline
- View Points

*Note: The "H" Hillside Combining District is mapped as R1-H. The Site and Architectural (S) Overlay was adopted through a voter initiative and is not currently mapped on any parcel.



GATEWAY-MAIN STREET SPECIFIC PLAN

2025 PUBLIC HEARING DRAFT



MILPITAS GATEWAY-MAIN STREET SPECIFIC PLAN

2025 PUBLIC HEARING DRAFT

ACKNOWLEDGMENTS

City Council

Carmen Montano, Mayor
Garry Barbadillo, Vice Mayor
Evelyn Chua, City Councilmember
Hon Lien, City Councilmember
William Lam, City Councilmember
Anthony Phan, Former City Councilmember

Planning Commission

Parveen Gupta, Chair
Michael Caulkins, Vice Chair
Mercedes Albana, Commissioner
Dipak Awasthi, Commissioner
Alexander Galang, Commissioner
Chia Ling Kong, Commissioner
Sonia Medina-Ashby, Commissioner

City Staff

Jay Lee, Planning and Neighborhood Services Director
Lillian VanHua, Principal Planner
Ned Thomas, Former City Manager
Holly Pearson, Zoning Code Update Project Manager
Elizabeth Medina, Administrative Assistant
Kristina Phung, Senior Planner
Sean Manalo, Associate Planner

Technical Advisory Committee

Alex Andrade, Director of Economic Development
Daniel Degu, Former Economic Development Coordinator
Michael Thomas, Economic Development Coordinator
Bill Tott, Building Official
Betty Chan, Plan Review Manager
Renee Lorentzen, Recreation and Community Services Director
Tegan McLane, Recreation and Community Services Former Assistant Director
Elaine Marshall, Deputy Public Works Director
Roberto Alonzo, Public Works Division Manager
Steve Chan, Transportation and Traffic Manager
Michael Silveira, City Engineer

Technical Advisory Committee (cont.)

Brian Petrovic, Former Associate City Engineer
Harris Siddiqui, Former Principal Civil Engineer
Arthur Belton, Deputy Fire Chief / Fire Marshall
Martin Gadua, Assistant Fire Marshall
Joel Gozun, Fire Protection Engineer
Steven Chi, Valley Transportation Authority
Nikki Diaz, Valley Transportation Authority

Consultant Team

Ascent (Urban & Environmental Planning)

Christine Babla, Project Director
Anh Thai, Deputy Project Manager
Chelsey Payne, Director of Urban Planning
Sangwoo Lee, Former Senior Urban Designer
Matt Gelbman, Senior Planner
Angela Khermouch, Urban Designer
Paul Kronser, Urban Planner, Engagement Coordinator
Veronica Alatorre, Urban Designer
Pat Angell, Environmental Project Director
Claudia Watts, Environmental Project Manager

Plan to Place (Community Outreach)

Dave Javid, Principal
Rachael Sharkland, Community Engagement Specialist

BAE Urban Economics (Economics & Finance)

David Shiver, Principal
Chelsea Guerrero, Project Manager

Greensfelder Commercial Real Estate (Retail Strategy)

David Greensfelder, Managing Principal

Fehr & Peers (Transportation Planning)

Robert Rees, Principal
Mark Soendjojo, Project Manager
Ellen Polling, Former Project Manager
Daniel Rubins, Senior Associate

BKF Engineers (Utilities Infrastructure)

Kevin Wong, Senior Associate Principal
Isaac Birocci, Project Manager

01 INTRODUCTION

Overview	2
1.1 Specific Plan Area	2
1.2 Purpose	5
1.3 Specific Plan Organization	5
1.4 Relationship to other Plans and Programs	6
1.5 Planning Process	10

02 THE GATEWAY - MAIN STREET VISION

Overview	18
2.1 Plan and Community Vision	20
2.2 Focus Areas	20
2.3 Main Street District	22
2.4 Crossroads District	25
2.5 Gateway District	30
2.6 Abbott District	31
2.7 Conceptual Vision Plan: 8 Big Moves	32

03 LAND USE AND ZONING

Overview	40
3.1 Land Use Framework	40
3.2 General Use Regulations	42
3.3 Intensity and Scale	48
3.4 Development Incentives	50
3.5 Setback Standards	52
3.6 Retail Frontage Requirements and Ground-Floor Activation	52
3.7 District Regulating Plans and Development Standards	53
3.8 Policies for Urban Reserve Areas	62
3.9 Open Space Standards	64
3.10 Parking Standards	66
3.11 Special Use Standards	68

04 OBJECTIVE DESIGN STANDARDS

Overview	72
4.1 Site Planning & Design	72
4.2 Building Design & Architecture	81
4.3 Pedestrian Level Design	89

05 MOBILITY

Overview	96
5.1 Mobility Framework	96
5.2 Street Activity Zones	98
5.3 Street Design	98
5.4 Traffic Improvements	114
5.5 Public Transit Improvements	114
5.6 Pedestrian Network	116
5.7 Bicycles and Micro-Mobility	118
5.8 Parking	121
5.9 Fire Access	121

06 PUBLIC REALM

Overview	124
6.1 Public Realm Framework	124
6.2 Existing Park Facilities	124
6.3 New Parks and Open Space	124
6.4 Placemaking and District Branding	131
6.5 Streetscape and Landscaping	134

07 INFRASTRUCTURE AND PUBLIC SERVICES

Overview	144
7.1 Storm Drainage	144
7.2 Flood Protection	150
7.3 Water Supply System	152
7.4 Sewer System	156
7.5 Solid Waste Services	159
7.6 Energy and Technology	160
7.7 Fire Protection and Emergency Services	161
7.8 Police Services	163
7.9 Schools	164
7.10 Libraries	165
7.11 Child Care Services	166

08 ADMINISTRATION AND IMPLEMENTATION

Overview	170
8.1 Plan Administration	170
8.2 Historic and Cultural Resources	170
8.3 Subsequent Environmental Review	171
8.4 Implementation Actions	171
8.5 Funding and Financing	175

FIGURES

01 INTRODUCTION

Figure 1-1 Regional Location	3
Figure 1-2 Specific Plan Area	4
Figure 1-3 Specific Plan Project Phases	10

02 THE GATEWAY-MAIN STREET VISION

Figure 2-1 District and Neighborhood Framework	21
Figure 2-2 Main Street District Vision Diagram	23
Figure 2-3 Main Street District Concept	24
Figure 2-4 Crossroads District Vision Diagram	26
Figure 2-5 Crossroads District Concept for Main Street	27
Figure 2-6 Serra Way Gateway Entry Concept	28
Figure 2-7 Serra Center Option 1: Mixed-Use Commercial District	29
Figure 2-8 Serra Center Option 2: Mixed-Use Retail and Entertainment Core	29
Figure 2-9 Big Moves Vision Plan	32

03 LAND USE AND ZONING

Figure 3-1 Land Use Framework	41
Figure 3-2 Building Placement	52
Figure 3-3 Retail Priority Corners	53
Figure 3-4 Main Street District Regulating Plan	55
Figure 3-5 Crossroads District Regulating Plan	57
Figure 3-6 Gateway District Regulating Plan	59
Figure 3-7 Abbott District Regulating Plan	61
Figure 3-8 North Railyards and South Railyards Regulating Plan	63

04 OBJECTIVE DESIGN STANDARDS

Figure 4-1 Maximum Block Length and Perimeter	73
Figure 4-2 Required Mid-Block Connections	73
Figure 4-3 Active Building Frontages	74
Figure 4-4 Building Oriented to the Sidewalk and Plazas	74
Figure 4-5 Architectural Features and Building Entries	75
Figure 4-6 Overhangs over Sidewalks	75
Figure 4-7 Required Freeway Setback	76
Figure 4-8 Required Creek Open Space Setback	77
Figure 4-9 Service Entry Locations	78
Figure 4-10 Upper Story Stepback Requirement	81
Figure 4-11 Upper Floor Alignment	82
Figure 4-12 Variation in Building Facade	83
Figure 4-13 Illustration of Shade Requirements	85
Figure 4-14 Ground-Floor Commercial Storefront Design	90
Figure 4-15 Ground-Floor Commercial Storefront Design	90

05 MOBILITY

Figure 5-1 Mobility Framework	97
Figure 5-2 Street Activity Zones	98
Figure 5-3 Street Typology Diagram	99
Figure 5-4 South Main Street Section in the Crossroads District	101
Figure 5-5 South Main Street Section in the Main Street District	103
Figure 5-6 Abel Street Section	104
Figure 5-7 Calaveras Boulevard Section, East of Abel Street	105
Figure 5-8 Serra Way Section	107
Figure 5-9 South Abbott Avenue (North of Calaveras Boulevard) Section	108
Figure 5-10 South Abbott Avenue (South of Calaveras Boulevard) Section	109
Figure 5-11 Future Mixed-Use Street Section	110
Figure 5-12 Future Residential Street Section	111
Figure 5-13 Future Alley - One Way	112
Figure 5-14 Future Alley - Two Way	112
Figure 5-15 Future Paseo	113
Figure 5-16 Public Transit Framework	115
Figure 5-17 Pedestrian Framework	117
Figure 5-18 Bicycle and Micro-Mobility Framework	119

06 PUBLIC REALM

Figure 6-1 Public Realm Framework	125
Figure 6-2 Parks & Open Space Plan	127

07 INFRASTRUCTURE AND PUBLIC SERVICES

Figure 7-1 City of Milpitas within the Coyote Creek Watershed	145
Figure 7-2 Stormwater Infrastructure Improvements	146
Figure 7-3 Stormwater Curb Extension	147
Figure 7-4 Stormwater Tree Well Filter Examples	148
Figure 7-5 Stormwater Planter Section Details	149
Figure 7-6 FEMA Designated Flood Areas	150
Figure 7-7 Water Infrastructure Improvements	153
Figure 7-8 Recommended Sewer Rehabilitation Method	157

TABLES

Table 3-1 Gateway-Main Street Zone Land Use Regulations	43
Table 3-2 Density, Intensity, and Height	49
Table 3-3 Available Incentives	50
Table 3-4 Main Street Mixed-Use and Library District Mixed-Use Standards	54
Table 3-5 Crossroads District Mixed-Use Development Standards	56
Table 3-6 Gateway District Mixed-Use Development Standards	58
Table 3-7 Abbott District Business Park Development Standards	60
Table 3-8 Minimum Residential Open Space Requirements	65
Table 3-9 Minimum Off-Street Vehicular and Bicycle Parking Standards	67
 Table 4-1 Allowed Front Setback Encroachments	 75
Table 4-2 Exterior Building Materials	87
Table 4-3 Roofing Materials	88
 Table 6-1 Recommended Street Trees	 137
Table 6-2 Recommended Plant Palette	139
Table 6-3 Recommended Hardscape Materials	140
 Table 7-1 Storm Drain Recommendations	 149
Table 7-2 Flooding Recommended Improvements	151
Table 7-3 Water Supply and Distribution Recommendations	155
Table 7-4 Sewer Recommendations	158
Table 7-5 Student Generation Rates and Projected New Students	164
 Table 8-1 Implementation Actions Matrix	 172

VISION

*The Gateway -
Main Street Specific Plan Area
is envisioned as a vibrant center for Milpitas,
where attractive neighborhoods and distinctive
shopping streets provide a gathering place
at the heart of the community.*



01

INTRODUCTION

Overview

The Gateway-Main Street Specific Plan, formerly Midtown Milpitas Specific Plan, addresses the city's western gateway at Calaveras Boulevard and its connection to the historic commercial core of Milpitas along Serra Way and Main Street. The Specific Plan updates the vision, standards, and policies of the Milpitas Midtown Specific Plan, first adopted in 2002 and last updated in 2010. It implements the General Plan vision to rebrand Midtown Milpitas to the Gateway-Main Street area, with a renewed focus on revitalizing Main Street as the community's historic town center, while also improving Calaveras Boulevard as a key city and regional arterial.

1.1 Specific Plan Area

The City of Milpitas is a thriving community with a population of over 80,000 residents as of 2020. Located in northern Santa Clara County within the larger South San Francisco Bay Area or Silicon Valley region, Milpitas is north of San Jose and east of Santa Clara, Sunnyvale, and Mountain View. Milpitas is known as the “Crossroads of the Silicon Valley,” connected by Interstate 880 (I-880) and State Route 237 (Highway 237) to many of the high-technology businesses and manufacturing companies in the area. Milpitas is served by the I-880, I-680, and Highway 237 freeways, and the County-managed Montague Expressway, as shown in Figure 1-1.

The Gateway-Main Street Specific Plan Area (Specific Plan Area or Plan Area), encompassing Calaveras Boulevard, Main Street, and the former Midtown Milpitas area, is approximately 605 acres and bordered by I-880 to the west, the Union Pacific Railroad (UPRR) tracks to the east, and the Great Mall Parkway to the south (Figure 1-2). Two heavy rail lines, the UPRR freight line and Bay Area Rapid Transit (BART) commuter rail line, traverse the Plan Area on the east. The Santa Clara Valley Transportation Authority (VTA) operates light rail transit (LRT) service, with a stop along Great Mall Parkway, at the Great Mall Station, and interconnecting bus lines serving the Plan Area. The Plan Area is also located north of the Metro Plan Area and east of San Jose's “Golden Triangle,” an area bound by Highway 101, Highway 237, and I-880 that is continuing to develop with new high technology jobs, housing, retail, entertainment, and hospitality services.

Milpitas has a bustling high-technology sector and boasts one of the most diverse communities in Silicon Valley. Approximately 68% of residents identify as Asian and an additional 14% identify as Hispanic or Latino according to the US census data. With its central Bay Area location and the addition of the BART station, the Plan Area is well-positioned to serve as a thriving urban and cultural center for the city and region that can support new infill housing, retail, and business uses within a high-quality, pedestrian-oriented environment.

1.1.1 HISTORY OF MILPITAS

The crossroads of Alviso Road with Old Mission Road, which connected El Pueblo San Jose to Mission San Jose, is where the town of Milpitas developed, serving as a nucleus for businesses that catered to travelers (saloons, restaurants, blacksmiths, service stations, and hotels) and those that supplied the local population (general stores, meat markets, lumber yards), and housing the working population of merchants, railway employees, and others.

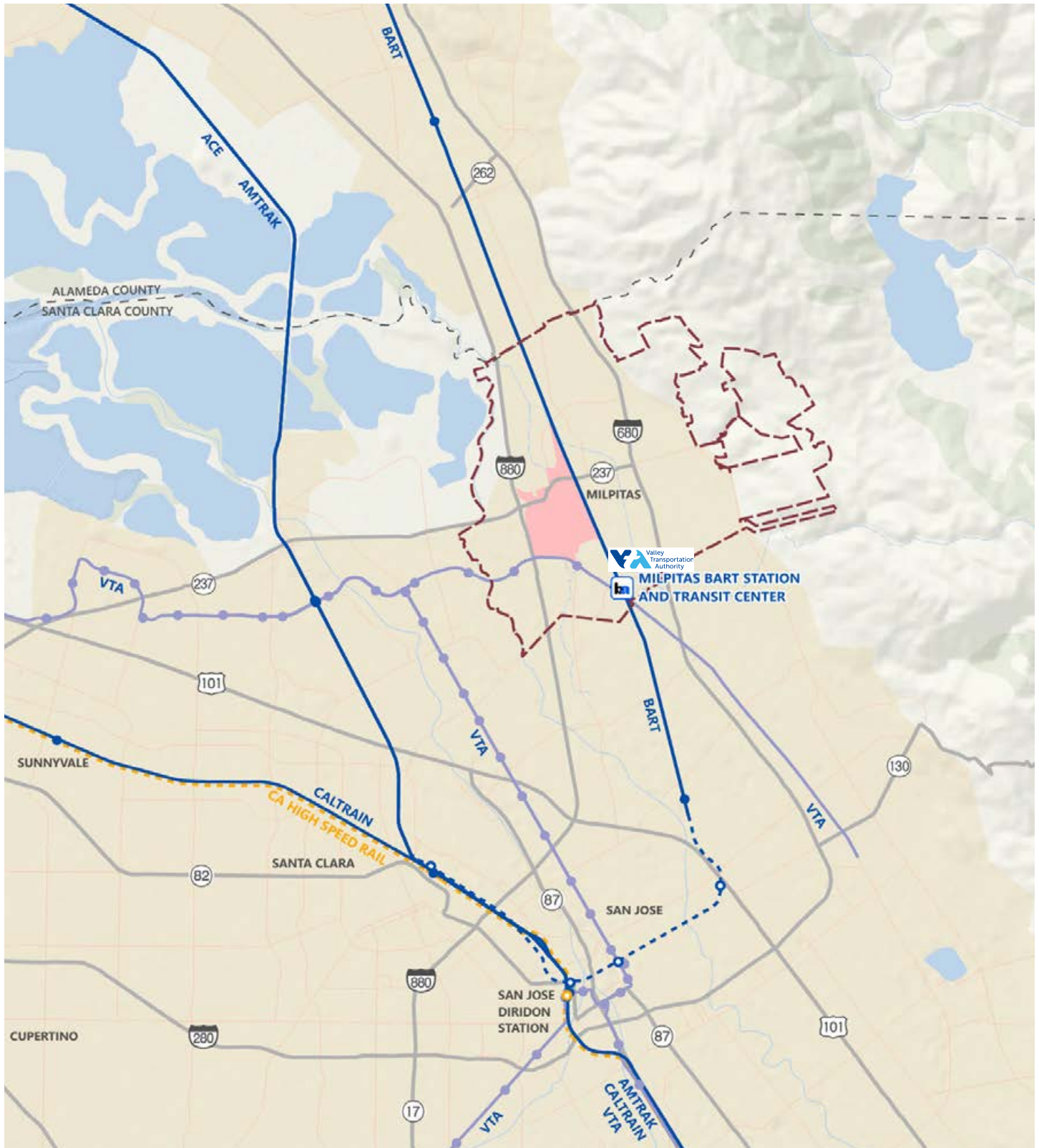
The Southern Pacific Railroad line between Stockton and San Jose reached Milpitas in 1869, leading to the development of new commercial enterprises and Milpitas' position as an important shipping point for a rapidly growing valley of local farmers. In the 1920s, the construction of the San Jose branch of the Western Pacific Railroad gave the community access to a second rail line.

Milpitas experienced a period of rapid expansion and population growth between the 1950s and 1990s when the Ford Motor Company moved to Milpitas in 1953 and began constructing an assembly plant in the strip of land between the two railroad tracks, near what is now the Great Mall. The town of Milpitas was incorporated in 1954 and became one of the fastest growing areas in Santa Clara County and in the state and nation. At the time of incorporation, Milpitas covered a 2.9 square mile area and had a population of 825. By 1964, the city covered 8.7 square miles and the population had grown to 16,000. With the computer boom of the 1980s, Milpitas transitioned into a thriving high-technology hub and became home to several major companies, growing to a population of 50,000 people by the early 1990s.



Historic Milpitas in the 1940's

Figure 1-1 Regional Location

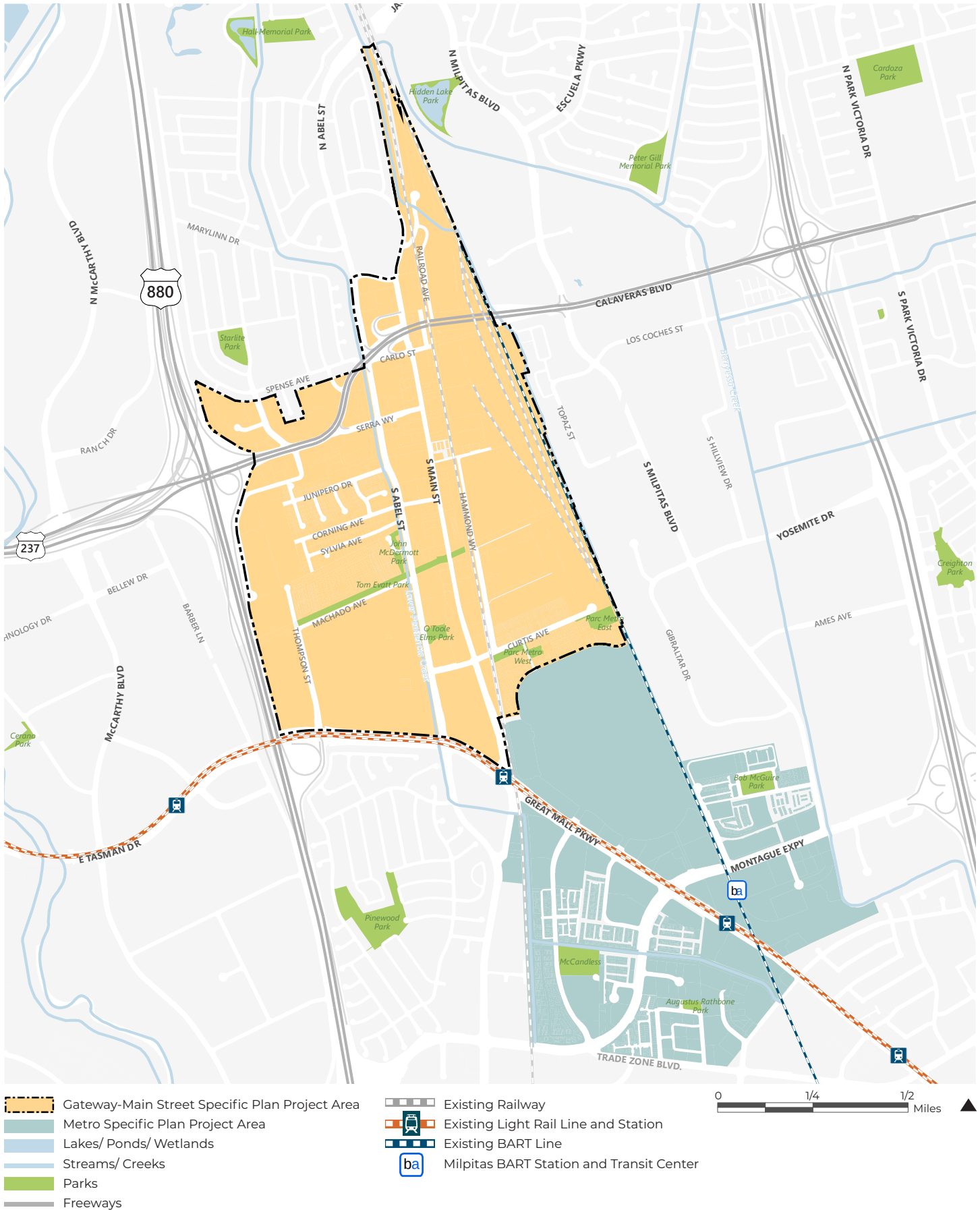


- County Boundary
- Milpitas City Limits
- Gateway-Main Street Plan Area
- Lakes/ Ponds/ Bay
- Urban Lands
- Freeways

- Streams/ Creeks
- Existing Commuter Rail Lines (ACE, Amtrak, BART)
- Existing Light Rail Lines
- Planned Commuter Rail Lines (ACE, Amtrak, BART)
- Planned California High Speed Rail Lines

0 1 2 Miles

Figure 1-2 Specific Plan Area



1.2 Purpose

The purpose of the Gateway-Main Street Specific Plan is to:

- Guide land use and development consistent with the General Plan.
- Reflect the community aspirations to enhance Main Street the historic heart and cultural center of the community.
- Implement the City's economic development strategy and help facilitate public and private investment in the Specific Plan's Focus Areas.
- Preserve and enhance existing neighborhoods.
- Plan for the future transition of Urban Reserve lands (see page 20).

This Specific Plan has been prepared in accordance with California Government Code Sections 65450 through 65457 in compliance with the requirements of the California Environmental Quality Act (CEQA). A Specific Plan implements the General Plan and is long-range, guiding development within its boundaries over the next 20 years. This Specific Plan has been developed recognizing that future development and improvements will be phased incrementally over time, as some areas of the Plan Area may be ready for development or redevelopment, while others may transition over a much longer-term time frame.



Invest in new streetscape and parking improvements on Main Street that can spur future business investments.



Establish Main Street as the historic and cultural center of the community.

1.3 Specific Plan Organization

The Gateway-Main Street Specific Plan consists of eight chapters, summarized in the following overview.

01 INTRODUCTION

This chapter describes the purpose and context, planning and outreach process, and relationship of the Specific Plan to other regulatory planning documents.

02 THE GATEWAY-MAIN STREET VISION

This chapter establishes the overall vision and guiding principles for the Specific Plan Area, including the vision for focus area districts, neighborhoods, and urban reserve areas.

03 LAND USE AND ZONING

This chapter establishes the land use and zoning to implement the Specific Plan. It also provides the general and district development standards regulating private property, including allowed density, intensity and heights, setbacks, open space, landscaping, and parking standards.

04 OBJECTIVE DESIGN STANDARDS

This chapter implements the Specific Plan vision by establishing the site, landscaping, building, and pedestrian level design guidelines and standards that apply to the Specific Plan Area.

05 MOBILITY

This chapter addresses mobility, access, and parking, including roadway and streetscape design, transit, bike, pedestrian, intersection, and parking improvements.

06 PUBLIC REALM

This chapter guides and regulates the design of parks, open spaces, and public spaces, including elements of the streetscape, landscape, branding, placemaking, and signage.

07 INFRASTRUCTURE

This chapter describes the additional infrastructure and services needed to serve the implementation of the projected Specific Plan growth.

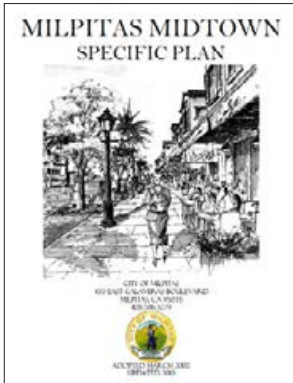
08 ADMINISTRATION AND IMPLEMENTATION

This chapter summarizes the process for the review and administration of subsequent project developments in the Specific Plan. It also identifies the implementation actions, responsibilities, and potential funding opportunities to help realize the vision of the Specific Plan.

1.4 Relationship To Other Plans

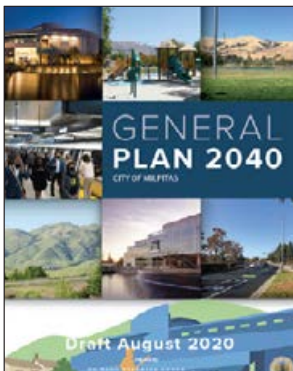
The City of Milpitas has a number of plans that overlap with or impact the strategies proposed in the Gateway-Main Street Specific Plan. These plans are described below in relationship to how they apply to the Specific Plan.

"The revitalization of Main Street into a more vibrant, walkable district is one of the major goals of this planned update to the Midtown Specific Plan"



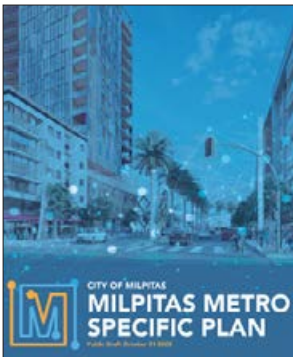
MILPITAS MIDTOWN SPECIFIC PLAN

The Milpitas Midtown Specific Plan, adopted in 2002 and updated in 2010, is the predecessor plan to the Milpitas Gateway-Main Street Specific Plan. Its aim was to respond to a series of development activities in the Midtown area, including the construction of new housing, reinvestment in the Great Mall, and the future extension of the VTA Light Rail Transit line and BART to the area, by creating a cohesive Specific Plan for Midtown. The Gateway-Main Street Specific Plan boundaries have been updated from the Midtown Specific Plan boundaries, as areas south of Great Mall Parkway have been removed, and other edges have been refined to reflect a renewed focus. The Midtown Specific Plan was intended to guide the Plan Area for 20 years, on track with the development of this Specific Plan.



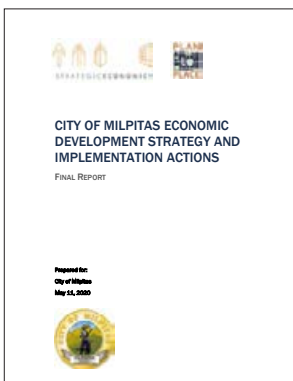
CITY OF MILPITAS GENERAL PLAN 2040

The General Plan 2040, adopted in 2021, is the guiding, long-term plan and policy document for the physical development of the City through 2040. The General Plan provides high-level goals and policies for this Plan Area, to guide its development as a mixed-use, main street with a variety of residential, commercial, civic, and cultural uses. It envisions the Plan Area as a compact and walkable neighborhood that serves as the historic and cultural hub for the city. Goals and policies relevant to the Plan Area are highlighted on the following page.



MILPITAS METRO SPECIFIC PLAN

The Milpitas Metro Specific Plan, adopted in 2023, is an update to the 2008 Milpitas Transit Area Specific Plan. The Metro Plan aims to continue the transformation of the approximately 510-acre plan area surrounding the VTA and BART transit lines from an industrial, auto-oriented neighborhood to a livable, connected and transit-oriented neighborhood. The Plan establishes a series of standards and guidelines to guide the area's development towards this goal. Figure 1-2 shows the boundaries of the Metro Specific Plan in relation to the Milpitas Gateway-Main Street Specific Plan.



MILPITAS ECONOMIC DEVELOPMENT STRATEGY AND IMPLEMENTATION ACTIONS

The May 2020 City of Milpitas Economic Development Strategy and Implementation Actions serves as a policy guide for near-term economic development activities and identifies strategies and implementation actions throughout the city. The Economic Development Strategy identifies the need to rebrand Midtown and position it as a community destination for local retail and restaurants, as well as other new commercial development and business activity at the Serra Center and freeway-fronting businesses along Abbott Avenue.

CITY OF MILPITAS GENERAL PLAN 2040

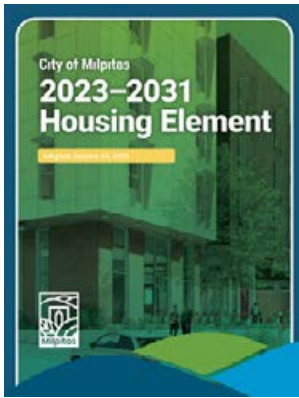
The City of Milpitas General Plan 2040 was adopted in March 2021, and identifies the following goals and policies for the Plan Area:

- **LAND USE ACTION LU-2A:** *Maintain and implement the Gateway-Main Street Specific Plan goals, policies, and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community 'gathering place' while maintaining needed industrial, service, and commercial uses.*
- **ECONOMIC DEVELOPMENT ACTION ED-3H:** *Work with property owners to facilitate development of vacant and underutilized properties on Main Street to achieve the highest and best use.*
- **COMMUNITY DESIGN GOAL CD 6-10:** *Encourage enhancements to Abel Street, Calaveras Boulevard, (and others) that improve the corridors' aesthetics, safety, and mobility for all users, including pedestrians, bicyclists, and transit riders. Enhancements may include, but are not limited to, street lights, street trees and landscaping, pedestrian amenities, bike racks, public art, bulb-outs and other traffic control devices, pedestrian refuge islands, and enhanced crosswalks.*
- **COMMUNITY DESIGN GOAL CD 8-2:** *Identify entries to the city and special districts (California Circle, Civic Center, Midtown, McCarthy Ranch, Transit Area, and others) with special features. Install city identification signs including distinctive landscaping and lighting or other markers at community gateways to signify entry. Anchor gateway intersections with landmark buildings that incorporate distinctive architectural character and activate the area. Orient landmark buildings to face and frame the corners of intersections.*
- **COMMUNITY DESIGN GOAL CD 8-3:** *Develop major gateway intersections such as I-880/Calaveras Boulevard, I-680/Calaveras Boulevard, and Montague Expressway/Great Mall Parkway with signage, distinctive lighting, and abundant landscaping, using tall trees and underplantings.*
- **COMMUNITY DESIGN GOAL CD 8-5:** *Construct landmarks to support wayfinding at key locations throughout the city, such as entries to Midtown, the Transit Area, and other districts, historic neighborhoods, points of interest, significant buildings, public and civic spaces, and natural features.*
- **PARKS, RECREATION AND OPEN SPACE ACTION PROS-1K:** *During subsequent updates to Specific Plans within Milpitas, review established park standards and explore opportunities to increase requirements for publicly-accessible parks and recreation facilities within these Plan Areas.*

MILPITAS ECONOMIC DEVELOPMENT STRATEGY

The Milpitas Economic Development Strategy identifies the rebranding of Midtown through this Specific Plan, and the following associated actions:

- **ACTION 31:** *Position Midtown as a community destination for local, independent retail and restaurants.*
- **ACTION 31.1:** *Use the Midtown Specific Plan update process to identify appropriate locations for concentrating new commercial development and business activity.*
- **ACTION 31.2:** *Lead area planning efforts to redevelop Serra Center, incorporating surrounding properties owned by the Milpitas Unified School District (MUSD) and the County of Santa Clara.*
- **ACTION 31.3:** *Provide technical support for property owners and business owners on Main Street to explore and assist with forming a property-based business improvement district (PBID), including potentially funding services for a district formation consultant.*
- **ACTION 31.4:** *Identify necessary public improvements in the Midtown area via the Specific Plan update process and develop an impact fee or other financing mechanism for new development projects to contribute toward these improvements.*
- **ACTION 31.5:** *Through the Specific Plan update process, explore reducing parking requirements and other zoning requirements/processes to help facilitate establishing restaurant and retail uses in Midtown.*
- **ACTION 31.6:** *Work with businesses in Midtown to explore and implement rebranding of the area, including possible funding from a new area PBID.*



HOUSING ELEMENT

The City of Milpitas 2023-2031 6th Cycle Housing Element, adopted in 2023, analyzes the city's housing needs, assesses past accomplishments, and identifies opportunities for future residential development in the City. It aims to promote and preserve housing, while furthering other goals as laid out in the General Plan, including building vibrant and walkable neighborhoods and maintaining an equitable balance of land uses. The Housing Element is consistent with the goals and policies of the General Plan. Included in the Housing Element are sites within the Plan Area that have been identified as opportunity sites for future housing development. This Specific Plan incorporates and provides further guidance as to how these identified opportunity sites can develop.



CITYWIDE ZONING ORDINANCE

The Citywide Zoning Ordinance (Zoning Ordinance) contains the land use, zoning, and development standards regulating private and public lands, buildings, and structures within the City of Milpitas. Allowed land uses and development regulations, including building scale, density and intensity, setbacks, landscaping, parking, open space, and signage standards are governed by the Zoning Ordinance, except as may otherwise be permitted by this or other adopted Specific Plans in the city and the Citywide Objective Design Standards. The Zoning Ordinance also describes the application and development review process, interpretation, appeal, enforcement, and other administrative procedures in the city.

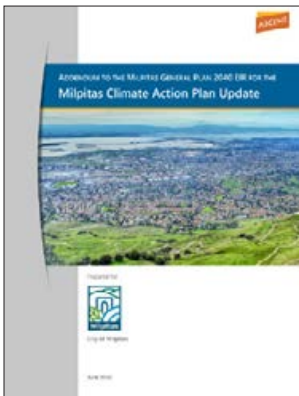
CITYWIDE OBJECTIVE DESIGN STANDARDS

The Citywide Objective Design Standards, adopted in 2022, provide design standards and guidelines for residential multi-family and mixed-use development projects within the City of Milpitas. The Objective Design Standards include regulating elements, such as setback and height limits, alongside design guidelines for site and building design to support high-quality development that is appropriate to the area's context and environment. The intent is to provide city-wide regulations that allow for flexibility of design and facilitate an efficient review process, resulting in development that is cohesive with the city's existing fabric. The Citywide Objective Design Standards apply to, and supplement, the regulations in the Gateway-Main Street Specific Plan unless otherwise stated in this document.



CLIMATE ACTION PLAN UPDATE

The City of Milpitas Climate Action Plan (CAP) Update was adopted in 2022 and identifies the near- and long- term strategy for reducing community-wide Greenhouse Gas (GHG) emissions and meeting state climate goals. The Climate Action Plan Update has two overarching goals: (1) to reduce GHG emissions from local activities to achieve the City's target of achieving carbon neutrality by 2045 and (2) to build community resilience to prepare for and adapt to the impacts of climate change. The Climate Plan Update provides a variety of strategies and measures to work towards achieving these goals.





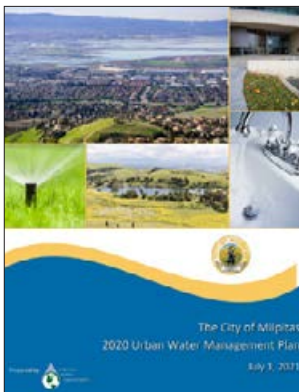
PARKS AND RECREATION MASTER PLAN UPDATE

The Parks and Recreation Master Plan Update, adopted in 2021, is a visioning document that identifies potential policy changes and enhancement projects for the city's public parks that if implemented will improve the public park and recreation system in the city. Included in the plan is a prioritization criterion for projects to help decision-makers match available funds to projects over the next 20 years. The Parks and Recreation Master Plan coordinates with the open space goals of the General Plan by identifying strategies to both address current recreation needs and plan for the changing needs related to future growth. The Gateway-Main Street Specific Plan integrates and builds upon the open space recommendations included in the Parks and Recreation Master Plan.



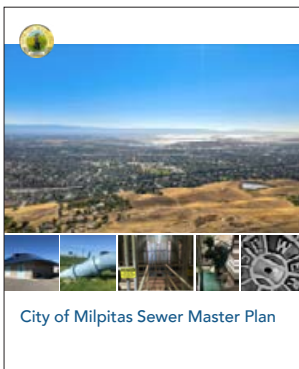
MILPITAS TRAIL, PEDESTRIAN, AND BICYCLE MASTER PLAN

The Milpitas Trail, Pedestrian, and Bicycle Master Plan, adopted in May 2022, identifies a comprehensive network of trails and paths to enhance walking and cycling throughout the city. The Plan emphasizes the integration of safe and connected routes, promoting active transportation, and fostering a healthier, more sustainable community for residents and visitors. The Gateway-Main Street Specific Plan integrates and furthers the recommendations of the Trail, Pedestrian, and Bicycle Master Plan.



URBAN WATER MANAGEMENT PLAN

The Urban Water Management Plan is a planning tool that guides long-term water decisions to ensure the City of Milpitas can meet its future water supply needs. It establishes water supply and demand projections based on projected population growth and identifies a Per capita water use goal. The Milpitas Gateway-Main Street Specific Plan incorporates the recommendations of the Urban Water Management Plan to ensure future development within the plan area meets the city's water supply goals.



WATER, SEWER, AND STORM DRAIN MASTER PLANS

The Water, Sewer, and Storm Drain Master Plans were comprehensively updated between 2020 and 2021 to coordinate unit water use factors, wastewater generation factors, and land use planning assumptions. These Master Plans provide a comprehensive review and evaluation of the City's existing and future water, sewer, and storm drain system needs. Additional context and information on the Water, Sewer, and Storm Drain Master Plans is provided in the Specific Plan Infrastructure chapter.

URBAN FOREST MANAGEMENT PLAN

The Urban Forest Management Plan includes an inventory of the city's trees and provides recommendations for existing tree maintenance and new tree planting. The Urban Forest Management Plan should be consulted for guidance related to the design of open space and the selection of street trees in the Plan Area.



CONCEPTUAL HISTORIC RESOURCES MASTER PLAN

The Conceptual Historic Resources Master Plan, adopted in 1993, sets forth the general goals, objectives, and policies for a historic preservation program in Milpitas. The Plan identifies historic sites in need of protection and makes recommendations for City-owned historic resources.

1.5 Planning Process

The development of the Gateway-Main Street Specific Plan was informed by an extensive planning and public engagement process, led by the consultant team with guidance from the City's Planning Department in coordination with other City departments and staff.

1.5.1 PROJECT PHASES

The Specific Plan process consisted of the following five phases as summarized in Figure 1-3:

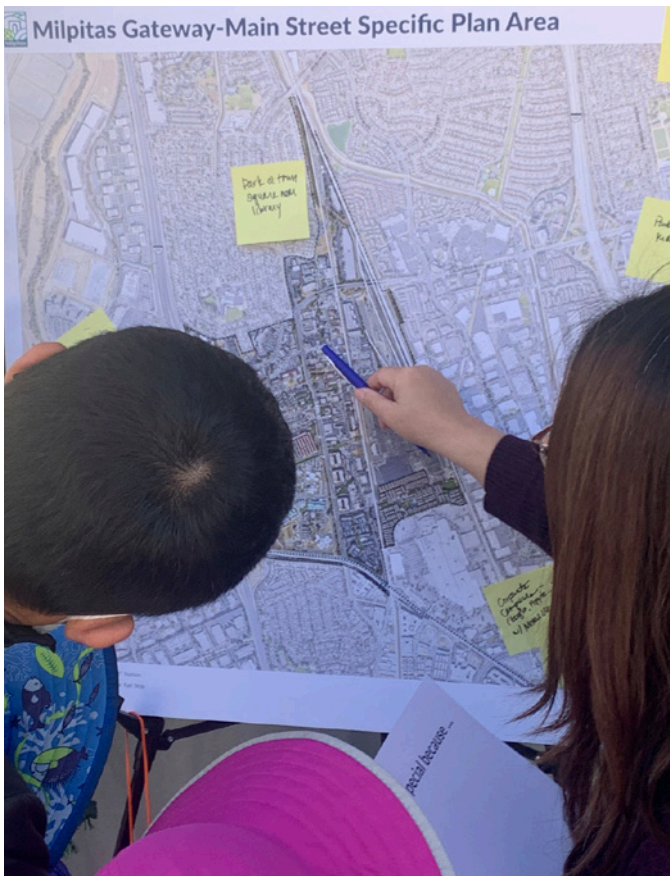
1. Existing Conditions.
2. Community Visioning.
3. Plan Framework & Strategies.
4. Draft Plan & Environmental Impact Report (EIR).
5. Final Plan/Adoption.

Figure 1-3 Specific Plan Project Phases





The Gateway-Main Street Specific Plan project website was used as a tool to share information and updates on the project planning process.



The pop-up event at Holiday Magic on Main Street provided an opportunity to promote community participation in the project planning process.

1. EXISTING CONDITIONS

In the Existing Conditions phase, site visits were conducted and the existing physical, regulatory, and economic context of the Plan Area were analyzed and summarized in the following background reports:

- Land Use, Zoning, and Urban Form Analysis, May 2022.
- Milpitas Gateway-Main Street Specific Plan Market Study, April 2022.
- Milpitas Gateway-Main Street Specific Plan Existing Transportation Conditions, Issues, and Opportunities Memorandum, May 2022.

An opportunities and constraints analysis was prepared to identify priority opportunity sites and conditions related to land use and development, as well as potential circulation and infrastructure improvements. These findings and priorities were used to gather input from the community and guide the subsequent phases of the Specific Plan process.

2. COMMUNITY VISIONING

The Community Visioning phase consisted of a series of engagement events, to understand the needs and desires of the community, local stakeholders, and the City, and described in more detail in Section 1.5.2. This consisted of the following outreach activities:

- A series of Community Conversations about the future of Main Street.
- A community pop-up event at Holiday Magic to publicize the Specific Plan project to the community.
- Stakeholder interviews with property and business owners, developers, and the real estate community.
- A Community Visioning Workshop to introduce the project and gather input through guided discussion on the community's vision and priorities for the Plan Area.

Input from these outreach activities provided direction on the community's preferences for the desired land use, urban form, and open space priorities for the Plan Area. Additionally, brainstorming sessions with City staff and Technical Advisory Committee (TAC) meetings were conducted to discuss the context, issues, and opportunities of the Plan Area and confirm the emerging community vision and guiding principles that should set the course for the Specific Plan.

3. PLAN FRAMEWORK AND STRATEGIES

Based on the community's vision and guiding principles, a series of development framework diagrams were prepared to summarize land use and development concepts, mobility/connectivity, parks and open space, and streetscape and branding concepts. Development feasibility testing was conducted on a series of opportunity sites to evaluate building typologies, uses, and intensity in relation to market feasibility. A preferred Master Plan concept was developed to study the development potential of the Plan Area, including potential strategies for placemaking, and implementing the City's housing, economic development, and greenhouse gas emission reduction goals.

4. DRAFT PLAN AND EIR

A preferred Master Plan vision and series of framework concepts for the Gateway-Main Street area were prepared, which serve as the basis for the development of the Specific Plan elements, addressing land use and urban form; economic development and retail strategies; mobility, circulation, and parking; public realm improvements, placemaking and branding; infrastructure; and implementation. An Environmental Impact Report was prepared to analyze the impacts of the Specific Plan, following CEQA Guidelines and procedures. Based on comments received from the community and coordination with City staff, a Final EIR/Response to Comments was prepared and distributed for public review (to be completed in Late 2024).

5. FINAL PLAN

The Final Plan/Adoption phase encompasses the final updates to the Specific Plan and associated environmental documents, following the adoption of the Specific Plan and certification of the EIR by the City Council.

1.5.2 COMMUNITY ENGAGEMENT

Throughout the Specific Plan process, a series of outreach events were held to gather community input, and establish the vision for the Gateway-Main Street Specific Plan. Input was received from community members, property owners, business stakeholders, and community leaders as summarized on the following pages.

PROJECT WEBSITE

The project team worked with the City to create a project website: www.milpitasmainstreet.org. The website was used to publicize major project updates, share Specific Plan resources and the project timelines, and advertise upcoming community engagement activities, including workshops, public surveys, and public review draft documents.

POP-UP EVENTS

The project planning team hosted a Pop-up Event at Holiday Magic on Main Street in December 2021 to engage with the community in the heart of the Plan Area. This provided an opportunity to advertise and share information about the project and solicit feedback from people attending the event on their vision and big ideas for Main Street.

COMMUNITY CONVERSATIONS

Prior to the initiation of the Specific Plan, the City of Milpitas hired Catalyze SV to help facilitate three virtual workshops in Spring 2021 to discuss the redevelopment of Main Street with various stakeholders. Each conversation focused on different aspects of the future of Main Street and included a presentation, virtual site walk, small group discussion, and report back to the larger group. The topics of the conversations included:

- Community Conversation #1: Small Business and Economic Development, April 29, 2021.
- Community Conversation #2: Housing, May 27, 2021.
- Community Conversation #3: Historical and Cultural Resources, June 24, 2021.

STAKEHOLDER INTERVIEWS

At the start of the Specific Plan process, the project team conducted a series of stakeholder interview sessions in small group settings, to gather targeted feedback on the Plan Area and focus areas. Participating stakeholders included property owners, business representatives, neighborhood associations, developers, and real estate professionals. These meetings allowed those who participated to provide input and context regarding existing issues and opportunities within the Plan Area.



WHAT WE HEARD

Participants shared a wide range of feedback throughout the process, summarized into the following recurring themes:

- **Enthusiasm for the project and concepts addressing Main Street, streetscape improvements, and active outdoor spaces including outdoor dining along retail paseos, the need for more trees and green space, a central destination for the community, and places “to be.”**
- **A sense of urgency that improvements are needed to enhance the character, sense of place, safety, and access, which will help address traffic and promote other modes of transportation, including walking, biking and public transportation.**
- **Interest in diverse housing and places to go/ be, which includes creating a downtown with improved livability, housing choices for families, seniors, and first time buyers that include active outdoor spaces for the community.**
- **Recognize potential for development in the Crossroads which is currently a large, urban setting and serves as a key gateway to the downtown core.**
- **Improve safety for pedestrian and bike access along Calaveras Boulevard, Main Street, and Serra Way that is designed to connect to transit, retail and public amenities, open space, and the greater Milpitas.**
- **Create opportunities for urban parks and activity hubs where people can meet and gather that is publicly accessible and includes open space and pedestrian amenities.**

COMMUNITY WORKSHOPS

A series of community workshops were conducted to engage the community and gather feedback on their vision and preferences for the Gateway-Main Street area, share preliminary planning concepts, and progress updates. These workshops were conducted using a virtual platform where participants had opportunities to provide feedback through interactive exercises and have space to have conversations and ask questions.

Community Workshop #1

Community Workshop #1 was held virtually on June 29, 2022. The main purpose of the community workshop was to provide an overview of the project and timeline, introduce the focus areas being considered, and gather input on key project components (housing and development, open space and public realm and transportation and access) through break-out rooms and interactive feedback exercises with workshop participants.

Community Workshop #2

Community Workshop #2 was held virtually on February 13, 2023 and provided the community with an update on the emerging project vision and framework, reviewed community engagement to date, and allowed the project team to gather feedback about specific land use, mobility and public realm proposals in three Focus Areas within the plan area boundary. Feedback received during the workshop helped guide the project team in refining the plan scenarios and strategies presented in the Specific Plan.

ONLINE SURVEYS/ FEEDBACK FORMS

In conjunction with each workshop, an online survey/ feedback form was used to gather additional feedback from those that missed the virtual community workshops or wanted to provide additional feedback. The survey process was intended to parallel each virtual workshop by providing an opportunity to respond to the same exercises that virtual workshop participants responded to. The surveys were made available to the community on the project website for at least one month following each workshop, with wide advertisement, and the results were summarized and shared on the project website.

TECHNICAL ADVISORY COMMITTEE (TAC)

The project team met periodically with the Technical Advisory Committee (TAC), comprised of representative city departments and other public agency partners, including the Santa Clara Valley Transportation Authority (VTA). These meetings were used to discuss and review the key deliverables, including existing conditions and opportunities, plan framework diagrams and strategies, economic feasibility studies, and provide input on the Draft Specific Plan.

PLANNING COMMISSION & CITY COUNCIL STUDY SESSIONS

The Specific Plan process engaged the Planning Commission and City Council in study sessions on May 17th and 25th, 2022 to summarize the key findings from the Existing Conditions process and seek feedback on the priorities for the Specific Plan focus areas. A second City Council study session was conducted on April 25th, 2023 to share the visioning input received from the community, present and seek input on the Specific Plan guiding principles, market feasibility analysis and developing strategies, and emerging focus area concepts.

OUTSIDE COMMITTEE PRESENTATIONS

The City presented project updates to various groups in the community, including to the:

- **Community Development Roundtable** on February 17, 2022, February 16, 2023, and May 19, 2023, bi-monthly roundtable discussions with developers hosted by the city, to share and receive feedback on the Specific Plan progress. Participants of these roundtable meetings generally expressed support for the Specific Plan strategies and policies during these meetings.
- **Council Ad-Hoc Main Street Revitalization Subcommittee** at its meeting on April 12, 2022, to share the key findings from the project Land Use, Zoning, and Urban Form Analysis. Staff received feedback to thoughtfully incorporate new housing along Main Street while maintaining and strengthening the neighborhood commercial character and find solutions to provide better parking opportunities throughout the corridor.



02

THE GATEWAY - MAIN STREET VISION

OVERVIEW

This chapter describes the framework, vision, and guiding principles that serve as the foundation for the Specific Plan. The vision and plan concepts reflect the vision to transform Main Street from an auto-oriented street to a walkable and pedestrian-friendly district with a mix of shops and services, cultural attractions, and outdoor spaces for shopping, dining, strolling, and public gathering.



01 VISION AND PLACEMAKING

A Vibrant Center and Entertainment District for the City of Milpitas

The Gateway-Main Street Area is a central destination for the Milpitas community, composed of districts and neighborhoods organized around nodes of activity.

Guiding Principles:

- Make this the heart of Milpitas and a downtown retail and entertainment district.
- Improve the Gateway-Main Street Area with high quality development, landscaping, and streetscape design.
- Integrate signage and branding to distinguish the Gateway-Main Street Area as the downtown for Milpitas.
- Develop and distinguish special places to integrate an element of discovery and create identities for distinct neighborhoods.
- Preserve and commemorate historic places through interpretative signage.



02 LAND USE AND DEVELOPMENT

A Downtown Mixed-Use Destination

Main Street and surrounding districts will evolve into more walkable places supported by commercial retail, entertainment, and employment uses, civic and cultural anchors, and infill residential and neighborhood service nodes.

Guiding Principles:

- Integrate a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller unit homes, live-work, senior housing, and affordable housing.
- Bring walkable, pedestrian-friendly retail, grocery stores, restaurants/outdoor dining, and places “to be”.
- Add housing throughout to support new businesses and create activity on the street, with emphasis along Main Street and at the Crossroads.
- Distinguish key gateways on Calaveras Boulevard along Serra Way and at Main Street with distinct architecture, branding, landscaping, and streetscape improvements through interpretative signage.

"The Gateway-Main Street Specific Plan Area is envisioned as a vibrant center for Milpitas, where attractive neighborhoods and distinctive shopping streets provide a gathering place at the heart of the community."



03 MOBILITY AND ACCESS

A Walkable, Bikeable, Transit Accessible Community

New infill housing and mixed-use development in the community will be paired with complete streets, trails, and transit improvements to support a walkable and bikeable urban community.

Guiding Principles:

- Re-design Calaveras Boulevard, Main Street, and Serra Way to incorporate multi-modal transportation options and facilitate walkability, bikeability, and connections to transit.
- Provide new streets and extend existing streets to create a grid of smaller, connected blocks.
- Create a network of bicycle and pedestrian linkages that connect to transit, retail and services, public amenities, and the open space system serving greater Milpitas.
- Integrate multi-modal safety improvements throughout the Gateway-Main Street Area, including crosswalks, enhanced sidewalks, pedestrian lighting, and other amenities.



04 OPEN SPACE AND PUBLIC REALM AMENITIES

Diverse and Meaningful Public Open Space

The Plan builds on the assets of its location to support new public realm streetscape improvements, urban parks, plazas, special gathering places, and connected open space.

Guiding Principles:

- Improve Main Street as a shared street with places for outdoor dining, living, and commercial activity.
- Create smaller, active urban parks, gathering spaces, and special places for people to meet and interact.
- Integrate public art, entertainment, and active programming in public spaces that celebrate the city's history and diversity.
- Improve naturalized areas, open spaces, and the Penitencia Creek with landscaped improvements and inviting pedestrian amenities.

2.1 Plan and Community Vision

For planning purposes, the Plan Area has been organized into four priority focus areas: the Main Street District, the Crossroads District, the Gateway District, and Abbott District. The Plan Area includes two other districts, the Library District and Creekside Industrial District, as well three urban reserve areas, the Elmwood Correctional Facility (Elmwood), the north Union Pacific Railroad yard (North Railyards), and the south Union Pacific Railroad yard (South Railyards). There are also existing single-family residential neighborhoods within and adjacent to the Plan Area, which are considered neighborhood preservation areas. These areas are described below and shown in Figure 2-1.

FOCUS AREAS are areas of the Specific Plan targeted to support redevelopment and infill, including streetscape and open space improvements, connectivity improvements, and district branding. The vision for the Specific Plan's four focus areas, Main Street, Crossroads District, Gateway District, and Abbott District, are presented in the following sections, and include an overview of the district vision for land use, urban form, and the public realm.

EXISTING NEIGHBORHOODS are to be preserved and enhanced with future improvements in the Gateway-Main Street area. Neighborhoods are intended to benefit from local area improvements, such as new street, streetscape, and open space trail improvements that connect residents to adjacent area shops, businesses, parks, and open space. No new development is planned or anticipated in these areas. Instead, the Specific Plan provides guidance for the design of edges adjacent to the existing neighborhoods, with a focus on addressing compatible transitions, landscaping, and quality neighborhood connections.

URBAN RESERVE AREAS are areas subject to longer-term planning and further study in the event that future changes of use should occur on these sites. The Elmwood Correctional Facility, North Railyards, and South Railyards are Urban Reserve Areas within the Specific Plan. If and when it is determined that the Urban Reserve Areas or their associated facilities are no longer needed for their current purpose, redevelopment shall be coordinated with the Specific Plan to ensure their orderly development and integration with the community.

2.2 Focus Areas

The vision for each of the Specific Plan's four focus areas follows and integrates strategies for land use, urban form, and public realm improvements.

LAND USE: Land use characterizes how a property or building is used and describes the general activity occurring on the site, such as commercial retail, service, or office, residential, industrial, or open space. Land uses can influence the surrounding environment. For example, retail stores and restaurants draw pedestrians to an area and function best with a more active sidewalk environment; while uses like industrial, are typically more auto-oriented.

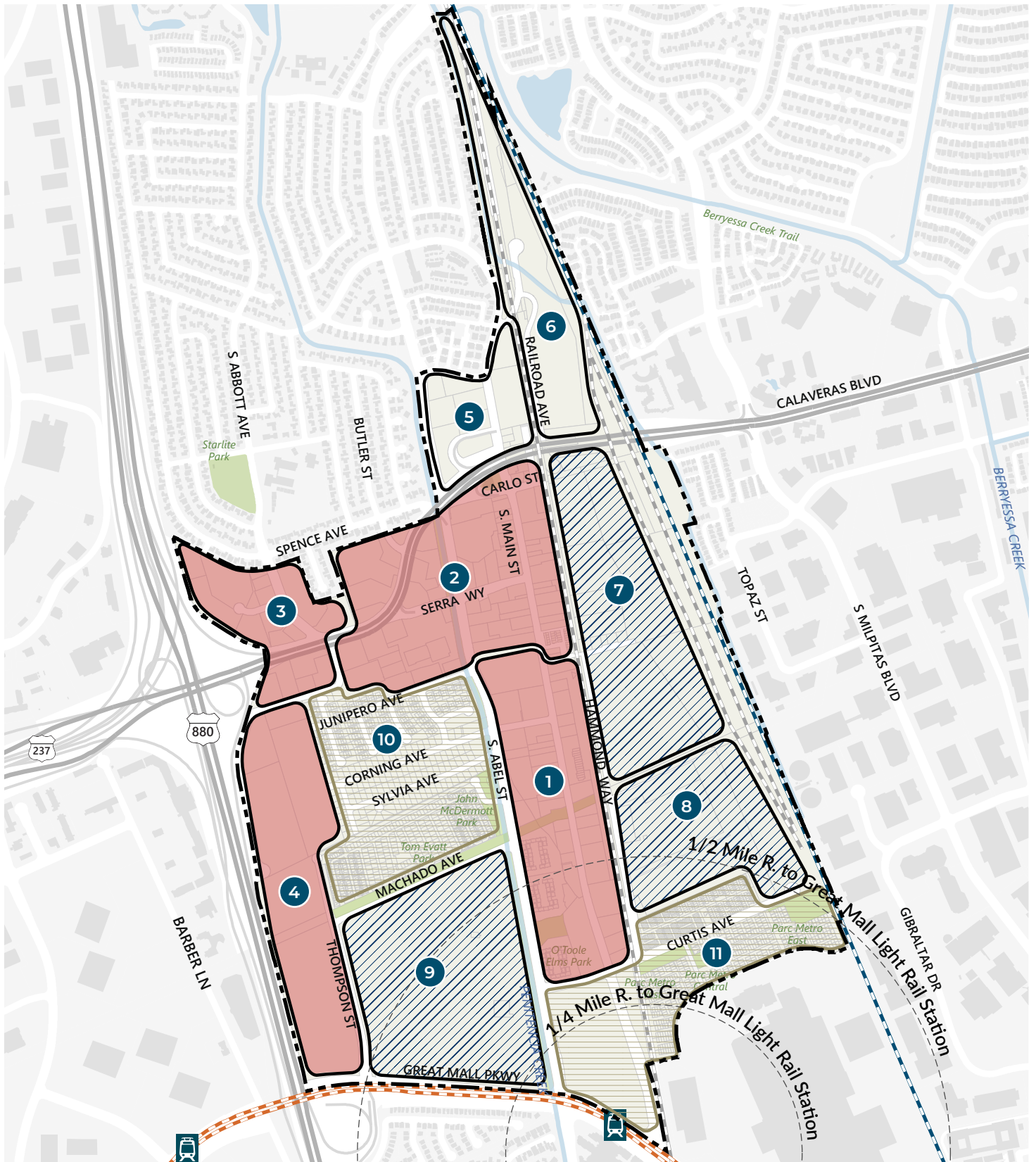
URBAN FORM: Urban form refers to the physical form of buildings, both individually and collectively within each district, and their placement on the site. Elements of urban form, such as building scale and height, help determine the overall character of an area. The urban form is influenced by planning regulations, development standards, and site characteristics, such as lot size and building and architectural design.

PUBLIC REALM: The public realm refers to spaces that are publicly owned and/or publicly accessible including streets, plazas, parks, and parklets. This Specific Plan provides recommendations for the addition of public realm spaces and improvements to existing public realm elements, such as the streetscape. The Plan regulates the portion of the public realm between private development and the roadway, typically comprised of sidewalks, landscaping, and other pedestrian amenities.



The Serra Center is a redevelopment opportunity within the Crossroads District for new mixed-use development.

Figure 2-1 District and Neighborhood Framework



- | | | | |
|---|---|---|---|
| FOCUS AREAS | OTHER DISTRICTS | URBAN RESERVE AREAS | EXISTING NEIGHBORHOODS |
| 1. Main Street District | 5. Library District | 7. North Railyards District | 10. West of Abel Neighborhood |
| 2. Crossroads District | 6. Creekside Industrial District | 8. South Railyards District | 11. Curtis Neighborhood |
| 3. Gateway District | | 9. Elmwood District | |
| 4. Abbott District | | | |

2.3 Main Street District

The Main Street District includes the blocks on both sides of South Main Street bound by the Union Pacific Railroad (UPRR) tracks on the east, Abel Street on the west, the extension of Junipero Drive/ Sinnott Lane on the north, and Curtis Avenue on the south. Within this focus area are existing religious structures, educational facilities, and neighborhood-serving shops, restaurants, and community services, including the post office and fire administration building.

Main Street is a walkable, mixed-use urban village accessible from the surrounding community

MAIN STREET DISTRICT VISION

The conceptual vision for the Main Street District is illustrated in Figures 2-2 and 2-3. Characterized by numerous smaller parcels along Main Street and larger blocks of multifamily housing on Abel Street, this area of Main Street is envisioned to develop as a mixed-use urban village, with a diverse mix of shops and services. New infill housing and commercial and mixed-use development along Main Street will complement and support the diversity and activity of the district.

Main Street is envisioned as a "shared street" with slower traffic supporting a comfortable walking and biking environment and an "activity street," providing opportunities for outdoor dining, pedestrian activity, and active ground floor uses. Active uses are defined by the City as follows:

Active uses are any use that attracts walk-in visitors and has a high degree of transparency from the street, such as retail, restaurants, bars, markets, theaters, salons, yoga studios, art studios/galleries, banks, offices, and clinics. Active uses also include ground floor residential shared amenities, such as a lobby, gym, or conference room.

This portion of Main Street may be interspersed with ground-floor residential uses that may include gardens, patios, and stoops. As new development occurs, new streets, paseos, urban plazas, and open space will further enhance the identity and character of Main Street. Planned streetscape and branding improvements will further enhance the local identity of Main Street. Abel Street should support the activity along Main Street with urban residential development and community services.



Active uses and streetscape improvements are envisioned along Main Street.



Residential infill will include urban multifamily housing types, such as townhomes or row homes with stoops and patios along the street.

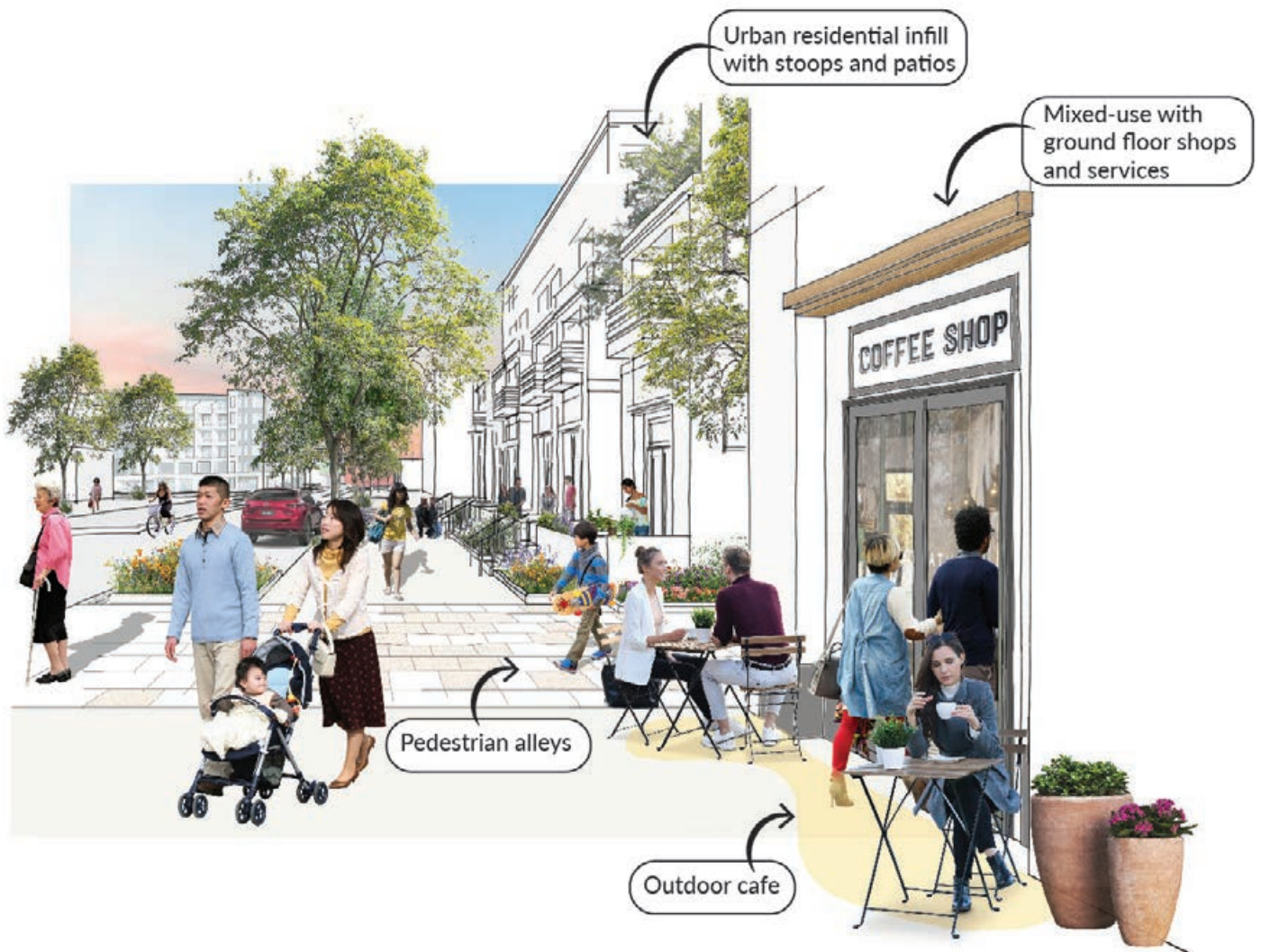
Figure 2-2 Main Street District Vision Diagram



Figure 2-3 Main Street District Concept



EXISTING S. MAIN STREET CONTEXT



INFILL DEVELOPMENT VISION FOR S. MAIN STREET

2.4 Crossroads District

The Crossroads District encompasses the area along Calaveras Boulevard, south of Highway 237/ Calaveras Boulevard and centered on Serra Way and S. Abel and S. Main Streets. Within this focus area are existing religious and educational facilities, as well as community- and neighborhood-serving shops, retail, services, and restaurants.

The Crossroads is a mixed-use hub for commercial, entertainment, and social and cultural activity.

CROSSROADS DISTRICT VISION

The Crossroads District is envisioned as a center and destination for Downtown commercial, retail, entertainment, and community activity. As illustrated in Figures 2-4 through 2-8, the Crossroads District has the potential to support compact, higher-intensity residential and mixed-use development along Calaveras Boulevard, Abel Street, Serra Way, and Main Street, with shops focused on Serra Way and Main Street and neighborhood-scale residential infill transitions occurring next to residential neighborhoods along Junipero Avenue and Spence Avenue. Branding and streetscape improvements create a gateway entry at Calaveras Boulevard and Serra Way, and provide pedestrian-oriented linkages at the heart of the Crossroads District.

AN ENTERTAINMENT DISTRICT FOR THE CROSSROADS

The Crossroads is an area of priority investment with a focus on creating an entertainment district along S. Main Street and Serra Way and redeveloping the aging Serra Center, to become an active Downtown destination for the community. The Entertainment District at the Crossroads encompasses S. Main Street, between Carlo Street and Junipero Avenue, and Serra Way, between S. Abel Street and S. Main Street. This area will be activated with retail, restaurant, outdoor dining, music and cultural venues, as well as other entertainment uses.

SERRA CENTER

The Serra Center is envisioned as a catalyst opportunity site for enhancing the gateway into the Crossroads District. Figures 2-7 and 2-8 illustrate potential options for the redevelopment of the Serra Center as a vibrant, contemporary mixed-use community, anchored by public open space and civic outdoor gathering spaces.



The Crossroads features an entertainment district along Main Street, comprised of a shared street with wide sidewalks and outdoor dining bulb-outs.

THE ENTERTAINMENT DISTRICT at the Crossroads reflects the City's vision to create a commercial and entertainment spine for the city along Main Street, centered at the crossroads of S. Main Street and Serra Way. The Specific Plan vision for the Entertainment District is implemented by the following sections of the Specific Plan:

- Chapter 3 (Land Use and Zoning) addresses the permitted uses, activation requirements, and regulating standards for the Crossroads District.
- Section 4.3 addresses the design of a pedestrian-oriented downtown setting, with active ground floor commercial and outdoor dining parklets.
- Chapter 5 (Mobility) addresses the shared street and parklet design concept for S. Main Street.
- Chapter 6 (Public Realm) addresses the design of public spaces to activate the Crossroads district.
- Chapters 7 and 8 describe improvements in the Crossroads District as a key economic development priority action).

Figure 2-4 Crossroads District Vision Diagram



Figure 2-5 Crossroads District Concept for Main Street



EXISTING S. MAIN STREET, NEAR SERRA WAY

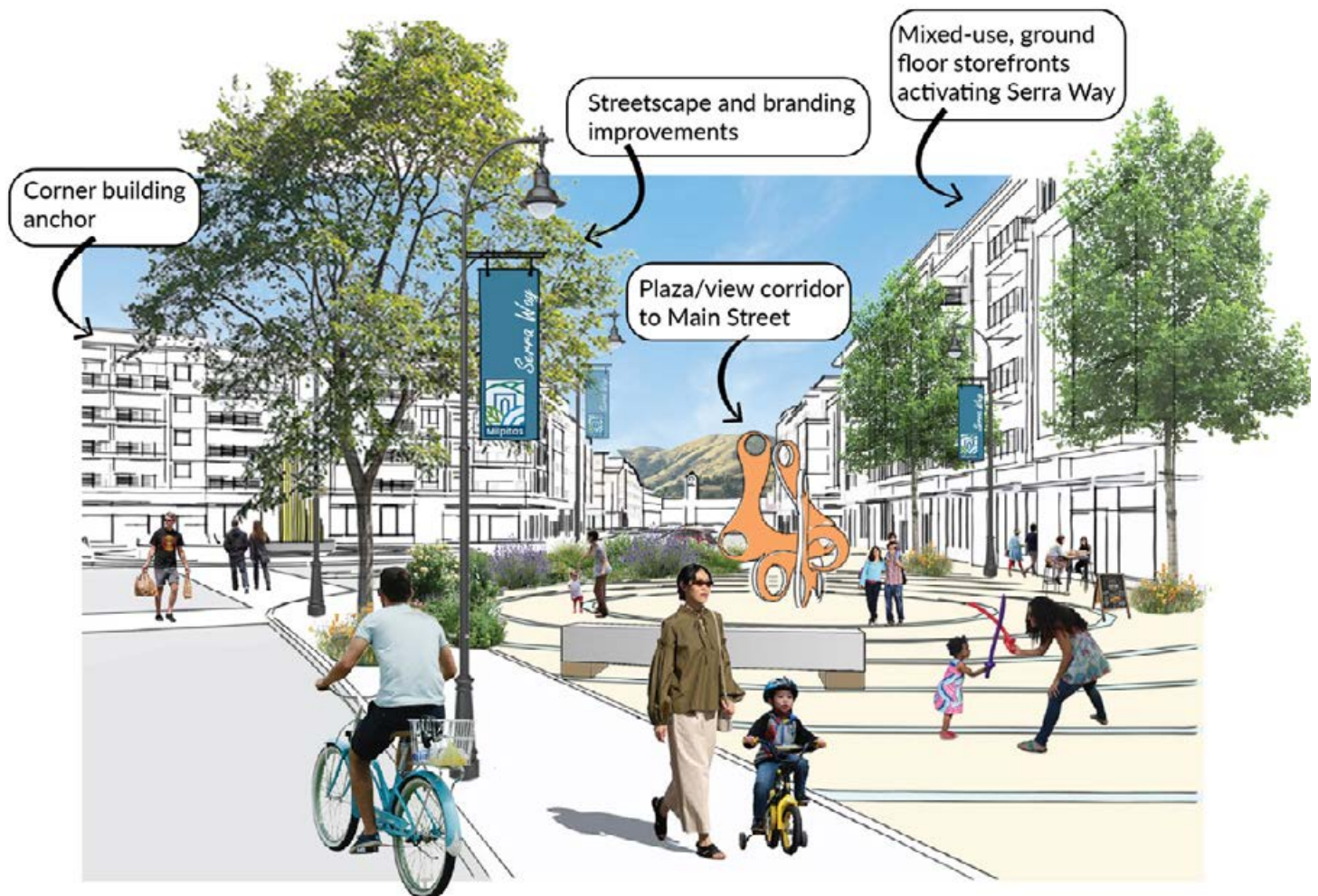


VISION FOR S. MAIN STREET AT THE CROSSROADS

Figure 2-6 Serra Way Gateway Entry Concept



EXISTING ENTRY TO SERRA WAY FROM CALAVERAS BOULEVARD



GATEWAY ENTRY VISION FOR THE CROSSROADS AT CALAVERAS BLVD. AND SERRA WAY

Figure 2-7 Serra Center Option 1: Mixed-Use Commercial District

Option 1 considers the redevelopment of the Serra Center as a lifestyle center with urban mixed-use blocks, organized along a linear spine of park blocks.

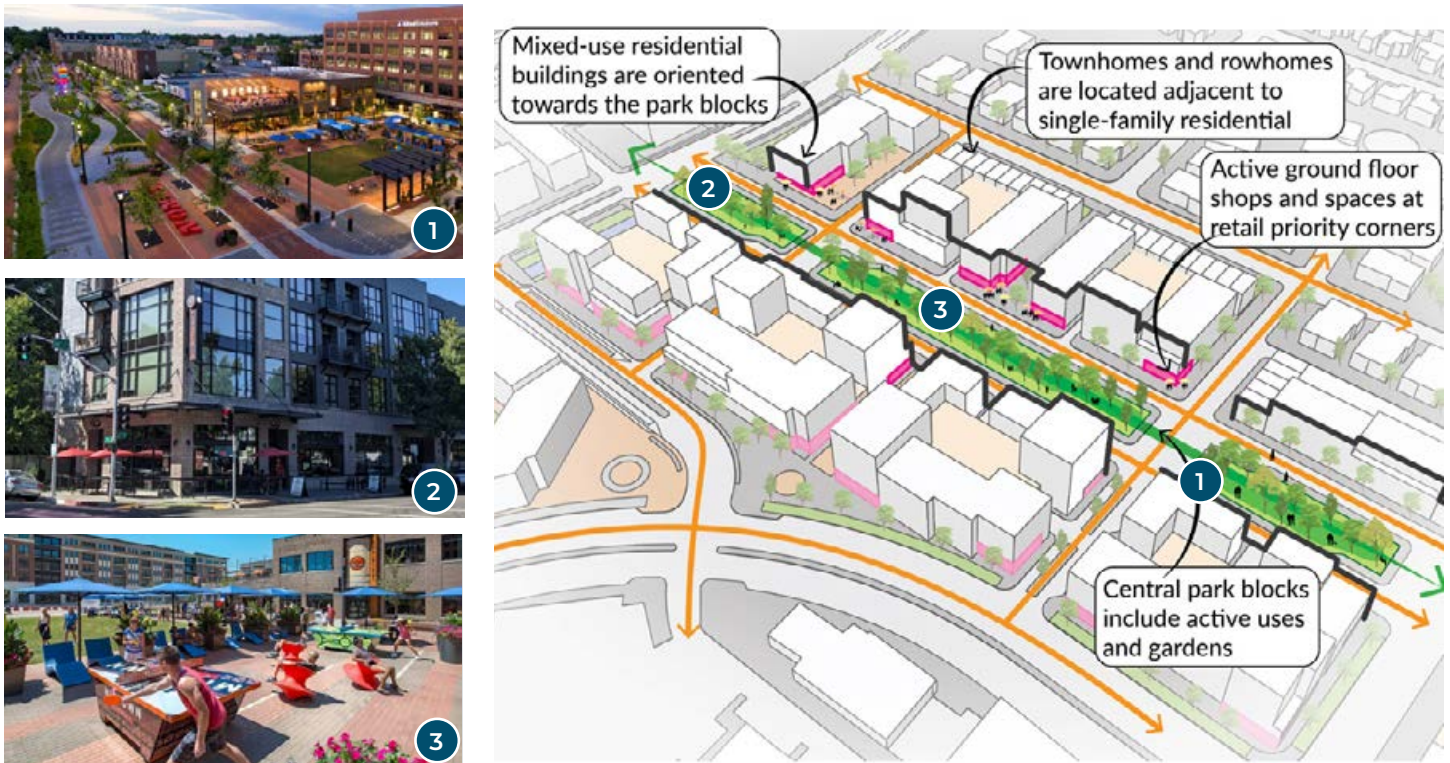
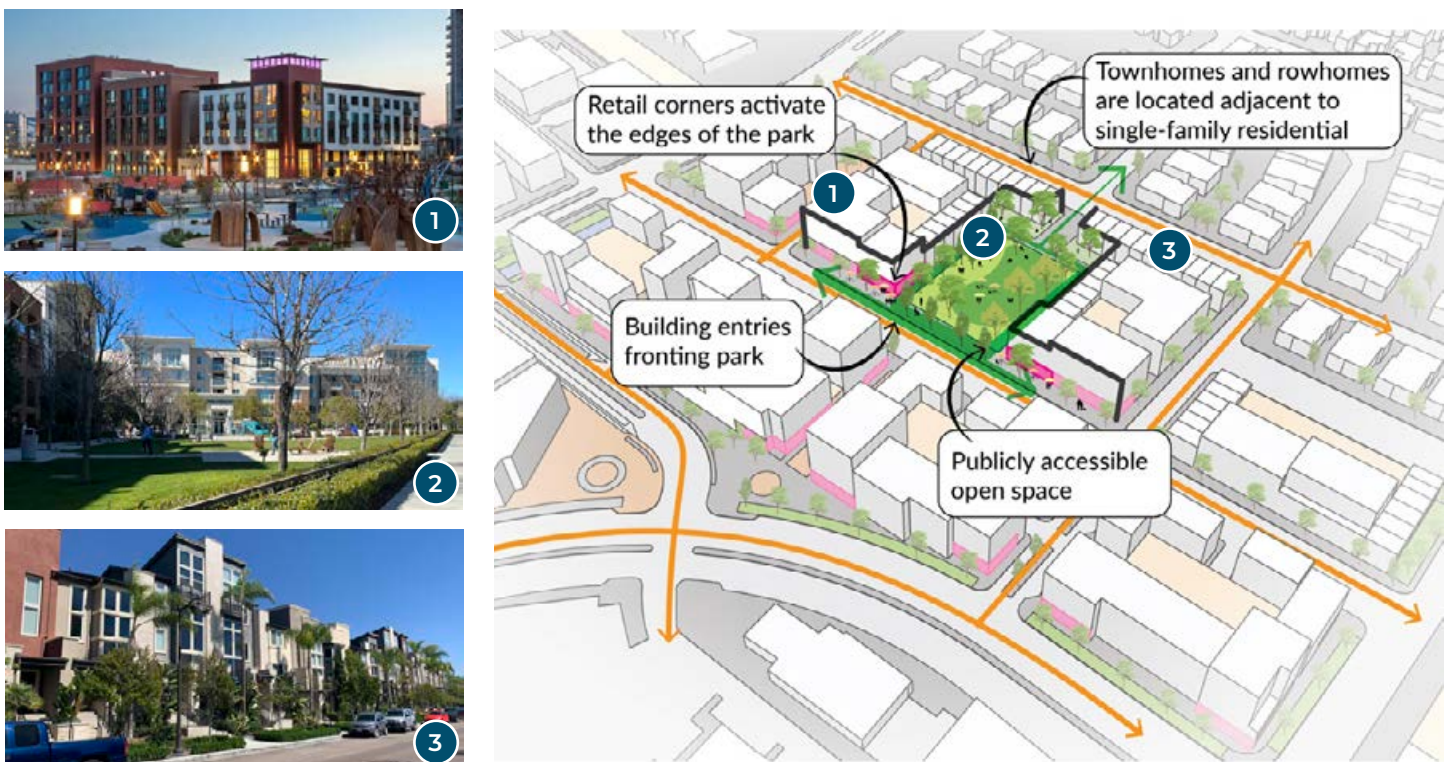


Figure 2-8 Serra Center Option 2: Mixed-Use Retail and Entertainment Core

Option 2 considers the redevelopment of the Serra Center as a mixed-use retail and entertainment core, lined with ground floor shops and uses on a central park or urban green.



2.5 Gateway District

The Gateway District includes the parcels north and south of Calaveras Boulevard at the west end of the Specific Plan Area, connected by S. Abbott Avenue. This area is a mix of uses, including freeway-oriented commercial development, a neighborhood service node adjacent to the Spangler Elementary School and residential neighborhoods, a shopping center anchored by a grocery store, and a non-profit office center.

The Gateway District is the western entry and front door into the City of Milpitas and the Crossroads and Main Street Districts.

GATEWAY DISTRICT VISION

A vital west gateway entry into the city, the Gateway District will be a highly visible community commercial node along Calaveras Boulevard, with opportunities for freeway-oriented retail and services, neighborhood shopping, and hotel and convention space. This district transitions to more neighborhood-oriented retail and services along Abbott Avenue north of the Calaveras Boulevard frontage. Higher-intensity development, oriented along Calaveras Boulevard, will attract and support the needs of travelers along the corridor, while offering a neighborhood-scale residential and mixed-use north of Calaveras Boulevard.

Complete streets improvements planned for Calaveras Boulevard will balance the scale of this busy corridor with a more comfortable bike and pedestrian experience, branding, and complete street improvements.



Higher intensity uses, such as hotel with conference space, are envisioned along Calaveras Boulevard.

2.6 Abbott District

The Abbott District includes the freeway-fronting commercial and industrial parcels located along the I-880 freeway, south of Calaveras Boulevard and Abbott Avenue. This area is a mix of auto dealerships to the south, and office/flex industrial business uses to the north.

The Abbott District is a flexible and walkable business park within a campus landscape setting.

ABBOTT DISTRICT VISION

The Abbott District is envisioned to evolve into a contemporary, business district in a pedestrian-friendly campus setting. The Abbott District will serve as a business and employment center providing freeway fronting commercial and flexible office and work spaces for diverse business and technology users, as well as supporting business uses and employee amenities.

The Abbott District is oriented to the I-880 freeway frontage on the west and residential neighborhoods on the east. Planned improvements will prioritize sustainable design and landscape features, including low-impact development strategies, with a well-landscaped neighborhood transition at the east edges of the district next to existing neighborhoods. Street and streetscape improvements will create a connected network of streets and open space, including a north-south open space and multi-use trail amenity, the extension of the Hetch-Hetchy greenway to the east, and new campus focal points and amenities.



The Abbott District is envisioned as a contemporary business park with sustainable design and landscape features.

2.7 Conceptual Vision Plan: 8 Big Moves

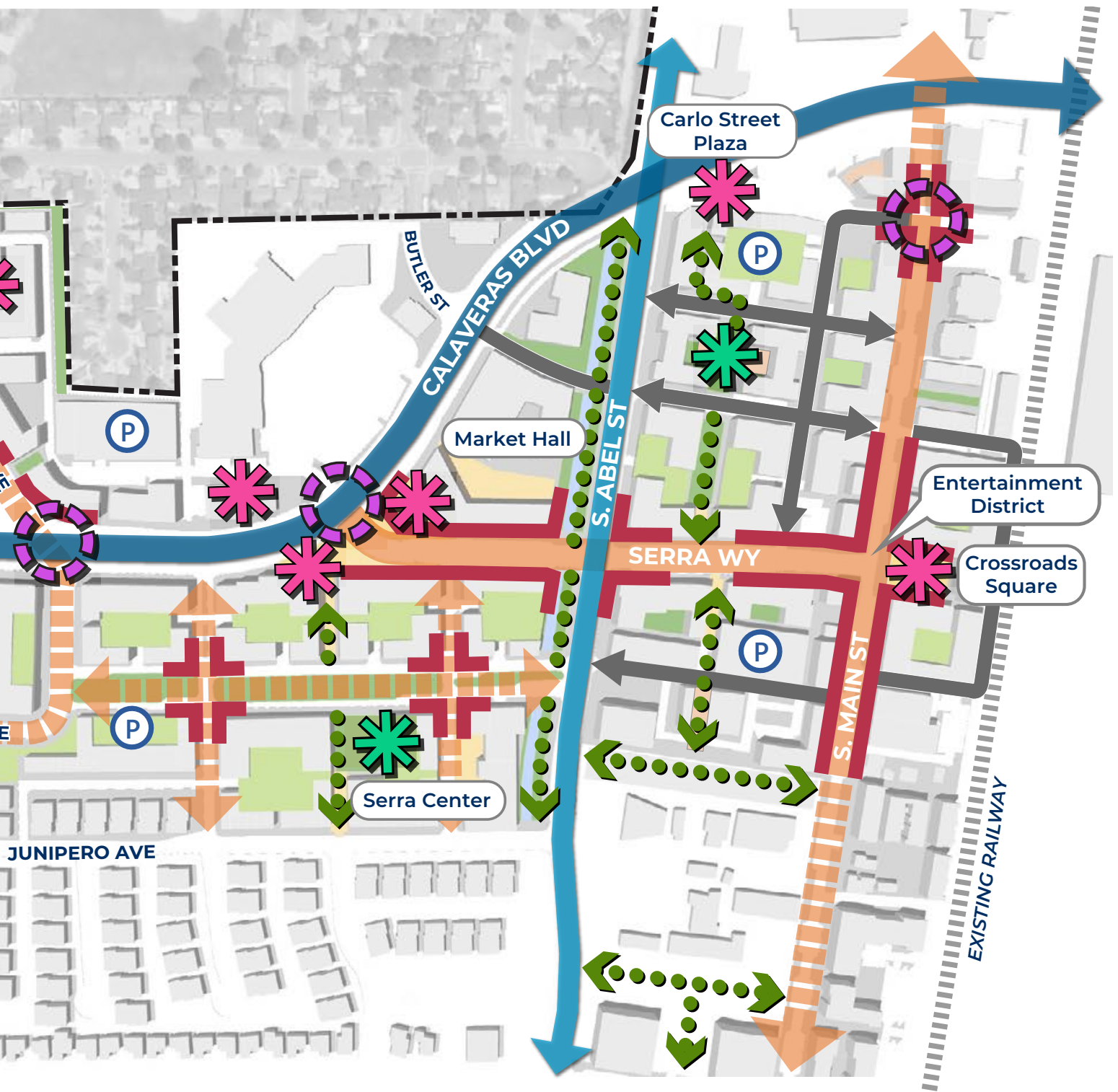
The Big Moves vision is guided by the 8 big moves, strategies to implement the vision for the Specific Plan, introduced below and summarized in the following section.

- 01 Redesign Main Street as a slow street and "shared street" with active, pedestrian-friendly spaces and outdoor dining.
- 02 Redevelop Serra Center and the Crossroads as a new center for the community, linking the Milpitas Gateway to Main Street.
- 03 Prioritize commercial activity and active building frontages along retail priority streets and activity streets, including within the entertainment district focused along S. Main Street in the Crossroads District.
- 04 Enhance Calaveras Boulevard and Abel Street as multimodal complete street corridors, and incorporate a multi-use creek-side trail along Abel Street.
- 05 Create a connected network of new streets, paseos, alleys, and bike & pedestrian linkages to improve local access and walkability.
- 06 Develop a connected open space network with new urban parks and plazas as community activity hubs and district focal points.
- 07 Integrate streetscape, branding, and public art at Plan Area gateways, along activity streets, and in public spaces.
- 08 Support district solutions including shared parking, mobility hubs, and coordinated infrastructure improvements.

Figure 2-9 Big Moves Vision Plan



The 8 Big Moves identify the key strategies to implement the community vision of the Crossroads District as a vibrant downtown center and historic, social, and cultural crossroads for the Milpitas community.



8 BIG MOVES

The big moves summarize the key strategies that implement the Specific Plan vision of creating vibrant centers and districts, focused on the Crossroads District as the historic core and social and cultural crossroads for the Milpitas community.



01

Redesign Main Street as a slow street and "shared street" with active, pedestrian-friendly spaces and outdoor dining.

Create a pedestrian-scaled and walkable urban fabric along Main Street with new streetscape improvements that add to its activity and vitality, while also meeting the needs of small businesses and merchants. Redesign Main Street as a shared, pedestrian-priority street with slow vehicular speeds, outdoor dining and retail activity, shared bike access, and on-street parking.



02

Redevelop the Serra Center within the Crossroads District as a new center for the community, linking the Gateway District to historic Main Street.

Prioritize the redevelopment of the Serra Center as a catalyst opportunity and a vibrant urban mixed-use community, integrating shops, restaurant and entertainment uses, and infill residential development. Anchor the district with a civic outdoor gathering space, such as a central park or park blocks, as well as with a network of smaller urban parks, plazas, paseos, and courtyards.



03

Prioritize commercial activity and active building frontages along retail priority streets and activity streets, with an entertainment district focused along S. Main Street in the Crossroads District.

Plan for the long-term vision of the Crossroads District as a commercial, social, and cultural community crossroads with active retail, restaurant, entertainment, and other ground floor uses; new urban parks, plazas, and activity hubs; and places to live, shop, work, and play in a walkable urban downtown setting. Prioritize commercial retail activity and investment at the crossroads of Serra Way and Main Street, with an entertainment district focused along S. Main Street in the Crossroads.



04

Enhance Calaveras Boulevard and Abel Street as multimodal complete streets and incorporate a multi-use creek-side trail along Abel Street.

Incorporate micromobility, transit, and pedestrian improvements along Calaveras Boulevard and Abel Street, to support the safe, continuous, and efficient flow of cars, transit, bikes, and pedestrians. Incorporate a multi-use creek-side trail along Abel Street, supporting safer pedestrian and bicycle circulation and recreation.



05

Create a connected network of new streets, paseos, alleys, and bike and pedestrian linkages to improve local access and walkability.

Strategically integrate new north-south and east-west streets, paseos, and alleys as redevelopment occurs to reduce block sizes and enhance neighborhood walkability. Parking and service access parallel to Main and Abel Streets will support their success by reducing the number of driveways that break up the bike and pedestrian path network.



06

Develop a connected open space network with new urban parks and plazas as community activity hubs and district focal points.

Develop a connected network of urban open spaces as an organizing framework for new development and improvements in the Plan Area, coordinated with the Milpitas Trail, Pedestrian and Bicycle Master Plan. Design the network of open spaces to connect existing neighborhoods to retail, services, and employment areas, as well as schools and civic uses.



07

Integrate streetscape, branding, and public art at Plan Area gateways, along activity streets, and in public spaces.

Improve the streetscape character, design, and function of commercial activity streets and gateways entering the Plan Area along Calaveras Boulevard, Serra Way, Main Street, and Abbott Avenue. Draw inspiration from the history of Main Street as a travel route and community destination.



08

Support district-wide mobility and parking solutions, including shared parking, mobility hubs, and coordinated infrastructure improvements.

Help facilitate new infill development and investment within the Plan Area through a district parking approach. Strategically acquire and assemble opportunity sites for public parking at central locations to serve Plan Area districts.



03

LAND USE AND ZONING

OVERVIEW

The urban form and vision for the Gateway-Main Street Specific Plan Area will be established through a mix of land use regulations and context-sensitive development standards, as addressed in this chapter, and the strategies and objective design standards that follow in subsequent chapters of the Specific Plan.

3.1 Land Use Framework

The Specific Plan Land Use Framework is depicted in Figure 3-1. The Land Use Framework implements the vision for the Specific Plan focus areas through a series of tailored and place-based Specific Plan zones, including an Urban Reserve Overlay, as well as existing applicable citywide zones.

3.1.1 EXISTING ZONES

Areas not expected to change in land use or character will continue to be regulated through the existing land use and development regulations in the City of Milpitas Zoning Ordinance for the following zones within the Plan Area, as identified in Figure 3-1:

- Single-Family Residential (R1)
- Multi-Family High Density Residential (R3) and Multi-Family Very High Density Residential (R4)
- General Commercial (C2)
- Heavy Industrial (M2)
- Institutional (I)
- Parks and Open Space (POS)
- Freeway Corridor (FC) Overlay Zone (not shown in Figure 3-1)

Refer to the Zoning Code for the requirements related to the FC or other citywide overlay zones.

As described in Chapter 2, the Specific Plan identifies three potential Urban Reserve Areas: the Elmwood Correctional Facility, North Railyards, and South Railyards, depicted as an overlay in Figure 3-1. The existing zoning for these areas will continue to remain in place until these areas are ready to be redeveloped and planned for new uses. Section 3.8 provides policy guidance for future redevelopment and rezoning within the Urban Reserve Areas.

3.1.2 SPECIFIC PLAN ZONES

An overview of each of the new Specific Plan mixed-use zones and overlays is summarized on the right. Within this chapter, the list of uses outlined in the Zoning Ordinance have been organized by zones to ensure consistency with the Specific Plan.

MAIN STREET MIXED-USE (MS-MU)

The MS-MU zone supports a mix of residential infill and smaller pedestrian-oriented retail shops, restaurants, services, and office uses, as well as urban parks, plazas, and open spaces within the framework of an active streetscape environment. Active retail, restaurant, and residential uses generate pedestrian activity at the street level, with office and residential uses above the ground floor encouraged.

CROSSROADS MIXED-USE (XR-MU)

The XR-MU zone has a commercial mixed-use focus and supports a mix of retail, entertainment, and office, together with urban multifamily residential, civic, and recreational uses. The XR-MU zone is a pedestrian-oriented streetscape environment, with ground-floor commercial uses prioritized along retail priority streets and corners, as identified in Section 3.6.

LIBRARY DISTRICT MIXED-USE (LD-MU)

The LD-MU zone, centered around the Milpitas Library on N. Main Street, supports a compatible mix of retail, office, multifamily residential, and civic uses within a pedestrian-oriented streetscape environment.

GATEWAY MIXED-USE (GW-MU)

The GW-MU zone supports a freeway and commercial corridor service orientation along Calaveras Boulevard and I-880, transitioning to a neighborhood-oriented residential focus to the north, and a commercial/mixed-use focus adjacent to Crossroads Mixed-Use.

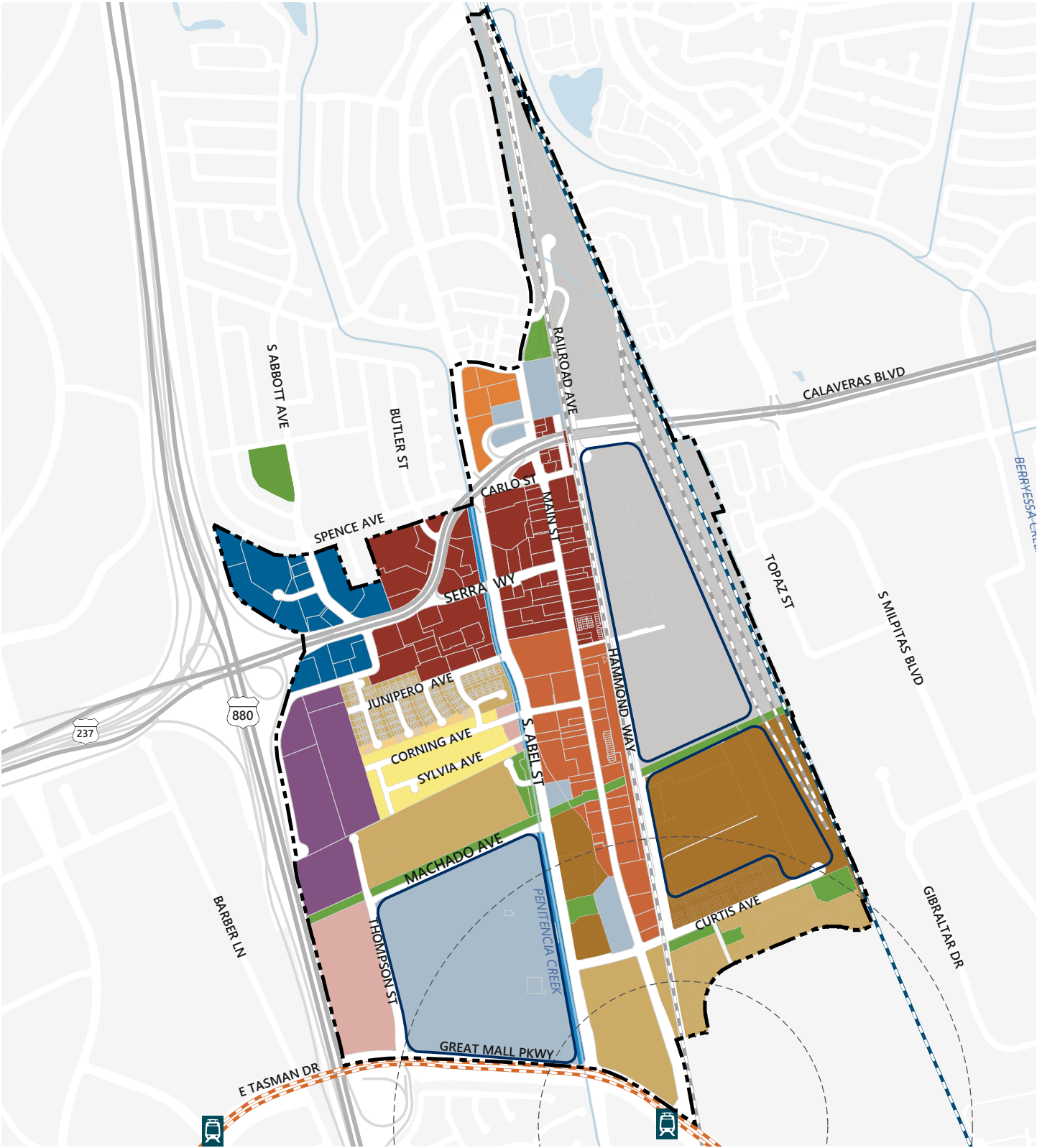
ABBOTT DISTRICT BUSINESS PARK (AD-BP)

The AD-BP zone allows for a compatible mix of commercial, office, light industrial, open space, and public uses, organized within a campus setting.

URBAN RESERVE OVERLAY (URO)

The URO is applied as an overlay for areas that will be subject to future study when these uses are ready for redevelopment. The policies of the Specific Plan found in Section 3.8 apply within these areas.

Figure 3-1 Land Use Framework



- Specific Plan Zones**
- (MS-MU) Main Street Mixed-Use
 - (XR-MU) Crossroads Mixed-Use
 - (GW-MU) Gateway Mixed-Use
 - (LD-MU) Library District Mixed-Use
 - (AD-BP) Abbott District Business Park
 - (URO) Urban Reserve Overlay

- Existing Zones**
- (R1) Single-Family Residential
 - (R2) One or Two Family Residential
 - (R3) Multiple Family High Density Residential
 - (R4) Multiple Family Very High Density Residential

- (C2) General Commercial
- (I) Institutional
- (M2) Heavy Industrial
- (POS) Parks, Open Space

3.2 Land Use Regulations

This section has been organized for consistency with the City of Milpitas Zoning Ordinance. Table 3-1 identifies land use permissions for the Plan Area, organized by each of the Specific Plan zones.

3.2.1 PRIMARY USES

The uses identified in Table 3-1 shall be the primary uses allowed to occur as a permitted or conditionally permitted use on the property as indicated in the table below. Uses shall be conducted within enclosed structures, except for permitted outdoor uses.

P	"P" indicates the use shall be permitted.
MCS	"MCS" indicates the use shall be permitted subject to the issuance of Minor Conditional Use Permit by staff.
MC	"MC" indicates the use shall be permitted subject to the issuance of Minor Conditional Use Permit by the Zoning Administrator.
C	"C" indicates the use shall be permitted subject to the issuance of a Conditional Use Permit by the Planning Commission.
-	"-" indicates the use is not permitted.

3.2.2 LAND USE DEFINITIONS

Refer to the Zoning Ordinance for the definition of uses.

3.2.3 OTHER USES NOT LISTED

Land uses not listed in Table 3-1 and not substantially like the uses below are prohibited unless the Planning Director makes a determination regarding similar use, as outlined by the Zoning Ordinance. Land uses not listed are substantially similar like the uses listed are prohibited unless the Planning Commission approves a Conditional Use Permit, consistent with the Zoning Ordinance standards for Use Permits.

3.2.4 MINOR CONDITIONAL USE PERMITS AND CONDITIONAL USE PERMITS

The permitting process for Minor Conditional Use Permits and Conditional Use Permits shall be subject to the procedures addressed in the Zoning Ordinance.

3.2.5 USES NOT PERMITTED

Uses that are not permitted are indicated with a "NP" in Table 3-1. Additionally, the following uses are not permitted in any Specific Plan zone:

- Agricultural Uses.
- Adult Businesses.
- Construction Yard and Equipment Rental.
- Firearms Dealer.
- Hospital.
- Mini-Storage or Self-Storage.
- Recycling Facility.
- Salvage and Wrecking
- Vehicle Repair and Maintenance.

3.2.6 NON-CONFORMING USES

Legally established uses that are no longer permitted or become non-conforming with the adoption of the Specific Plan shall be permitted to continue under current conditions, subject to Zoning Ordinance regulations.

3.2.7 MIXED USE DEVELOPMENTS

Where a single parcel is proposed for development with two or more of the permitted land uses listed in Table 3-1 at the same time, the overall project will be subject to the highest level of review or permit type required by any individual use.

3.2.8 RETAIL PRIORITY AREAS AND USES

Retail uses shall be required within retail priority areas identified in the Plan Area, as addressed in Section 3.6 (Retail Frontage Requirements and Ground Floor Activation).

3.2.9 FIRST FLOOR ELEVATIONS AND REGULATIONS FOR FLOOD HAZARD AREAS

New development shall comply with the first-floor elevation requirements of the Milpitas Municipal Code (MMC) Title XI, Chapter 15 (Floodplain Management Regulations). For more information related to flood hazard areas, see Figure 7-5 (FEMA-Designated Flood Areas), Zoning Ordinance Floodplain Management Regulations, and Specific Plan Section 7.2 (Flood Protection) for standards addressing flood protection and flood proofing.

3.2.10 PERMITTED USES IN EXISTING ZONES

For parcels where citywide zoning applies, refer to the applicable land use permissions and development regulations in the Zoning Ordinance.

3.2.11 SPECIAL USE STANDARDS

Applicable standards for special uses, where noted in Table 3-1 and addressing uses within the Abbott District-Business Park zone, are provided in Section 3.11.

3.2.12 CITYWIDE PERFORMANCE STANDARDS

All uses in the Plan Area shall be subject to the Zoning Ordinance citywide Performance Standards.

TABLE 3-1: GATEWAY-MAIN STREET ZONE LAND USE REGULATIONS

USES	MS-MU	XR-MU	LD-MU	GW-MU	AD-BP	ADDITIONAL REGULATIONS (see zoning ordinance or specific plan sections)
COMMERCIAL						
Animal Care and Services						
Pet Day Care and Sales	MC	MC	MC	MCS	-	Milpitas Municipal Code (MMC) Section V-210-11, Permits for Animal Facilities and Animal Adoption Organizations
Veterinary Clinic	P	P	P	P	-	
Veterinary Hospital or Services	-	-	-	C	C	
Commissary or Catering	C	MCS	C	C	MCS	
Drive-Through Facility	C	NP	C	C	-	ZO Section, Drive-Through Facility
Eating and Drinking Establishments						
Bar or Nightclub	C ¹	C ¹	C ¹	C ¹	-	ZO Section, Eating and Drinking Establishments
Microbreweries	P ^{1,2}	P ^{1,2}	C ¹	C ¹	C ¹	
Mobile Food Park	P	P	MC	MC	MC	ZO Section, Mobile Food Vending
Mobile Food Vending (individual vehicle)	P	P	P	P	P	
Restaurant						
Restaurant, Full Service	P ¹	P ¹	P ¹	P ¹	C ⁴	ZO Section, Eating and Drinking Establishments
Restaurant, Limited Service	P	P	P	P	P ⁴	
Restaurant with Alcohol Service	P ^{2,3}	P ^{2,3}	P ^{2,3}	P ^{2,3}	C ⁴	
Entertainment and Recreation, Commercial						
Commercial Athletic Facility	P ⁵	P ⁵	P ⁵	P ⁵	MCS ⁴	Gateway-Main Street Specific Plan (SP) Section 3.11, Special Use Standards
Indoor Entertainment and Sports and Recreation	C ⁵	C ⁵	C ⁵	C ⁵	MCS ^{4,5}	
Outdoor Entertainment and Sports and Recreation	C	C	C ⁵	C ⁵	-	
Financial Institution						
Bank and Credit Union	P ⁵	P ⁵	MCS ⁵	P	MCS	SP Section 3.11, Special Use Standards
Check Cashing Business	P ⁵	P ⁵	P ⁵	P ⁵	MCS	
Pawnbroker	C ⁵	C ⁵	C ⁵	C ⁵	-	
Food and Beverage Retail Sales						
Alcoholic Beverage Sales	C	C	C	C	C	ZO Section, Alcoholic Beverage Sales
Convenience Store	MC	MC	MCS	MCS	MCS	SP Section 3.11, Special Use Standards
Grocery Store, Large	MCS	MCS	MCS	P	-	
Grocery Store, Small	P	P	P	P	-	
Home Occupation	P	P	P	P	P	ZO Section, Home Occupations

TABLE 3-1: GATEWAY-MAIN STREET ZONE LAND USE REGULATIONS

USES	MS-MU	XR-MU	LD-MU	GW-MU	AD-BP	ADDITIONAL REGULATIONS (see zoning ordinance or specific plan sections)
Lodging						
Bed and Breakfast	P	P	P	P	-	
Hotels	P	P	P	P	P	
Motels	-	-	-	C	-	
Short-Term Rentals	P	P	P	P	-	ZO Section, Short-Term Rentals
Medical Support Laboratory	P	P	P	P	MC	
Offices						
Business and Professional Office	P	MCS	P	P	P	
Medical Office/Clinic	P	P	P	P	MC	
Retail						
Large Format Retail	-	-	-	P	C	
Retail, Limited	P	P	P	P	MCS ^{2,3}	
Retail Stores, General Merchandise	P	P	P	P	MCS	
Smoke/Tobacco Shop	-	-	-	C	-	
Services						
Business Support Services	P	P	MCS	MCS	P ³	
Maintenance and Repair Services	-	-	-	-	P	
Massage Establishment	MC ⁶	MC ⁶	MC ⁶	MC ⁶	C	MMC Section III-6, Massage Establishments and Practitioners and ZO Section, Massage Establishments
Massage Establishment, Accessory	MCS	MCS	MCS	MCS	MCS	
Personal Services ⁷	P	P	P	P	C	
Repair/Cleaning/General Services, Small	P	P	P	P	P	SP Section 3.11, Special Use Standards
Vehicle Related Services						
Auto Broker ⁵	MCS	-	MCS	MCS	MCS	ZO Section, Auto Broker
Commercial Fueling Facility	-	-	-	-	C	
Fleet-Based Service	-	-	-	-	C	
Mobile Fueling ⁸	P	P	P	P	P	MMC, Chapter V-300 (Fire Code)
Service Station	-	-	-	C	-	ZO Section, Service Stations and Car Washes
Vehicle Rental ⁹	MC	-	MC	MC	-	
Vehicle Sales and Leasing ⁹	-	-	-	-	C	
Vehicle Washing	-	-	-	C	-	ZO Section, Service Stations and Car Washes

TABLE 3-1: GATEWAY-MAIN STREET ZONE LAND USE REGULATIONS

USES	MS-MU	XR-MU	LD-MU	GW-MU	AD-BP	ADDITIONAL REGULATIONS (see zoning ordinance or specific plan sections)
INDUSTRIAL USES						
Advanced Manufacturing	-	-	-	-	P ¹⁰	
Custom and Artisan Manufacturing ¹¹	MCS	MCS	MCS	MCS	MCS	
Data Center	-	-	-	-	MCS	
Industrial, General	-	-	-	-	MCS	
Industrial, Light	-	-	-	-	MCS	
Parcel Hub	-	-	-	-	MCS	
Research and Development	-	-	-	-	P ¹⁰	
Warehousing and Distribution	-	-	-	-	C ¹⁰	
Wholesale Sales	-	-	-	-	MC	
PUBLIC, QUASI-PUBLIC AND INSTITUTIONAL / ASSEMBLY USES						
Child Care						
Child Care Center	MC	MC	MC	MC	MC ⁴	ZO Section, Large Family Child Care and Child Care Centers
Large Family Child Care Home	P	P	P	P	-	
Small Family Child Care Home	P	P	P	P	-	
Civic/Government	P	P	P	C	C	
Community Assembly						
Major ¹²	C	C	C	C	-	
Minor ¹²	MCS	MCS	MCS	MC	-	
Community Garden	P	P	P	P	P	
Educational Institutions						
College/University, Private ¹²	C	C	C	C	MC	
Schools, Private ¹²	C	C	C	C	C	
Schools, Public ¹²	C	C	C	C	C	
Trade and Vocational School	C	C	C	C	C	
Farmer's Market	P	P	MCS	MCS	MCS	ZO Section, Farmers Markets
Instruction Services						
Group	MCS	MCS	MCS	MCS	MCS	
Private/Small Group	P	P	P	P	MCS	
Library/Museum	P	P	P	P	-	
Park/Playground	P	P	P	P	P	

TABLE 3-1: GATEWAY-MAIN STREET ZONE LAND USE REGULATIONS

USES	MS-MU	XR-MU	LD-MU	GW-MU	AD-BP	ADDITIONAL REGULATIONS (see zoning ordinance or specific plan sections)
PUBLIC, QUASI-PUBLIC AND INSTITUTIONAL/ASSEMBLY USES						
Public Utility	C	C	C	C	C	
Transportation Passenger Terminal/ Facility	C	C	C	C	C	
Wireless Communication Facility	See ZO Section, Wireless Communication Facilities					
RESIDENTIAL USES						
Accessory Dwelling Unit	P	P	P	P	-	ZO Section, Accessory Dwelling Units
Boarding House	C	C	C	C	-	
Court Dwelling	P	P	P	P	-	
Two-Family Dwellings	P	P	P	P	-	
Elderly and Long-Term Care	MCS	MCS	MCS	P	-	
Group Living Accommodations	C	C	C	C	-	
Live-Work Unit	MCS	MCS	MCS	MCS	-	ZO Section, Live-Work Units
Multi-Family Dwellings	P	P	P	P	-	
Single-Family Dwellings	-	-	-	-	-	
Emergency Shelter	-	-	-	P	-	
Low Barrier Navigation Center	P	P	P	P	-	CA Government Code Sec. 65660
Residential Care Facility	P	P	P	P	-	
Single-Room Occupancy Residences	MC	MC	MC	MC	-	ZO Section, Single Room Occupancy Residences
Supportive Housing	P	P	P	P	-	CA Government Code Sec. 65582
Transitional Housing	P	P	P	P	-	CA Government Code Sec. 65582
ACCESSORY AND TEMPORARY USES						
Accessory Use	P	P	P	P	P	
Parking Lot ¹³	MCS	MCS	MCS	MCS	MCS	
Parking Structure ¹³	MCS	MCS	MCS	MCS	MCS	
Outdoor Dining	P	P	P	P	P	ZO Section, Outdoor Dining
Temporary Use	See ZO Section, Temporary Uses and Structures					

1. *Indoor or outdoor music is permitted as an accessory use on the same parcel in conjunction with a restaurant or bar that is a principal permitted use or approved conditional use. See Specific Plan Section 3.11 (Special Use Standards) for additional regulations.*
2. *Permitted when located on the ground floor facing a public street designated as a retail priority or activity street. Requires a Conditional Use Permit when located elsewhere, such as above the ground floor.*
3. *Must be in conjunction with a full service restaurant.*
4. *Limited to an accessory use that supports the primary employment-generating uses on the same site or business center. Accessory commercial uses, such as restaurants, limited retail, and services, shall be located on the ground floor and in an area of the development where they can be directly accessed by the public.*
5. *These uses may be allowed provided they are: no more than 30,000 gross square feet; not open past 10:00 p.m.; and conducted entirely within a building, except for approved outdoor seating areas.*
6. *Allowed as an accessory use to any permitted or conditionally permitted medical office, medical clinic, chiropractor practice, acupuncture practice, physical therapist, fitness and athletic facility, health care facility (such as hospitals, nursing homes, and sanitariums), and accredited school, college, and university. Massage services, limited to massage of the head, neck, shoulders, hands and feet may be allowed as an accessory use to any permitted or conditionally permitted beauty salon, barbershop, and healing art practices. This section shall not exempt any person or business from complying with all the provisions of Title III, Chapter 6 of the Milpitas Municipal Code.*
7. *When located on the ground floor, retail sales of products related to personal services provided shall be offered at the front of the premises near the pedestrian entrance and shall comprise at least 10% of the floor area of the business establishment.*
8. *Mobile fueling is permitted when fueling service is ordered by an individual vehicle owner and the amount of fuel dispensed as part of any individual order does not exceed 50 gallons. Mobile fueling for fleet vehicles is not permitted.*
9. *Excluding long-term parking and storage of vehicles for rent, sale, or lease, must be fully enclosed within a building.*
10. *A conditional use permit is required for storage space that exceeds 25,000 square feet. In no case may storage space exceed 300,000 square feet.*
11. *All operations must be conducted completely within an enclosed building.*
12. *Places of meeting or assembly and public and private schools may be permitted as specified in Table 3-1 provided their location is approved by the City and they are not located within 1,000 feet of parcel boundary of another of the same use. Churches and religious institutions and trade and vocational schools are exempt from this requirement.*
13. *Applies to parking lots or structures that are primary uses, as defined in the Zoning Ordinance.*

3.3 Intensity and Scale

The following section addresses general regulations for development, including density, intensity, height, setbacks, and development incentives, applicable to all Specific Plan zones. Table 3-2 establishes the density, intensity, and height requirements specific to each district. Refer to Section 3.7 (District Regulating Plans and Development Standards) for criteria related to design of setbacks, building frontages, and the location of retail specific to each district.

3.3.1 DENSITY AND INTENSITY

RESIDENTIAL DENSITY

Projects that include residential development shall not exceed the base allowable dwelling units per acre identified in Table 3-2.

- Any fractions shall be rounded to the nearest whole number.
- For projects utilizing the State density bonus, refer to Zoning Ordinance chapter addressing density bonus for affordable housing.

INTENSITY

Non-residential and mixed-use projects shall be subject to floor area ratio (FAR) requirements.

- Projects shall not exceed the allowable FAR identified in Table 3-2, except where bonuses are granted consistent with this section.
- In mixed-use projects, the residential floor area is included in the FAR.
- Areas used exclusively for vehicle and bicycle parking and loading are excluded from the FAR calculation.

CALCULATION

The maximum density and intensity is calculated based on net parcel area rather than gross site area that includes the street right-of-way.

3.3.2 HEIGHT

MAXIMUM HEIGHT LIMITS

Projects shall not exceed the building height limits or maximum number of stories identified for the applicable zones in Table 3-2, unless otherwise permitted by the standards that follow and permitted through available incentives addressed in Section 3.4.

- Building heights shall be measured from the adjoining curb grade to the highest point of the roof surface, if a flat roof; and to the mean height level between eaves and ridge for a gable, hip, or gambrel roof, based on the "Rules of Measurement" provided in the Zoning Ordinance.
- Transitions shall be required adjacent to single-family residential zoning districts as described in Section 4.1.3 A (Transition to Single-Family Residential Neighborhoods).
- Exceptions for building heights and projecting features, such as parapet walls, skylights, towers, chimneys, and housing elevators, stairways, and mechanical equipment are permitted, subject to Zoning Ordinance standards for height exceptions.

TABLE 3-2: DENSITY, INTENSITY, AND HEIGHT

Specific Plan Area District	Applicable Zoning	DENSITY AND INTENSITY			HEIGHT			Applicable Regulating Plan Section ¹
		Min. Residential Density (du/ac)	Max. Residential Density (du/ac)	FAR (max)	Max. Building Height (feet)	Max. Number of Stories	Min. Ground Floor Height	
Main Street District	MS-MU	20	65	2.5	65	5	Main Street: 15 ft Other Areas: 12 ft	Sect. 3.7.1
Crossroads District	XR-MU	40	85	3.0	85	7	Serra Way: 15 ft. Commercial Uses: 15 ft	Sect. 3.7.2
Gateway District	GW-MU	18	65	2.0	65	5	Calaveras Blvd: 15 ft Commercial Uses: 15 ft	Sect. 3.7.3
Abbott District	AD-BP	N/A		1.5	65	N/A	Commercial Uses: 15 ft	Sect. 3.7.4
Library District	LD-MU	20	65	2.0	65	5	Main Street: 15 ft Other Areas: 12 ft	Sect. 3.7.1
All Other Areas	See Applicable Existing Zoning							

Notes:

1. Setbacks have been included in Section 3.7 (District Regulating Plans and Development Standards).

3.4 Economic & Development Incentives

The Gateway-Main Street Specific Plan has established a bonus system to allow for additional floor area and/or residential density (development bonus) for qualified projects, in addition to citywide incentives for Sustainability, Affordable Housing, Larger Affordable Rental Units, and Lot Consolidation addressed in the Zoning Code. The purpose of bonuses is to incentivize the provision of certain project attributes, such as providing sustainable design features and/or additional open space, furthering economic development benefits, and supporting the rehabilitation of existing buildings.

Bonuses are only available within certain districts in the Specific Plan as described in this section and specified in Table 3-3. The following sections describe the available bonuses, while Table 3-3 identifies the specific incentives available. The provision of development bonuses is subject to review and demonstration of the achievement of the criteria herein in Table 3-3. Development bonuses shall not exceed the following maximum allowances:

- Maximum FAR or density bonus increase of 50% in the Crossroads District and 40% within the Main Street and Library Districts and parcels directly fronting Calaveras Boulevard in the Gateway District.
- Maximum height Increase of 2 stories in the Crossroads District and for parcels directly fronting Calaveras Boulevard in the Gateway District. Maximum height increase of 1 Story in the Main Street and Library Districts.

Maximum density, intensity, and/or bonuses may not be achievable on all sites as superseding development regulations or site constraints may reduce development potential. Prior to issuance of a planning permit for a development project, receiving a development bonus, the project developer shall sign a community benefit agreement, committing to the provision of the agreed upon project attributes in exchange for the development bonus. If the developer does not fulfill the obligations specified in the agreement, the developer will be subject to a financial penalty equal in cost to the value of the project attribute before building occupancy is granted.

TABLE 3-3: AVAILABLE INCENTIVES

GREEN ROOF OR ECO-ROOF	
Option 1: 30% of Total Roof Footprint	10% density bonus or FAR increase.
Option 2: 31-60% of Total Roof Footprint	15% density bonus or FAR increase.
Option 3: Over 60% of Total Roof Footprint	20% density bonus or FAR increase.
ECONOMIC DEVELOPMENT	
Space for Small Businesses, Non-Profits, and Arts Organizations or Business Expansion	Temporarily reduce or defer application and impact fees for development and remove parking minimums within the Crossroads, Main Street, and Library Districts.
Business Retention	Temporarily reduce or defer application and impact fees and allow 20% FAR increase.
Retail-Ready Ground Floor Commercial Space	A one-story height increase, subject to the standards in Sections 3.6 and 4.3.2.
LOT CONSOLIDATION	
Lot Consolidation	20% density bonus or FAR increase.
DISTRICT PUBLIC PARKING	
District Parking Lot or Garage Spaces	10% density bonus or FAR increase for every 20 public parking spaces; up to the allowed district maximum bonus.
PUBLICLY ACCESSIBLE OPEN SPACE	
Option 1: Additional 50 square foot per unit	10% density bonus or FAR increase.
Option 2: Additional 100 square foot per unit	15% density bonus or FAR increase.
Option 3: Additional 150 square foot per unit	20% density bonus or FAR increase.
PROMOTE THE CITY'S HISTORY	
Through Preservation and Storefront Facade Improvements	Eligible for the City Storefront Improvement Program Grants, Mills Act Program.

3.4.1 GREEN ROOF OR ECO-ROOF

Green roofs, also known as eco-roofs, are encouraged in the Plan Area as they reduce stormwater run-off, lower building energy consumption, and provide for a visually appealing roofscape. If they are publicly accessible, they also provide needed open space for building users and/or the public. Projects that incorporate a green roofs are eligible to receive a development bonus, as indicated in Table 3-3.

3.4.2 ECONOMIC DEVELOPMENT

Economic development, including business retention, business expansion, and providing opportunities for ground floor retail development within mixed-use buildings and small and local businesses, non-profits, and the arts community are priorities within the Plan Area, consistent with the city's Economic Development Strategy implementation actions.

Table 3-3 identifies incentives for business retention and the provision of space for existing tenants, new small businesses, non-profits, artists, and other similar tenants and users, as well as retail-ready tenant spaces, which is especially desired in the Crossroads and Main Street Districts. To be eligible for business retention incentives, a developer must provide one of the following three packages or a comparable commitment.

OPTION 1: Package of provisions that includes the right of return for existing businesses at current rents, an agreement to lock-in rent for a minimum of five years, and a build-out allowance to cover new interior build-outs.

OPTION 2: Package of provisions that includes relocation assistance for existing businesses, such as a rent subsidy to match current market rents in a suitable replacement property, final support to cover moving and related expenses, and a build-out allowance to help cover the tenant's own costs or required tenant improvements.

OPTION 3: Package of provisions to provide space for new small businesses, non-profits, artists, and/or other similar tenants and users at below-market rents and a build-out allowance to cover new interior build-outs.

As an incentive to support small businesses, non-profits, the arts, and business retention, the City can establish an impact fee deferral program that allows for a reduction in application fees for new development by 10%, such as building permit, plan check, and application processing fees and/or allow impact fees, such as the Gateway-Main Street Specific Plan and Commercial Linkage Fees, to be paid in phases, with a portion required at the time of building permit issuance and the remainder required at the time of a building's Certificate of Occupancy.

3.4.3 LOT CONSOLIDATION

The Plan Area has many small and irregular-shaped parcels. Larger parcels provide greater building and parking efficiencies and construction economies that can support the goals of this Plan. In addition to the citywide incentive for lot consolidation, a development bonus of 20 percent is available to promote parcel aggregation and consolidation within the Plan Area for consolidating existing smaller lots into a project site of one acre or more, as well as earning the reductions in required setbacks, guest parking, and common open space permitted through the Zoning Ordinance lot consolidation incentive program. Lot consolidation projects along Main Street shall be required to maintain the character of the smaller width parcels and shopfronts along Main Street, consistent with the regulations of Sections 3.7.1 and 3.7.2.

3.4.4 DISTRICT PUBLIC PARKING

Private development that contributes to district public parking solutions may qualify for a 10 percent density bonus for every 20 spaces provided, up to a maximum bonus of 50 percent in the Crossroads District and 40% within the Main Street and Library Districts. Shared district parking created between contiguous businesses that updates or reconfigures their individual parking areas to provide shared public parking areas may qualify for this incentive, subject to coordination with the city on a shared parking agreement, executed through a deed, lease, contract, or similar written record approved by the City Attorney.

3.4.5 PUBLICLY ACCESSIBLE OPEN SPACE

New residential development projects that provide more publicly accessible open space than the minimum required shall qualify for a density bonus or FAR increase as identified in Table 3-3.

3.4.6 PROMOTE THE CITY'S HISTORY

The Plan Area's historic structures contribute to the city's character and community identity. The City currently has two tools to promote historic preservation:

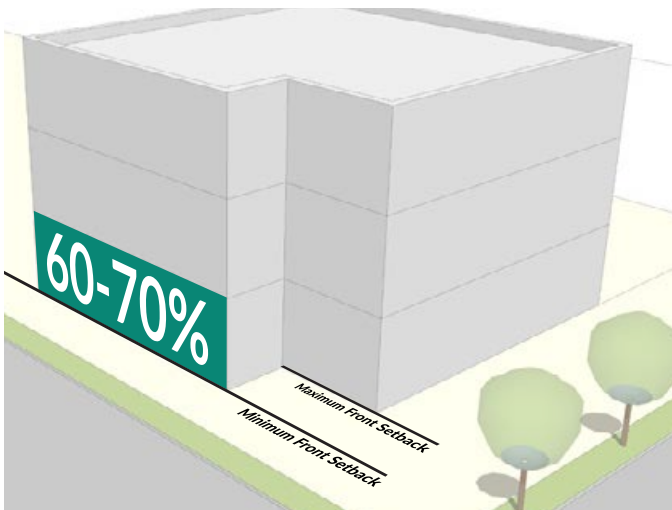
- The **Mills Act Program** is an incentive program that allows a reduction in property taxes for historic properties in exchange for an owner agreeing to preserve and maintain their historic building.
- A **Storefront Improvement Program** grant, eligible to projects on North Main Street and South Main Street, to help fund commercial storefront improvements. More information on the city's Storefront Improvement Grant Program can be found at: <https://www.milpitas.gov/999/Storefront-Improvement-Grant-Program>.

3.5 Setback Standards

Setback standards for each of the Specific Plan zones are provided in Section 3.7. Front setbacks on existing streets have been provided to accommodate wider sidewalks, ground floor retail, and street activation elements. All front setbacks on existing streets will also include a public access easement.

1. Front and street side setbacks shall be measured from the property line.
2. Interior setbacks occur between an interior side or rear property line and shall be measured from the shared property line.
3. Minimum setbacks apply to all stories of a building. Maximum setbacks are intended to apply only to the ground floor of front and street side setbacks.
4. Where minimum and maximum setback dimensions are identified, buildings shall meet the minimum setback, as a build-to line, per the requirements identified within Section 3.7.
5. See Chapter 4 (Objective Design Standards) and Chapter 5 (Mobility) for additional requirements.

Figure 3-2 Building Placement



The building frontage shall be built to the minimum front setback (build-to line), per Section 3.7. The remaining building frontage may be set back to the maximum building setback.

3.6 Retail Frontage Requirements and Pedestrian Level Activation

The Gateway-Main Street Specific Plan identifies retail frontage requirements for retail priority areas, which are a key component of the Specific Plan vision. These retail priority areas include retail priority shopfronts and retail priority corners, applicable to the Main Street, Crossroads, Gateway, and Abbott Districts, as shown in the Regulating Plans within Section 3.7. Additionally, key streets are identified as activity streets, which are planned for a higher level of pedestrian activity and activation. Requirements for retail priority areas and activity streets are addressed below. District-specific development standards follow in Section 3.7 (District Regulating Plans and Development Standards).

3.6.1 RETAIL PRIORITY AREAS

A. ACTIVE RETAIL USES

1. The following types of active uses are required on the ground floor in areas designated retail priority areas:
 - a. Commercial retail shops and service uses.
 - b. Restaurants, bars, bakeries, coffee shops, markets, eateries, or similar establishments, including with outdoor dining.
 - c. Arts, cultural, and other public-oriented uses, such as theaters and art studios/galleries.

B. RETAIL PRIORITY SHOPFRONTS

1. Within areas identified as retail priority shopfronts, the following ground floor area requirements apply:
 - a. A minimum of 70% of the ground-floor building street frontage, measured on a parcel by parcel basis, shall incorporate active retail, entertainment, and/or retail-ready tenant spaces.
 - b. The remaining ground-floor street frontage may include office, live-work, residential, or associated common area spaces, such as lobbies, gyms, conference rooms, and other amenity spaces.
 - c. Locations requiring retail priority shopfronts are shown in the Regulating Plan diagrams as dark red solid lines.

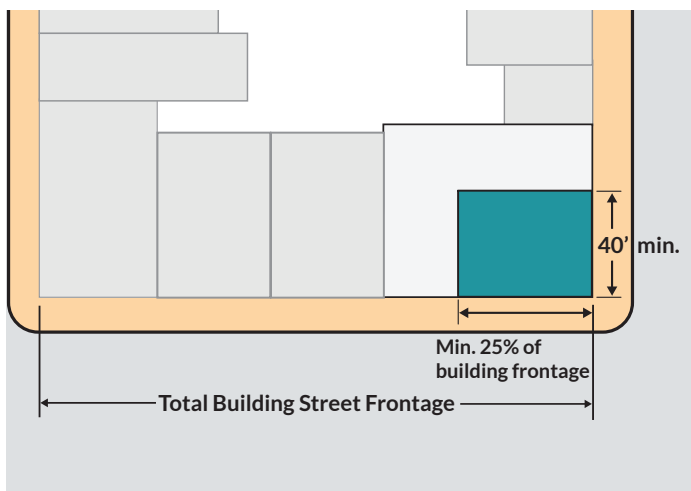
C. RETAIL PRIORITY CORNERS

1. Within areas identified as retail priority corners, the following requirements apply:
 - a. 100% of the ground-floor building street frontage shall incorporate active retail uses and/or retail-ready tenant spaces for a minimum of 25% of the building frontage length. However, this shall be no less than 40 feet in length from any corner, as shown in Figure 3-3. Refer to Section 4.3.2 for additional ground-floor commercial and retail-ready commercial design standards.
 - b. Retail Corners are shown as diamonds in the Regulating Plan diagrams at the intersection of major activity and retail nodes within the Plan Area.

D. DESIGN STANDARDS

See Section 4.3 (Objective Design Standards) for requirements related to commercial ground-floor design and retail-ready spaces.

Figure 3-3 Retail Priority Corners



Prioritize corner retail uses at the intersection of arterial and collector streets.

3.6.2 ACTIVITY STREETS

A. DESIGNATION

Activity streets are shown as dashed red lines in the Regulating Plan diagrams on the following pages (Figures 3-4 through 3-8). These streets are focused locations for pedestrian and commercial activity, planned with active uses and building frontages on the ground floor and the highest level of streetscape improvements, particularly at retail priority areas.

B. DESIGN STANDARDS

See Section 4.3 (Objective Design Standards) for requirements addressing the pedestrian level design of residential and commercial building frontages.

3.7 District Regulating Plans and Development Standards

This section addresses place-specific regulations for each of the Specific Plan zones, through District Regulating Plans and associated development standards. The requirements of this section are tailored to each district, in order to implement the vision established in Chapter 2, addressing the following:

- An overview of the district zone.
- A table summarizing numeric criteria for setbacks and setbacks, specific to the district.
- District-specific development standards addressing setback design, upper story setbacks, and active frontage design requirements, including the location and design of retail priority areas.
- A Regulating Plan diagram illustrating setbacks, requirements for new street connections and open spaces, including urban parks, linear parks, paseos, and pedestrian paths, as well as the location of retail priority areas.

3.7.1 MAIN STREET DISTRICT AND LIBRARY DISTRICT

The Main Street Mixed-Use (MS-MU) and Library Mixed-Use (LD-MU) zones are intended to support a balanced mix of residential, retail, service, office, and public uses supporting the community and surrounding neighborhoods. Office and retail uses on Main Street are encouraged to be mixed-use, with the opportunity to support smaller tenants at the street level, including shops, restaurants, services, office, and live-work, with housing and office spaces above. Development shall comply with the standards of this section, including Figure 3-4, Main Street District Regulating Plan.

FIRST FLOOR ELEVATIONS

1. See Section 3.2.9 for applicable regulations related to first floor elevations in flood hazard areas.

SETBACK AND STEPBACK STANDARDS

1. Building setbacks and stepbacks shall comply with the standards in Table 3-4 and the following.
 - a. Along Main Street, 70% of the building street frontage shall be built to the minimum front setback. The remaining building frontage may be set back, up to the maximum front setback dimension, to allow site features such as plazas and open space, outdoor dining, building entries, and building articulation.
 - b. Where identified, upper story building stepbacks shall be required for a minimum of 50% of the building frontage.

ACTIVE FRONTAGE DESIGN

1. The following intersections along Main Street shall be developed as retail priority corners:
 - a. Main Street / Corning Avenue.
 - b. Main Street / Tom Evatt Park.
 - c. Main Street / Curtis Avenue.
2. New buildings at retail priority corners shall be designed to support active ground-floor commercial wrapping the corner, as required in Section 3.6.
3. Throughout the Main Street and Library Districts, Main Street is designated as an activity street.
 - a. The requirements of retail priority areas and activity streets are described in Section 3.6.
4. Buildings shall be oriented to the street open spaces, plazas, and paseos throughout the Main Street and Library Districts. Additionally, primary building frontages shall include active building frontages with patios, stoops, and building entries facing the street along Main Street and Abel Street.
5. Refer also to Chapter 4 (Objective Design Standards) for additional criteria related to building placement, frontage design, and active ground floor building frontages.

TABLE 3-4: MAIN STREET MIXED-USE (MS-MU) AND LIBRARY DISTRICT MIXED-USE (LD-MU) STANDARDS

FRONT SETBACKS (MIN-MAX)	
Main Street	5-12 feet
Abel Street (East), Curtis Avenue	8-15 feet
Local Streets	5-12 feet
INTERIOR SIDE AND REAR SETBACKS (MIN)	
Interior Side and Rear	0 feet
Along Existing Railway	Refer to SP Section 4.1.3 C
UPPER STORY STEPBACKS (MIN/MAX)	
Main Street	5 feet min. above 3 stories
Abel Street Curtis Ave	5 feet min. above 4 stories

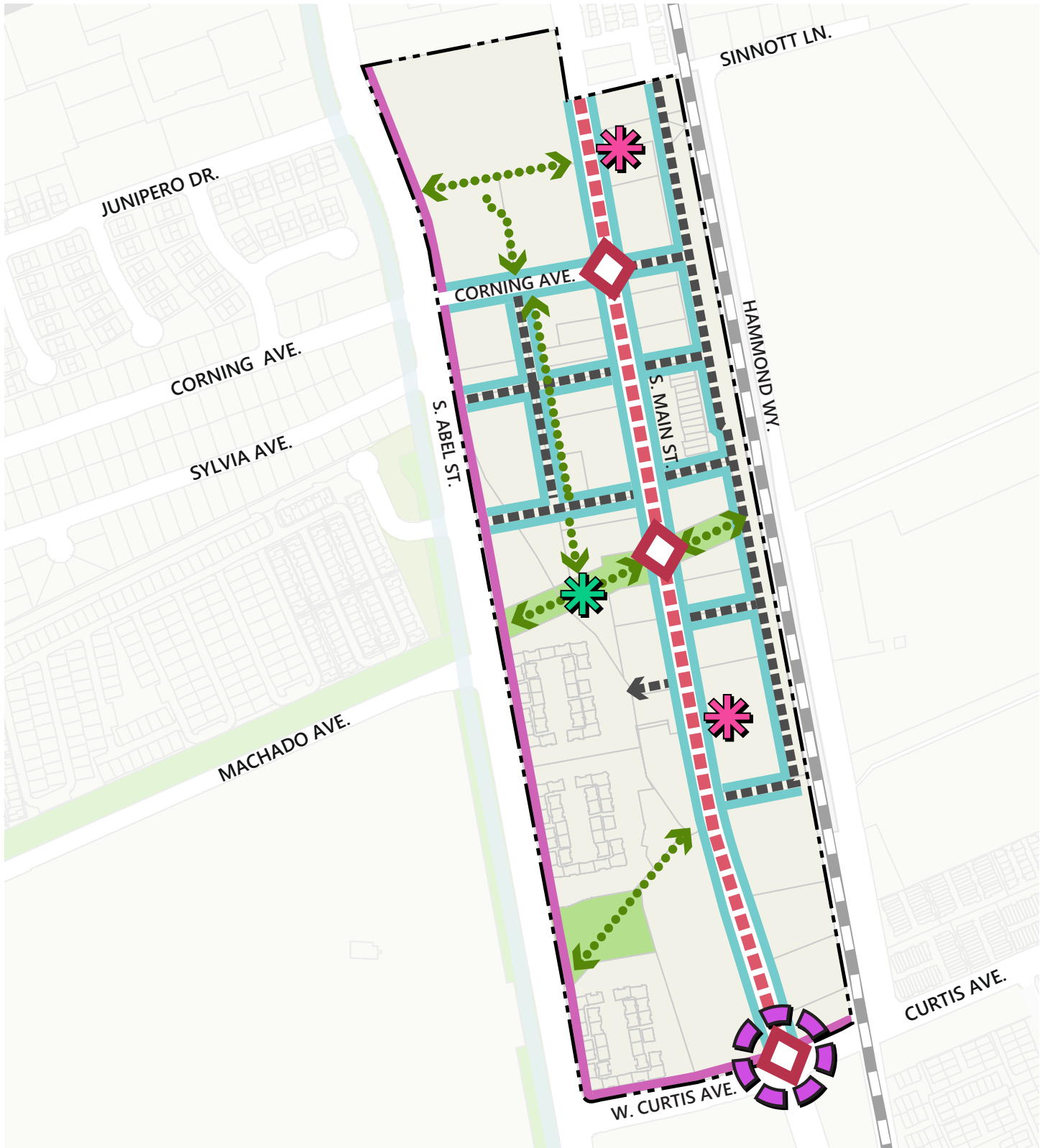
STREET AND PUBLIC REALM IMPROVEMENTS

1. As sites are redeveloped, new streets, paseos, and parks/open spaces shall be required to be consistent with Figure 3-4.
2. Coordinate with San Francisco Public Utilities Commission (SFPUC) for any improvements located in the Hetch Hetchy corridor.
3. See Chapter 5 (Mobility) and Chapter 6 (Public Realm) for criteria related to street and public realm improvements.

PARKING STANDARDS

1. Refer to Section 3.10 (Parking Standards) for off-street parking standards, including for properties within the one-half mile radius of a light rail transit station.

Figure 3-4 Main Street District Regulating Plan



- District Boundary
- 8 Feet - 15 Feet Front Setback
- 5 Feet - 12 Feet Front Setback
- Rail Right-of-Way
- New Street
- ◆ Retail Priority Corner
- Activity Street
- District Gateway
- New Paseo or Pedestrian Connection
- ★ New Public Park/Open Space
- ★ New Plaza Focal Point

0 175' 350' 700' ▲

3.7.2 CROSSROADS DISTRICT

The Crossroads Mixed-Use (XR-MU) zone supports a compatible mix of retail, entertainment, office, multifamily residential, civic, and recreational uses within a pedestrian-oriented streetscape environment. Development shall comply with the standards of this section, including Figure 3-5, Crossroads District Regulating Plan.

FIRST FLOOR ELEVATIONS

- See Section 3.2.9 for applicable regulations related to first floor elevations in flood hazard areas.

SETBACK AND STEPBACK STANDARDS

- Building setbacks and stepbacks shall comply with the standards in Table 3-5 and the following standards.
 - Where front setback ranges are proposed, a minimum of 60% of the building frontage shall be built to the minimum front setback. The remaining building frontage may be set back, up to the maximum front setback dimension, to allow for site features, such as plazas and open space, outdoor dining, building entries, and building articulation.
 - Where identified, upper story building stepbacks shall be required for a minimum of 50% of the building frontage.
- Along the north/northwest and south boundaries of the Crossroads District, where new development is proposed adjacent to single-family residential zones, development shall comply with the setback and height transitions standards in Section 4.1.3 A.

ACTIVE FRONTAGE DESIGN

- In order to create a vibrant retail and entertainment environment, development on Main Street and Serra Way shall be subject to the active retail frontage and activation requirements for Retail Priority Areas and Activity Streets addressed in Section 3.6.
- The following intersections along Main Street shall be developed as retail priority corners:
 - Serra Way / Abel Street.
 - Main Street / Carlo Street.
- Within the Serra Center area, new activity streets and retail priority corners are required as follows:
 - A minimum of 1 new activity street, running east-west between Serra Way and Junipero, linking Abbott Avenue to Abel Street.
 - A minimum of 2 new activity streets, running north-south, connecting north to Serra Way and Calaveras Boulevard.
 - A minimum of 2 new retail priority corners at the intersection of the above activity streets.
- At retail priority corners, new buildings shall provide corner retail storefronts as addressed in Section 3.6.

TABLE 3-5: CROSSROADS DISTRICT MIXED-USE (XR-MU) DEVELOPMENT STANDARDS

FRONT SETBACKS (MIN-MAX)	
Main Street	8-15 feet
Serra Way	8-15 feet
Calaveras Boulevard	15 feet min.
Abel Street (East)	8-15 feet
Creek on S. Abel Street (West)	Refer to SP Section 4.1.3 D
Local Streets, S. Abbott Avenue	5-12 feet
INTERIOR SIDE AND REAR SETBACKS (MIN)	
Interior Side and Rear	0 feet
Interior Side and Rear Adjacent to Single Family Residential or Adjacent to Open Space	10 feet
Along Existing Railway	Refer to SP Section 4.1.3 C
UPPER STORY STEPBACKS (MIN/MAX)	
Main Street	5 feet min. above 3 stories
Serra Way, Abel Street, Abbott Avenue	5 feet min. above 4 stories
Calaveras Boulevard	10 feet min. above 4 stories

- Buildings shall be oriented to the street within the Crossroads District. Additionally, primary building frontages shall include active building frontages with patios, stoops, and building entries facing open spaces, plazas, and paseos within the Crossroads District.
- Refer to Chapter 4 (Objective Design Standards) for additional criteria related to building placement, frontage design, and active ground floor building frontages.

STREET AND PUBLIC REALM IMPROVEMENTS

- As sites are redeveloped, new streets, paseos, and parks/open spaces are required consistent with Figure 3-5.
- To support outdoor entertainment and retail uses, parklets and sidewalk extension for al-fresco dining are permitted within the flex zone areas along S. Main Street and Serra Way as illustrated in the respective street design sections in Chapter 5 (Mobility).
- See Chapter 5 (Mobility) and Chapter 6 (Public Realm) for criteria related to street design and public realm improvements.



3.7.3 GATEWAY DISTRICT

The Gateway Mixed-Use (GW-MU) zone is characterized by a community-serving commercial orientation along I-880 and Calaveras Boulevard and a neighborhood-serving transition area adjacent to existing neighborhoods within the northern end of the Gateway District. Development shall comply with the standards of this section, including Figure 3-6, Gateway District Regulating Plan.

FIRST FLOOR ELEVATIONS

1. See Section 3.2.9 for applicable regulations related to first floor elevations in flood hazard areas.

SETBACK AND STEPBACK STANDARDS

1. Building setbacks and stepbacks shall comply with the standards in Table 3-6 and the following standards.
 - a. Where front setback ranges are proposed, a minimum of 60% percent of the building frontage is required to meet the minimum front setback. The remaining building frontage may be set back, up to the maximum front setback dimension, to allow for site features such as plazas and open space, outdoor dining, building entries, and building articulation.
 - b. Upper story building stepbacks shall be required for a minimum of 50% of the building frontage.
2. Along the north and east boundary of the Gateway District, where new development is proposed adjacent to low-density residential zones, development shall comply with the setback and height transitions standards in Section 4.1.3 A.
3. Development adjacent to the freeway shall comply with the standards in Section 4.1.3 B.

ACTIVE FRONTAGE DESIGN

1. The Calaveras Boulevard / Abbott Avenue intersection shall be developed as a retail priority corner.
 - a. New buildings at retail priority corners shall be designed to support active ground-floor commercial uses wrapping the corner, as required in Section 3.6.
2. S. Abbott Avenue, north of Calaveras Boulevard shall be treated as an activity street, requiring active ground floor uses, but no retail.
3. Buildings in the Gateway District shall be oriented to the street and include active building frontages, with patios, stoops, and building entries facing open spaces, plazas, and paseos. Refer to Chapter 4 (Objective Design Standards) for additional criteria related to building placement, frontage design, and active ground floor building frontages.

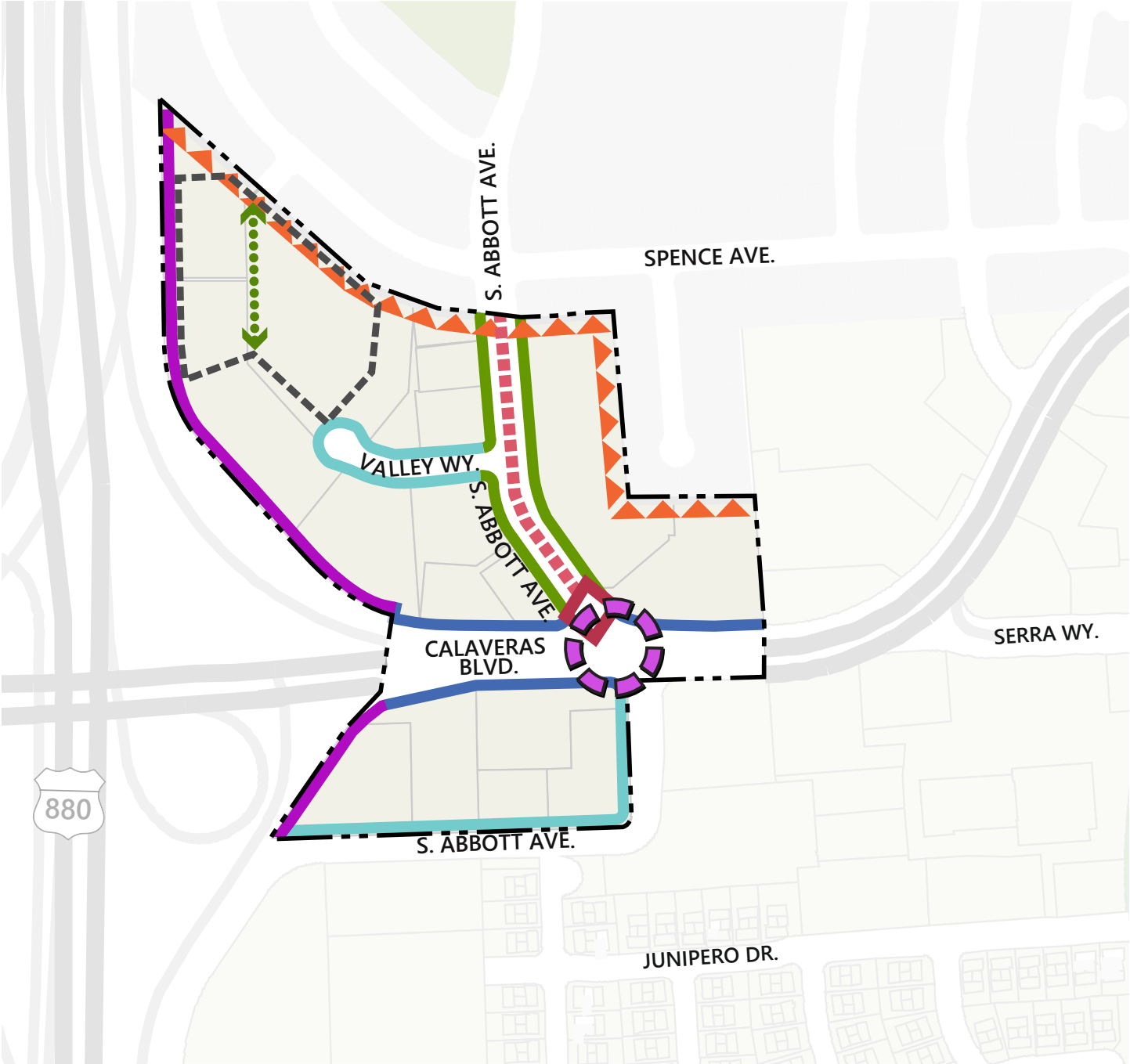
TABLE 3-6: GATEWAY DISTRICT MIXED-USE (GW-MU) DEVELOPMENT STANDARDS

FRONT SETBACKS (MIN-MAX)	
S. Abbott Avenue (North of Calaveras)	7 feet min.
Calaveras Boulevard	15 feet min.
S. Abbott Avenue (South of Calaveras) and Valley Way	5-12 feet
INTERIOR SIDE AND REAR SETBACKS (MIN)	
Interior Side and Rear	0 feet
Interior Side and Rear Adjacent to Single Family Residential or Adjacent to Open Space	10 feet; see also Specific Plan Section 4.1.3 A
Along Freeway Edge	Refer to SP Section 4.1.3 B
UPPER STORY STEPBACKS (MIN/MAX)	
Minimum Stepback Required Fronting Calaveras Boulevard	10 feet min. above 4 stories
S. Abbott Ave.	5 feet min. above 4 stories

STREET AND PUBLIC REALM IMPROVEMENTS

1. As sites are redeveloped, new streets, paseos, and parks/open spaces are required consistent with Figure 3-6.
2. See Chapter 5 (Mobility) and Chapter 6 (Public Realm) for criteria related to street and public realm improvements.

Figure 3-6 Gateway District Regulating Plan



- District Boundary
- Freeway Edge Setback
- 15 Feet Min. Front Setback
- 5 Feet - 12 Feet Front Setback
- 7 Feet Min. Front Setback
- Retail Priority Corner
- Activity Street
- District Gateway
- Greenway
- New Alley
- Single-Family Residential Transition

3.7.4 ABBOTT DISTRICT

The Abbott District-Business Park (AD-BP) zone allows a mix of office, light industrial, and accessory commercial and business uses, organized within a landscaped business park campus setting. Development shall comply with the standards of this section, including Figure 3-7, the Abbott District Regulating Plan.

FIRST FLOOR ELEVATIONS

1. See Section 3.2.9 for applicable regulations related to first floor elevations in flood hazard areas.

SETBACK STANDARDS

1. Where setback ranges are proposed, a minimum of 60% percent of the building frontage is required to meet the front setback as identified in Table 3-7.
 - a. The remaining building frontage may be set back, up to the maximum front setback dimension, to allow for site features such as plazas and open space, outdoor dining, building entries, and building articulation.
2. Along the east boundary of the Abbott District, where new development is proposed adjacent to low-density residential zones, development shall comply with the setback and height transitions standards in Section 4.1.3 A.
3. Development adjacent to the freeway shall comply with the standards in Section 4.1.3 B.

ACTIVE FRONTAGE DESIGN

1. Buildings shall be oriented to public streets and open space with ground floor commercial facades, patios, building entries, and decks.
2. New buildings shall incorporate active ground floor uses and building frontages, per Section 3.6, in the following locations:
 - a. Adjacent to public open spaces, parks, and plazas.
 - b. Along Thompson Court.
 - c. Along S. Abbott Avenue, north of Junipero Drive.
3. Refer also to Chapter 4 (Objective Design Standards) for additional criteria related to building placement, frontage design, and active ground floor building frontages.

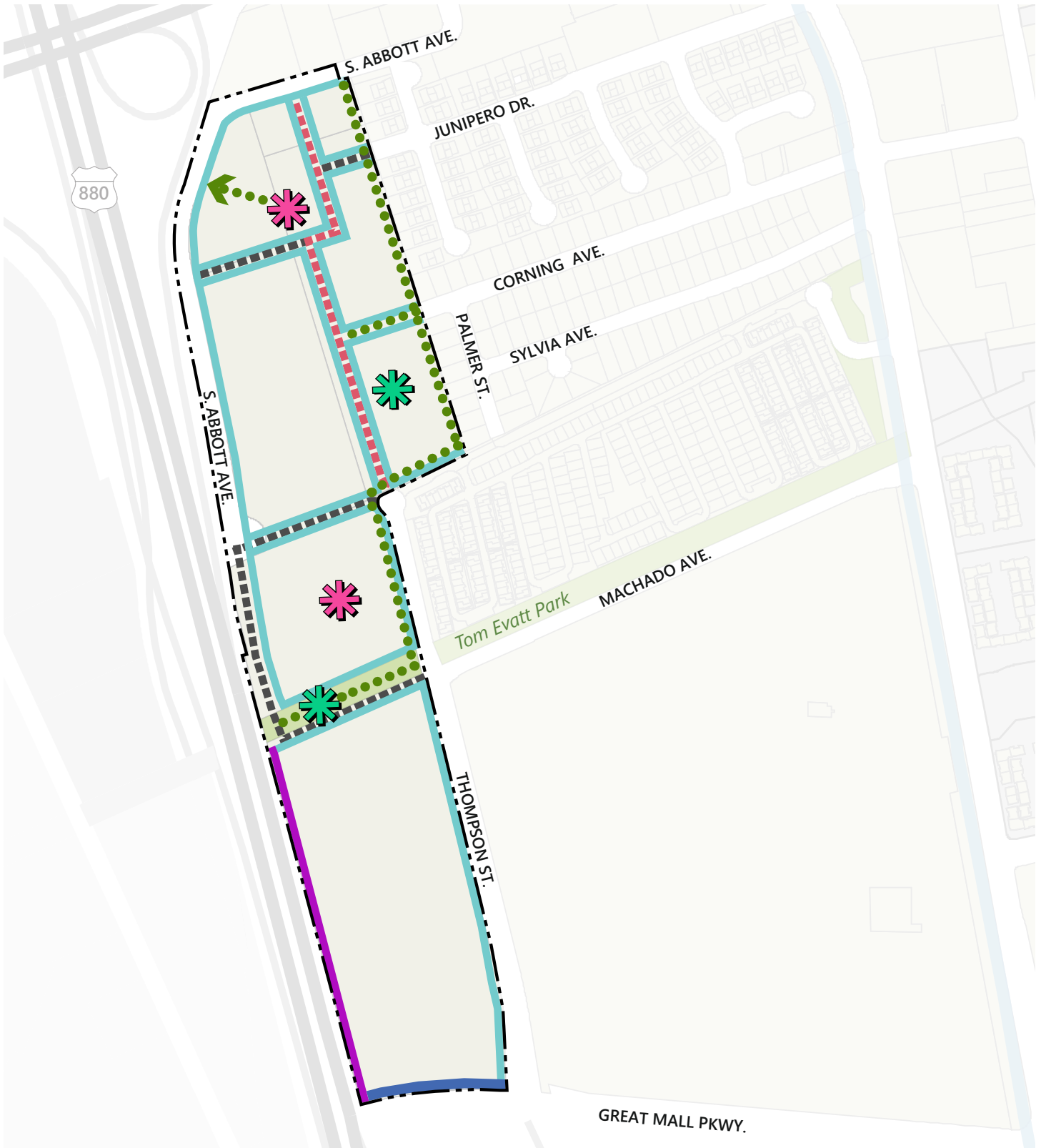
TABLE 3-7: ABBOTT DISTRICT BUSINESS PARK (AD-BP) DEVELOPMENT STANDARDS

FRONT SETBACKS (MIN-MAX)	
S. Abbott Avenue (Except Along the Freeway)	5-10 feet
Thompson Street Extension	5-10 feet
Great Mall Parkway	10 feet min.
Internal Business Park Streets	5-10 feet
Along Freeway Edge	Refer to SP Section 4.1.3 B
INTERIOR SIDE AND REAR SETBACKS (MIN)	
Interior Side and Rear	0 feet
Interior Side and Rear Adjacent to Single Family Residential or Adjacent to Open Space	10 feet; see also Specific Plan Section 4.1.3 A

STREET AND PUBLIC REALM IMPROVEMENTS

1. As sites are redeveloped, new streets, paseos, and parks/ open spaces are required consistent with Figure 3-7.
2. Incorporate green stormwater infrastructure, such as bioswales, stormwater planters, or urban agriculture, in amenity zones, curb extensions, and/or other landscaped areas throughout the district. Green infrastructure shall comply with the standards in Section 6.5.3.
3. See Chapter 5 (Mobility) and Chapter 6 (Public Realm) for criteria related to street and public realm improvements.

Figure 3-7 Abbott District Regulating Plan



- | | |
|----------------------------------|--|
| --- District Boundary | --- Activity Street |
| Setback along Freeway (60' min.) | ... New Paseo or Pedestrian Connection |
| 10 Feet Min Front Setback | --- New Street or Street Realignment |
| 5 Feet - 10 Feet Front Setback | * New Public Park/Open Space |
| ◊ Retail Priority Corner | * New Plaza Focal Point |



3.8 Policies for Urban Reserve Areas

If and when it is determined that the Urban Reserve Areas or their associated facilities are no longer needed for their current purpose, redevelopment shall be consistent with the criteria established in this Specific Plan, as well as the following policies.

3.8.1 ELMWOOD CORRECTIONAL FACILITY

The Elmwood Correctional Facility complex is a County correctional facility on 62 acres at the south end of the Plan Area, bordering Great Mall Parkway, between Abel Street and Thompson Street. The area is ideally located to support commercial and high density residential mixed-use development located within a one-half mile of two light rail train stations. Should disposition or redevelopment of this land occur, the following policies apply:

1. Work with Santa Clara County on a Master Plan for the future reuse of the property. The Master Plan shall evaluate and plan for all needed infrastructure to support new development.
2. Rezone for high density mixed-use, allowing 75 dwelling units per acre, to take advantage of the proximity to transit.
3. Extend a street grid system to connect with existing streets, open space, and the bike and pedestrian network connecting the Plan Area and greater Milpitas.
4. Plan for one or two additional right-in, right-out access on to Great Mall Parkway to improve local access to this area.
5. Improve the streetscape character around the edges of the property, including on Abel Street, Thompson Street, Machado Avenue, and Great Mall Parkway.
6. Plan for new parks and open space to support future development of this property while integrating with adjacent neighborhoods. Connect to Tom Evatt Park by incorporating a multi-use trail on the west side of Penitencia Creek and potentially introduce more native plantings to the creek.

3.8.2 NORTH RAILYARDS

The Specific Plan provides for the continuation of existing manufacturing, warehousing, and light industrial uses as allowed under the current Heavy Industrial land use. Should property owners wish to pursue other uses on the property in the future, the appropriate land uses should be determined at that time subject to the following policies and consistent with the Regulating Plan illustrated in Figure 3-8.

1. Require a Master Plan that extends a street grid network to support the future redevelopment of the

North Railyards area, including a new north-south spine road. The Master Plan shall evaluate and plan for all needed infrastructure to support new development.

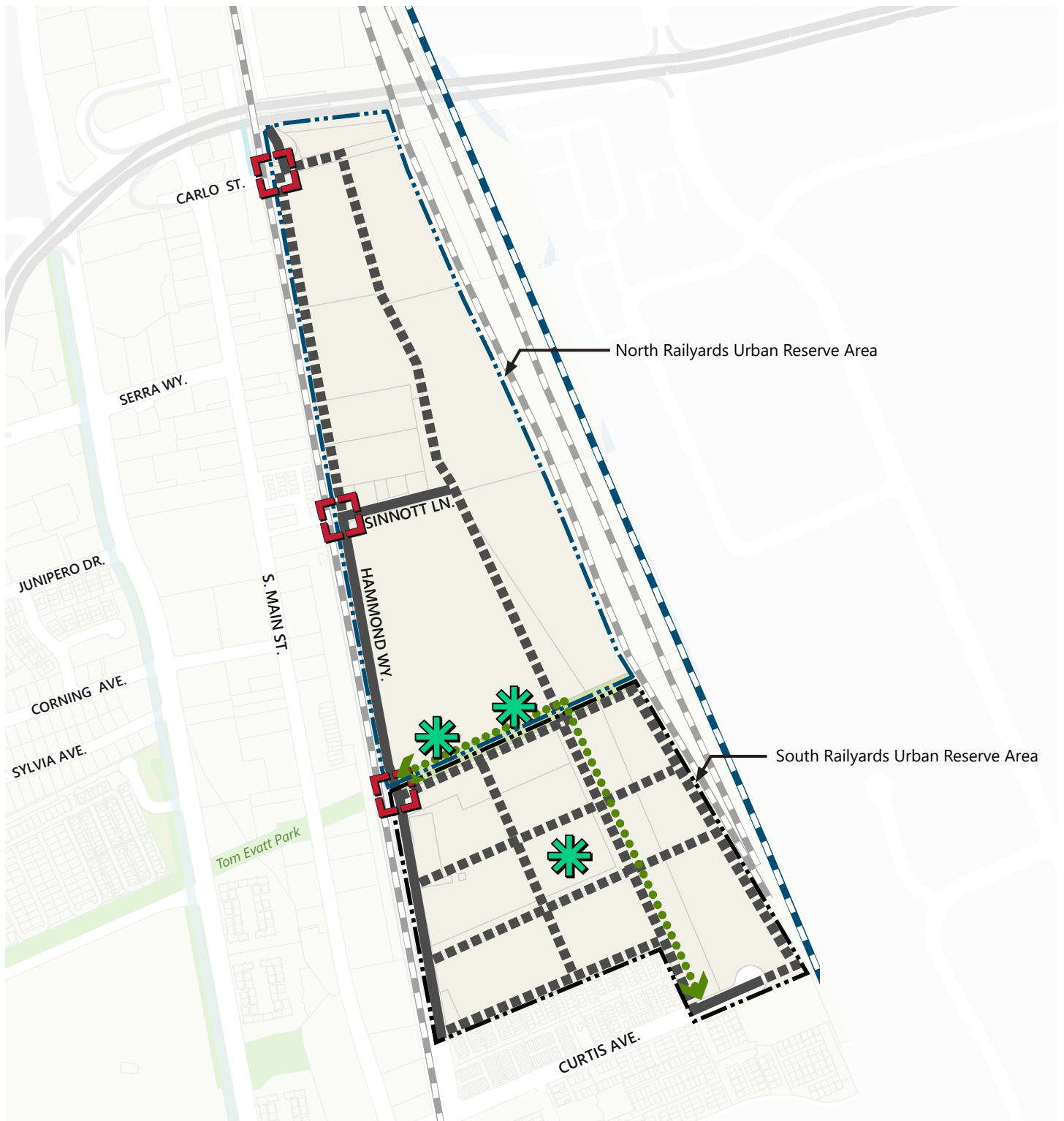
2. Preserve the street view corridors of east-west streets on the other side of Main Street, such as at Corning Avenue.
3. Require a minimum of one new railroad crossing to serve future development, guided by the potential railroad crossing locations recommended in the mobility framework diagram in Chapter 5.
4. Require the environmental remediation of industrial sites per city, state, and federal law requirements.
5. First floor elevations in flood hazard areas shall reference Section 3.2.9 and the Milpitas Municipal Code, Floodplain Management Regulations.

3.8.3 SOUTH RAILYARDS

The South Railyards is identified as Very High Density Residential in the General Plan land use designation in anticipation of the area's future reuse as a residential community north of the Parc Metro community. Future development shall comply with the following policies, and be consistent with the North and South Railyards Regulating Plan illustrated in Figure 3-8.

1. Require a Master Plan that extends a street grid network to support the future redevelopment of the North Railyards area, including a new north-south spine road. The Master Plan shall evaluate and plan for all needed infrastructure to support new development.
2. Allow 75 dwelling units per acre in the Very High Density Residential land use designation.
3. Protect the Hetch Hetchy right-of-way corridor as a public open space resource serving the community and connect it with a community trail loop.
4. Integrate future development with the existing streets and urban fabric of the Parc Metro community to the south, including improving Curtis Avenue and extending Tower Drive to the north. See the Mobility chapter for guidance related to the future street network and connectivity in the South Railyards.
5. Improve Hammond Way as a multimodal street with the opportunity for a protected off-street bike trail along the BART Station tracks. Consider the potential for a bike and pedestrian crossing of the railroad tracks along the Hetch Hetchy corridor to provide community access to Main Street.
6. Screen the railroad tracks and Industrial facilities with landscaping and walls or fences with soundproofing technology.
7. Require the environmental remediation of Industrial sites per city, state, and federal law.
8. First floor elevations in flood hazard areas shall reference Section 3.2.9 and the Milpitas Municipal Code, Floodplain Management Regulations.

Figure 3-8 North Railyards and South Railyards Regulating Plan

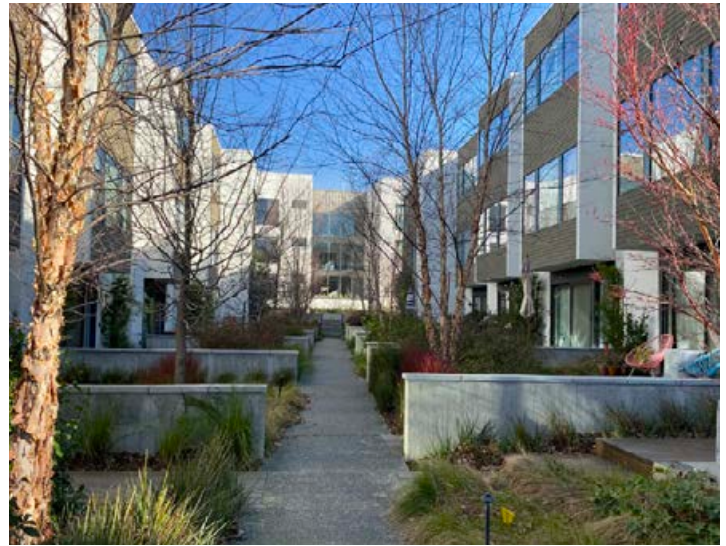


- Existing Streets
- New Street
- New Paseo or Pedestrian Connection
- New Public Park/Open Space
- Rail ROW
- BART ROW
- Potential Future At-Grade Rail Crossing
(To Be Further Studied, Coordination with Union Pacific Railroad Required)

0 150' 300' 600' ▲



Common Outdoor Space: Common outdoor open spaces include courtyards and greens, such as this shared space in the Milpitas Metro area.



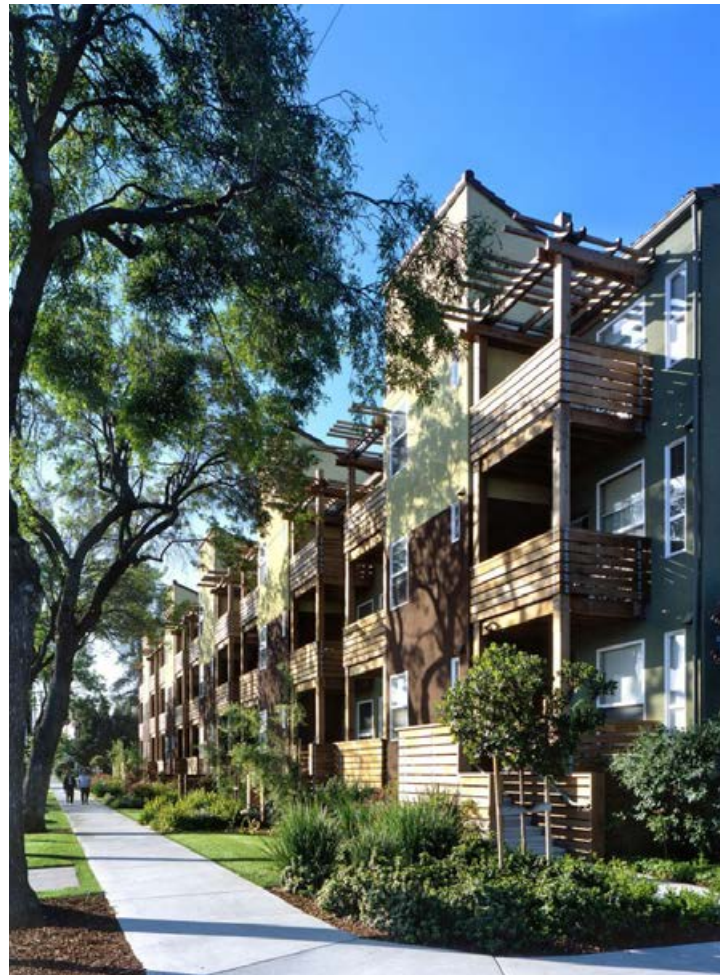
Publicly Accessible Private Open Space: Forecourts and patios are privately owned, but arranged to create the feeling or a larger common open space.

3.9 Open Space Standards

Projects shall provide the minimum open space based on project type, scale, and lot size as specified below and identified in Table 3-8. Areas that are used regularly for parking, loading, or storage shall not count towards minimum open space requirements.

3.9.1 MINIMUM OPEN SPACE

1. **Residential and mixed-use projects with residential uses** must provide on-site open space in the form of common outdoor open space and private open space, per the requirements of Table 3-8.
 - a. If development is unable to meet the full amount of required common open space on-site, an in-lieu fee may be used to satisfy up to 50% of the requirement. See "Improvements: Dedication of Land or Payment of Fee or Both, for Recreational Purposes" within the Subdivision regulations of the Municipal Zoning Code for requirements related to in-lieu fees.
 - b. Fee provisions will be established on a project-by-project basis, as determined at the time of project entitlements.
 - c. A minimum of 5% of the open space shall be made publicly accessible. Additional public accessible open space beyond the minimum require may qualify for an incentive as addressed in Section 3.4 (Economic and Development Incentives).
2. **Non-residential projects** with more than 10,000 square feet shall provide a minimum of 10% of the gross non-residential floor area as common outdoor open space.



Private Open Space: Private open space can include ground-level patios and upper-level balconies.

3.9.2 COMMON OUTDOOR OPEN SPACE

Common outdoor open spaces (COS) are usable spaces shared among tenants or owners of a building or development, including residential subdivisions (including rowhomes/townhomes), multi-family residential projects, and residential mixed-use projects. COS may include courtyards, gardens, greens, and rooftop gardens.

1. Common outdoor open space requirements apply to all multi-family and mixed-use projects with five residential units or more.
2. Common outdoor open spaces shall be immediately adjacent to residential units and shall be accessible to all residents.
3. Publicly-accessible private open space, such as plazas, forecourts, and pedestrian paseos are encouraged, and may be used to satisfy the requirements for common outdoor open space if they meet the requirements of this section. See Section 6.3.4 (Privately-Owned, Public Open Spaces), for additional information and criteria.
4. Common outdoor open spaces shall meet the following dimensional/size requirements:
 - a. The minimum area for common open space shall be 1,000 square feet, with a minimum dimension of 40 feet x 25 feet.
 - b. Where enclosed on three or more sides by a building (i.e. a courtyard), courtyards shall:
 - Have one dimension (width or length) that is equal to or greater than the highest building height of the adjoining face.
 - Have a second dimension (width or length) that is equal to or greater than 80% of the highest building height of the adjoining face.
5. A minimum of 20% of the open space area shall be planted with native plantings, trees, ground cover, and/or shrubs. Additionally:
 - a. A minimum of one tree from the Recommended Street Tree list in Table 6-1 shall be provided for every 400 square feet of outdoor area. New trees included in open space areas may count towards replacement requirements required by the City of Milpitas Tree Removal Checklist and Application.
 - b. Seating options, such as seat walls, planter ledges, benches, and/or movable seating shall be provided at a ratio of 1 bench, or equivalent amount of seating area, per 300 square feet of outdoor area.
6. Lighting shall be provided in common outdoor open space and shall meet the following requirements:
 - a. Light levels at a property line shall not exceed .05

TABLE 3-8: MINIMUM RESIDENTIAL OPEN SPACE REQUIREMENTS

NUMBER OF UNITS	COMMON OUTDOOR OPEN SPACE	PRIVATE OPEN SPACE
< 5 Units	Exempt	100 sf/unit
6+ units	60 sf/unit	40 sf/unit

7. A minimum of 75% of the area shall be open to the sky and free of permanent weather protection or encroachments. Trellises and similar open-air features are permitted.
8. Common outdoor open spaces shall incorporate at least two of the following residential amenities to occupy a minimum of 50% of the required area:
 - a. Tot lot/play structure
 - b. Community garden
 - c. Shaded picnic table and BBQ areas
 - d. Swimming pool
 - e. Sports courts (e.g. tennis, basketball, etc.), or outdoor games (boccie ball, chess tables, etc.)
 - f. Open lawn and play areas

3.9.3 PRIVATE OPEN SPACE

Private open spaces, such as balconies, decks, porches, patios, private yards, and terraces, among others, adjoin a dwelling unit and are reserved for the exclusive use of the unit's resident(s) and guest(s).

1. Private open spaces shall comply with the following standards:
 - a. A minimum dimension of 5 feet in all directions.
 - b. Designed to overlook common open spaces, public open space, paseos, or streets.
 - c. Private open space may be met with multiple private open spaces per unit provided that a minimum of one private open space is accessible from the common area in the unit.

3.10 Parking Standards

The purpose of this section is to provide an adequate amount of parking within all districts within the Plan Area while maintaining the pedestrian-oriented character envisioned for the Crossroads and Main Street districts. Projects shall provide parking based on use and size as specified below and identified in Table 3-9.

3.10.1 PARKING RATIOS

The vehicular parking ratios provided in Table 3-9 shall apply to typical uses in the Specific Plan Area.

1. For mixed-use projects with different land uses that are part of the same project (e.g. retail and residential), the parking requirements for each separate land use are applicable, and shall be added together to determine the total parking requirements for the project, unless an alternative shared parking approach is used, consistent with Section 3.10.2, below.
2. For residential, commercial, or other development projects that are within one-half mile of a VTA light rail station, no minimum vehicular parking shall be required for the uses noted in Table 3-9.
3. For any project undergoing a change in use, if the new use has a greater parking requirement than the previous use by more than 25%, the difference in required spaces between the previous and proposed use shall be provided.
4. Non-residential uses within the Plan Area may meet parking requirements with on-street parking, as allowed by the parking reductions in the Zoning Ordinance.

3.10.2 SHARED PARKING

Shared and district parking facilities are highly encouraged within the Crossroads and Main Street Districts. Shared parking facilities include:

1. On-site parking shared across multiple parcels.
 - a. Where shared on-site parking has been provided, projects may be permitted up to a 25% reduction in the number of parking spaces for all non-residential uses included in the shared parking agreement.
 - b. Shared parking plans shall be submitted to the City for review.
2. Off-site parking garages located within one-quarter mile of the project.
 - a. Satisfaction of vehicular parking through an off-site facility is permitted provided such facility is demonstrated to have sufficient excess capacity to accommodate the parking requirements of the proposed use during peak parking hour demands.

- b. Off-site parking on public or private property shall be evidenced by a deed, lease, contract, or similar written instrument approved by the City Attorney.

3.10.3 UNBUNDLED PARKING

1. Where a project provides new residential units, off-street vehicle parking spaces shall be leased or sold separately from the unit rental or purchase fees, so that renters or buyers have the option of renting or buying the residential unit at a lower price than if the parking was included.
 - a. Renters or buyers have the right of first refusal to parking built for their unit. Any remaining spaces may be leased to other users on a month-to-month basis. New occupants shall have the opportunity to lease or purchase parking built for their unit.
 - b. For deed-restricted affordable units, one parking space shall be included in the base rent of each unit. The tenant may choose to receive the parking space or receive a rent discount equivalent to half the amount charged for monthly lease of a parking space. Tenants of affordable units shall not sublease their parking spaces.

3.10.4 PARKING LOCATION AND ACCESS

1. New on-site parking shall be located to the rear of buildings when provided within the Crossroads and Main Street Districts.
2. Access to on-site parking shall be from side streets or rear alleys where applicable.
3. Where new off-street parking has been provided within 50 feet of existing off-street parking, access to the parking from the public right-of-way shall be combined.
4. Further guidance on parking location and access is provided in Chapter 4 (Objective Design Standards).
5. Parking layout and design shall comply with the city's Zoning Ordinance requirements.

3.10.5 ELECTRIC VEHICLE CHARGING

Refer to the Zoning Ordinance requirements for Electric Vehicle Charging Spaces.

3.10.6 BICYCLE PARKING

The bicycle parking ratios provided in Table 3-9 shall apply to typical uses in the Gateway-Main Street Specific Plan Area. Refer to the latest version of the CALGreen Code for non-residential bicycle parking design and siting requirements. Residential bicycle parking shall be provided in a secure area accessible only to residents.

TABLE 3-9: MINIMUM OFF-STREET VEHICULAR AND BICYCLE PARKING STANDARDS

TYPICAL USE ¹	MINIMUM VEHICULAR PARKING REQUIREMENTS ³		MINIMUM BICYCLE PARKING REQUIREMENTS
	CROSSROADS AND MAIN STREET DISTRICTS	OTHER AREAS	
RESIDENTIAL OFF-STREET PARKING			
Dwelling Unit	1.0 space per unit; plus 1.0 guest parking space per 4 units	1.5 spaces per unit; plus 1.0 guest parking space per 3 units	0.5 spaces per unit
Shopkeeper unit or live-work unit	1.0 space per unit; plus 1.0 guest parking space per 4 units	1.5 spaces per unit; plus 1.0 guest parking space per 3 units	
Special Group Residence	Refer to Municipal Code	Refer to Municipal Code	
All Others	1.5 spaces per unit; plus 1.0 guest parking space per 4 units	2.0 spaces per unit; plus 1.0 guest parking space per 3 units	
NON-RESIDENTIAL OFF-STREET PARKING			
Artisan Shops, General Retail, Convenience Retail ²	1.0 space per 1,000 sf	1.0 space per 500 sf	1.0 space per 5,000 sf
Restaurants, Cafes, Dining, Entertainment ²	1.0 space per 1,000 sf	1.0 space per 500 sf	
Outdoor Dining for restaurants, cafes, dining, entertainment, and similar uses	No additional parking	No additional parking	
Bars, Breweries, Wineries, and Brew Pubs	1.0 space per 1,000 sf	1.0 space per 500 sf	1.0 space per 5,000 sf
Professional Office, Medical/ Dental Office, Bank, Savings & Loan, and other Office Uses	1.0 space per 500 sf	1.0 space per 500 sf	1.0 space per 5,000 sf
Personal Services, except Commercial Athletic Clubs	1.0 space per 500 sf	1.0 space per 500 sf	1.0 space per 5,000 sf
Commercial Athletic Clubs	1.0 space per 500 sf	1.0 space per 250 sf	
Bed & Breakfast, Hotel	0.5 spaces per room	0.75 spaces per room	
Conversion of City Listed Historic Resources	No additional parking	No additional parking	No additional parking
Industrial (Including light industrial, manufacturing, and distribution)	N/A	1.0 space per 1,500 sf	1.0 space per 7,500 sf
Office Space within an Industrial Building	N/A	1.0 space per 500 sf	

Notes:

1. Uses not shown in this table shall reference the off-street parking regulations in the Zoning Ordinance.

2. Projects containing less than 6,000 sf are exempt from off-street parking requirements.

3. Use shall comply with the parking ratios standards in Section 3.10.1 including no minimum vehicular parking is required for residential, commercial, or other development projects located within one-half mile of a VTA light rail station.

3.11 Special Use Standards

Given their unique nature, certain activities and uses have special impacts upon the community, giving rise to a need for special review procedures or standards. Uses subject to the Special Use standards in the Zoning Ordinance are indicated in Table 3-1. Additional use standards, complying with the goals, objectives, policies, and implementation programs of the Specific Plan, are specified below.

3.11.1 CERTAIN RETAIL AND SERVICE USES

Within the MS-MU, LD-MU, and the XR-MU zone (east of Abel Street), personal services, convenience stores, grocery stores, commercial athletic facilities, repair services, private and group instruction, and all types of financial institutions shall be subject to the following:

1. These uses are less than or equal to 20,000 square feet in gross floor area, except for grocery stores and financial institutions (refer to standard numbers 2 and 3, below).
2. Grocery stores shall be less than or equal to 30,000 square feet, unless otherwise permitted with a Conditional Use Permit.
3. Financial institutions shall be less than or equal to 20,000 square feet, unless otherwise permitted with a Conditional Use Permit.
4. Use of the area in front of the store for approved outdoor seating areas and/or product display only.
5. Conform with the Objective Design Standards, herein, related to active frontages.

3.11.2 QUASI-PUBLIC USES

The following uses shall be limited in the MS-MU and XR-MU zones, but permitted provided their location is first approved by the Planning staff, Zoning Administrator, or the Planning Commission (as applicable) in accordance with the Zoning Ordinance regulations for Conditional Use Permits and Minor Conditional Use Permits; and the use is not located within 1,000 feet of the parcel boundary of another of the same quasi-public use listed below. This distance shall be measured from the property line of the parcel where such use is located.

1. Churches and religious institutions.
2. Places of meeting or assembly, such as auditoriums, banquet halls, and fraternal or union halls.
3. Private elementary, middle, or high schools.

3.11.3 PERFORMANCE STANDARDS FOR CERTAIN USES

For the following uses requiring the approval of a Minor Conditional Use Permit by staff, the following performance standards shall be met.

1. Vehicle related uses, transportation passenger terminals/facilities, and pawnshops may not be located within 1,000 feet of another same use. This distance shall be measured from the property line of the parcel where such use is located.
2. In order to assist the City of Milpitas in its efforts to receive direct distribution of the local tax on materials associated with autobroker businesses, the California Sales and Use Tax (the "Local Tax") shall be allocated to the project site, to the extent reasonably possible. Evidence of tax allocation or cause as to why such allocation cannot be made shall be submitted at the time of business license submittal.
3. Within the AD-BP zone, all uses and activities must take place within an enclosed building, except for permitted outdoor uses, such as recreation and outdoor dining.

3.11.4 OUTDOOR MUSIC

Outdoor music as an accessory use in conjunction with a restaurant or bar shall be permitted for the entertainment and enjoyment of customers at the restaurant or bar during regular operating hours.

1. Outdoor music as an accessory use shall be limited to the hours of 9:00 a.m. to 10:00 p.m., except that outdoor music may be extended until 11:00 pm within the MS-MU and XR-MU zones.
2. Recorded background music may be permitted outdoors on public sidewalks and other public areas subject to the standards of this Chapter and Chapter 213 (Noise Abatement).
3. Noise levels for outdoor music, when permitted as an accessory use to a restaurant or bar, shall not exceed a maximum range of 70 to 90 decibels (dB). See also MMC Title V, Subsections V-213-2 and V-213-3 for additional regulations.
4. Larger outdoor music events, both live and recorded music, which are intended for the entertainment and enjoyment of the general public shall require a Special Event Permit, subject to the Special Event Permit regulations in the Zoning Ordinance.
5. Minor outdoor music events, both live and recorded music, which are hosted on-site by a business with 9 or fewer total employees, shall be exempt from applicable permit and fee requirements.

This page intentionally left blank



04

OBJECTIVE DESIGN STANDARDS

Overview

The Objective Design Standards provide criteria for site planning, urban form, and building design in the Plan Area, as well as topics such as pedestrian-level design. The Objective Design Standards in this chapter are tailored to development within the Plan Area, with a special focus on requirements for commercial and pedestrian-oriented mixed-use development. Conformance with the Objective Design Standards shall be required for any new permits or amendments submitted after the adoption of the Gateway-Main Street Specific Plan, and apply to all development in the Plan Area. The standards shall be implemented in conjunction with other standards and requirements of the Specific Plan.

In addition to the Objective Design Standards of this chapter, the City's Zoning Code and Residential and Mixed-Use Objective Design Standards (City ODS) are applicable to residential and residential mixed-use projects with two or more dwelling units. To help navigate users, the Specific Plan Objective Design Standards reference key sections of the City's Zoning Code and/or City ODS. Where standards of this chapter deviate from standards of the City ODS, the Gateway-Main Street Specific Plan Objective Design Standards shall prevail. Refer to Chapter 8 of the Specific Plan for additional information on the administration of the standards of the Specific Plan and the process for subsequent project review.

DESIGN STANDARDS STRUCTURE

The Design Standards are organized by into three sections, addressing:

- 4.1 Site Planning & Design.
- 4.2 Building Design & Architecture.
- 4.3 Pedestrian Level Design.

The general structure of the Objective Design Standards consists of:

- **TOPIC**
- **PURPOSE STATEMENT**, in blue text, summarizes the purpose and intent of the requirements in one sentence.
- **STANDARDS** provide design requirements that are specific, numeric, and/or verifiable. Proposed projects must meet the minimum standards set forth in the standards. In limited instances, "Guidelines" are identified, where there is flexibility in implementation, or the criteria are encouraged, but optional.
- **RELATED STANDARDS** identifies other applicable citywide Zoning or Objective Design Standards, as well as related standards of this chapter.

4.1 Site Planning & Design

The planning and design of the site and arrangement of activities are important to achieving a vibrant mixed-use Downtown environment, and complete and walkable communities that support a mix of uses and activities. The Site Planning & Design section addresses the following topics and requirements:

- Block Size.
- Building Placement and Orientation, including Building Siting, Setback Treatment, and Encroachments.
- Special Conditions and Adjacencies.
- Site Access and Parking.
- Service and Utility Design.

4.1.1 PEDESTRIAN-SCALED BLOCKS

Reduce the size of superblocks and long block lengths in the Plan Area to create pedestrian-scaled blocks and provide a connected network of streets, paths, and open spaces.

A. BLOCK SIZE STANDARDS

1. New streets and connections shall be provided where identified by Figure 5-1 (Mobility Framework) and Figure 6-1 (Public Realm Framework).
 - a. New streets and connections shall align and connect to existing streets in adjacent areas and neighborhoods.
 - b. See Chapter 5 for criteria related to the design of new streets and connections.
2. Block length shall not exceed 400 feet and a maximum block perimeter of 1,400 feet, consistent with the ODS Section 2.1.1 (Maximum Block Length) and shown in Figure 4-1.
 - a. For existing, new, or assembled parcels, where block lengths exceed 400 feet, at least one mid-block connection shall be provided as shown in Figure 4-2, consistent with the Objective Design Standards and the standards in this section.
3. The following qualify as mid-block connections:
 - a. Future Mixed-Use Streets.
 - b. Future Residential Streets.
 - c. Future Alleys.
 - d. Future Paseos.

See Chapter 5 for related design standards.
4. Maximum block lengths may be exceeded for the edges parallel to and adjacent to railroads, creeks, utilities, and highways where through access is limited or prohibited.
 - a. The maximum block length may be exceeded for the portion of the block within 100 feet of these features.
 - b. Service access, via parallel roadways or alleys, is encouraged to facilitate site circulation and connections between development projects.

Figure 4-1 Maximum Block Length and Perimeter

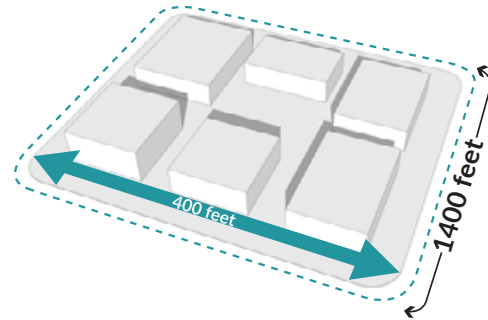
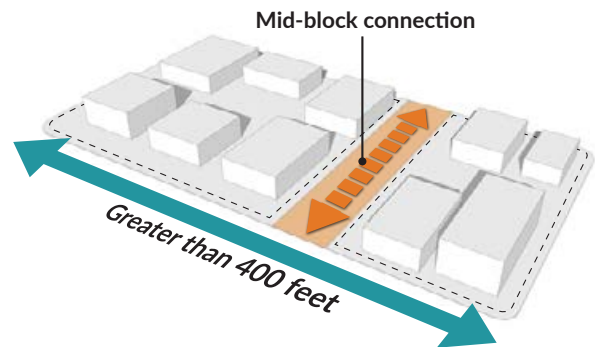


Figure 4-2 Required Mid-Block Connections



RELATED STANDARDS

- Specific Plan Section 5.1 (Mobility Framework)
- Specific Plan Section 6.1 (Public Realm Framework)
- City ODS Section 2.1. (Block Structure)
- City ODS Section 2.2. (Mid-block Connections)

4.1.2 BUILDING PLACEMENT AND ORIENTATION

Site buildings to front the edges of blocks and public spaces, and support a vibrant streetscape environment with pedestrian-friendly neighborhoods.

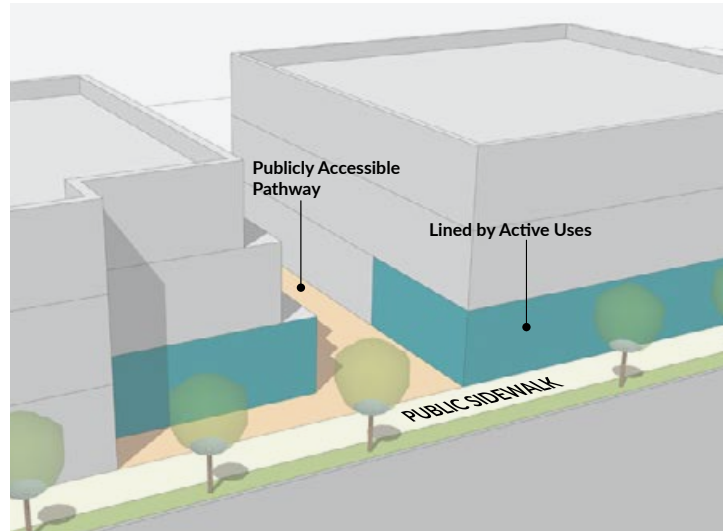
A. BUILDING SITING AND ORIENTATION

1. Buildings shall front on to the street or public space with active uses and pedestrian-oriented frontages as further addressed in Section 4.3 and illustrated in Figure 4-3.
2. Primary building entries shall be provided along public sidewalks and publicly accessible pathways, as shown in Figures 4-3 and 4-4.
3. Buildings adjoining a plaza, park, or private open space shall front on to that open space as shown in Figure 4-4.

RELATED STANDARDS

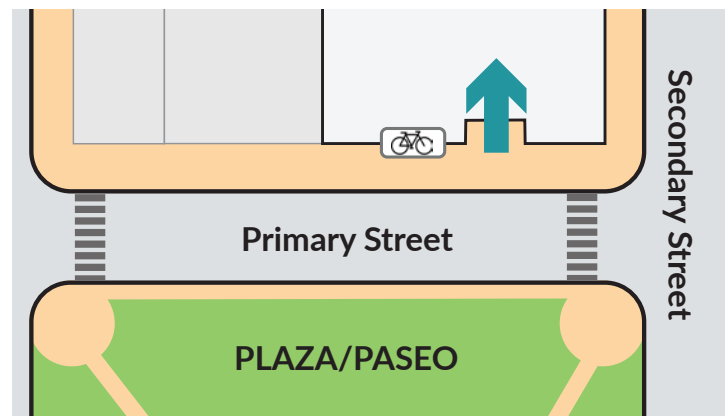
- Specific Plan Section 3.5 (Setback Standards)
- Specific Plan Section 3.6 (Retail Frontage Requirements and Ground-Floor Activation)
- Specific Plan Section 3.7 (District Regulating Plans and Development Standards)

Figure 4-3 Active Building Frontages



Design buildings to front the street.

Figure 4-4 Building Oriented to the Sidewalk and Plazas



Place the main pedestrian entry along a street or fronting public open space.



Design buildings with landscape setbacks and direct connections to a public sidewalk.

B. BUILDING ENCROACHMENT

1. Building encroachments into yard setback areas are allowed in accordance with the Milpitas Municipal Code Section XI-10-55.05 (Projections Allowed into Required Yards, Setbacks), ODS Section 3.3.2, and the following standards.
2. Table 4-1 summarizes the allowed front setback encroachments.
 - a. Figure 4-5 illustrates the maximum allowed encroachment into the front setback, subject to maintaining a minimum 5-foot front easement for public utility services, where required.
 - b. The bottom of architectural features projecting over a public sidewalk shall be a minimum of 8 feet above grade as shown in Figure 4-6.

TABLE 4-1: ALLOWED FRONT SETBACK ENCROACHMENTS

DESIGN FEATURE	MAXIMUM DEPTH INTO FRONT SETBACK
Building entry conditions, such as porches, front patios, stoops, terraces, or frontage courts	8 feet max. into front setback with a minimum of 5 feet clear from the front property line where public utility services are required
Architectural projections, such as awnings, canopies, weather protection structures, and balconies	None on private property; 6 feet max. over public sidewalks

RELATED STANDARDS

- City ODS Section 3.3.2 (Encroachments)

Figure 4-5 Architectural Features and Building Entries

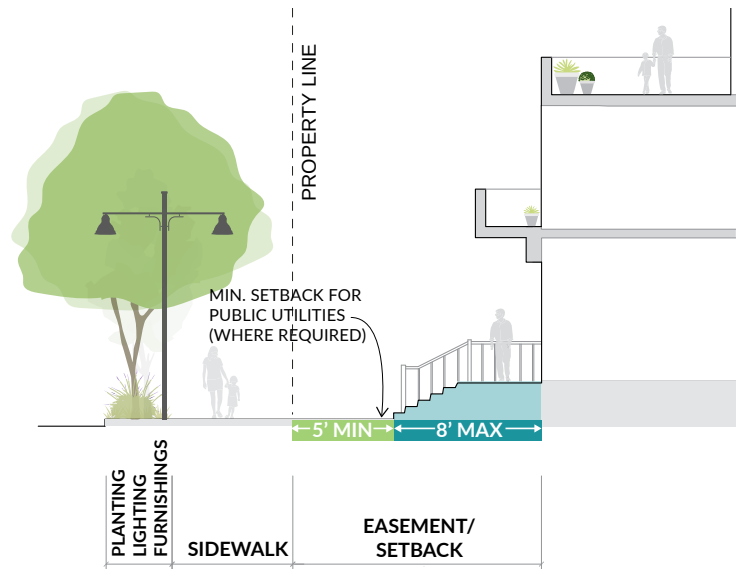
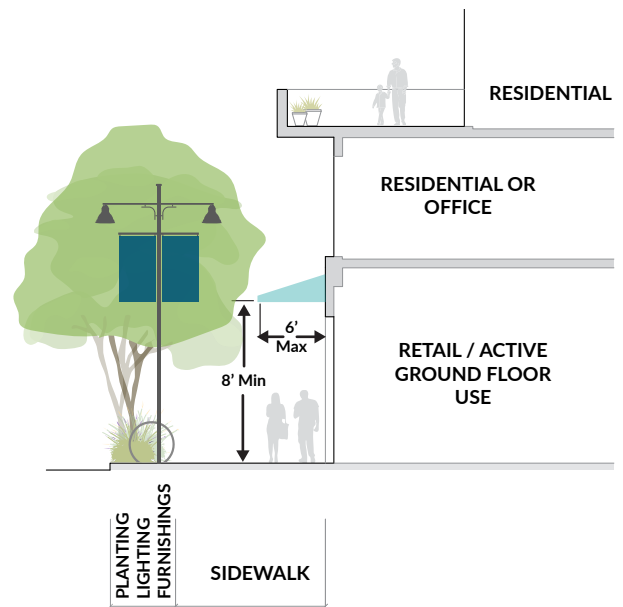


Figure 4-6 Overhangs over Sidewalks



4.1.3 SPECIAL CONDITIONS AND ADJACENCIES

Plan new development with sensitivity to local context and special conditions.

A. TRANSITIONS TO SINGLE-FAMILY RESIDENTIAL NEIGHBORHOODS

1. The standards in this section apply to new development in the Mixed-Use zones that share a property line with a parcel zoned for Single Family (R1) or Multiple Family (R3). This occurs at the following locations:
 - a. The southwest corner of the XR-MU zone at the Serra Center.
 - b. The northern boundary of all the GW-MU and XR-MU zones, located north of Calaveras Boulevard.
 - c. The eastern edge of the AD-BP zone.
2. At the locations described above in A(1), new development shall provide building setback and height transitions adjacent to single-family residential neighborhoods consistent with the standards of the Citywide Objective Design Standards in Section 3.9.1.

B. ADJACENT TO FREEWAYS

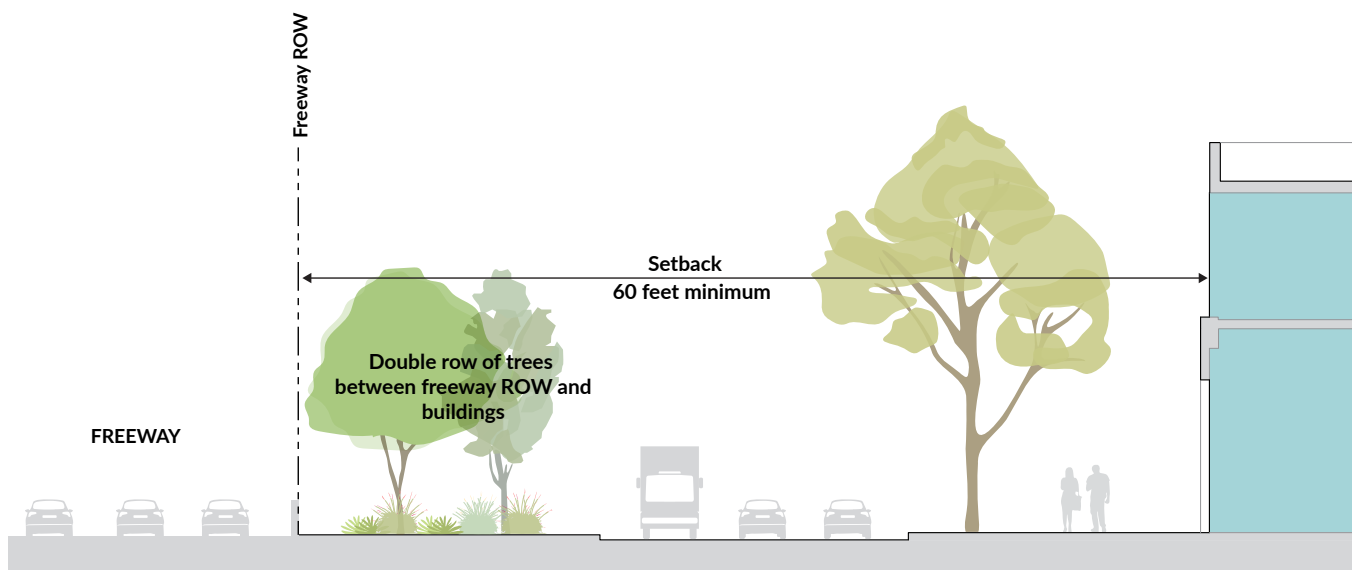
1. Development, including residential, commercial, and mixed-use buildings, shall be set back a minimum of 60 feet from the edge of the freeway right-of-way, as shown in Figure 4-7.

2. Planting shall be provided adjacent to freeways, consistent with the planting standards in the City's Objective Design Standards Section 3.9.3.3. Landscaping and plant selection for site development adjacent to I-880 shall be primarily native and/or bay-friendly, consistent with the natural character of the region in the selection of trees and ground cover.
3. Additionally, the following guidelines should be considered in freeway-adjacent development.
 - a. New office and commercial land uses should be designed to provide attractive landscaping, lighting, and signage adjacent to all buildings oriented within a block of I-880.
 - b. Non-residential buildings should incorporate focal elements, such as a tower or articulated roof lines, to serve as visual landmarks into the Gateway-Main Street area.
 - c. Screen truck loading and refuse collection areas adjacent to and visible from freeways using landscape screening.

C. ADJACENT TO RAILROAD LINES

1. New development projects, as well as public improvement projects such as trails built directly adjacent to or sharing a property line with a rail right-of-way shall be required to install continuous fencing or solid walls between any new future development and the rail right-of-way, to prevent unauthorized pedestrian access. In addition, a row of evergreen trees, or similar screen planting, shall be required adjacent to the fencing or wall.

Figure 4-7 Required Freeway Setback



2. New residential buildings shall be set back a minimum of 40 feet from the center line of the nearest rail track.
3. Residential and other sensitive noise receptors constructed next to a rail right-of-way shall be required to conduct a noise study and designed to mitigate the impacts of train noise, especially for bedrooms and other sensitive noise receptor spaces. Suitable mitigation techniques shall include a combination of window and wall soundproofing and if required, constructing a sound wall.

D. ADJACENT TO CREEKS AND CHANNELS

1. Consistent with City requirements, all new development located on or adjacent to Penitencia Creek will be required to comply with the standards and guidelines for land uses near streams. Development or construction activity conducted on or adjacent to the Santa Clara Valley Water District (SCVWD) property easements, such as creek crossings, shall be required to obtain applicable permits from the SCVWD prior to such construction activity.
2. Building setbacks adjacent to creeks and drainage channels shall be set back a minimum of 25 feet from the top of the bank, in addition to any required

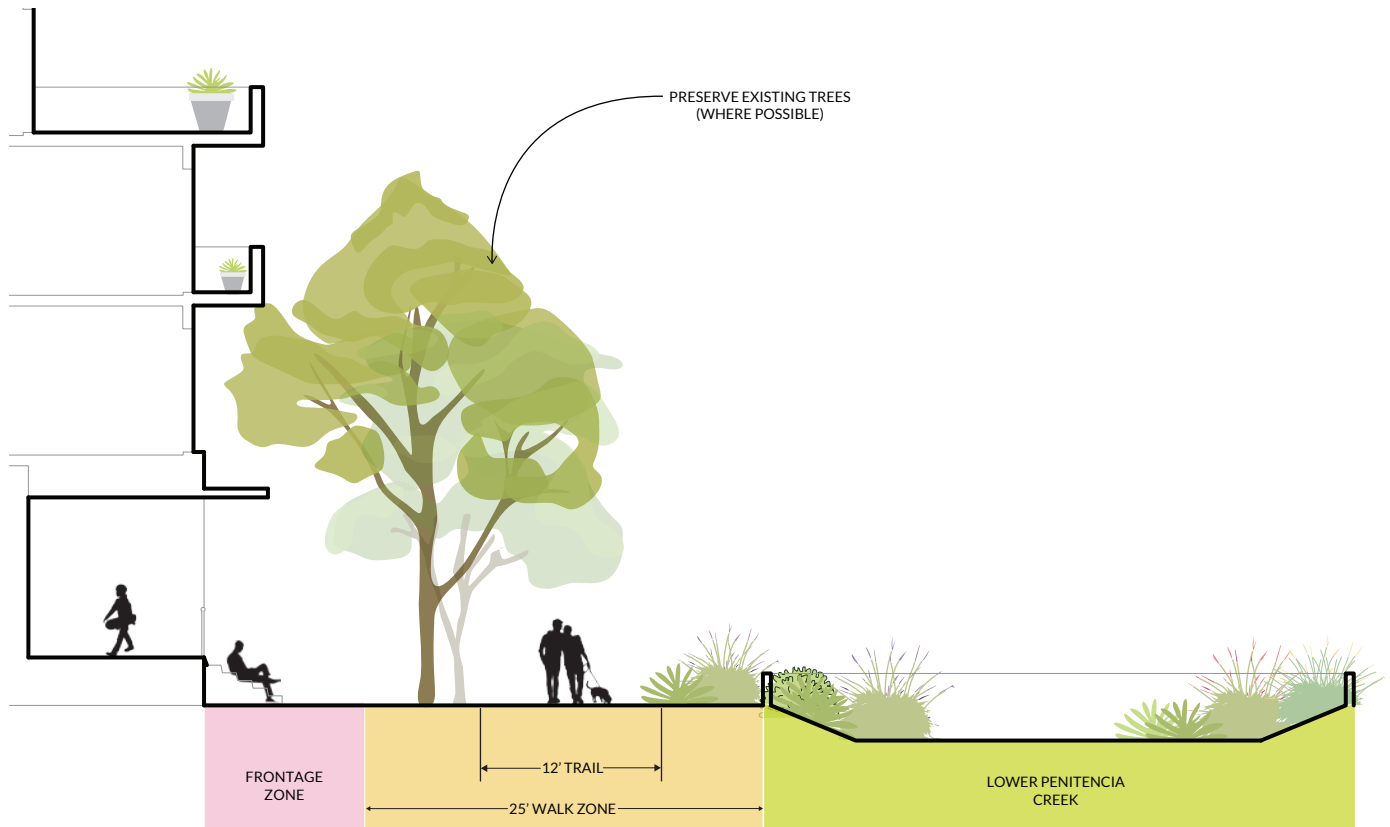
rear or side yard setbacks specified in this Specific Plan and shown in Figure 4-8.

3. Where a public path is not located between the building and the top of bank, a 12 foot-wide public access easement shall be located within the first 30 feet of the top of bank, consistent with the open space, public access easement, and planting design standards identified in the Citywide Objective Design Standards Section 3.9.5.3 and 3.5.9.4.
4. Additionally, the following guidelines should be considered in areas adjacent to creeks and channels:
 - a. Maintain and enhance pedestrian and bicycle access and views to and from all local creek corridors.
 - b. Provide native landscaping along trails and continue to fill in gaps in the public path system along Penitencia Creek.

RELATED STANDARDS

- City ODS Section 3.9 (Standards for Special Conditions and Adjacencies)

Figure 4-8 Required Creek Open Space Setback



4.1.4 SITE ACCESS AND PARKING

Design vehicular, service, and parking access to limit conflicts with pedestrians, bicycles, and transit and minimize their impact to the pedestrian experience.

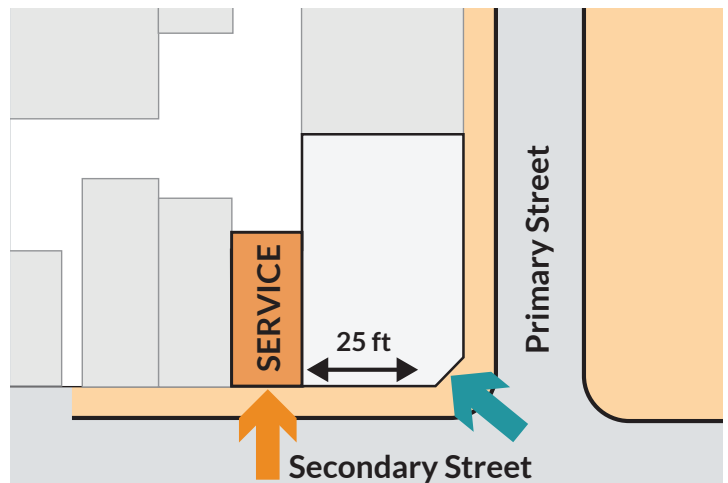
A. SERVICE AND PARKING ENTRIES

1. Curb cuts, consolidated parking areas, and service areas between adjacent parcels shall be coordinated to minimize transit, bicycle, and pedestrian conflicts. Additionally:
 - a. New curb cuts along Main Street shall be limited to side streets or alleys providing service or parking access behind. New curb cuts, where they are required due to access constraints, shall be shared between adjacent parcels and coordinated with the regulating plans for the Crossroad and Main Street districts.
 - b. Curb cuts along Abel Street and Serra Way shall be limited to one per block and shared between adjacent parcels.
2. Vehicular service and parking entries, including access to parking garages, shall be located along secondary streets, side streets, or alleys.
3. Service or parking access and driveways shall be located as far from the primary pedestrian building entry as possible, at a minimum of 25 feet away.
4. Pedestrian service entry access shall be located along a rear, secondary, or service street where possible, and shall be located a minimum of 25 feet from the primary pedestrian building entry as shown in Figure 4-9.
5. As site redevelopment and streetscape improvements occur, district improvements shall be planned for and implemented, including:
 - a. Adding service streets from Main Street to service and park multiple parcels behind buildings.
 - b. Providing alleys parallel and adjacent to the railroad tracks for secondary access to parking and service facilities, including for shared or district parking lots.
 - c. New streets, service streets, alleys, and other connections shall conform to the requirements of Section 5 (Mobility).

B. SURFACE PARKING LOTS

1. Surface parking shall be located at the rear of the lot, behind buildings. Where existing surface parking lots front a street, they shall be screened with a low wall and/or a landscape buffer providing separation between the parking area and pedestrians on the sidewalk.
2. Provide landscape islands in surface parking lots instead of tree wells, when possible.
 - a. Landscape islands shall be a minimum of 5 feet in width; however, 6-feet is preferred.
 - b. Where tree wells are provided, they shall be a minimum of 5 feet by 5 feet and provide adequate area for tree growth.
 - c. Plant a minimum of one shade tree per eight parking spaces. New trees shall be provided at a minimum 24-inch box size. See Chapter 6 for a list of recommended tree types.
3. Use permeable pavers and landscaping to filter and reduce stormwater run-off in surface parking lots, when possible.
4. Provide a uniform parking identification signage for public parking areas that is coordinated in appearance with an overall community branded signage system as addressed in Section 6.4.

Figure 4-9 Service Entry Locations



Locate service functions and entries on a secondary street and / or a minimum of 25 feet from the primary building entry.

C. PARKING STRUCTURES

1. Parking structures shall be located in one of the following:
 - a. Below-grade.
 - b. Screened behind active building uses.
 - c. On the interior of a site and screened from public view using the methods described in 2 below.
2. Where parking is visible from the public right-of-way, design the visible facades of parking structures to complement the appearance of adjacent buildings and streetscape features using the following techniques:
 - a. Wrap parking structures on the ground floor with a commercial, public, or residential use with minimum depths as guided by the active use requirements in Section 4.3.
 - b. Where it is not feasible to wrap a parking garage, screen parking on the ground floor with decorative grilles or ornamental metal screens, landscaping, and/or low walls provided at a minimum height of 3 feet.
 - c. Use finer-detailed cladding materials and decorative elements on upper floors using a similar articulation, color composition, and building materials to the principal building or adjacent buildings served.
 - d. Design parking garage entries and pedestrian stair and elevator cores to be visible from the street and distinct in massing, materials, and lighting design.
 - e. Parking structures shall be discouraged within 25 feet of a property line fronting Main Street or Serra Way.
3. Screen parking garages so vehicle headlights do not shine into the windows of adjacent buildings when vehicles are traveling up or down a ramp.
4. Allow solar photovoltaic panels, wind generators, and other green roof features above rooftop parking decks.
5. Lighting above parking garages shall be shielded to avoid uplighting.
6. Locate parking for commercial retail and services on the ground floor, when possible. Locate parking for residents and employees below grade or on upper floors.

RELATED STANDARDS

- City ODS Section 3.5 (Access and Parking)
- City ODS Section 3.7 (Utilities, Service Areas, and Building Equipment)



Garage parking access provided from a secondary street.



Surface parking located behind the building units, and accessed via a secondary side street or alley.



Access to individual garages are provided at the interior of the site from an alley.

4.1.5 SERVICE AND UTILITY DESIGN

Locate and design service areas, storage areas, and utilities to minimize their impact on the pedestrian experience.

A. SERVICE AND UTILITY AREAS

1. Utilities shall be placed underground or in subsurface conduits, unless otherwise prohibited by the utility provider. Development within a FEMA-designated Flood Hazard zone, identified in Specific Plan Section 7.2 (Flood Protection), shall be subject to the City's floodplain management construction standards in the Milpitas Municipal Code.
2. All above-grade utilities and equipment (e.g., electric and gas meters, utility boxes, transformers, air conditioning units, fire sprinkler valves, irrigation backflow preventers), and related service and/or storage areas shall be integrated into the site, building, and landscape design and conform to the following:
 - a. They shall be clustered and consolidated in a single area.
 - b. They shall be located within the building, or on a façade other than the primary building frontage, such as along an alley, parking area, and/or the rear or side of a building.
 - c. They shall not be located within the public right-of-way.
 - d. They shall be located in a building recess, or in a building setback away from building entries or patios.
 - e. When they are located within a mid-block connection, paseo, within 80 feet of a priority retail corner, within 25 feet of open space areas, or within 25 feet of a street corner, they shall be screened from public view provided it does not impede fire access requirements.
3. Above-grade and rooftop-mounted utilities and mechanical equipment shall be screened as specified in the City ODS Section 3.7.1. See City ODS Section 3.7 for additional requirements related to Vents/ HVAC, Waste Removal and Exterior Trash and Recycling Enclosures.
4. Where above-grade utility boxes exist, they shall be relocated in conjunction with streetscape improvement projects. Where relocation is not feasible, improvements such as painting should be considered as part of the streetscape and/or public art program to enhance their appearance within public spaces in the community.

RELATED STANDARDS

- City ODS Section 3.7 (Utilities, Service Areas, and Building Equipment)



Metal panel art and landscaping is used to screen this loading area.



Incorporate public art on existing utility boxes to add to the streetscape identity.



A corner plaza, articulated corner and variation in materiality.

4.2 Building Design & Architecture

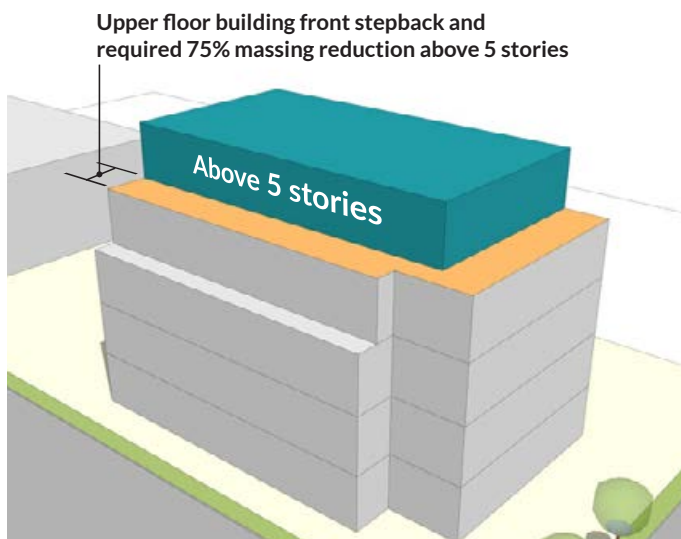
This section addresses the overall building form and massing, as well as primary building architectural features, including building entries, windows, roofs, materials, and colors, organized under the following topical headers:

- Massing and Form.
- Façade Articulation and Design.
- Building Entries and Doors.
- Windows and Glazing.
- Building Materials and Colors.
- Roofs.

The building design standards in this section provide standards for all development in the Plan Area. Building design of residential and mixed-use buildings shall reference the City ODS, which organize building design criteria through the following categories, as applicable to development in the Plan Area:

- **(S) SMALL** - House-like/Multiplex Buildings. Small building types include cottage clusters, duplexes, triplexes, fourplexes, or combinations of these types.
- **(M) MEDIUM** - Middle Housing/Mixed-Use Buildings. Medium building types include rowhouses, walk-up multiplex buildings, garden style apartments.
- **(L) LARGE** - Mid-rise Buildings. Large building types include mid-rises, podium buildings, and wrapped structures.

Figure 4-10 Upper Story Stepback Requirement



4.2.1 MASSING AND FORM

Design building massing and form to reflect a human, pedestrian-friendly scale along retail and activity streets and provide transitions that respond to context conditions.

A. BUILDING MASSING AND FORM

1. All buildings must comply with the setback and stepback standards outlined in Section 3.7 (Focus Area Regulating Plans and Development Standards).
2. Buildings at street intersections with traffic signals and at community or district gateway sites must include at least two of the following architectural features for a minimum of 20% of each building frontage along the street:
 - a. Corner plaza.
 - b. Articulated corner with vertical and/or horizontal projections.
 - c. Taller massing and larger roof elements; the maximum building height may be exceeded by these elements as permitted by Section 3.3.
 - d. Building entries recessed a minimum of 3 feet.
 - e. An angled entry, angled 30 degrees or more from the sidewalk.
 - f. Variation in facade treatments, such as change in material, color, or increased transparency.
3. Upper story stepbacks are regulated through the standards of Chapter 3. To further reduce building bulk, large buildings taller than 5 stories shall include the following:
 - a. A 75% reduction in the massing of floors 6 and above, as illustrated in Figure 4-10.
 - b. On floor 6, the transition space where the set back occurs should be utilized for private and/or common open space.

RELATED STANDARDS

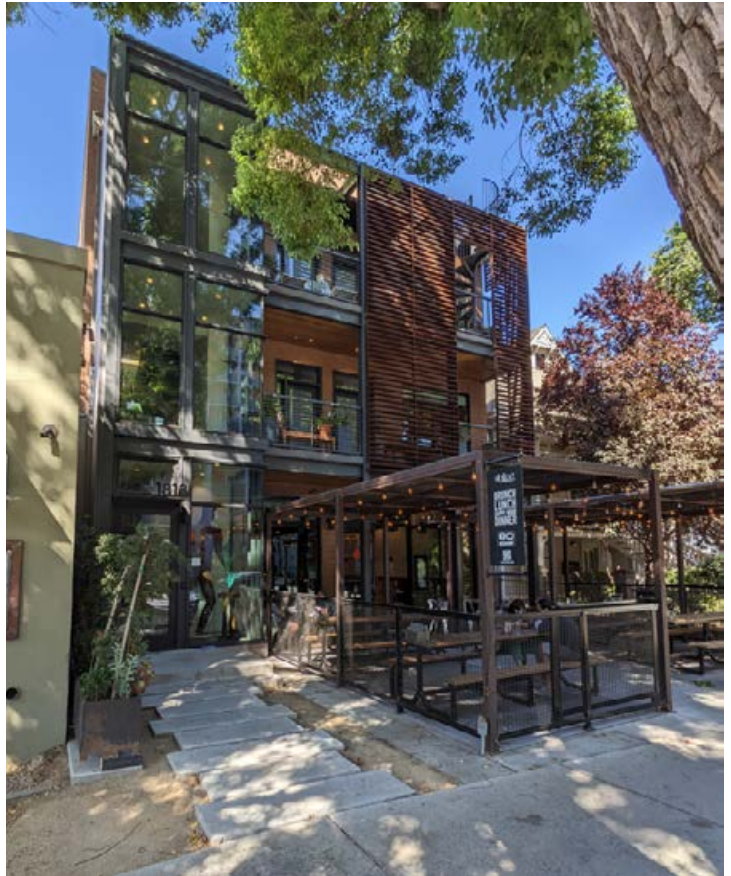
- City ODS Section 4.2.1.2 (Upper Floor Mass Reductions (L) (XL))

4.2.2 FACADE ARTICULATION AND DESIGN

Require facade articulation to reflect the human scale and provide visual interest to the public realm.

A. GENERAL STANDARDS

1. Buildings shall be designed to create or continue an active, functional building frontage along the public right-of-way.
2. Blank walls without windows or doors shall be limited as follows:
 - a. On retail-priority streets, the maximum length of blank walls shall be limited to 20 feet. Blank walls are not permitted within 60 feet of a street intersection.
 - b. On all other streets:
 - The maximum length of blank walls shall be limited to 50 feet.
 - Blank walls longer than 20 feet are not permitted within the 60 feet closest to a street intersection.



Variation in the facade through building bays, recess, fenestration, and changes in color and materiality.



Figure 4-11 Upper Floor Alignment

B. FACADE COMPOSITION

1. The following façade composition standards shall apply to street-facing facades above the ground-floor in (M) Medium and (L) Large building types.
2. The length of any façade of a building shall be limited to 200 feet without a change in direction, defined as a minimum 10-foot-deep change in façade direction.
3. Upper floor facades shall carry through vertical elements of the building's ground-floor through two or more of the following described below and shown in Figure 4-11:
 - a. Aligning centerlines of window bays.
 - b. Aligning major breaks in the façade.
 - c. Aligning vertical structural elements such as columns.
4. Additionally, the following guidelines should be considered for building facades greater than 100 feet in length as described in the City ODS Section 4.3.3 and shown in Figure 4-12
 - a. Variation in the building modulation through major and minor breaks, vertical rhythms and patterns, and variations in building height or roof line.
 - b. Variation in the facade articulation through horizontal or vertical recesses and projections and building design elements.
 - c. Variation in fenestration size, proportion, pattern and design including the design of shading devices.
 - d. Variation in the materiality of the primary facade through material use, size, textures, patterns and colors.

RELATED STANDARDS

- Specific Plan Section 4.3 (Pedestrian Level Design)

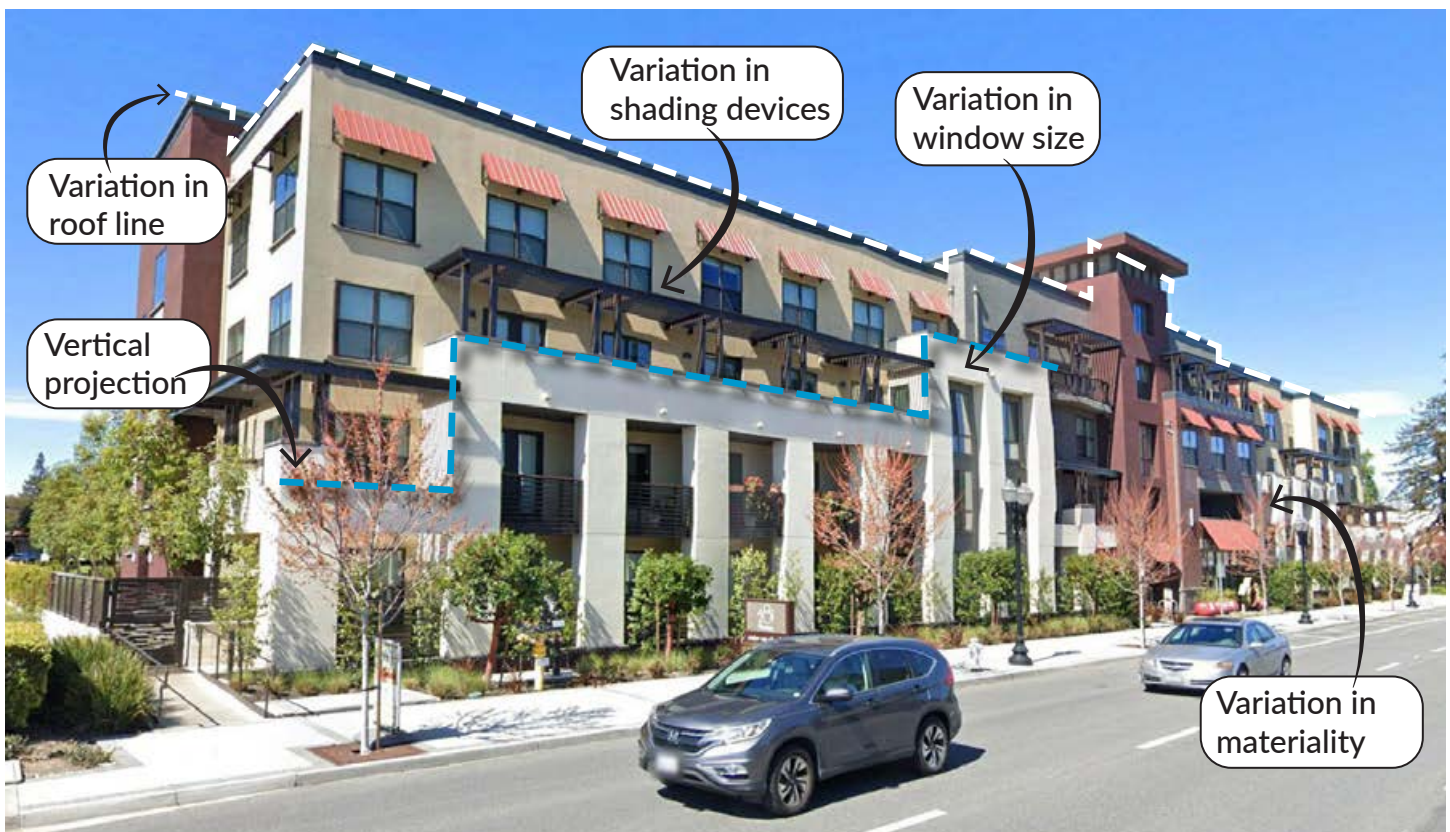


Figure 4-12 Variation in Building Facade

4.2.3 BUILDING ENTRIES

Design public building entries to make them easily identifiable and accessible from the public realm.

A. BUILDING ENTRIES

1. Orient building entries to the public right-of-way and provide direct access to the public sidewalk.
 - a. The primary building entry of a building shall face and connect with a publicly accessible pedestrian pathway designed for ADA access.
 - b. For building frontages adjacent to public spaces, such as a plaza or paseo, locate a building entry fronting the public space, as shown in Figure 4-4.
2. Emphasize primary building entries through at least two of the following techniques:
 - a. Forecourt or small entry plaza adjoining lobby space.
 - b. Recesses or a weather protection device, such as a canopy, awning, or overhang.
 - c. Streetscape features such as enhanced paving and/or landscaping.
3. Building entries are required to be easily identifiable by including all of the following:
 - a. Distinct doors or a unique facade material that differs from the rest of the building.
 - b. Building storefront identification signage, such as channel letter signs, blade signs, and awning signs, and window and door decals.
 - c. Special lighting.
4. Along Main Street commercial storefronts, entry doors shall include raised panels, glass, transom windows, and other traditional details. A combination of panels and glass, full light glass, or light panes in a wood or metal frame are encouraged.
5. Provide entries to access bicycle parking spaces from public spaces, or internal to the building with access between bicycle parking and the building lobby, when indoor bicycle parking is provided. Such entries shall include:
 - a. Transparent glass for a minimum of 25% of the entry material; and
 - b. Illumination at the entry during low-light hours.
6. Design at-grade entries to townhomes and other (S) Small building types using two of the following at the entry to give each unit a unique identity:



Examples of distinct primary building entries with building signage and canopy.



Examples of townhome entries with individual stoops, canopies, and distinct doors.



Examples of main street commercial storefront with glazing and full light glass doors.

- a. An exterior entry porch or patio.
- b. An exterior gated seating area at the same level as the entry.
- c. An awning or canopy above the entry.
- d. Distinct doors that differs from adjacent units.

RELATED STANDARDS

- Specific Plan Section 4.3.2 (Ground-Floor Commercial)
- City ODS Section 5.1.1 (Building Entries)

4.2.4 WINDOWS AND GLAZING

Utilize windows and glazing in a way that contributes to the wellbeing of building users while protecting the natural environment.

A. WINDOWS AND GLAZING STANDARDS

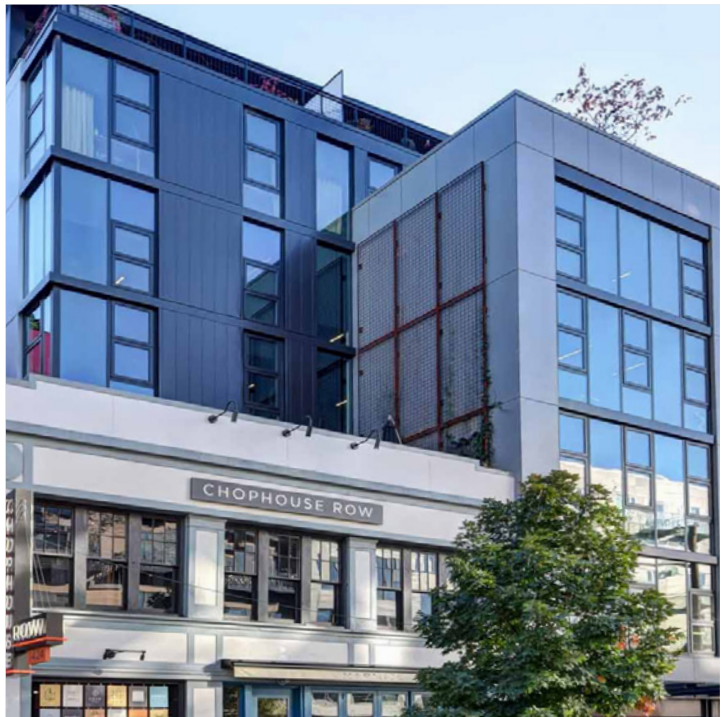
1. Use transparent glass to provide visibility into active spaces, including commercial storefronts per Section 4.3.2 (Ground-Floor Commercial).
2. Glazing may be used as a facade treatment for a maximum of 75% of any exterior building facade.
3. In new buildings and renovations, a minimum of 60% of residential glazing shall be operable windows.

B. BIRD SAFETY STANDARDS

1. Do not use mirrored or reflective glass on any exterior building facade.
2. Do not use freestanding transparent glass panels as shading devices, signage, or other architectural elements.
3. Use a bird safety treatment on facades within 300 feet of Lower Penitencia Creek that have 50% or more glazed surface.
4. Use a bird safety treatment on the facade of any floor of the building that has:
 - a. 50% or more glazed surface; and
 - b. Within 15 vertical feet of the level of and visible from a green roof, including glass located on an adjacent building.

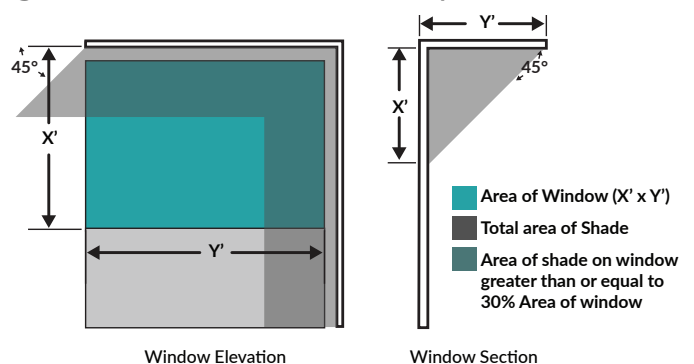
C. AWNINGS, SUNSHADES, AND SCREENS GUIDELINES

1. When recessed windows, awnings, sunshades, and other shading devices are used on south and west facing building facades, design them to provide shade on at least 30% of each exposed exterior window surface.
 - a. Calculate the amount of shading for each window by applying a 45 degree angle with the base equal to the depth of the sunshade as shown in Figure 4-13.
 - b. Horizontal or vertical shading may be used to meet this standard.
2. Tinted glass, translucent glass, and decorative glass may be used to augment other decorative building elements on the upper floors.



Windows and glazing shall consist no more than 75% of the building facade.

Figure 4-13 Illustration of Shade Requirements



3. The design of windows should articulate the building use and architectural style of the building in materials and features, using appropriate trims, sills, and mullions.
 - a. In the historic sections of Main Street, utilize window shapes that are taller than they are wide, to reflect the character of traditional commercial storefront buildings.
 - b. In commercial buildings outside of Main St, utilize large windows and glass storefronts with simple mullions to provide contemporary retail storefronts and office buildings.

RELATED STANDARDS

- Specific Plan Section 4.3.2 (Ground-Floor Commercial)
- City ODS Section 5.3 (Fenestration Design)

4.2.5 BUILDING MATERIALS AND COLORS

Use robust, high quality building materials on building exteriors that enrich the public realm environment and maintain a low carbon footprint.

A. STANDARDS

1. Exterior Building Materials: Select high-quality, durable building materials chosen from Table 4-2.
 - a. No more than three materials shall be used as an exterior finish on a single building facade excluding windows, doors, roofs and trims.
 - b. Material transitions along building facades shall occur on the inside corner of the plane change. When material changes need to occur on the same plane, use trims, cornices, or other architectural elements.
2. Window Materials: Use wood or metal frame windows in commercial and mixed-use building applications.
 - a. Wood frame windows must have a metal or fiberglass exterior cladding.
 - b. Metal-frame windows must have a thermal break.
 - c. Vinyl-frame windows and doors are permitted for residential building applications within residential zones.
3. Limit the number of primary building colors to three with additional contrasting accent colors permitted for architectural details, awnings, and other building architectural features:
4. Extensively bold, fluorescent, and neon colors that call attention to themselves are not permitted.

B. GUIDELINES

1. Utilize green or low carbon building materials where feasible, including low carbon concrete; recycled or reclaimed materials that can reduce emissions associated with manufacturing new building material; or carbon-storing materials, such as wood and other plant-based materials like straw, hemp, and bamboo.
2. In the Abbott District, use industrial materials and accent features, such as metal siding and aluminum window frames, window canopies with tensioned cables, exposed structural columns and beams, and sliding mechanical doors.
3. The use of color within the Plan Area is encouraged. Choose materials and colors with natural earth tones, such as stone, wood, and architectural metals.

RELATED STANDARDS

- City ODS Section 5.5 (Building Materials)



Limit primary materials and colors to three on a single facade.



Choose colors that complement the natural or architectural materials used on the exterior building facade.

TABLE 4-2: EXTERIOR BUILDING MATERIALS

PERMITTED BUILDING MATERIALS	PROHIBITED BUILDING MATERIALS
Decorative (non-structural) Brick Masonry	Plywood
Architectural Precast, Cast-in-place or Glass Fiber Reinforced (GFRP) Concrete	Unfinished Lumber
Stone	Corrugated Fiberglass
Stucco or Plaster (for facades above the ground floor)	Small Tiles
Painted or Stained Wood Siding or Trim	Shingles
Wood or Metal Frames for Windows and Doors	Cultured Stone
Corrugated Metal (for light industrial or industrial uses)	Rough Finish Material
Decorative Terracotta	Vinyl or Aluminum Siding
Architectural Metal Panels	Reflective Materials
Concrete Block (used for accent and not as a primary material)	Untextured or Unfinished Metal Siding

4.2.6 ROOFS

Design roofs as integral features of the building design and optimizing the building's sustainable design.

A. ROOF STANDARDS

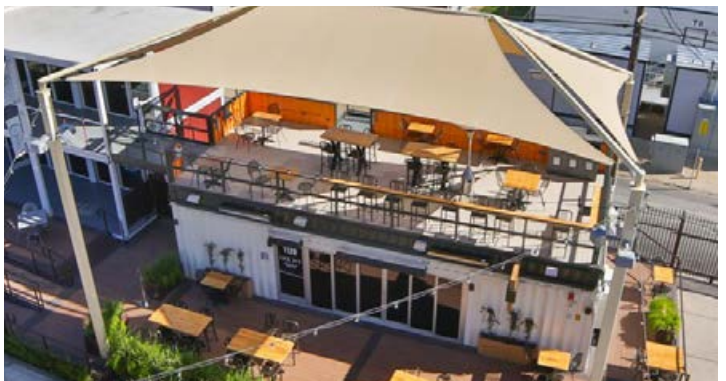
1. Where rooftops provide common open space and/or green roofs, provide access to all building tenants.
2. Select roofing materials that are durable, functional, and energy-efficient, referencing the list of permitted and prohibited materials in Table 4-3.
3. Select roof materials that do one of the following:
 - a. Reduce building heat gain, such as high-albedo materials or vegetated roofs; or
 - b. Provide natural light to the interior of the building, such as skylights.

RELATED STANDARDS

- Milpitas ODS Section 5.4 (Green/Productive Roofscapes)



Green/vegetated roofs that reduce heat gain can be used for common open space.



Rooftops can include active uses and amenities.

TABLE 4-3: ROOFING MATERIALS

PERMITTED ROOFING MATERIALS	PROHIBITED ROOFING MATERIALS
Slate Shingles	Vinyl
Galvanized Metal	Plastic
Non-reflective Aluminum and Zinc Aluminum	Fiberglass
Metal	Plywood
Terracotta	
Composite Concrete Tile	
Vegetated Roofs	
High-Albedo Built-up Roofs	
High-Albedo Single-ply Roofing	
Photovoltaic Solar Panels	
For Gutters & Downspouts: Aluminum, Galvanized Steel, or PVC	

4.3 Pedestrian Level Design

This section addresses the building frontage design at the pedestrian level, including landscaping, lighting, and signage, organized under the following topics:

- Ground-Floor Residential.
- Ground-Floor Commercial.
- Outdoor Dining.
- Landscape Design.
- Private Lighting and Signage.

4.3.1 GROUND-LEVEL FLOOR RESIDENTIAL

Activate street frontages when adjacent to ground-floor residential buildings by providing entries and a transition between public and private spaces.

A. DESIGN OF GROUND-FLOOR RESIDENTIAL

1. Provide active residential entries, based on the types identified in the City ODS, Section 5.2, which provides standards for:
 - a. Stoop Entries.
 - b. Porch Entries.
 - c. Dooryard/ Patio Entries.
 - d. Terrace Entries.
 - e. Frontage Court Entries.
2. Active uses, including lobbies, or amenity spaces, such as a library, fitness center, community room, office, or exhibition space, shall be incorporated into the ground-floor of residential and mixed-use buildings. Additionally, they shall provide entries and/or windows at the ground floor to activate the street frontage.
3. The building entries to ground-floor residential units shall comply with the following:
 - a. Where there are active frontage requirements, ground-floor residential units and entries, including stoops, porches, and patios, may be elevated up to a maximum of 3 feet above grade. Exceptions shall be permitted for compliance with the City's floodplain requirements, see below.
 - b. Unit entries may be raised above 3 feet where there are no active frontage requirements.
 - c. All residential unit entries shall comply with the City's floodplain requirements in the Milpitas Municipal Code Section XI-15 (Floodplain Management Regulations).
4. For townhome units, the following standards apply:
 - a. Building stoops or patios shall be provided at building entries.
5. The setback shall incorporate individual or shared garden spaces or front yards.
 - a. The setback shall incorporate individual or shared garden spaces or front yards.
 - b. The setback shall incorporate individual or shared garden spaces or front yards.
5. Seat walls, planters, or fences between a ground-floor residential unit and right-of-way or public space shall be no greater than 3 feet tall.



Create a transition between ground level residential units and public space with steps to building entries, windows, and gardening spaces.

RELATED STANDARDS

- Milpitas ODS Section 3.4 (Ground Floor Uses)
- Milpitas ODS Section 5.1 (Ground Floor Design)

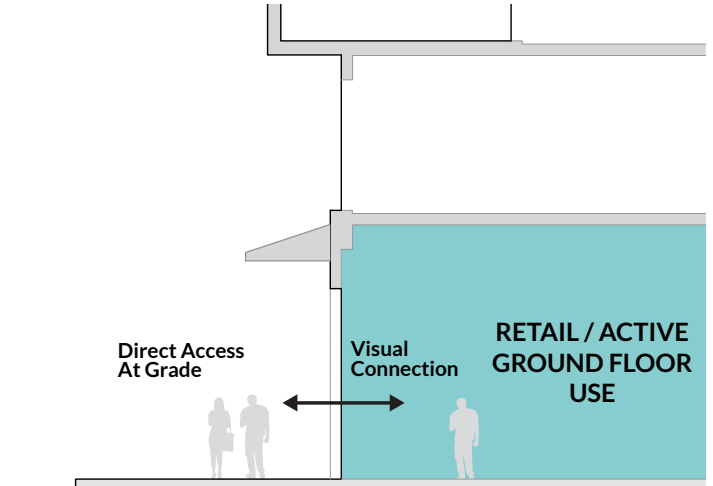
4.3.2 GROUND-FLOOR COMMERCIAL

Design ground-floor commercial spaces that can support a vibrant retail environment.

A. DESIGN OF COMMERCIAL SHOPFRONTS AND CORNERS

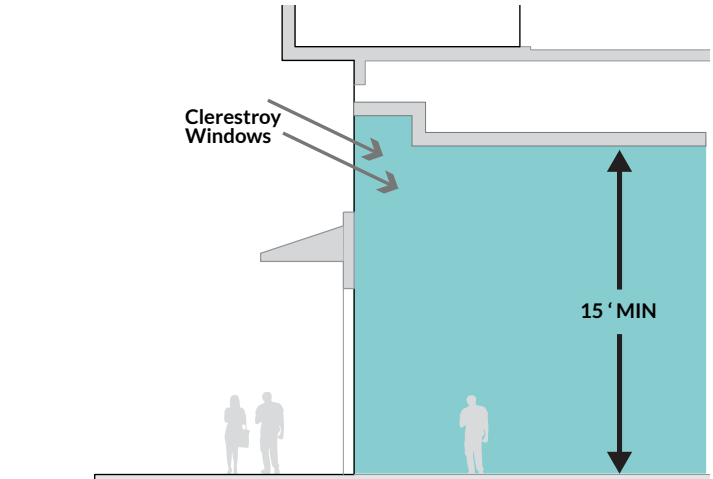
1. Design retail priority shopfronts, including along Serra Way and Main Street, with the following retail-ready tenant space standards:
 - a. Retail bays measuring 25 to 35 feet in width, compatible with the existing scale of storefronts along Main Street that can support multiple tenants in single or multiple bays.
 - b. An entrance at each retail bay. The primary entrance to each commercial tenant space shall be located on the front façade along the street.
 - c. A minimum depth of 40 feet for retail uses, however 55 feet is preferred.
2. Design retail priority corners to support ground floor commercial space wrapping around the street corner for a minimum distance of 40 feet.
 - a. Do not place structural features that would prevent reconfiguration of the ground-floor space for at-grade retail.
 - b. To preserve transparency, do not place structural columns over 2 feet wide within 8 feet of a street corner.
3. The height of ground-floor commercial spaces shall be a minimum 15 feet clear height to finished ceiling or structural element, as shown in Figure 4-14.
 - a. A minimum clear height of 18 feet is preferred to support clerestory windows.
 - b. Maintain a distance of 4 feet between a dropped ceiling and clerestory window as shown in Figure 4-15.
4. For commercial storefronts, a minimum of 60% of the storefront between 3 feet and 7 feet in height must be comprised of clear, non-reflective windows that allow views into commercial spaces or product displays.
 - a. Glass panes shall be no less than 3 feet wide and 4 feet high. The area within 4 feet of the storefront must be at least 75% open to perpendicular view.
 - b. Window decals may be permitted, limited to the identification of the store name, operating hours, and window art.
5. Commercial spaces shall have a floor elevation that is level with the elevation of the adjacent sidewalk, whenever possible.

Figure 4-14 Ground-Floor Commercial Storefront Design



Use clear glass to provide a visual connection into commercial storefronts above 3 feet.

Figure 4-15 Ground Floor Commercial Storefront Design



Provide a minimum 15 feet clear ceiling height for retail uses and additional height for clerestory windows

B. GUIDELINES

1. Consider the design of ground-floor retail space along retail priority and activity streets to anticipate restaurant requirements, including incorporating vents in the design.
2. Allow potted plants and public art within the front setback area if a 5-foot clear walk zone is maintained for pedestrian circulation.
3. In retail spaces, strive for maximum visibility and transparency.

RELATED STANDARDS

- Specific Plan Section 3.6 (Retail Frontage Requirements and Ground-Floor Activation)
- Milpitas ODS Section 3.4 (Ground Floor Uses)
- Milpitas ODS Section 5.1 (Ground Floor Design)

4.3.3 OUTDOOR DINING

Integrate outdoor dining that helps activate the public realm, providing spaces where people can interact, engage and enjoy dining amenities year round.

A. GENERAL STANDARDS

1. Integrate outdoor dining into the design of street and streetscape improvements, to support commercial businesses.
2. Dining activities shall not interfere with the clear 'pedestrian zone' of the sidewalk as defined in Section 5, Mobility.
3. Seating areas shall be designed to not screen or block the main facade of neighboring businesses.
4. Furniture within outdoor seating and dining areas shall be designed to be movable and include chairs, tables, and umbrellas that complement the character of the business while activating the street.
5. Retractable or movable shade devices and fixed canopies or canopy-type awnings are permitted.
6. Maximum height for all overhead shade structures shall be 8 feet.
7. Outdoor dining shall not be fully enclosed.
8. Heaters must be placed at least 5 feet from trunk or branches of City trees.
9. All outdoor dining, regardless of location, shall be made ADA accessible.

B. SIDEWALK OUTDOOR DINING

1. For outdoor dining located within the sidewalk right-of-way:
 - a. Outdoor dining shall be integrated within the building setback, adjacent to or near the sidewalk.
 - b. All items for outdoor dining (i.e., tables, chairs, heaters) must be up against the wall of the business or as close as possible.
 - c. Sidewalk seating area may not exceed the business frontage and must be spaced at least 3 feet from the adjacent business(es).
 - d. Seating and dining shall not block bus stop waiting areas and must be removed when a City agency, utility company or other contractor needs access.
 - e. Platforms may not be installed within the required clear pedestrian zone of the sidewalk.

C. PARKLETS

1. Parklets with outdoor dining located in the roadway is permitted in Parking Lanes or Flex Zones along Activity Streets.
2. For outdoor dining located within parking lanes:
 - a. All furniture associated with outdoor dining must be within the designated parking lane striping.
 - b. Seating area and barriers may not be located:
 - Within 15 feet of a fire hydrant.
 - Within 8 feet of a marked crosswalk.
 - Within a bike lane.
 - Within a bus stop.
 - c. Seating area may exceed business frontage with permission from the City and in agreement with adjacent businesses.
 - d. Barriers must be included on three sides of the seating perimeter to separate seating from the travel lane and adjacent parking. Additionally, barriers must:
 - Be at least 18 inches in width and 30-36 inches in height to preserve visibility for motorists and provide protection for patrons;
 - Include reflective paint or tape on all sides facing oncoming traffic;
 - Have a solid exterior wall and weighted bottom; and
 - Have an opening for emergency access with a width of 36 inches for every 20 linear feet.
3. Outdoor dining located in the roadway must provide an accessible route from the business entry to the seating area.

RELATED STANDARDS

- Milpitas Ordinance No. 38.850



Use movable furniture within outdoor seating and dining areas that support an attractive shopping environment.

4.3.4 LANDSCAPE DESIGN

Design on-site landscaping to add color, texture, and visual interest to the streetscape; activate and shade buildings and public spaces; and expand the city's urban forest.

A. STREET TREES

1. Street trees shall not be planted within 10 feet of a street intersection, to avoid interfering with driver's line of site.
2. Street trees shall be pruned to provide adequate pedestrian and vehicular clearance and minimize obstructions to sight view lines, ensuring:
 - a. A minimum 8-foot of vertical clearance between the lowest tree branches and the grade above adjacent public sidewalks.
 - b. Where mature trees overhand the curb, at least 13 feet of vertical clearance shall be maintained between the lowest tree branches and the street to allow clearance for trucks and buses.
3. Required front setbacks shall be landscaped to create a transition between public and private space as required by Section 3.3.1 of the Citywide Objective Design Standards.
4. New residential or mixed-use development with front setbacks of 15 feet or greater shall include, at minimum, one tree per 40 linear feet of street frontage between the back of the sidewalk and building facade. The spacing of trees may vary.
5. Where a commercial or mixed-use building is set back from the property line, the setback area shall be designed as an integral part of the public realm by supporting public activity on the street, consistent with the following criteria:
 - a. Setbacks and recesses shall be a minimum of 2 feet deep to provide window shopping along the building frontage, outdoor benches or seating areas, or landscape screening.
 - b. Planted landscaped areas or hardscape area with potted plants adjacent to building facades shall be a minimum of 3 feet; however, a minimum 5-foot setback is preferred where shade trees are provided.
 - c. A minimum 6-foot setback is encouraged for cafe seating adjacent to the building and 10 feet or more for outdoor dining areas with more than one row of tables and chairs.



Use bay-friendly native and drought-tolerant landscaping.



Front setbacks shall be landscaped to create a natural transition between public and private spaces.

6. Existing mature trees shall be protected on-site when possible, consistent with the following criteria:
 - a. Building setbacks or stepbacks shall be designed to provide space for existing tree growth, including for tree root and canopy growth.
 - b. Existing mature trees should be preserved in-place, and incorporated into the design of open spaces, courtyards, outdoor dining areas, and other amenities.
 - c. Where an existing City street trees, protected tree, or heritage tree cannot be preserved, they shall be replaced in accordance with Municipal Code Title X, Chapter 2.
7. Landscape materials shall be suited to the Bay Area climate, consistent with the standards for landscape and hardscape materials in Specific Plan Section 6.5.3 and 6.5.4.

RELATED STANDARDS

- Section 6.5 (Streetscape and Landscape)
- City of Milpitas Tree Maintenance and Protection Ordinance (Municipal Code Title X, Chapter 2)
- City of Milpitas Water Efficiency Landscape Ordinance (Municipal Code Title VIII, Chapter 5)

4.3.5 PRIVATE LIGHTING AND SIGNAGE

Create safe and inviting public spaces with active commercial uses extending into the evening hours, and integrate signage as a visually unifying element in commercial and mixed-use zones.

A. LIGHTING

1. For storefront retail, use building-mounted lights to illuminate a minimum zone of 4 feet in front of the building, and a minimum of 2 feet within the building, including the display space.
2. Require pedestrian lighting for outdoor common area spaces, including sidewalks, parking lots, and service areas and entries.
3. Provide outdoor lighting using fixtures that yield low pollution and glare.
4. Orient light fixtures downward and to shield light from public and private buildings.
5. Provide accent lighting to illuminate street addresses, business identification signs, and district signage and branding, to support customer wayfinding.
6. The use of decorative lighting to create local ambiance for outdoor retail and dining activities is encouraged.

B. SIGNAGE

1. A master signage program for multi-tenant business identification signs is required per the City Zoning Ordinance.
2. On retail priority streets, provide pedestrian signage that is perpendicular to the sidewalk, in order to be more visible to pedestrians.
3. Orient signs parallel to the street to enhance visibility for drivers and for businesses that are more street or highway-oriented.

C. GUIDELINES

1. Use materials and colors that are compatible with building materials and colors.
2. Do not obscure the building's architecture with oversized signs, rather use the signage to accentuate the character of the building.

RELATED STANDARDS

- Specific Plan Section 4.3.5 (Private Lighting and Signage)
- Specific Plan Section 6.5 (Streetscape and Landscape)



Integrate pedestrian lighting to support active commercial uses into the evening hours.



Use site and building lighting to support the retail ambiance of Main Street.



Artistic signs add character to the building architecture and the charm of businesses in the Crossroads and Main Street districts.



05

MOBILITY

Overview

The overarching goal of the mobility framework, addressed in this chapter, is to promote the use of roadways within the Plan Area by all modes of transportation, including walking, biking, shared-use micro-mobility, transit, and vehicles. The Specific Plan Area sits between two freeways: I-880 and I-680 on the west and east, respectively. SR 237 becomes Calaveras Boulevard at the west end of the Plan Area and carries a significant amount of regional traffic, to connect I-880 to I-680. Abel Street is as a north-south connector through the Plan Area. Great Mall Parkway serves as an east-west connector with Class II bike lanes at the south end of the Plan Area. The VTA Orange Line light rail system and VTA Bus Routes 44 and 66 run along Great Mall Parkway.

COMPLETE STREETS APPROACH

The streets within the Gateway-Main Street Area are designed as a “complete streets” system that will facilitate mobility for all roadway users and create an inviting public realm environment. Complete streets support a variety of mobility options, including automobiles, trucks, transit, bikes, and pedestrians and are accessible to people of all ages and abilities while supporting local land uses. This complete streets approach facilitates equity by assuming all community members have access to all modes of transportation regardless of special needs or financial limitations.

This chapter addresses mobility, transportation, and parking within the Plan Area and sets the standards and street designs that support a complete street travel environment. This chapter includes the following sections:

- 5.1 Mobility Framework.
- 5.2 Street Activity Zones.
- 5.3 Street Design.
- 5.4 Traffic Improvements.
- 5.5 Public Transit Improvements.
- 5.6 Pedestrian Network.
- 5.7 Bicycles and Micro-Mobility.
- 5.8 Parking.
- 5.9 Fire Access.

The City of Milpitas General Plan Circulation Element provides a framework for the City to provide a multimodal transportation system that allows residents, workers, and visitors to reach their destinations safely and efficiently. The General Plan Circulation Element provides guidance to the goals and design standards of the Specific Plan. Additionally, Section 6.5.3 of this Specific Plan includes information regarding the role of streets in stormwater management.

5.1 Mobility Framework

The mobility framework for the Plan Area is illustrated in Figure 5-1, and described further below and in the following sections.

MULTIMODAL COMMUNITY CORRIDORS

Enhance the multimodal travel experience on the existing streets providing access and connection within the Plan Area, with a focus on improving Calaveras Boulevard, Serra Way, Main Street, and Abel Street as key activity streets supporting the activity of the Plan Area.

FUTURE STREETS AND CONNECTIONS

Provide new streets and alleys parallel to Main Street to provide business area and neighborhood access while improving the bike and pedestrian quality and character of Main and Abel Streets. The Specific Plan supports new streets with redevelopment of the Serra Center and other large neighborhood blocks to connect to existing roadways and support a more walkable neighborhood grid pattern. Future streets are further identified by type in Figure 5-3.

SHUTTLE ROUTE AND TRANSIT HUBS

Plan for a neighborhood circulator loop or on-demand shuttle connecting retail and community destinations within the Plan Area. Improve the safety and comfort of existing or new transit stop facilities to serve development in the area, including the potential for a centrally located transit hub and transfer station within the Crossroads District.

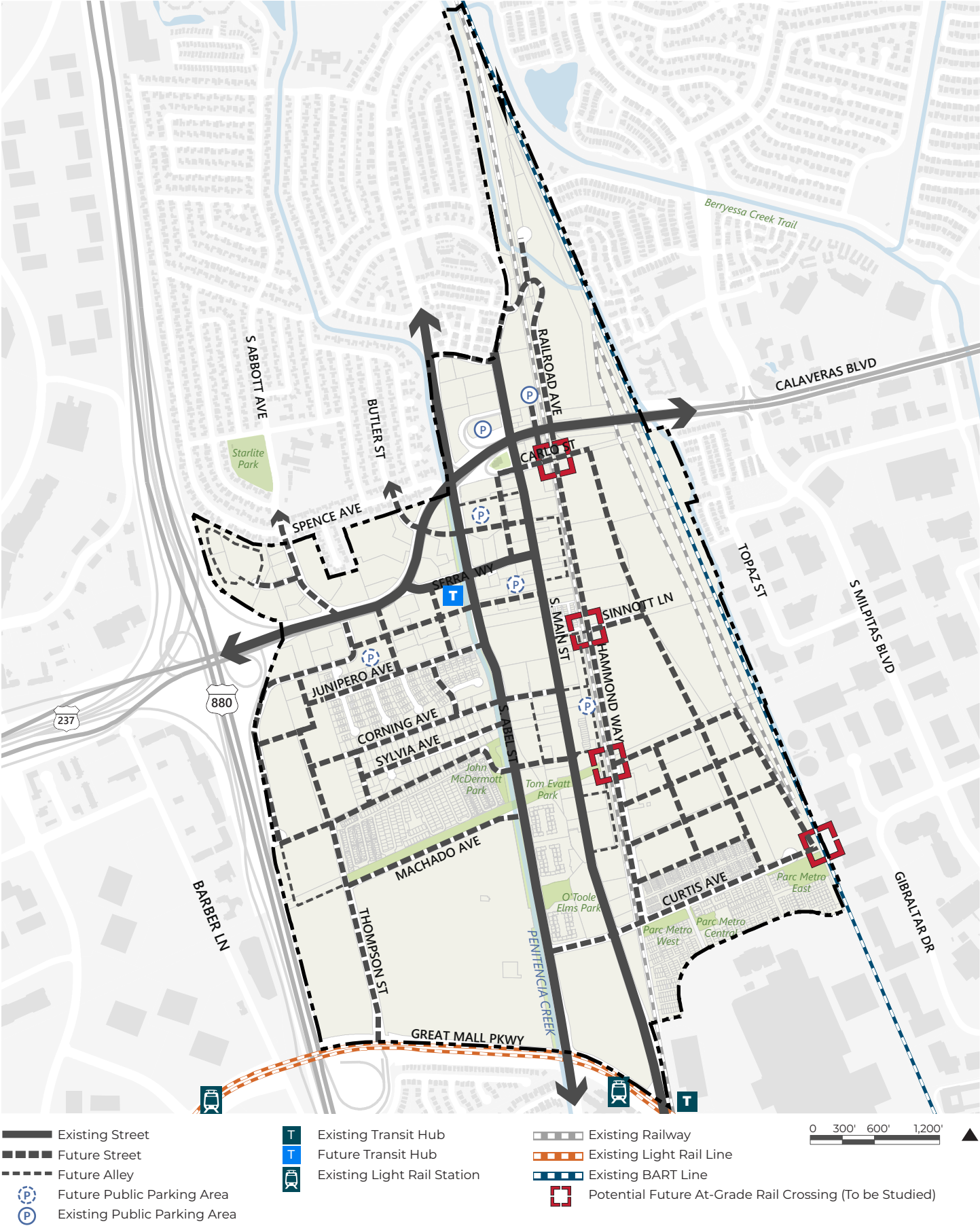
FUTURE RAILROAD CROSSINGS

In coordination with Union Pacific Railroad, evaluate the potential future at grade street or bike and pedestrian connections of the railroad tracks east of Main Street. At least one new railroad track crossing will be necessary to support future development on the lands between the two railroad tracks.

DISTRIBUTED PUBLIC PARKING AREAS

The Specific Plan proposes the implementation of a district parking strategy and shared public parking areas distributed to support the development of the Crossroads District and Main Street as the downtown area for the Specific Plan.

Figure 5-1 Mobility Framework



5.2 Street Activity Zones

The activity zones, illustrated in Figure 5-2, define how the public and semi-public spaces along streets within the Plan Area are organized and used to support multiple functions and purposes. The street sections included in this chapter illustrate the spatial relationship of activity zones for each street design segment.

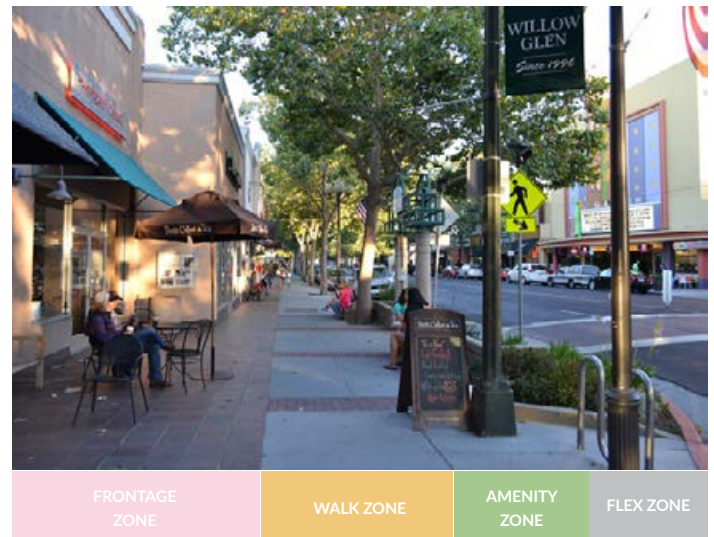
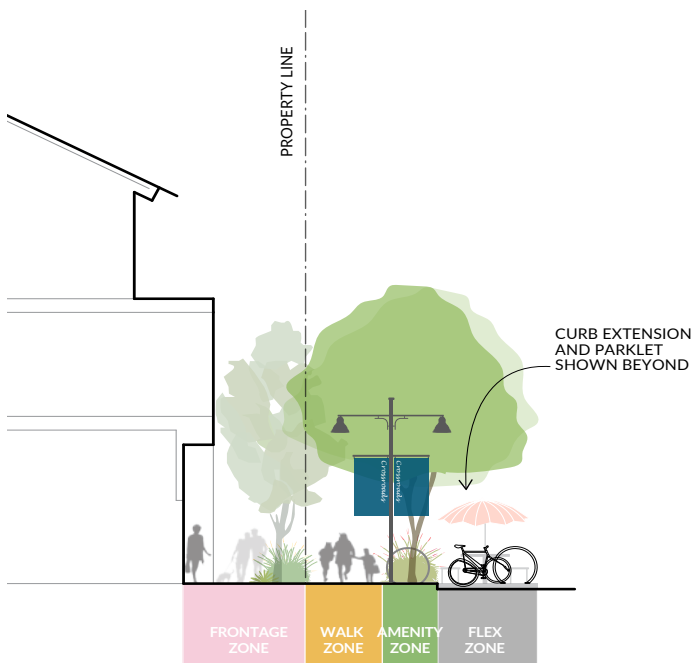
- **The frontage zone** includes the semi-public and public space between the face of the building and the pedestrian zone, and may be occupied by sidewalks, landscaping, outdoor dining, plaza area, or parking (if already existing; parking shall not be permitted in the frontage zone for new development). Frontage zones are regulated by the standards set in Section 3.6 and Section 3.7.
- **The walk zone** primarily accommodates the movement of pedestrians and should be designed to provide unobstructed sidewalk space.
- **The amenity zone** provides space for street trees, green infrastructure, lights, and furnishings.
- The flexible street zone or **flex zone** provides space for parking, loading, parklets, and curb extensions along Main Street, Future Mixed-Use Streets and Future Residential Streets.

5.3 Street Design

Street design sections are provided for eleven street segments on the following pages, including:

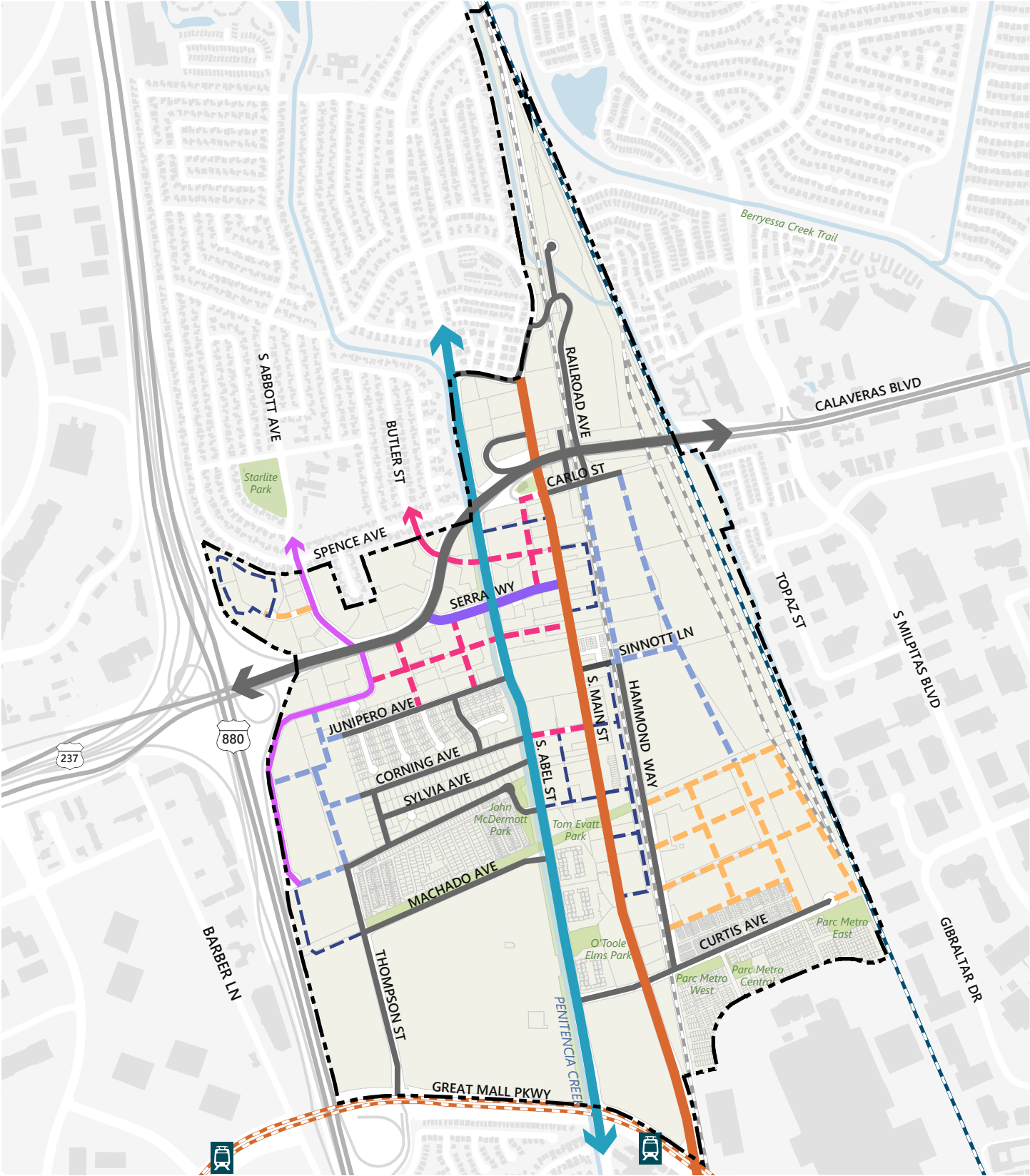
- 5.3.1 South Main Street in the Crossroads District.
- 5.3.2 South Main Street in the Main Street District.
- 5.3.3 South Abel Street.
- 5.3.4 Calaveras Boulevard.
- 5.3.5 Serra Way.
- 5.3.6 South Abbott Avenue (North of Calaveras).
- 5.3.7 South Abbott Avenue (South of Calaveras).
- 5.3.8 Future Mixed-Use Streets.
- 5.3.9 Future Residential Streets.
- 5.3.10 Future Alleys.
- 5.3.11 Future Paseos.

Figure 5-2 Street Activity Zones



A commercial street organized with distinct street activity zones.

Figure 5-3 Street Typology Diagram



- | | | |
|----------------------------|---------------------|---|
| Existing Unchanged Streets | South Abel Street | Future Mixed-Use Streets |
| Existing Railway | Main Street | Future Residential Streets |
| Existing Light Rail Line | Serra Way | Future Business Park/Industrial Streets |
| Existing BART Line | South Abbott Avenue | Future Alleys |

5.3.1 SOUTH MAIN STREET IN THE CROSSROADS AND MAIN STREET DISTRICT

South Main Street is a collector roadway extending north from South Main Street, at Sinnott Lane to Calaveras Boulevard. The section of South Main Street in the Crossroads and District will be configured to provide a mixed multimodal street with shared travel lanes, wider walk zones that require a public access setback/easement, and flexible curbside use in the flex zone. This flex zone will accommodate a mixture of short-term parking, passenger and delivery loading, curb extensions, and parklets. Curb extensions provide shorter pedestrian crossings and stormwater amenities; whereas, parklets may be used to accommodate outdoor dining amenities.

South Main Street in the Main Street District will be configured to provide a mixed multimodal street with shared travel lanes and maintain the existing sidewalk. Like in the Crossroads District, the Main Street district shall provide flexible curbside uses in the flex zone that include curb extensions and parklets. The proposed re-design of Main Street deviates from and will require an update to the City's Trails, Pedestrian, and Bicycle Master Plan.

DESIGN STANDARDS

1. Incorporate streetscape improvements along Main Street, as shown in Figure 5-4 for the Crossroads District and Figure 5-5 for the Main Street District, including undergrounding utilities. The curb-to-curb width will remain consistent with existing conditions, except where new curb extensions are built.
2. Reduce the speed limit to 15-20 mph for the full length of the shared street.
3. Include signage and a change in street surface texture along the Shared Street to reinforce the shared functions of the street. Examples of shared street surface treatments include:
 - a. A curbless right-of-way with varied textured or permeable pavers to distinguish between sidewalk and shared roadway; or
 - b. Traditional concrete curbed sidewalks adjacent to a textured or painted shared roadway of a contrasting color.
4. Develop a parallel street and alley system to Main Street to provide business and neighborhood access, reduce driveways, and improve the pedestrian quality of Main Street.



An example of a Shared Street with curbless right-of-way and varied pavers to distinguish between sidewalk and shared roadway.

5. Add north-south and east-west paseo connections, as shown in Figure 6-1, (Public Realm Framework) and Figure 5-15, to provide more direct connections and improve pedestrian and bike access within the Gateway and Main Street Districts.
6. Add high-visibility crosswalks to all existing and proposed pedestrian crossings along Main Street.
7. Where existing crosswalks are unsignalized, coordinate with the city to study the need for a rectangular rapid-flashing beacon (RRFB) or new traffic signal and coordinate updates with the City's Traffic Safety Study.
8. Add curb extensions at all existing VTA bus stops along Main Street. Bus stop curb extensions shall extend the full length of a typical VTA bus and designed in accordance with VTA's Bus Stop and Passenger Design Criteria and Standards.
9. Add curb extensions to intersections with pedestrian crossings and adjacent to retail storefronts. Curb extensions shall extend the full width of the flex zone.
10. Study the potential to incorporate green stormwater infrastructure in the amenity zone, curb extensions at intersections, and other areas of the flex zone. See also Section 6.5.3.



An entertainment district activated with outdoor dining and entertainment venues is envisioned along S. Main Street.

Figure 5-4 South Main Street Section in the Crossroads District

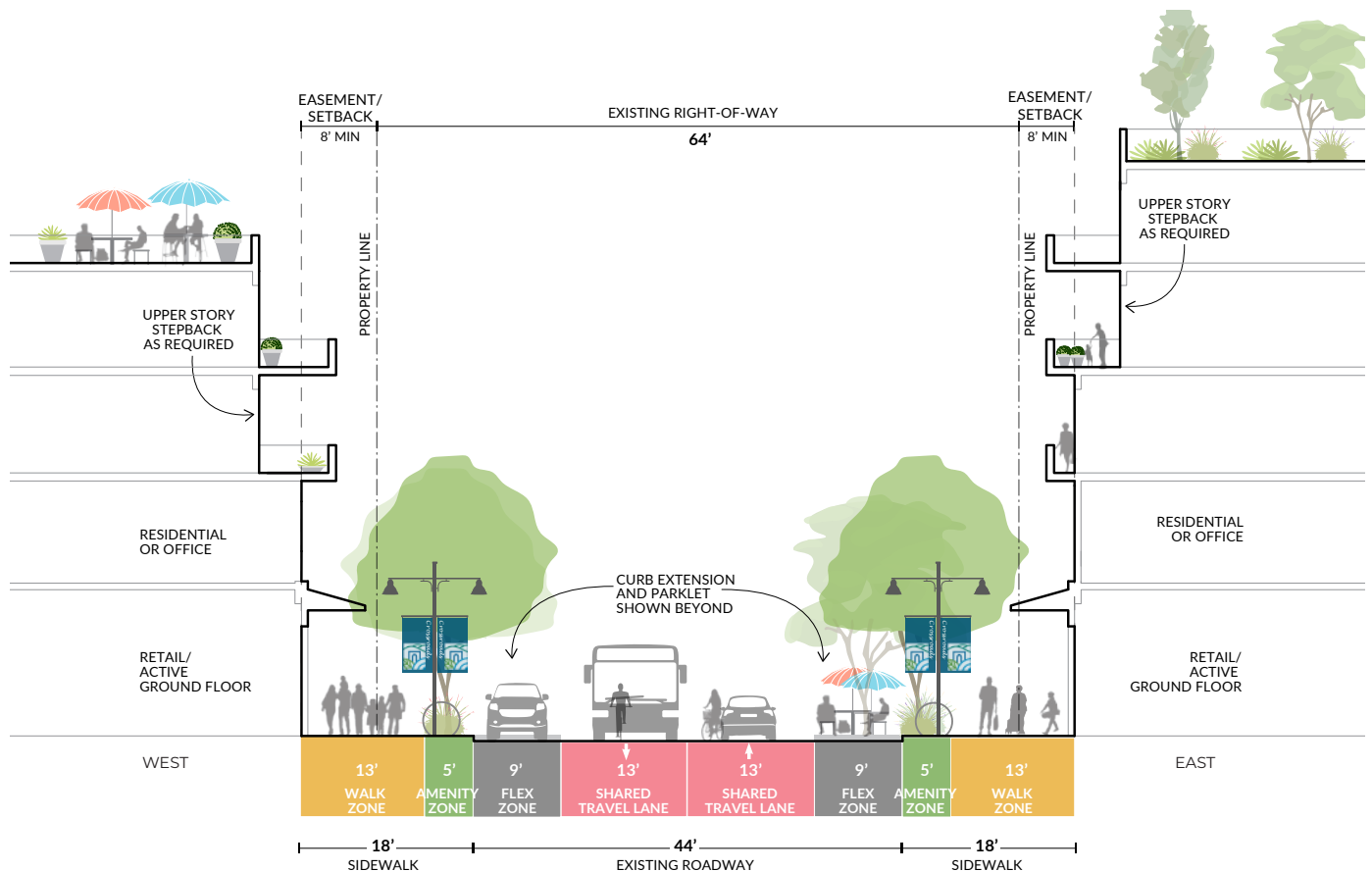
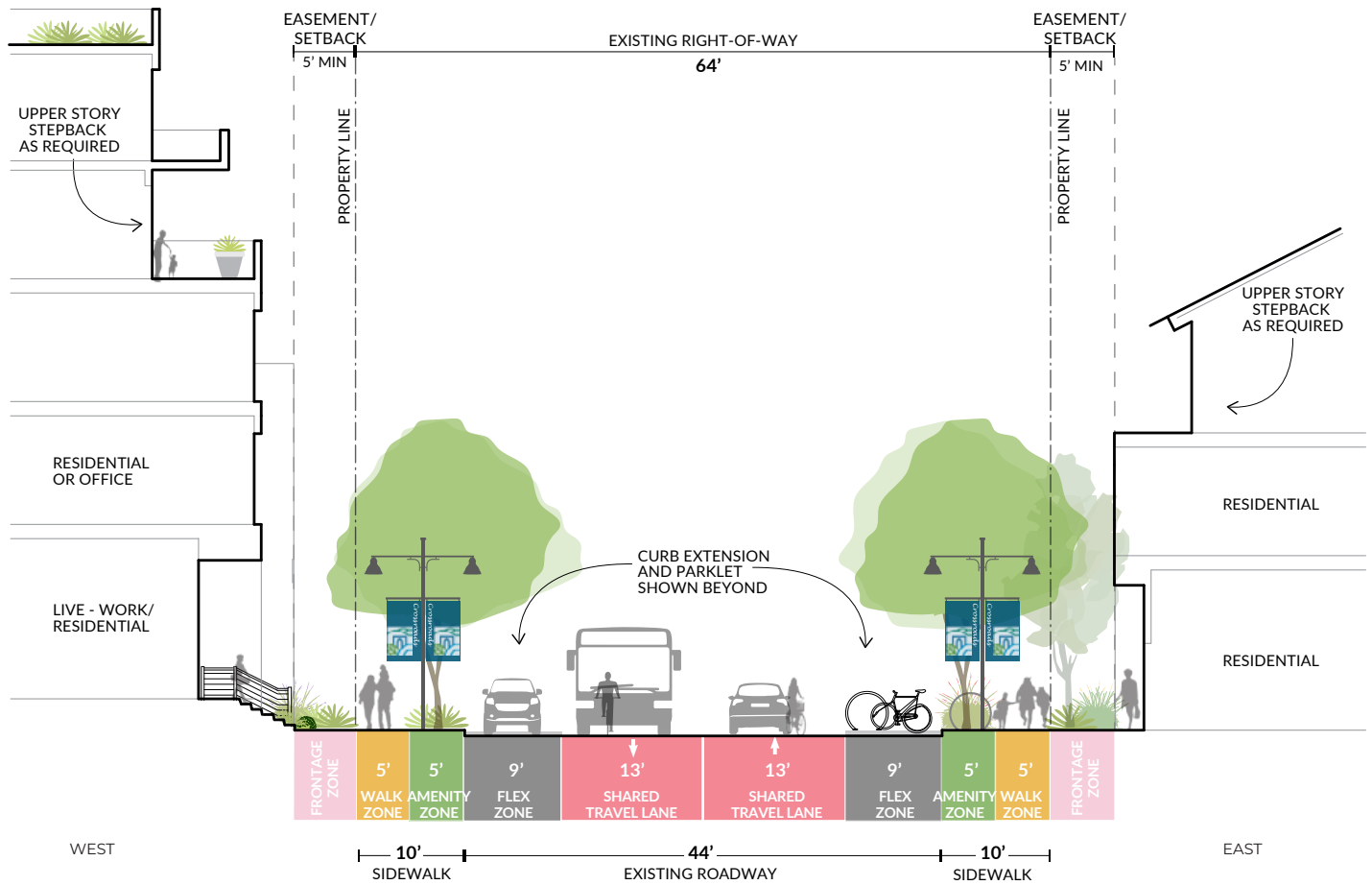


Figure 5-5 South Main Street Section in the Main Street District



S. Main Street within the Main Street District has a walkable urban village form, characterized by development raised with stoops.

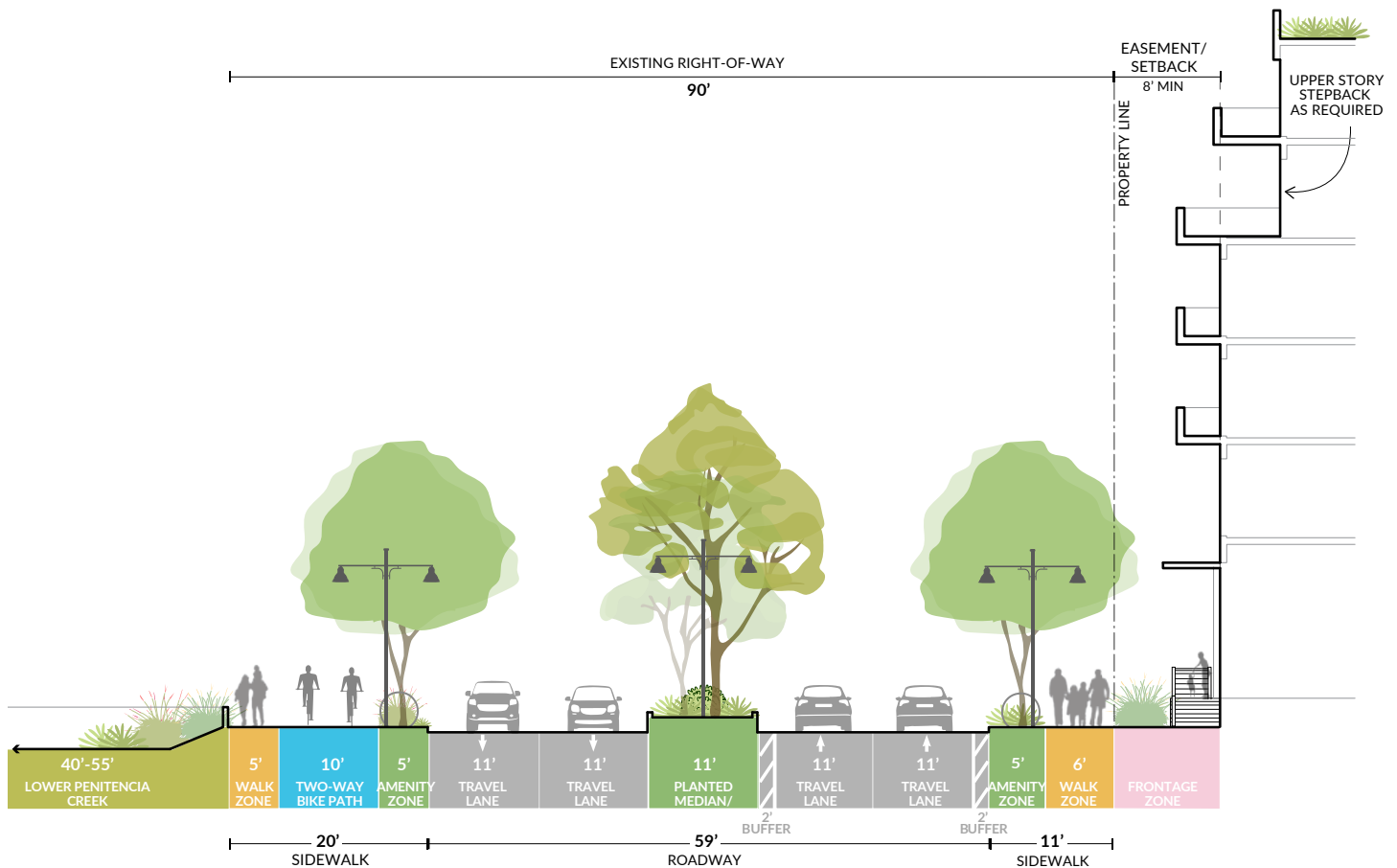
5.3.2 SOUTH ABEL STREET

South Abel Street is a north-south arterial that connects North Milpitas Avenue, West Calaveras Boulevard/SR-237, and Great Mall Parkway. It extends east of North Milpitas Avenue as Jacklin Road. Within the Specific Plan network, South Abel Street will be configured to provide a mixed multimodal street with multiple walk zones, a two-way bike path adjacent to the Lower Penitencia Creek, and two travel lanes in each direction.

DESIGN STANDARDS

1. Incorporate streetscape improvements along Abel Street as shown in Figure 5-6.
2. Construct a two-way bike path along the east side of Lower Penitencia Creek for the full length of Abel Street between Calaveras Boulevard and Great Mall Parkway as shown in Figure 5-6.
3. Add a pedestrian walkway, street furniture and plantings along the west side of Lower Penitencia Creek as new development or site redevelopment occurs.
4. Coordinate with the City to prepare a traffic study to determine if a new traffic signal and pedestrian crossing at the intersection of Machado Avenue and South Abel Street and at new street intersections with Abel Streets, as shown in Figure 5-17, are needed to provide bicycle and pedestrian connections across Abel Street. Coordinate street and intersection improvement updates with the City's Traffic Safety Study.
5. Improve connection from South Abel Street to a potential future transit hub by providing pedestrian and bicycle connections with the multi-use trail to/from the hub as shown in Figure 5-18.
6. Study the potential to incorporate green stormwater infrastructure in the amenity zone, and the design of areas adjacent to the Lower Penitencia Creek. See also Section 6.5.3.

Figure 5-6 South Abel Street Section



5.3.3 SERRA WAY

Serra Way is a short collector roadway in the historic commercial area that connects West Calaveras Boulevard to South Abel Street and South Main Street. The speed limit is 30 mph. Within the Specific Plan network, Serra Way will be configured to provide a multimodal street with generous walk zones, buffered bike lanes, bus boarding islands at existing bus stops, and opportunities for curb extensions to serve pedestrian crossings and amenities.

The existing right of way narrows between Calaveras Boulevard and Main Street. In order to accommodate the varied right of way width, the buffers provided between bike lanes and travel lanes change width accordingly.

DESIGN STANDARDS

1. Coordinate with the City to conduct a road diet study for Serra Way between Calaveras Boulevard and Main Street, reducing Serra Way from two lanes in each direction to one lane in each direction.
2. Provide pedestrian intersection improvements at the following locations:
 - a. Serra Way and Calaveras Boulevard.
 - b. Serra Way and South Abel Street.
 - c. Serra Way and South Main Street.
3. Reduce the speed limit to 25 mph for the full length of the street.
4. Include curb extensions, tighten curb radii and/or close slip lanes at intersection corners, where possible, to reduce crossing distances and increase pedestrian and cyclist visibility.
5. Elevate the bike lane to near sidewalk level along Serra Way at the approach to Calaveras Boulevard, consistent with the planned Calaveras Boulevard improvements.
6. Incorporate streetscape improvements along Serra Way per Figure 5-8, including buffered bike lanes, a planted median, and expanded sidewalks.
7. Coordinate with the Fire Department to include a vertical protection element, such as a flexible delineator in the bike lane buffer to help delineate the bike lane from the adjacent parking. Vertical protection elements shall include reflective surfaces facing the parking lane for visibility in low light conditions.
8. Add bus boarding islands at the existing VTA bus stop along Serra Way. Bus stop boarding islands shall extend the full length of a typical VTA bus and be designed in accordance with VTA's Bus Stop and Passenger Design Criteria and Standards. All boarding islands shall include an ADA accessible route to the adjacent sidewalk. Bike lanes shall be routed behind all bus boarding islands.
9. A buffer lane shall be provided along Serra Way to support right-of-way access for fire protection. Where fire access is not needed, include on-street parking or curb space for passenger loading.
10. Study the potential to incorporate green stormwater infrastructure in the amenity zone. See also Section 6.5.3.



A bus boarding island with bike lane routed behind the island.

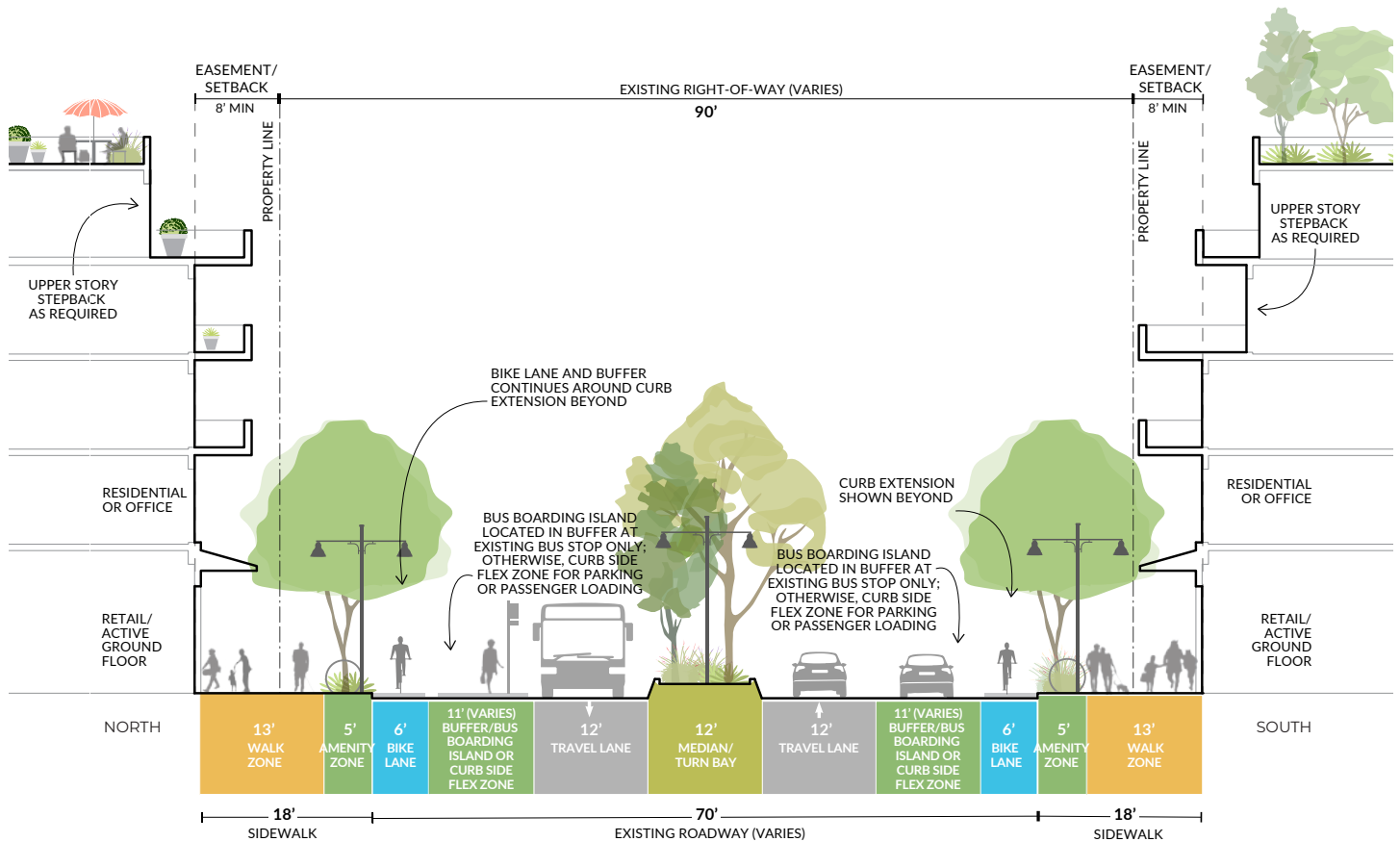


A curb extension with outdoor dining.



A protected bike lane with vertical protection element.

Figure 5-7 Serra Way Section



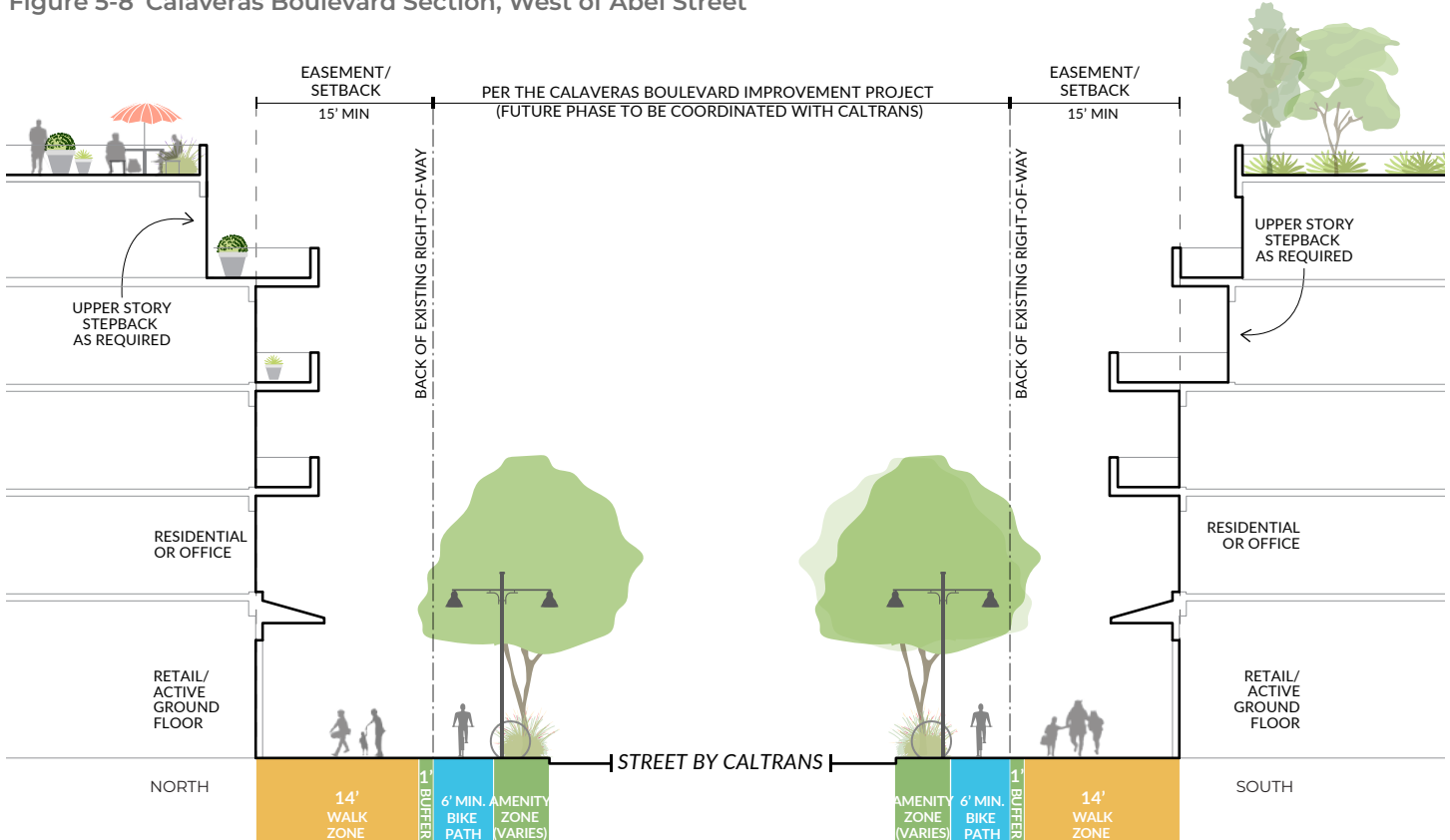
5.3.4 CALAVERAS BOULEVARD

Calaveras Boulevard, otherwise known as SR 237 between I-680 and I-880, is a six-lane arterial roadway which transitions into a fully grade separated highway west of I-880, at the west edge of the Plan Area. On the eastern side of the Plan Area, SR 237/Calaveras Boulevard is grade-separated due to the presence of UPRR Railroad and BART tracks, resulting in a limited connections to Main Street.

DESIGN STANDARDS

1. Coordinate with the Calaveras widening plans between Abel Street and Milpitas Boulevard to support off-street bike paths and sidewalks on both sides of the street.
2. Provide pedestrian intersection improvements at the following locations:
 - a. Calaveras Boulevard and South Abbott Avenue.
 - b. Calaveras Boulevard and Serra Way.
 - c. Calaveras Boulevard and South Abel Street.
3. Include curb extensions, tighten curb radii, and/or close slip lanes at intersection corners where possible to reduce crossing distances and increase pedestrian visibility.
4. Provide a pedestrian and bicycle connection to South Main Street from Calaveras Boulevard by creating a pedestrian plaza and two-way cycletrack along East Carlo Street between Calaveras Boulevard and South Main Street.
5. Require a 15' private setback/easement dedication, measured from the existing right-of-way, to support a 1-foot buffer and 14-foot wide sidewalk.
6. Incorporate street trees in the amenity zone, spaced a minimum of 15 feet on center, when the amenity zone is a minimum of 4 feet wide.

Figure 5-8 Calaveras Boulevard Section, West of Abel Street



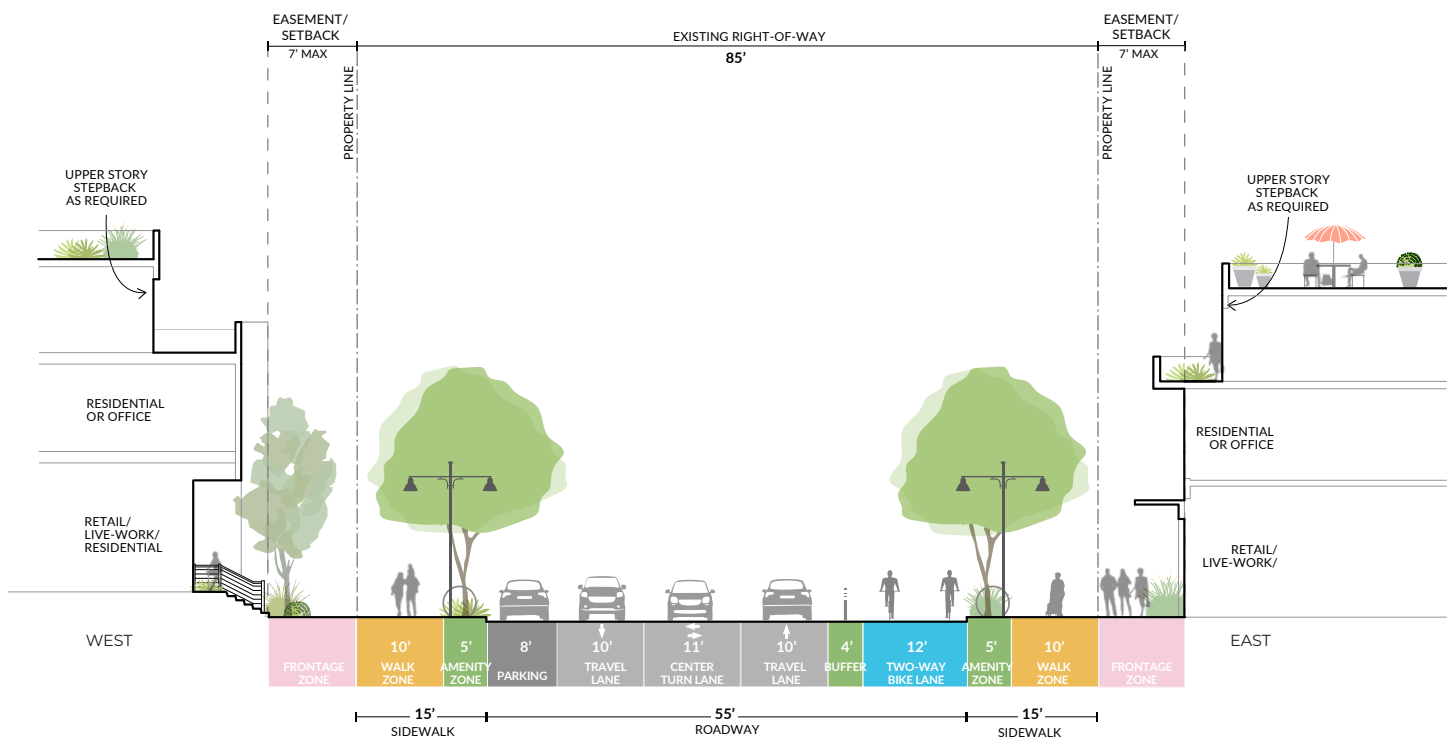
5.3.5 SOUTH ABBOTT AVENUE (NORTH OF CALAVERAS BOULEVARD)

South Abbott Avenue extends from the north end of the Plan Area at Smithwood Street to Calaveras Boulevard, connecting to Starlite Park and Anthony Spangler Elementary just north of the Plan Area. The speed limit is 30 mph north of Calaveras Boulevard. Within the Specific Plan network, South Abbott Avenue north of Calaveras Boulevard will be configured to provide a mixed multimodal street with comfortable walk zones, a two-way protected bike lane, vehicle parking on the east side, and one travel lane in each direction with a shared center turn lane.

DESIGN STANDARDS

1. Incorporate streetscape improvements along South Abbott Avenue, per Figure 5-9, including a two-way buffered bike lane and expanded sidewalks.
2. Coordinate with the City to transition from the proposed two-way protected bike lane on South Abbott Avenue to a Class IIIB (Bicycle Boulevard) facility, north of Spence Avenue, to connect to Starlite Park and the Anthony Spangler Elementary School.
3. Study the potential to incorporate green stormwater infrastructure in the amenity zones and parking area curb extensions at intersections with future improvements. See also Section 6.5.3.

Figure 5-9 South Abbott Avenue (North of Calaveras Boulevard) Section



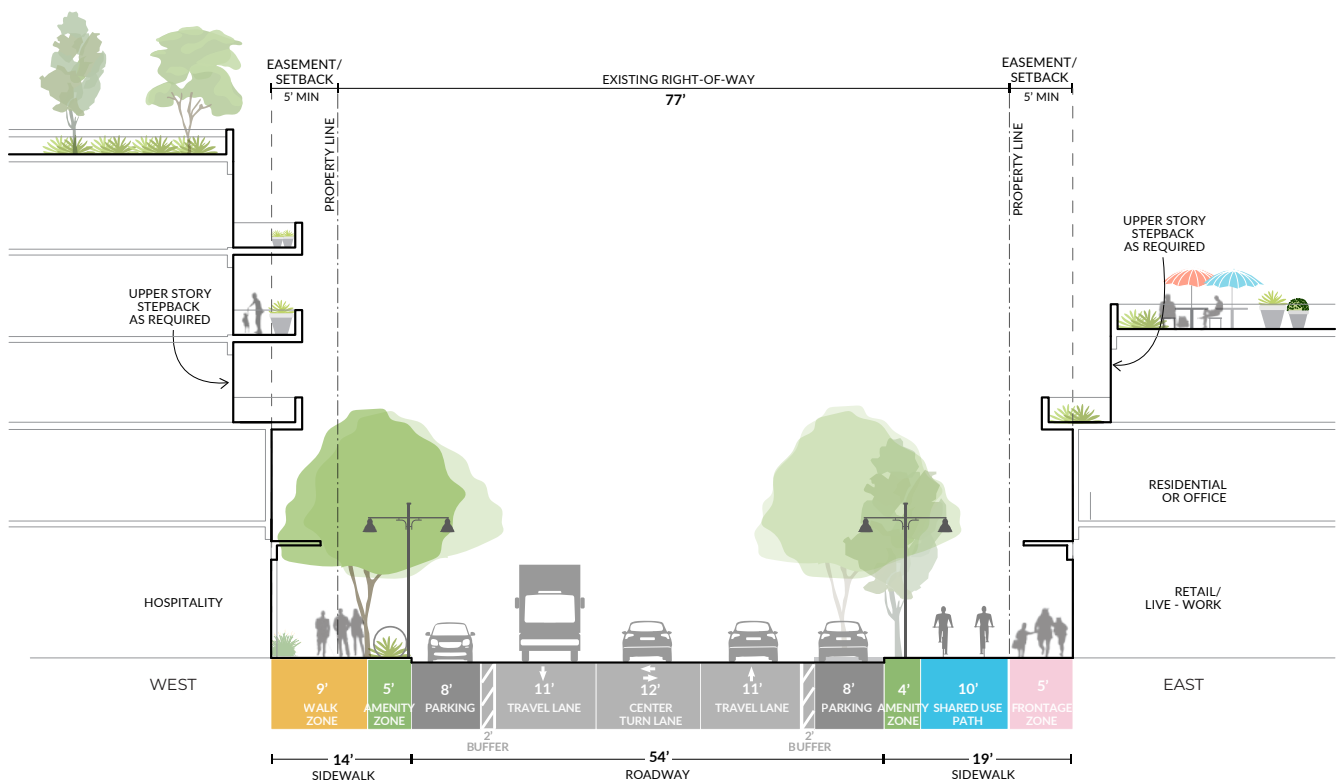
5.3.6 SOUTH ABBOTT AVENUE (SOUTH OF CALAVERAS BOULEVARD)

South Abbott Avenue extends from Calaveras Boulevard south to industrial warehouses adjacent to I-880, currently ending in a cul-de-sac. The speed limit is 35 mph south of Calaveras Boulevard. Within the Specific Plan network, South Abbott Avenue south of Calaveras Boulevard would be configured to provide a mixed multimodal street with comfortable walk zones, a cycle track connecting the proposed Abbott District to Calaveras Boulevard, on-street parking, and one travel lane in each direction with a shared turn lane.

DESIGN STANDARDS

1. Connect Thompson Street to South Abbott Avenue, as shown in Figure 5-3, to improve the connectivity and add a second point of access to the Abbott District.
2. Incorporate streetscape improvements along South Abbott Avenue per Figure 5-10, including a two-way shared use path and expanded sidewalks.
3. Continue the two-way multi-use path along the south side of South Abbott Avenue to connect with a future paseo along the Abbott District's eastern edge.
4. Integrate gateway signage in the amenity zone along the west curb.
5. Study the potential to incorporate green stormwater infrastructure in the amenity zones and parking area curb extensions with future improvements. See also Section 6.5.3.

Figure 5-10 South Abbott Avenue (South of Calaveras Boulevard) Section



5.3.7 FUTURE MIXED-USE STREETS

Future mixed-use streets will promote multimodal use with shared travel lanes with bicycles, sidewalks, and Flex Zones on both sides of the street.

DESIGN STANDARDS

1. Implement Future Mixed-Use Street connections to provide alternate/parallel routes to Main Street, Serra Way, Calaveras Boulevard, and South Abbott Avenue and establish future connections as new development occurs. Future Mixed-Use Streets are listed below and shown in Figure 5-3.

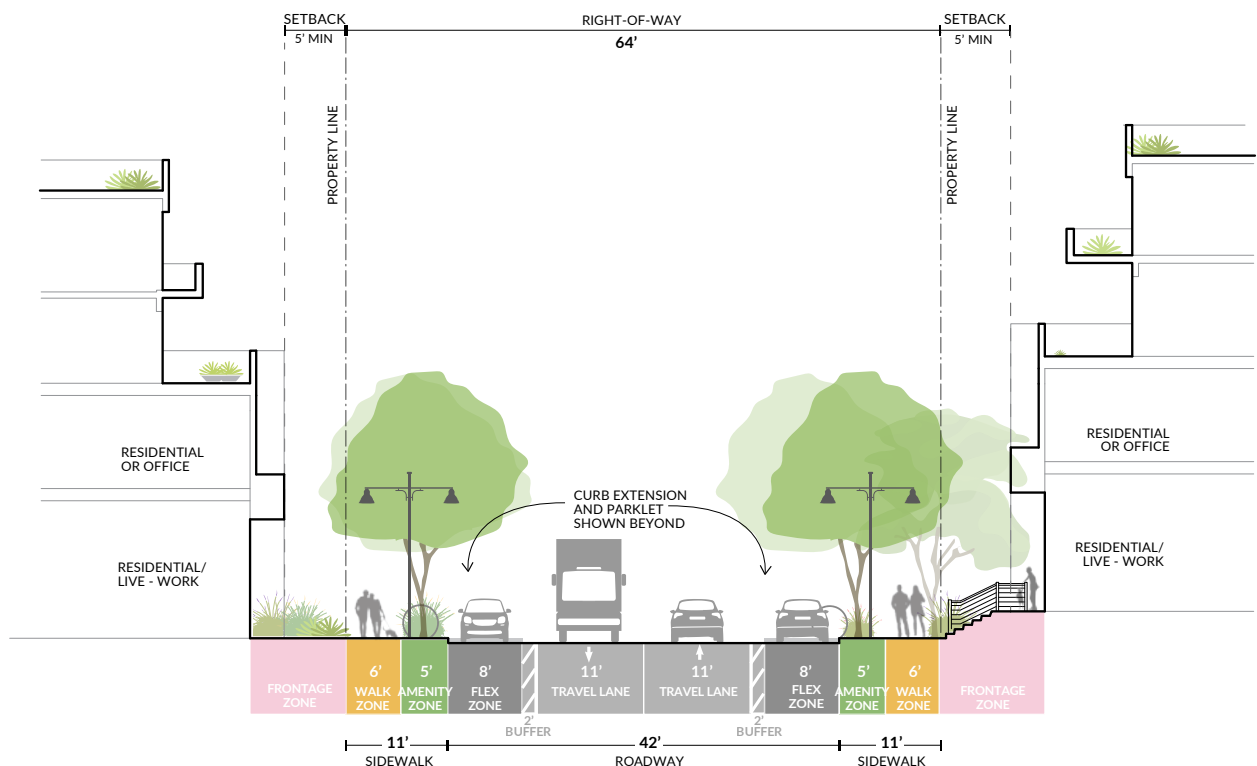
North/South Connections:

- a. Mid-block connection between South Abel Street and Main Street connecting Carlo Street with Serra Way.
- b. Extend San Petra Court north to Calaveras Boulevard.
- c. Mid-block connection connecting Junipero Avenue with Serra Way midway between South Abel Street and Ethyl Street.

East/West Connections:

- a. Mid-block connection between Carlo Street and Serra Way connecting Butler Street to Main Street.
 - b. Mid-block connection between Serra Way and Junipero Avenue connecting South Abbott Avenue to Main Street.
2. Design Future Mixed-Use Streets per Figure 5-11 with sidewalks and a flex zone on both sides of the street, and pedestrian intersection improvements at all intersections.
 3. Add traffic controls to all new intersections created where Future Mixed-Use Streets cross other Future Mixed-Use Streets or intersect with existing streets. Coordinate with the City to conduct a traffic study for new traffic signals at all new intersections. Coordinate updates with the City's Traffic Safety Study.
 4. Study the potential to incorporate green stormwater infrastructure in the amenity zone, curb extensions, and other areas of the flex zone. See also Section 6.5.3.

Figure 5-11 Future Mixed-Use Street Section



5.3.8 FUTURE RESIDENTIAL STREETS

Future residential streets will promote multimodal use with shared travel lanes with bicycles, sidewalks, and flex zones on both sides of the street.

DESIGN STANDARDS

1. Implement new streets and connections to provide an alternate/ parallel route to Main Street, Hammond Way, and Curtis Avenue and establish future connections as new development occurs. Future Residential Streets are listed below and shown in Figure 5-3.

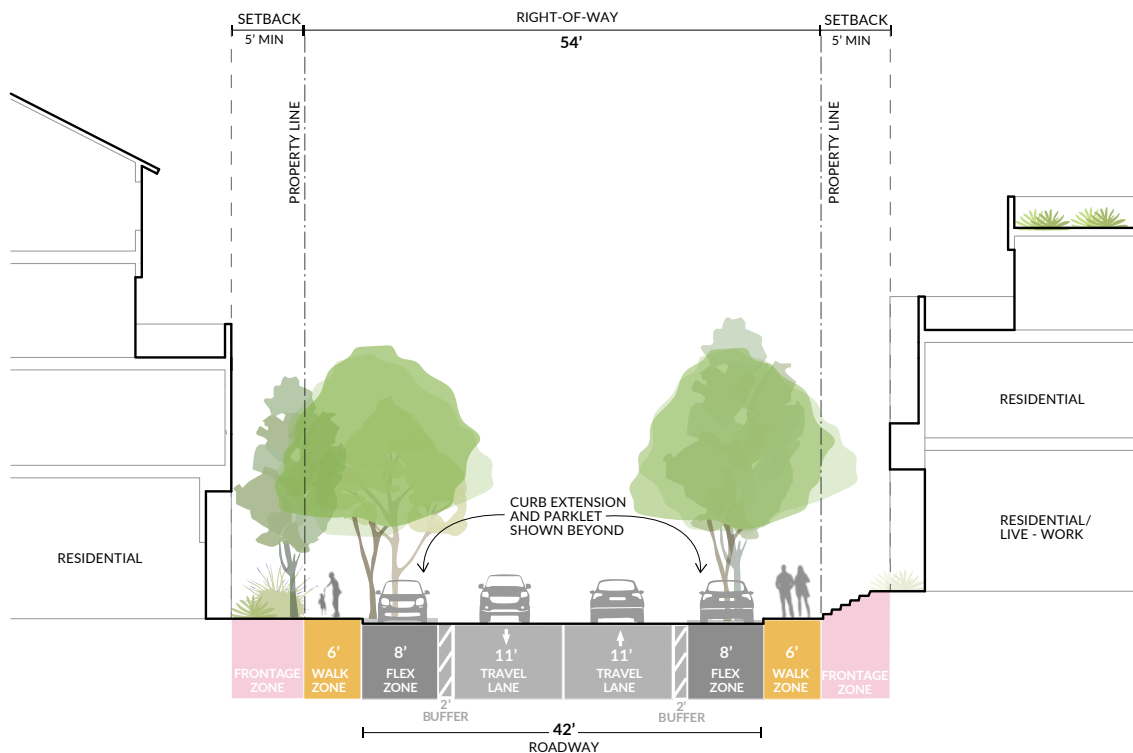
North/South Connections:

- a. Include a series of north/south residential streets in the area bounded by Hammond Way to the west, Curtis Avenue to the south, the existing railroad lines to the east and Tom Evatt Park to the north. New residential streets shall be evenly spaced and create block sizes that meet the standards set in Section 4.1.

East/West Connections:

- a. Extend Corning Avenue west to connect to the future north/south multi-use path and future Abbott District development.
 - b. Include a series of east/west residential streets in the area bounded by Hammond Way to the west, Curtis Avenue to the south, the existing railroad lines to the east and Tom Evatt Park to the north. New residential streets shall be evenly spaced and create block sizes that meet the standards set in Section 4.1.1.
2. Design Future Residential Streets per Figure 5-12, including sidewalks and flex zones on both sides of the street, and pedestrian intersection improvements at all intersections.
 3. Add traffic controls to all new intersections created where Future Residential Streets cross other Future Residential Streets or intersect with existing streets. Coordinate with the City to conduct a traffic study for new traffic signals at all new intersections. Coordinate updates with the City's Traffic Safety Study.
 4. Study the potential to incorporate green stormwater infrastructure in the curb extensions and other areas of the flex zone. See also Section 6.5.3.

Figure 5-12 Future Residential Street Section



5.3.9 FUTURE ALLEYS

Future alleys will serve back-of-house needs, as well as support bike and pedestrian movement and fire truck access. One-way alleys shall be designed with walk zones on both sides of the travel lane, whereas two-way traffic alleys will be required to have a walk zone on only one side of the alley.

DESIGN STANDARDS

1. Implement new alleys as new development occurs to provide back-of-house access to parcels on large blocks or where access is constrained, such as along South Main Street. Locations of future alleys include, but are not limited to, those listed below and shown in Figure 5-3:

North/South Alleys:

- a. Just west of and parallel to the existing railroad track and Hammond Way, providing access to the back of parcels fronting the east side of Main Street.
- b. Mid-block between South Abel Street and Main Street connecting Corning Avenue and Alvarez Court.

East/West Alleys:

- a. Extend Alvarez Court from South Abel Street to Main Street.
 - b. East/west alleys as required to provide access to the back of parcels fronting the east side of Main Street.
2. Design one-way alleys as shown in Figure 5-13, including a walk zone on both sides of the alley.
 3. Design two-way alleys as shown in Figure 5-14, including at least one walk zone on either side of the alley.
 4. Provide a minimum 5-foot amenity zone on either side of the alley to provide drainage or lighting and landscaping.
 5. Study the potential to incorporate green stormwater infrastructure in the amenity zones. See also Section 6.5.3.

Figure 5-13 Future Alley - One Way

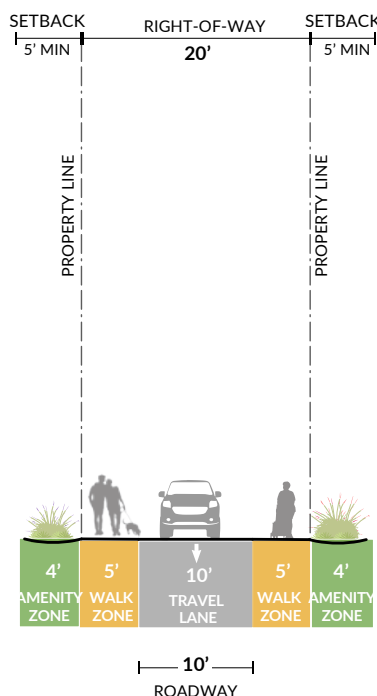
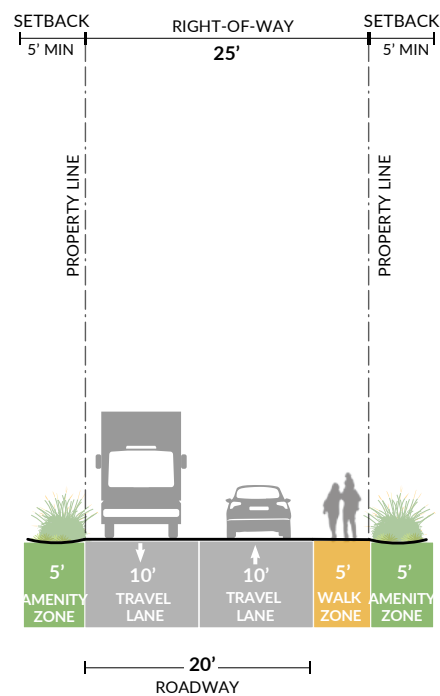


Figure 5-14 Future Alley - Two Way



5.3.10 FUTURE PASEO

Future paseos will provide additional north/south and east/west pedestrian and bicycle connections within the Plan Area. Locations of Future Paseos are shown in Figure 6-1.

DESIGN STANDARDS

1. Provide a shared use bicycle and pedestrian paseo with landscaping adjacent to the existing property line as shown in Figure 5-15. The required shared use path shall provide unobstructed space for the movement of pedestrians and cyclists.
2. Study the potential to incorporate green stormwater infrastructure in the amenity zones on either side of the shared-use path. See also Section 6.5.3.

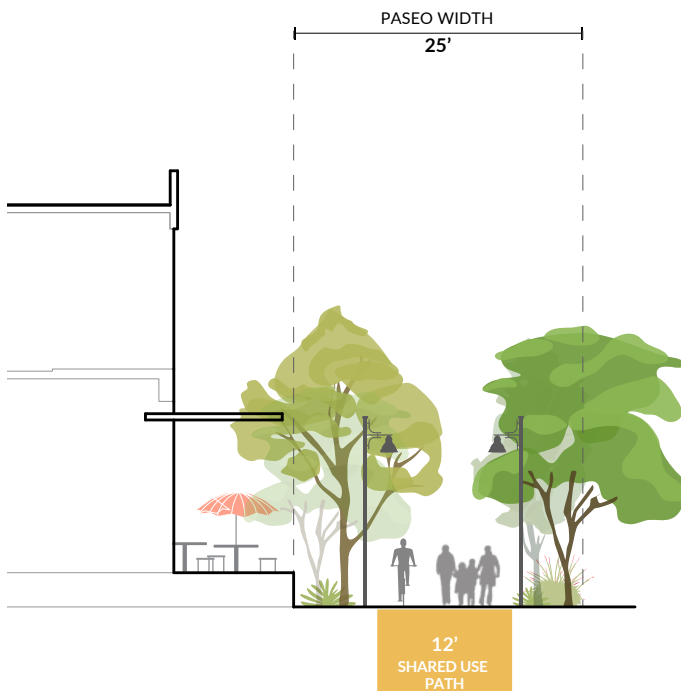
5.3.11 FIRE ACCESS

All new development, new streets, and modifications to existing streets shall comply with applicable State and local fire codes.



An example of a mixed-use shared use paseo.

Figure 5-15 Future Paseo



An example of a residential shared use paseo.

5.4 Traffic Improvements

Guided by a complete streets approach, this Plan emphasizes pedestrian and bicycle safety improvements as a way to improve safety for all roadway users. The Plan does not include increases to vehicle capacity. However, Caltrans' Calaveras Boulevard Improvement Project will include changes to vehicle capacity along Calaveras Boulevard, as well as other traffic and intersection improvements. The Calaveras Boulevard Improvement Project will make the following improvements to Calaveras Boulevard, between Abel Street and Milpitas Boulevard:

1. Adding pedestrian and bicycle facilities, including elevated cycle tracks in both directions.
2. Implementing complete streets improvements on Calaveras Boulevard, including widening existing sidewalks on the north side of Calaveras Boulevard and providing new sidewalks along the south side of Calaveras Boulevard.
3. Widening Calaveras Boulevard and providing three through lanes between I-880 and I-680 in both directions.
4. Replacing the existing structures over the Union Pacific Railroad/Bay Area Rapid Transit (UPRR/BART) tracks with a wider structure and replacing or widening the existing structures over North Main Street and the Union Pacific Railroad track with a wider structure or having the existing structure widened and seismically retrofitted.
5. Improving the intersection safety for bicyclists and pedestrians.



Calaveras Boulevard is planned as a complete street with an elevated pedestrian walkway and cycletrack.

5.5 Public Transit Improvements

5.5.1 PUBLIC TRANSIT FRAMEWORK

The Public Transit Framework for the Plan Area is presented in Figure 5-16. The goal of the transit framework is to connect the Plan Area to local and regional transit service directly and provide a comfortable, efficient, and safe experience for transit users. Figure 5-16 illustrates the existing transit networks and proposed public transit improvements in the Plan Area, described in more detail below.

The Plan Area is served by several transit services, including Santa Clara Valley Transportation Authority (VTA) buses and light rail, and Bay Area Rapid Transit (BART) commuter rail. The city has a shuttle program known as Simple Mobile Access to Reliable Transit (SMART) that provides on-demand rideshare service from various pick-up/drop-off locations and provides first-mile/last-mile connections with the Milpitas BART Station and VTA's bus and light rail stations.

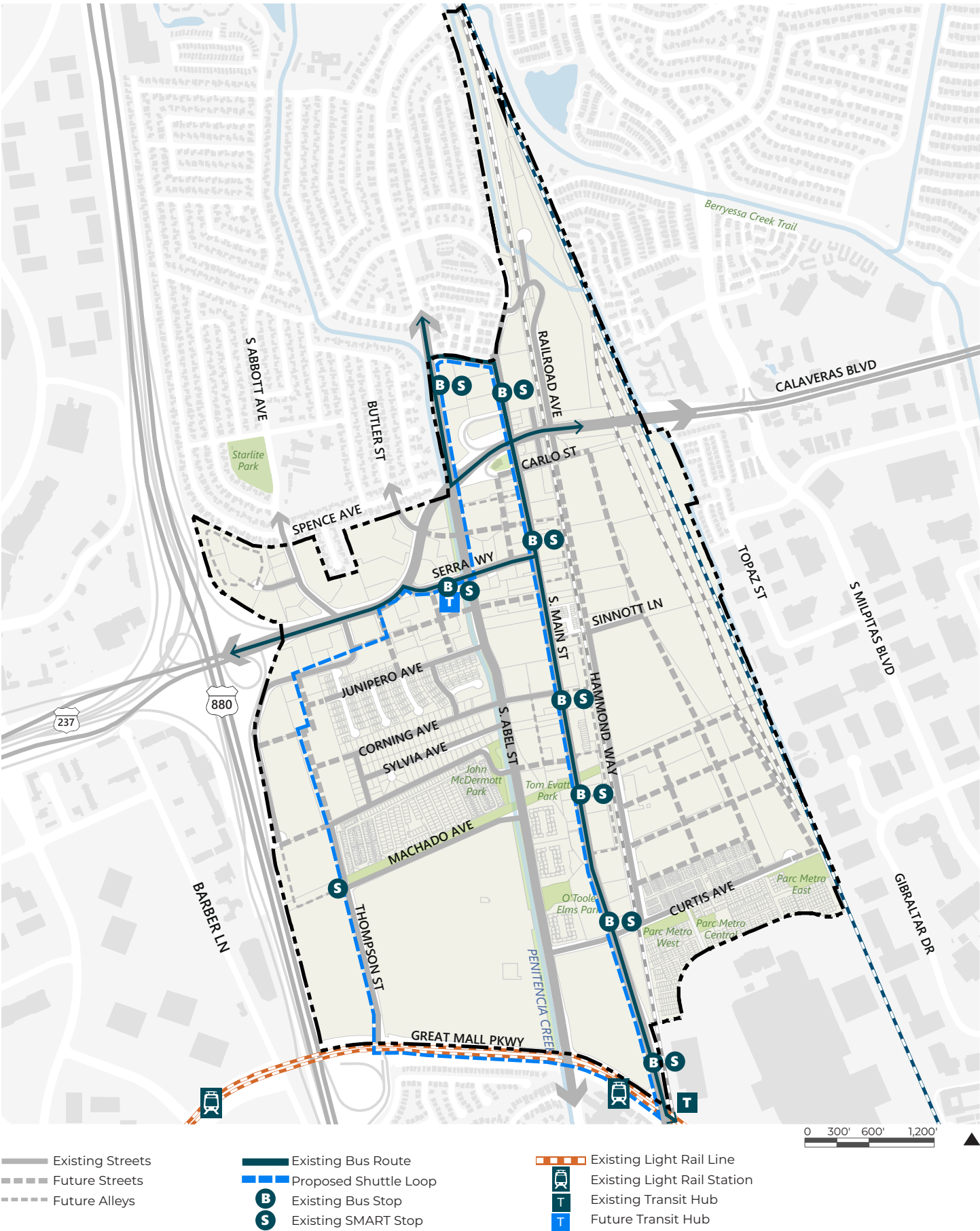
1. The Specific Plan proposes a shuttle loop along Main Street, Weller Lane, Abel Street, Thompson Street, and Great Mall Parkway to connect the Plan Area with existing transit that may be coordinated with the SMART program and can build upon existing bus stop facilities, as well as serve underserved locations in the Plan Area, including at:
 - a. Existing bus stops on South Main Street at Curtis Avenue.
 - b. Existing bus stops on South Main Street south of Tom Evatt Park.
 - c. Existing bus stops on South Main Street at Corning Avenue.
 - d. Existing bus stops on South Main Street at Serra Way.
 - e. Existing bus stops on North Main Street at the Milpitas Library.
 - f. Existing bus stops on North Abel Street at Weller Lane.
 - g. Existing bus stops on Serra Way between Calaveras Boulevard and South Abel Street.
 - h. At the intersection of South Abbott Avenue and the extension of Thompson Street north.
 - i. At the intersection of Thompson Street and Machado Avenue.

5.5.2 TRANSIT DESIGN STANDARDS

Transit amenities shall comply with the VTA Bus Stop and Facility Criteria and Standards and the following standards:

1. Provide bus stop amenities, including shelters, benches, lighting, and real-time bus displays at all existing bus stops and existing and new transit hubs within the Plan Area as shown in Figure 5-16.
2. Provide a shuttle service for the Plan Area that is coordinated with existing transit services.
3. Provide bus curb extensions at all existing bus stops along South Main Street. Bus curb extensions to be constructed to extend the full length of an existing VTA bus. Where bike lanes are provided, they shall be integrated into the bus curb extension design to provide a safe route for cyclists and safe boarding experience for bus riders.
4. Provide bus boarding islands at all existing bus stops along Serra Way. Bus boarding islands to be constructed to extend the full length of an existing VTA bus and include an ADA accessible route to the adjacent sidewalk. Bike lanes shall be routed behind all bus boarding islands.
5. Coordinate micro-mobility service area and docking stations with transit hub locations for first-mile/last-mile connections.
6. Maintain all transit-supportive infrastructure.

Figure 5-16 Public Transit Framework



5.6 Pedestrian Network

5.6.1 PEDESTRIAN FRAMEWORK

The Pedestrian Framework for the Plan Area is presented in Figure 5-17. Figure 5-17 illustrates the pedestrian intersection improvement priorities described further below.

SIGNAL AND INTERSECTION IMPROVEMENTS

Provide traffic signal and intersection crossing improvements that support safe pedestrian roadway crossings, prioritizing the existing signalized intersections and new signalized intersections shown in Figure 5-17. All new intersections created by the intersection of two future streets shall comply with the design standards listed in Section 5.6.2.

5.6.2 PEDESTRIAN DESIGN STANDARDS

A goal of this Specific Plan is to provide a safe, direct and connected pedestrian network by improving existing pedestrian infrastructure and adding new pedestrian infrastructure where needed. Pedestrian infrastructure improvements shall comply with the following standards:

1. Install high-visibility crosswalks at all new and existing crosswalks within the Plan area. High-visibility crosswalks shall be a minimum of 10 feet wide.
2. Where pedestrian intersection improvements have been identified or a new intersection has been created by the intersection of future streets with S. Abel Street, intersection infrastructure shall include the following:
 - a. A traffic study to determine if a new traffic signal is needed to safely support vehicle, bike, and pedestrian crossings.
 - b. Curb extensions extending the full width of the parking lane (where applicable);
 - c. High-visibility crosswalks a minimum of 10 feet wide; and
 - d. Recessed stop bars located at least 8 feet in advance of the crosswalk.
3. Where mid-block crossings and new crossings do not meet the requirements for a new traffic signal, install on-demand signals for pedestrian crossings. Examples include rectangular rapid-flashing beacons (RRFBs) or pedestrian hybrid beacons (PHBs).

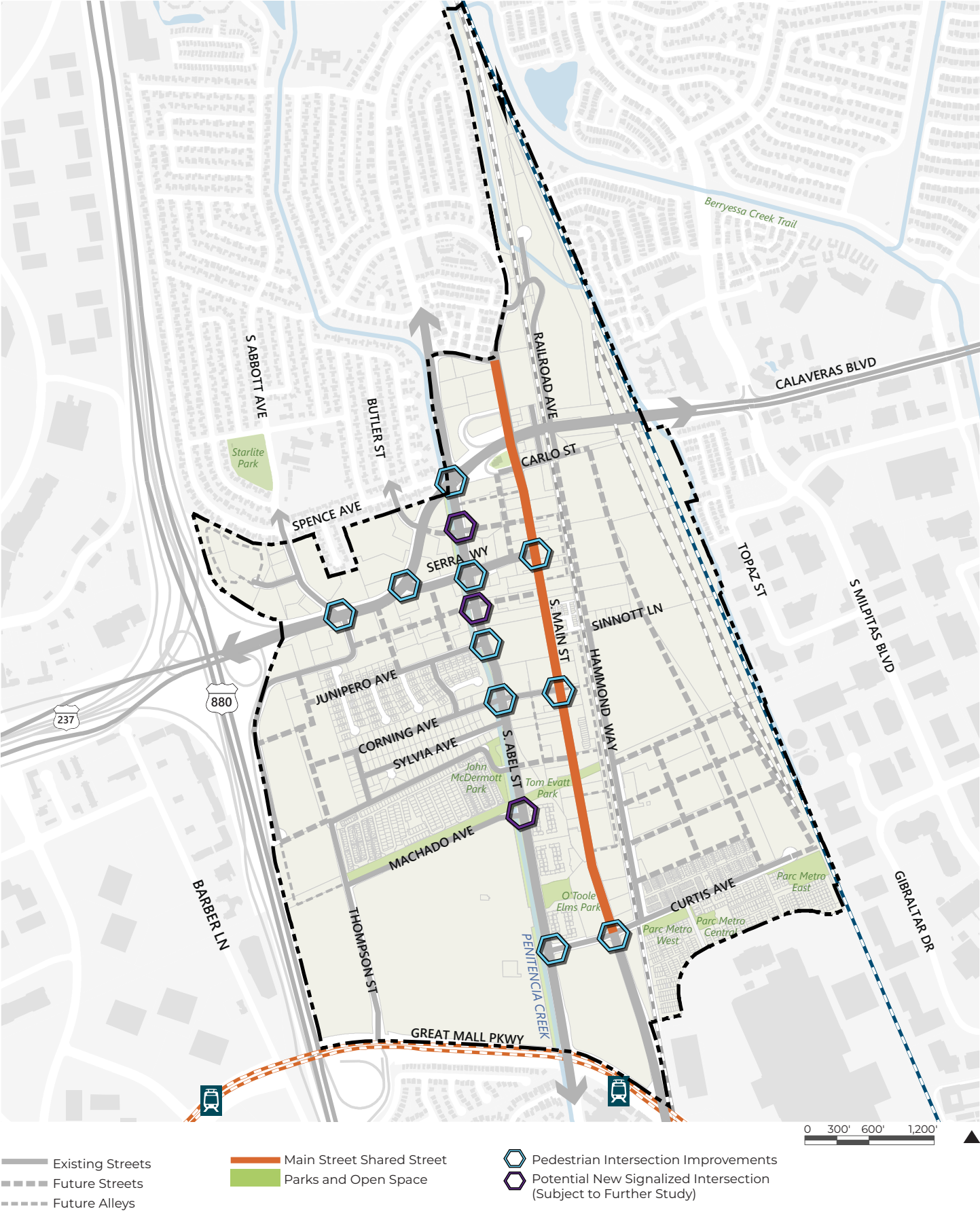


A rectangular rapid-flashing beacon (RRFB).



A planted curb extension at an intersection.

Figure 5-17 Pedestrian Framework



5.7 Bicycles and Micro-Mobility

5.7.1 BICYCLE AND MICRO-MOBILITY FRAMEWORK

The Bicycle and Micro-Mobility Framework for the Plan Area is presented in Figure 5-18. Figure 5-18 illustrates the proposed bicycle infrastructure improvements and proposed micro-mobility hubs, described further below.

CONNECTED BICYCLE NETWORK

Figure 5-18 illustrates the proposed bicycle infrastructure network that will work together to provide a continuous bicycle connection from local neighborhoods to the commercial and mixed-use zones within the Plan Area. Bicycle infrastructure improvements within the Plan Area are classified based on Caltrans' California Highway Design Manual. A brief description of each proposed bike infrastructure class is provided below.

Class I - Bike Path: Bike paths, also termed shared-use or multi-use paths, are paved right-of-way for exclusive use by bicyclists, pedestrians, and those using non-motorized modes of travel. They are physically separated from vehicular traffic and can be constructed in the roadway right-of-way or an exclusive right-of way.

Class II - Bike Lane: Bike lanes are defined by pavement striping and signage used to allocate a portion of a roadway for exclusive or preferential bicycle travel. Bike lanes are one-way facilities on either side of a roadway. Bike Lanes may be enhanced with treatments that improve safety and connectivity, such as additional warning or wayfinding signage.

Class IV - Separated Bikeway: Separated Bikeways are on-street bicycle facilities that include a vertical physical barrier between the bikeway and moving traffic, such as flexible bollards, a raised curb, on-street parking, or planter boxes. Separated bikeways may also be referred to as "cycle tracks," or "protected bike lanes."



A Class I Bike Path with an adjacent pedestrian walk zone.

MICRO-MOBILITY HUBS

Plan for shared-use micro-mobility infrastructure, supporting safe bike, scooter, or other forms of micro-mobility services. Provide strategically located micro-mobility hubs that provide a safe alternative transportation means within the Plan Area and beyond.

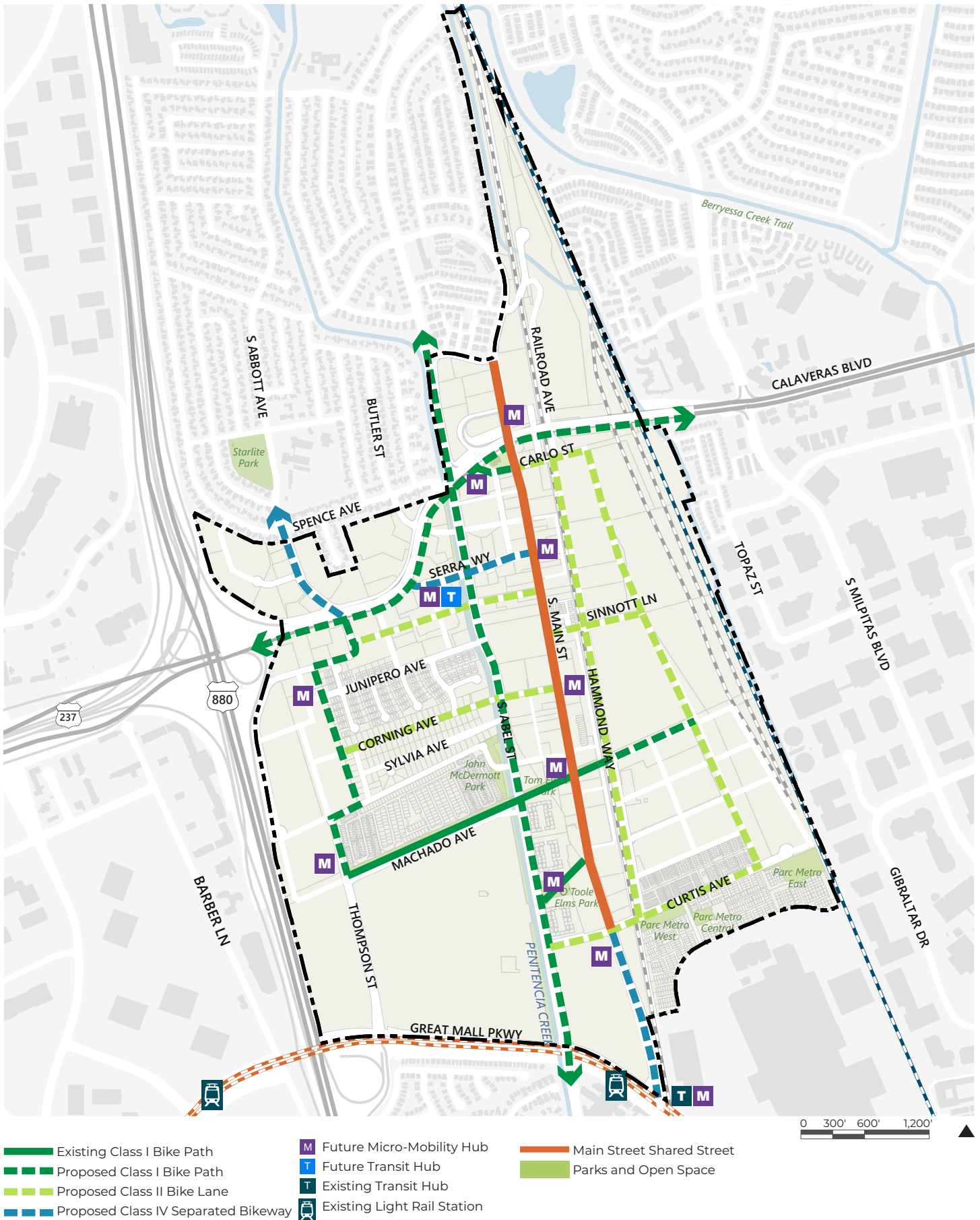
The Metropolitan Transportation Commission (MTC) has a Bay Area Regional Mobility Hub Implementation Playbook (April 2021) that provides guidance on what a mobility hub in the Bay Area should include. Based on MTC's definitions of hubs, these future micro-mobility hubs could be considered as Opportunity Hubs that could provide valuable first-mile/last-mile transportation services, including bicycle share, e-scooters, and transportation network companies (TNCs) pick-up/drop-off zones and provide transit shelters/waiting areas for nearby transit lines including VTA Routes 47 and 66, the latter of which is a frequent bus route.

1. Micro-mobility hubs are proposed at the following locations, as identified in Figure 5-18:
 - a. Main Street / Serra Way.
 - b. Main Street / Corning Avenue.
 - c. Main Street / Machado Avenue.
 - d. Main Street / Curtis Avenue.
 - e. Main Street / Great Mall Parkway.
 - f. N Abel Street / Calaveras Boulevard.
 - g. N Abel Street / O'Toole Elms Park.
 - h. Calaveras Boulevard / Serra Way.
 - i. S Abbott Avenue / Junipero Avenue.
 - j. Thompson Street / Machado Avenue.



An example of a Class II Bike Lane, delineated with green paint.

Figure 5-18 Bicycle and Micro-Mobility Framework



5.7.2 BICYCLE DESIGN STANDARDS

A goal of this Specific Plan is to encourage the shift to bicycle and other micro-mobility modes by enhancing existing and adding new bicycle infrastructure, creating a comfortable, efficient, and safe experience for bicyclists. Bicycle infrastructure and related amenities shall comply with the following standards:

1. Where Class IV protected bike lanes are provided, bike lanes shall be constructed with a minimum width of 6 feet. Protection for Class IV bike lanes shall include a vertical element with reflective paint or tape within the bike lane buffer to make them more visible to drivers. Examples of permitted vertical protection elements include flexible delineators.
2. Provide bicycle parking including secure bicycle parking throughout the Plan Area to encourage bicycle riding as a form of transportation.

5.7.3 MICRO-MOBILITY DESIGN STANDARDS

The proposed micro-mobility hubs will provide first-mile/last-mile connections within the Specific Plan and between the focus areas and other districts. Micro-mobility hubs will be accommodated on new curb extensions, bus bulbs and at identified transit hubs. Micro-mobility hubs shall meet the following design standards:

1. Develop a Micro-mobility Hub Plan that identifies preferred micro-mobility providers and identifies spacing requirements for various services, including micro-mobility (e-scooters, bikeshare), short- and long-term bike parking, bike stations with end-of-trip facilities, carshare parking, pick-up/drop-off zones, and bus/shuttle stops.
2. Include amenities at all micro-mobility hubs including vending/retail space, street furniture, seating, pedestrian-scale lighting, green space, real-time travel information displays, maps, and wayfinding.
3. Provide wayfinding/signage that is comprehensive, consistent, clear, legible, and accessible to all and can create a sense of arrival, enhance the first-last mile travel experience, and provides direction with consistent wayfinding design.

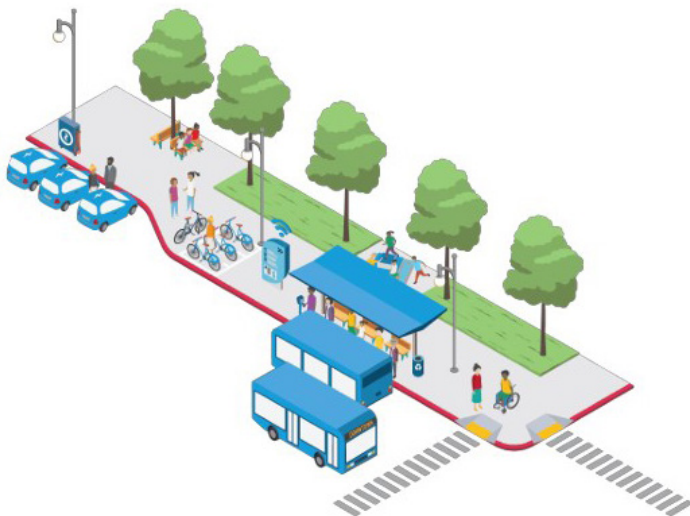


Diagram of a Micromobility Hub; Image Credit: MTC Mobility Hub Implementation Playbook.



An example of a Micromobility Hub.

5.8 Parking

5.8.1 DISTRICT-WIDE PARKING FRAMEWORK

The Milpitas Gateway-Main Street Specific Plan envisions providing enough parking spaces in centralized areas without encouraging or incentivizing vehicular travel or providing unused or underutilized parking spaces. A goal of this Specific Plan is to provide sufficient parking in the four focus area districts, while reducing the demand for additional parking and providing a system where people park once and access their destinations via walking, biking, or transit.

1. All development in the Plan Area shall conform to the parking standards listed in Section 3.7 and the parking ratios set forth in Table 3-9.
2. New public parking locations are proposed at the following locations, as identified in Figure 5-1, Mobility Framework:
 - a. At the southeast corner of South Abbott Avenue and north of Junipero Avenue (within Serra Center).
 - b. To the south of Serra Way between South Main Street and South Abel Street.
 - c. To the south of Calaveras Boulevard between South Main Street and South Abel Street.
 - d. To the east of South Main Street adjacent to the railroad tracks.



Flexible curb space for time of day use, including for loading/unloading and rideshare service is encouraged.

5.8.2 DISTRICT-WIDE PARKING STANDARDS

District-wide parking development shall comply with the following standards:

1. Encourage development that results in parking reductions and take advantage of the Specific Plan shared parking reductions addressed in Section 3.10.
2. Establish a parking district and parking management plan to serve the Specific Plan focus areas that addresses the following:
 - a. Identifies a combination of structured, surface, and on-street public parking and/or shared parking facilities.
 - b. Establishes an in-lieu fee program or improvement district for properties benefiting from the parking district to pay for additional public parking that accommodates private parking shortfalls.
 - c. Identifies a strategy for short-term on-street parking space, including time limits, parking meters, and/or resident or parking zones.
 - d. Establishes parking fees and fines.
3. Utilize on-street curb space efficiently by allowing for multiple time-of-day uses (e.g., loading/unloading in the mornings/evenings, parking during the day).
4. Require residential units in the Plan Area to unbundle parking costs from the cost to rent or buy the residential unit.
5. Encourage shared private parking across lots and developments, specifically in the Crossroads and Main Street Districts.
6. Requiring a Parking Plan to be developed in conjunction with future redevelopment of the Abbott District, Serra Center, Urban Reserve Areas, and other large development projects.



Shared district public parking is encouraged.



06

PUBLIC REALM

Overview

The Public Realm chapter addresses the network of parks, open space, and public spaces that provide a sense of place for the Plan Area. Quality public open spaces are an essential part of the urban fabric of higher-density urban neighborhoods where private outdoor spaces may be more limited. A variety of parks and shared public spaces are envisioned in the Plan Area, to serve as focal points to activate districts and neighborhoods and meet diverse community needs for recreation, social gathering spaces, and neighborhood connections. New parks and open space are envisioned to include neighborhood parks, urban parks, linear parks and paseos, as well as smaller privately owned pocket parks, plazas, and urban alleys/greenways.

The Plan Area public realm strategies are organized into the following sections:

- 6.1 Public Realm Framework.
- 6.2 Existing Park Facilities.
- 6.3 New Parks and Open Space.
- 6.4 Placemaking and District Branding.
- 6.5 Streetscape and Landscaping.

6.1 Public Realm Framework

Figure 6-1 illustrates the public realm framework for the Plan Area, which includes an interconnected parks, open space, and greenway network, as well as placemaking features such as gateways, public parks and plazas, streetscapes, and branding. These spaces and places will be designed with the goals of improving the health of the community by providing new connections, shade, landscaping, and open space; creating places for children to play and communities to come together, recreate, and celebrate; expanding the city's urban forest; supporting habitat, wildlife, and pollinators; and providing stormwater management.

6.2 Existing Park Facilities

The Plan Area currently includes the following public park facilities, together totaling 11.61 acres.

- **John McDermott Park**, a 0.94 acre Urban Park, includes 2 playgrounds, a restroom, and picnic tables.
- **Tom Evatt Park**, a 5.46 acre one-half mile linear park extends from Thompson Street, parallel to Machado Avenue, and continues west to S. Main Street, terminating at the railroad tracks, includes 2 half-court basketball and tennis courts, 2 bocce ball courts, 1 playground, picnic tables and a linear multi-use trail.
- **O'Toole Elms Park**, a 1.63 acre neighborhood park, includes 2 playgrounds, picnic tables, seating, and a pedestrian connection between S. Abel Street and S. Main Street.
- **Parc Metro East**, a 2.0 acre urban park located at the end of Curtis Avenue, serves the Parc Metro neighborhood. It contains two picnic areas, a playground, and restroom, and is surrounded by open lawn area and a pathway.

- **Parc Metro Central**, a small, 0.58 acre urban park that contains open lawn area and entry to the Parc Metro Clubhouse.
- **Parc Metro West**, a small 1.0 acre urban park at the intersection of Curtis Avenue and Commet Drive, east of Hammond Way, provides passive recreational opportunities that includes an open lawn and seating.

6.3 New Parks and Open Space

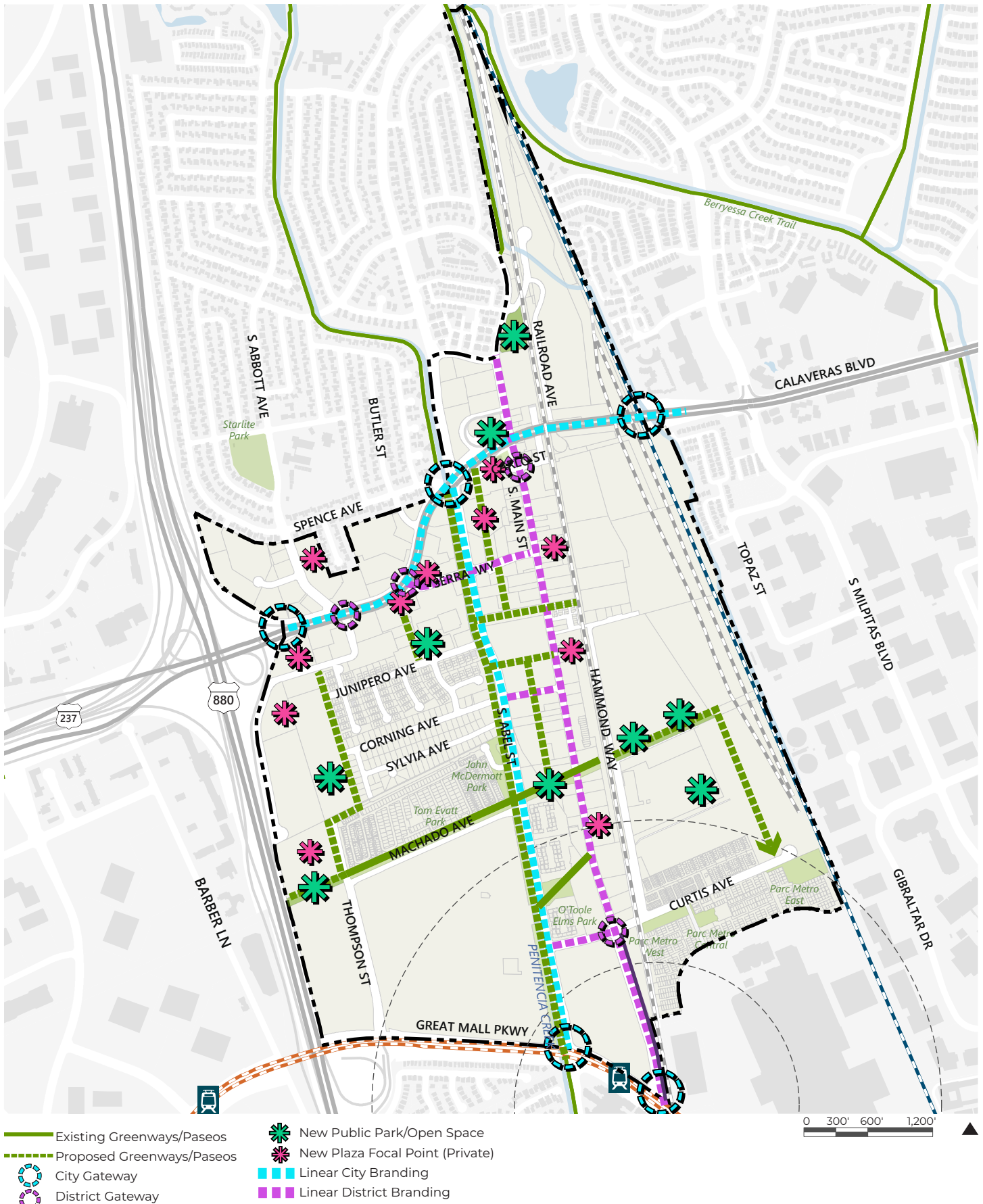
The City's General Plan establishes an overall goal of 3.5 acres of parkland per 1,000 residents in the Plan Area. To achieve this, the Specific Plan has identified new parks and open space to support build-out of the Plan Area as shown in Figure 6-2. Based on the projected population in the Plan Area (assuming 2.49 persons per household), a total of 24 acres of parks will be required. Requirements will be met through a combination of public parks and plazas, privately-owned open space (up to the total allowed by the Zoning Ordinance), and park in-lieu fees.

Another goal of the Specific Plan is to improve the recreational value of parks and open space serving the Plan Area in accordance with the City's Park and Recreation Master Plan Recreation Value System, while expanding the network of parks and open space in the community as new development and public improvements occur. The Recreational Value system is a points-based system for evaluating existing and proposed public parks on their capacity to provide the following amenities:

- Active Uses (e.g., sport court, pool, playground, skate park)
- Contemplative Uses (e.g., nature area, community garden, public art)
- Social Uses (e.g., amphitheater, picnic area, concession, plaza)
- Support Facilities (e.g., restroom, parking lot, power, wi-fi)
- Required Amenities (e.g., bike racks, drinking fountains, lighting, seating)

This system will ensure parks meet their maximum potential in providing residents and workers with flexible and usable space; a variety of experiences; and a comprehensive range of experiences.

Figure 6-1 Public Realm Framework



6.3.1 NEW PARKS AND PLAZAS

The Specific Plan identifies new parks and plazas to support existing and future development and serve as district focal points for activity. The following standards address the proposed parks and plazas within the Plan Area shown in Figure 6-2.

1. **N. Main St. Park** - Implement a new neighborhood park north of the Library with an anchor civic gathering space, such as an amphitheater or farmer's market pavilion, a community museum, and flexible program spaces to host activities and community events.
2. **Crossroads Square** - Anchor the historic crossroads at the end of Serra Way and Main Street with a new civic plaza or "Crossroads Square."
3. **Carlo Park** - Create Carlo Park, as a new urban plaza and mobility hub located along Carlo Street, west of Main Street, including:
 - a. Conversion of unused City-owned right-of-way and vacant land.
 - b. Preservation of existing trees to the extent possible with the future plaza design.
 - c. Providing pedestrian amenities, such as seating, planters, and lighting.
4. **Serra Center** - Require the integration of new parks, plazas, and open spaces as part of the redevelopment of the Serra Center, including:
 - a. Creation of a new neighborhood park to provide open space supporting future residents or a linear park to serve as a community activity hub within the Crossroads District.
 - b. Recreational amenities serving the local neighborhood area, which may include:
 - Play spaces
 - Pedestrian seating
 - Pedestrian scale lighting
 - Wayfinding signage

- Landscaping
- Drinking fountains
- Bicycle racks

5. **Tom Evatt Park** - Expand and activate Tom Evatt Park along the Hetch Hetchy right-of-way as a linear open space, including:
 - a. New open space at the areas identified as the Tom Evatt Park West Expansion and Tom Evatt Park East Expansion.
 - b. Community trail connections to neighborhoods east of S. Main Street and south of Curtis Avenue.
 - c. Recreational amenities serving the local neighborhood area, such as:
 - Benches
 - Distinctive paving
 - Bicycle racks
 - Directional/wayfinding signage
 - d. Coordinate all expanded Tom Evatt Park spaces and amenities with the requirements within the Hetch Hetchy right-of-way easement.
6. **South Railyards Park** - Integrate new urban parks, plazas, and open spaces in conjunction with future development of the South Railyards, north of the Parc Metro community that incorporates inspiration from the rail themed historic use of the site, including in the development of South Railyards Park and the Tom Evatt Park East Expansion identified in Figure 6-2.
7. **Activities** - Work with the City's Parks and Recreation Department to plan and program activities and events in parks, plazas, and public spaces throughout the community, including, but not limited to:
 - a. Farmer's market
 - b. Food truck and other food and drink events
 - c. Dance and musical performances and concerts
 - d. Cultural festivals and celebrations
 - e. Carnivals and other family-friendly events

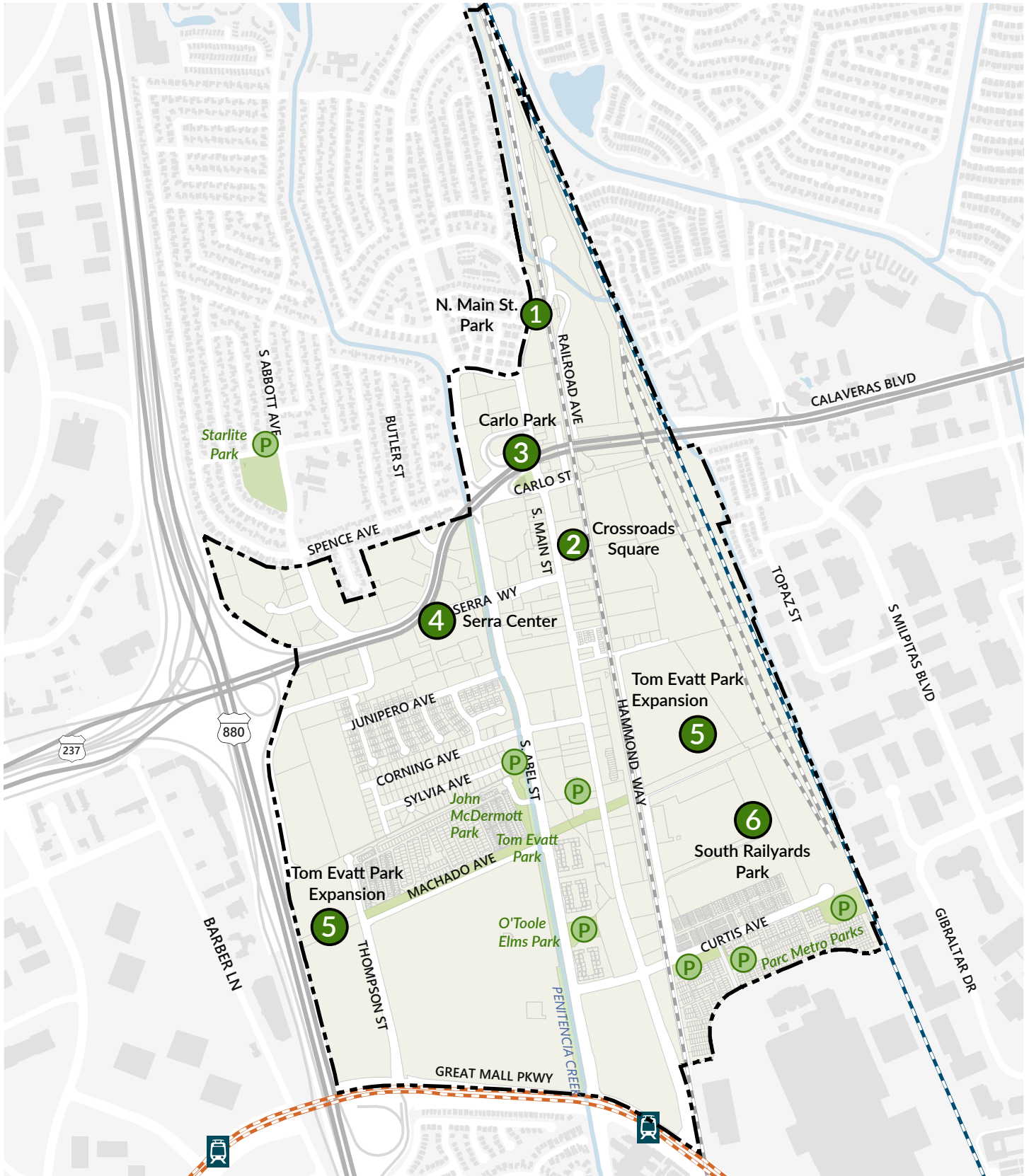


Tom Evatt Park is a linear park providing east-west pedestrian connection between Main Street and Abel Street.



Plan a new neighborhood park north of the Library that includes a community museum and space for civic or community activity, such as farmer's markets.

Figure 6-2 Parks & Open Space Plan



(P) Existing Parks and Open Space **(#)** Proposed Parks and Open Space

Note: Proposed parks and open space locations are shown for illustrative purposes only. Actual locations of a future park or open space is subject to change, however should generally be located within 1/8 of a mile of the location shown.



Anchor the terminus of Serra Way with a new town square, providing a flexible outdoor community space for music and informal uses.



Integrate a new urban or neighborhood park with future redevelopment of the Serra Center as a mixed-use district.

6.3.2 CREEKSIDE OPEN SPACE

Creek and drainage corridors are opportunities to support native landscape open space, riparian habitat, and continuous bike and pedestrian trail connections connecting the community.

1. Maintain and enhance pedestrian and bicycle access along Lower Penitencia Creek.
2. Naturalize the drainageways along Penitencia Creek by integrating native trees and plants that provide shade, stormwater management, habitat areas, and improve the views along the creek corridor.
3. Fill in gaps in the pedestrian trail system along Penitencia Creek as sites redevelop and public creek improvements are completed.
 - a. All trail improvements shall be designed in partnership with Valley Water Authority.
 - b. Creekside trails shall be a minimum of 12 feet wide, and include a minimum 8 foot paved trail and 2 foot decomposed granite shoulders on either side as described in Section 4.1.3(D).
 - c. Use the landscaped area adjacent to the creek trail to support native landscaping and stormwater management.

6.3.3 UNDERPASSES AND OTHER INFRASTRUCTURE SPACES

Reclaim and activate space for public use at underpasses and other public infrastructure, by creating safe and inviting public spaces, and integrating lighting, public art, and activities.

1. Improve the Calaveras Boulevard overcrossing and underpass locations as public space and safe passageways, by:
 - a. Activating the public walkways and spaces below the Calaveras Boulevard underpass with public art and safety lighting along the sidewalks.
 - b. Highlighting distinct elements of the structure, such as columns, walkways, and roof surfaces, with lighting, artwork, or other creative features.
 - c. Providing gateway and wayfinding identification from both ends of the underpass to demarcate district transitions or provide historic interpretation.
2. Study the feasibility of a bike and pedestrian access ramp from the Calaveras Bridge into Carlo Park as part of plans or future implementation of the Calaveras Boulevard widening project (see Section 5.3.4).
3. Reclaim and program unused right-of-way or underutilized land to provide usable public spaces, such as parklets or picnic spaces.
4. Proposed improvements to infrastructure spaces that may be located off-site can be counted toward meeting park and open space credits, subject to coordination with the city at the time of development review.



Activate the space below the Calaveras Boulevard underpass with public art, lighting, and recreational activity.



Study the feasibility for bike and pedestrian access down from the Calaveras Bridge into Carlo Park.



Convert unused city right-of-way into an urban parklet with a bike mobility hub and outdoor seating.

6.3.4 PRIVATELY-OWNED, PUBLIC OPEN SPACES

Encourage the development of privately-owned, publicly accessible open spaces (POPOS), such as plazas, courtyards, pedestrian alleys, and paseos to expand the outdoor experience in the community. POPOS should be designed as public spaces, and an extension of business activities, to help activate the Crossroads and Main Street districts and foster a sense of community.

1. Plazas and other types of POPOS may be credited against the requirement of dedication for park and recreation purposes if the following criteria are met:
 - a. The space is open to the public during business hours to the public as guided by standards in Section 3.4.2 (Open Space Standards).
 - b. Space is programed with seating, shade, lighting, and landscaping.
 - c. Space shall be sized, at a minimum, to support places for seating or the future programmed use or activity.
 - d. Also see the Milpitas Municipal Code Section XI-10-4.05 and XI-09.08.
2. Ground-level publicly accessible open space must be either lined by at least 25% of the building frontage or connected by an accessible path that is visually and physically connected to an internal building courtyard.
3. Locate plazas and ground-level or roof-level POPOS next to at least one street, paseo, or public park edge.
 - a. For raised or rooftop open space, create visual connections to the surroundings and provide signage to identify the use, from the public right-of-way and/or building entry.
 - b. Distinguish between pedestrian paths and activity spaces with textured or colored pavement or changes in materials.
4. Provide mobile seating options during the day to allow users the flexibility to move around to take advantage of sun or shade.
5. Integrate pedestrian-scaled lighting to support safe navigation and use of the space.
6. Program POPOS in commercial districts to integrate power, wi-fi capability, and features that support pop-up retail and outdoor activities, such as music that compliment and enhance the retail experience.
7. Design for stormwater treatment needs and demonstrate natural drainage designs through rain gardens, bioretention gardens, roof gardens, and other low impact development strategies.
8. All POPOS shall have signage with the name of the POPOS at the entrance(s) to the POPOS from the public right-of-way.



Cluster and design buildings to provides plazas and open space as focal points for activity and gathering.



Plan for parklets to support outdoor dining for restaurants and businesses along Main Street and Serra Way.

6.4 Placemaking and District Branding

The placemaking and branding concepts described in this section are intended to create a recognizable identity and sense of place for the Plan Area while enhancing its character and livability.

6.4.1 GATEWAYS, WAYFINDING, AND PUBLIC SIGNAGE

COMMUNITY AND DISTRICT GATEWAYS

City gateways and district gateways, consisting of public art, signage, and landscaping, are proposed at the primary entrances and nodes into the Gateway-Main Street community as shown in Figure 6-1, Public Realm Framework.

1. Provide city gateways along Calaveras Boulevard and Great Mall Parkway, as identified in Figure 6-1, to provide a sense of arrival into the Gateway-Main Street area as identified in the City's General Plan Goal CD-8.
 - a. Use a community branded landscape monument sign, vertical landscape marker, and/or public art, to demark community gateway entries.
 - b. Anchor community gateways with landscaping that is layered with accent trees and low-maintenance shrubs, ground covers, and flowers.
 - c. Anchor gateway intersections with landmark buildings that incorporate distinctive architectural character and activate the area. Orient landmark buildings to face and frame the corners of intersections.
2. Provide district gateways to distinguish the entries into the Crossroads, Main Street, Library, and Abbott, Districts.
 - a. Develop branded district gateway elements as a community signage family to be implemented in coordination with future wayfinding and streetscape improvement projects.
 - b. Distinguish each district with a unique branded logo design that may be integrated into a landscaped entry sign or marker and banners.
3. Reinforce city and district gateways with linear streetscape branding elements, such as street trees, street lights with banners, and street furnishings as described in Section 6.5.1.
 - a. Provide distinct colored paving or textured intersection treatments at gateways and special places, such as plazas.
 - b. Integrate public art, consistent with the guidance in Section 6.4.2.

4. Identity major neighborhood areas, including the Parc Metro, North Abbott, and North Abel Street neighborhoods, with neighborhood gateway signs designed to reflect the character of each neighborhood.



City branded community gateway sign.



Example of a district identification sign.

WAYFINDING AND PUBLIC SIGNAGE

Wayfinding and public signage shall be designed as a comprehensive system to help visitors and the community effectively find and navigate the districts and destinations in the Plan Area. An effective public signage system presents wayfinding information in a clear and logical sequence to help prepare and guide motorists to their intended destinations. Public signs to aid travelers into the Plan Area include:

1. **Directory Signs** with directional arrows, indicating the direction to districts or key community destinations. These signs shall be designed to support motorists traveling at the speed limit.
2. **Pedestrian Directory Signs** that provide area maps and detailed information regarding area points of interests and public connections. These signs are designed for viewing at the pedestrian scale and may be freestanding structures or incorporated into existing streetscape elements.
3. **Parking Lot Identification Signs** that can be viewed from public streets to identify the entries of public parking facilities and include the international "P" symbol.
4. Develop a common branding identity for public signs in the Plan Area.
 - a. Use a unified material and color palette that is designed to match or complement the existing street furnishings along Main Street.
 - b. Utilize the city's community branded logos and graphics at City and district gateways.
 - c. Ensure public signs conform with regulations set forth by the State and other regulating authorities and use international symbols.
5. Wayfinding and public signage should be clear, concise, and easy to read and located at clearly visible decision points for vehicles, bicyclists, or pedestrians as appropriate.
6. Use wayfinding signage to provide direction to areas of interest, including freeway and public parking locations, shopping and employment districts, park and civic uses, community trails, and other points of interest.
7. Celebrate and interpret the history of Main Street within the Plan Area.
 - a. Develop a Historic Marker program and integrate historic markers on or adjacent to structures of historic significance.
 - b. Include a map or directory of historic points of interest at the N. Main Street Park or Carlo Park.
 - c. Place historic markers at locally historic resources within the city's Historic Resources Inventory.

- d. Use public art and displays to highlight Main Street's history and evolution, and interpret and provide public education about the rich history, stories, and cultures of the people who settled in the area.
- e. Engage the Milpitas Historical Society and tribal administrations with potential cultural resources in the area in the development of interpretative displays.



Use public art and displays in community open spaces to highlight the city's diverse history and cultures.



Use historic markers to identify historic resources and sites along Main Street.

6.4.2 PUBLIC ART AND MURALS

Public art provides opportunities to support artists while enhancing the community's unique character and identity. A variety of art mediums, including sculpture, painting and murals, sidewalk art, mosaics, and streetscape and branding improvements provide avenues to enliven the public and private spaces within the Plan Area.

1. Use and promote public art to help define the identity of the Plan Area.
 - a. Integrate public art into community and district gateway entries and the wayfinding and public signage design.
 - b. Provide public art to enrich the commercial streetscape environment with unique building architecture, storefronts, and signage; and in the design of public or private plazas, common open space, landscaping, and street furnishings.
 - c. Use public art to enliven open space connections in the community, including urban or linear parks, paseos, trails, and pedestrian alleys.
 - d. Use public arts as landmarks to frame the terminus of public right-of-ways or view corridors or as repeated elements providing visual continuity along a paseo.
 - e. Consider opportunities to integrate feature lighting into the design of public art so that the art can enliven the public realm in the evening and night.
2. Choose materials that will sustain long-term outdoor exposure and have community longevity.
3. Locate public art so as not to create conflict with vehicular, bicycle, or pedestrian travel modes.
4. Use the City's Mural Program to implement murals within the Plan Area that convey themes related to the area's cultural and commercial history and sense of place, including as a historic and regional crossroads.
5. Integrate functional public art, such as unique bicycle racks or seating installations, to help activate the public realm along Main Street and Serra Way.
6. Integrate permanent and temporary public art into common area spaces of commercial and residential development projects.
7. Work with the existing Public Art Program and Mural Program to support the review, implementation, installation, and maintenance of public art pieces, consistent with the guidelines of the City's Public Art Master Plan. The Program is encouraged to engage local businesses, tribes, and the community in the selection and dedication of public art installations.



Public art sculptures on display in front of the public library, an adaptive reuse of the historic Miller Grammar High School.



Window graphics are encouraged as a form of public art to provide identity to businesses and add interest to commercial shopfronts.



Public art integrated with a watershed friendly landscaping demonstration garden enliven this Main Street landscape.

6.5 Streetscape and Landscaping

6.5.1 STREET LIGHTS AND BANNERS

Street lighting contributes to the pedestrian character, placemaking, and perception of safety by facilitating the safe movement of traffic, and lighting paths and public spaces to support bicycle and pedestrian uses. Street lights, combined with branding and signage features, will reinforce the character and identity of districts within the Plan Area.

LIGHTING SELECTION AND DESIGN

1. A coordinated palette, or “family” of light fixtures for street and pedestrian lighting shall be selected to create a cohesive streetscape theme for each district in the following areas, consistent with the Figure 6-4:
 - a. Along the length of Calaveras Boulevard.
 - b. Along the length of Abel Street.
 - c. Along the length of Main Street and in the Crossroads and Main Street Districts.
 - d. Within the Gateway District.
 - e. Within the Abbott District.
2. The following criteria apply:
 - a. The family of fixtures should be selected as part of the streetscape planning process.
 - b. The family of fixtures shall contribute to the branding of the district, and shall be compatible with the streetscape palette as discussed in Section 6.5.2.
 - c. All lighting within the district shall be a consistent color and design, and have a powder cast finish.
 - d. Any branding, name plates, or plaques, shall be integrated into the design of the fixture.
 - e. Light fixtures shall minimize light spill over with full cut-off luminaries.
3. LED lights, smart light fixtures, timers, and dimmers, shall be used where possible in streetscape and open space projects to dim or turn off lighting when not in use, to conserve energy, and reduce night time light pollution. LED lights produce a white and more even spread of light that enhances visibility and color rendering, appropriate for retail streets, including Serra Way and Main Street where high-quality lighting is desired.



Pedestrian-scaled street lights and banners should be used to activate Main Street.



Special accent lights, such as string lights, can be integrated into small public spaces and paseos within the Entertainment District to provide evening ambiance.

LOCATION AND APPLICATION

1. Provide consistently spaced pedestrian-scale lighting, in combination with taller roadway lights where needed, to illuminate areas of high pedestrian activity (identify roads, connections, open spaces, etc) as well as key street intersections, mid-block crossings, and transit stops.
2. Street lights should be integrated with district branding elements and signage, such as banners and directional signs, to identify the Specific Plan districts, including the Gateway, Crossroads, Main Street, Abbott, and Library Districts. The following criteria apply:
 - a. Street lighting may utilize either single or double head fixture, with optional banners.
 - b. Clamp-on brackets for banners and/or hanging brackets, should be considered in conjunction with the streetscape program.
3. Lighting art should be used in the landscape, streetscape, city and district gateway features, or design of buildings fronting Calaveras Boulevard to help emphasize the entrance into Milpitas and the Crossroads District.
4. Bollards with integrated lighting may be used to separate and illuminate the boundaries and pathways of plazas, alleys, and paseos.
5. Decorative lighting or string lights are encouraged as overhead elements integrated into public and private outdoor dining areas, plazas, paseos, and other public spaces along Serra Way, Main Street, and other commercial districts or nodes.



Lighting art that serves as a sense of arrival into a downtown district.

6.5.2 STREET FURNISHINGS

Street furnishings include benches and seating areas, bicycle racks, bollards, trash receptacles, and parking meters. Well-designed street furnishings that are thoughtfully located are key components of a complete street, adding comfort to the pedestrian and bicycling experience. Street furnishings should be organized to maximize safety, comfort, and functionality for all users, and coordinated in appearance with other streetscape elements in order to achieve a cohesive district identity.

DESIGN SELECTION AND FINISHES

1. A streetscape program should be developed to support the consistent implementation of streetscape improvements for each of the following districts:
 - a. The length of Main Street.
 - b. The Crossroads District.
 - c. The Gateway District.
 - d. The Abbott District.
2. When selecting street furniture for each of the above areas, such as benches, trash receptacles, and bicycle racks, a “family” or “kit of parts” approach should be utilized to promote a consistent design theme, character, and finish.
 - a. A family of furnishings should be selected as part of the streetscape planning process.
 - b. The family of furnishings should contribute to the branding of the district. Any branding, name plates, or plaques, shall be integrate into the design of the furniture element.
 - c. As part of the selection process, sustainability benefits, such as the integration of smart lighting, should be considered wherever possible.
3. Furnishings shall be a consistent color and design, with a powder cast finish.
4. The streetscape palette currently used along North Main Street may be continued into South Main Street, or a compatible palette may be selected based on fixture availability and sustainability features.
5. Bus shelters, transit stops, and mobility hubs shall be designed to protect users from the weather and should integrate pedestrian convenience amenities, such as trash receptacles, lighting, and transit schedule information.

LOCATION AND SPACING

1. Seating and benches shall be clustered with other street furnishings, such as lighting and trash receptacles, where space allows.
 - a. Benches and seating areas shall be spaced no greater than 300 feet apart to provide convenient resting places along the sidewalk.
 - b. Trash receptacles shall be provided at regular intervals along the public sidewalk, to serve nearby businesses, and bus stops. A minimum of 18 inches clear shall be provided around trash receptacles.
2. Street furnishing shall be located so not to impede pedestrian and bicycle traffic flow, including any required American with Disabilities Act requirements.
3. Bicycle racks shall be strategically located within and adjacent to transit stops, commercial areas, public facilities, and parking areas, to encourage bicycle ridership and provide an attractive alternative to locking bicycles to trees and light poles. Additionally, the following standards apply:
 - a. Bicycle racks should be clustered with micro-mobility parking, where available.
 - b. Bicycle racks and micro-mobility parking areas should be places in lighted areas, shall not obstruct pedestrian or vehicular traffic flow, and should be located where riders can safely and easily dismount and walk to building entries.
4. Bollards may be located where restriction to vehicular movement is desired or to prevent traffic from encroaching on high pedestrian activity areas. Bollards should not exceed 4 feet in height.



Decorative black metal street furnishings are used along North Main Street.



Provide bike racks in the planting/furnishing zone, accessible to bicycle riders.



Design bus shelters to coordinate with future streetscape improvements along Main Street.

6.5.3 STREET LANDSCAPING

The selection of landscape materials in the Plan Area shall be well-suited to the local Bay Area climate and selected for their drought-tolerance, durability, flower or foliage texture and color, and ease of maintenance. Additionally, street landscaping along designated Green Streets shall accommodate green stormwater infrastructure, to the extent feasible.

GREEN STREETS

1. The following streets are identified as potential Green Streets:
 - a. South Main Street in the Crossroads and Main Street Districts (within the amenity and flex zones).
 - b. Serra Way (within the amenity zone).
 - c. South Abel Street (within the amenity zone).
 - d. South Abbott Avenue (within the amenity zone and parking area curb extensions).
 - e. Future Mixed-Use Streets (within the amenity and flex zones).
 - f. Future Residential Streets (within the flex zones/ parking area curb extensions).
 - g. Future Business Park/Industrial Streets in the Abbott District.
 - h. Future Alleys (within the amenity zone).
 - i. Future Paseo (within the amenity zone).
2. All Green Streets shall incorporate green stormwater infrastructure, such as bioswales, stormwater tree wells, and/or pervious pavement in the right-of-way.
3. All landscaping included in Green Streets shall follow Bay-Friendly Landscaping guidelines and serve the dual purpose of treating and slowing stormwater run-off and providing shade and greening along the street.

STREET TREES AND TREE SELECTION

1. Street trees from Appendix B of the City's Urban Forest Management Plan, summarized in Table 6-1, are recommended for new plantings within the Plan Area. However, refer to the latest edition of the City's Urban Forest Management Plan.
2. Use of trees not listed in the Urban Forest Management Plan shall be coordinated with the city during the development review process.
3. Existing, healthy, mature trees shall be maintained wherever possible, and incorporated within the design of corridor and site improvements.
4. Trees planted along commercial sidewalks and in urban paseos and plazas are encouraged to use tree wells that can expand the usable sidewalk surface area.

TABLE 6-1: RECOMMENDED STREET TREES

LARGE (COMMON NAME | BOTANICAL NAME)

Autumn Blaze Maple	<i>Acer x freemanii</i>
Queen Palm	<i>Arecastrum romanzoffianum</i>
Western Catalpa	<i>Catalpa speciosa</i>
Deodar Cedar	<i>Cedrus deodara</i>
European Hackberry	<i>Celtis australis</i>
Common Hackberry	<i>Celtis occidentalis</i>
Chinese Hackberry	<i>Celtis sinensis</i>
Red Gum	<i>Eucalyptus camaldulensis</i>
Microtheca Eucalyptus	<i>Eucalyptus microtheca</i>
Peppermint Eucalyptus	<i>Eucalyptus nicholii</i>
Desert Gum	<i>Eucalyptus rudis</i>
Maidenhair Tree	<i>Ginkgo biloba</i>
Silk Oak	<i>Grevillea robusta</i>
Jacaranda	<i>Jacaranda acutifolia</i>
Tulip Tree	<i>Liriodendron tulipifera</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Canary Island Pine	<i>Pinus canariensis</i>
Victorian Box	<i>Pittosporum undulatum</i>
London Plane Tree	<i>Platanus acerifolia</i>
Coast Live Oak	<i>Quercus agrifolia</i>
Scarlet Oak	<i>Quercus coccinea</i>
Forest Green Oak	<i>Quercus frainetto</i> 'Schmidt'
Valley Oak	<i>Quercus lobata</i>
Red Oak	<i>Quercus rubra</i>
Cork Oak	<i>Quercus suber</i>
Southern Live Oak	<i>Quercus virginiana</i>
Chinese Tallow	<i>Sapium sebiferum</i>
Silver Linden	<i>Tilia tomentosa</i> 'Sterling'
Brisbane Box	<i>Tristania conferta</i>
Chinese Elm	<i>Ulmus parvifolia</i>
California Fan Palm	<i>Washingtonia filifera</i>
Mexican Palm	<i>Washingtonia robusta</i>

TABLE 6-1: RECOMMENDED STREET TREES

MEDIUM (COMMON NAME | BOTANICAL NAME)

Blackwood Acacia	<i>Acacia melanoxylon</i>
Red Maple	<i>Acer rubrum</i>
Silk Tree	<i>Albizia julibrissin</i>
Bronze Loquat	<i>Eriobotrya deflexa</i>
Autumn Purple Ash	<i>Fraxinus americana</i>
Australian Willow	<i>Geijera parviflora</i>
Chinese Flame Tree	<i>Koelreuteria bipinnata</i>
Goldenrain Tree	<i>Koelreuteria paniculata</i>
Mayten Tree	<i>Maytenus boaria</i>
Flaxleaf Paperbark	<i>Melaleuca linariifolia</i>
Chinese Pistache	<i>Pistachia chinensis</i>
Fem Pine	<i>Podocarpus gracilior</i>
Cherry Plum	<i>Prunus cerasifera</i>
Ornamental Pear	<i>Pyrus calleryana</i>
Holly Oak	<i>Quercus ilex</i>
African Sumac	<i>Rhus lancea</i>
Brazilian Pepper	<i>Schinus terebinthifolius</i>
Water Gum	<i>Tristania laurina</i>
Frontier Elm	<i>Ulmus 'frontier'</i>
Emerald Sunshine Elm	<i>Ulmus propinqua</i>

SMALL (COMMON NAME | BOTANICAL NAME)

Bailey Acacia	<i>Acacia baileyana</i>
Red Horsechestnut	<i>Aesculus carnea</i>
Strawberry Tree	<i>Arbutus unda</i>
Weeping Bottlebrush	<i>Callistemon viminalis</i>
European Hornbeam	<i>Carpinus betulus</i>
Eastern Redbud	<i>Cercis canadensis</i>
Western Redbud	<i>Cercis occidentalis</i>
Chinese Fringe Tree	<i>Chionanthus retusus</i>
Washington Thorn	<i>Crataegus phaenopyrum</i>
Crape Myrtle	<i>Lagerstroemia indica</i>
Sweet Bay	<i>Laurus nobilis 'Saratoga'</i>
Carolina Laurel Cherry	<i>Prunus caroliniana</i>
City Sprite Zelkova	<i>Zelkova serrata 'City Sprite'</i>
New Zealand Christmas Tree	<i>Metrosideros excelsus</i>

Goldenrain Tree - *Koelreuteria paniculata*Chinese Pistache - *Pistachia chinensis*

PLANTING SELECTION

1. California native and Mediterranean plants that are adapted to the Bay Area climate are recommended as guided by the Bay Friendly Landscape Plant Lists or East Bay Municipal Utility District's Plants and Landscapes for Summer-Dry Climates of the San Francisco Bay Region, as summarized in Table 6-2.
 - a. Native and drought-tolerant, water conserving plant species are strongly recommended.
 - b. Plant lists for new development shall be coordinated with the city during the development review process.

ADDITIONAL GUIDANCE

1. For additional guidance related to tree selection, plant materials, and landscaping, see the Milpitas Residential and Mixed-Use Objective Design Standards.



Fescue bunch grass - *Festuca*



Coast Rosemary - *Rosmarinus officinalis*

TABLE 6-2: RECOMMENDED PLANT PALETTE

PERENNIALS (COMMON NAME | BOTANICAL NAME)

Alstroemeria (Peruvian Lily)	<i>Alstroemeria spp</i>
California Fuchsia	<i>Epilobium canum</i>
Coyote Mint	<i>Monardella villosa</i>
Hummingbird Sage	<i>Salvia spathacea</i>
Lavender	<i>Lavandula spp</i>
New Zealand Flax	<i>Phormium tenax</i>
Pineapple Sage	<i>Salvia elegans</i>
Penstemon	<i>Penstemon</i>
Globe mallow	<i>Sphaeralcea</i>
Thyme	<i>Thymus</i>
Fescue bunch grass	<i>Festuca</i>

SHRUBS (COMMON NAME | BOTANICAL NAME)

California sagebrush	<i>Artemisia californica</i>
Rockrose	<i>Cistus</i>
Flannel bush	<i>Fremontodendron</i>
Tree mallow	<i>Lavatera</i>
Rosemary	<i>Rosmarinus officinalis</i>
Coast rosemary	<i>Westringia fruticosa</i>
Manzanita	<i>Arctostaphylos</i>
Butterfly bush	<i>Buddleja davidii</i>

GROUNDCOVERS (COMMON NAME | BOTANICAL NAME)

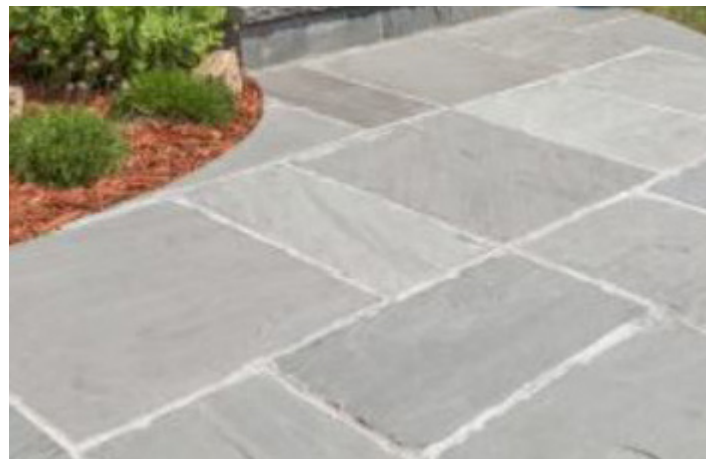
Myoporum	<i>Myoporum parvifolium</i>
Thyme	<i>Thymus</i>
Trailing mallow	<i>Malvastrum</i>

6.5.4 HARDSCAPE MATERIAL PALETTE

1. High-quality hardscape and paving materials shall be used within the Plan Area's public and semi-public spaces, to demarcate activity spaces and places of interest, including:
 - a. Plazas and courtyards.
 - b. Paseos and mid-block pedestrian crossings.
 - c. Corner locations along Main Street, Serra Way, and at Serra Center (Priority Retail Corners).
 - d. Sidewalks along branded gateways and streets as identified in Figure 6-4.
2. The City's existing or standard sidewalk design shall be used. Paving accents may be used if consistent with the established style of adjacent improvements, unless new improvements are planned.
3. Refer to Table 6-3 for a list of acceptable hardscape materials. Additionally, the following standards apply:
 - a. A limited hardscape palette should be used in public and semi-public spaces to help minimize visual clutter and promote a cohesive identity, drawing from local or planned streetscape improvements where applicable.
 - b. Where new materials are being installed adjacent to existing street improvements, new materials shall be selected to be similar in style and character to existing hardscape materials to provide consistency in the district.

TABLE 6-3: RECOMMENDED HARDSCAPE MATERIALS

Brick
Natural Stone
Integrated Color Concrete
Stabilized Crushed Stone
Wood (accent only)
Turf Block
Slate
Brick or Concrete Unit Pavers
Composite Materials, such as Hardiplank
Stabilized Gravel
Permeable Pavers or Pavement
Pervious Concrete
Stainless Steel, Powder Coated Metal, Corten Steel (accent only)
Decomposed Granite



Example of a natural stone path



Brick used as accent hardscape material

This page intentionally left blank





07

INFRASTRUCTURE & PUBLIC SERVICES

Overview

The implementation of the Midtown Specific Plan saw collaborative efforts between the City and private developers to create new infrastructure elements, encompassing streets, streetscapes, and utilities. Despite the completion of certain aspects outlined in that plan since its adoption in 2002 and update in 2010, the Gateway-Main Street Specific Plan is recognized as an area with underutilized parcels that are prime for development and redevelopment.

This chapter outlines the infrastructure to support public services within the Plan Area. It sets forth policies and improvement projects for enhancing and expanding public facilities, including vital utility systems like stormwater drainage, sewer, and water.

Other chapters of the Specific Plan delve into specific aspects of infrastructure development. Chapter 5 addresses streets and mobility infrastructure improvements, while Chapters 6 focuses on the policies and development standards related to parks, open space, and public realm improvements.

The infrastructure and public services addressed in this chapter include:

- 7.1 Storm Drainage
- 7.2 Flooding
- 7.3 Water Supply and Distribution System
- 7.4 Sewer
- 7.5 Solid Waste
- 7.6 Energy and Technology
- 7.7 Fire Protection and Emergency Response
- 7.8 Police Services
- 7.9 Schools
- 7.10 Libraries
- 7.11 Child Care

7.1 Storm Drainage

7.1.1 CONTEXT

STORM DRAIN MASTER PLAN ANALYSIS

The City of Milpitas Storm Drain Master Plan, prepared in 2021, reports background information and analysis relevant to the Plan Area. Within the document, on page ES-4, the following statement is included:

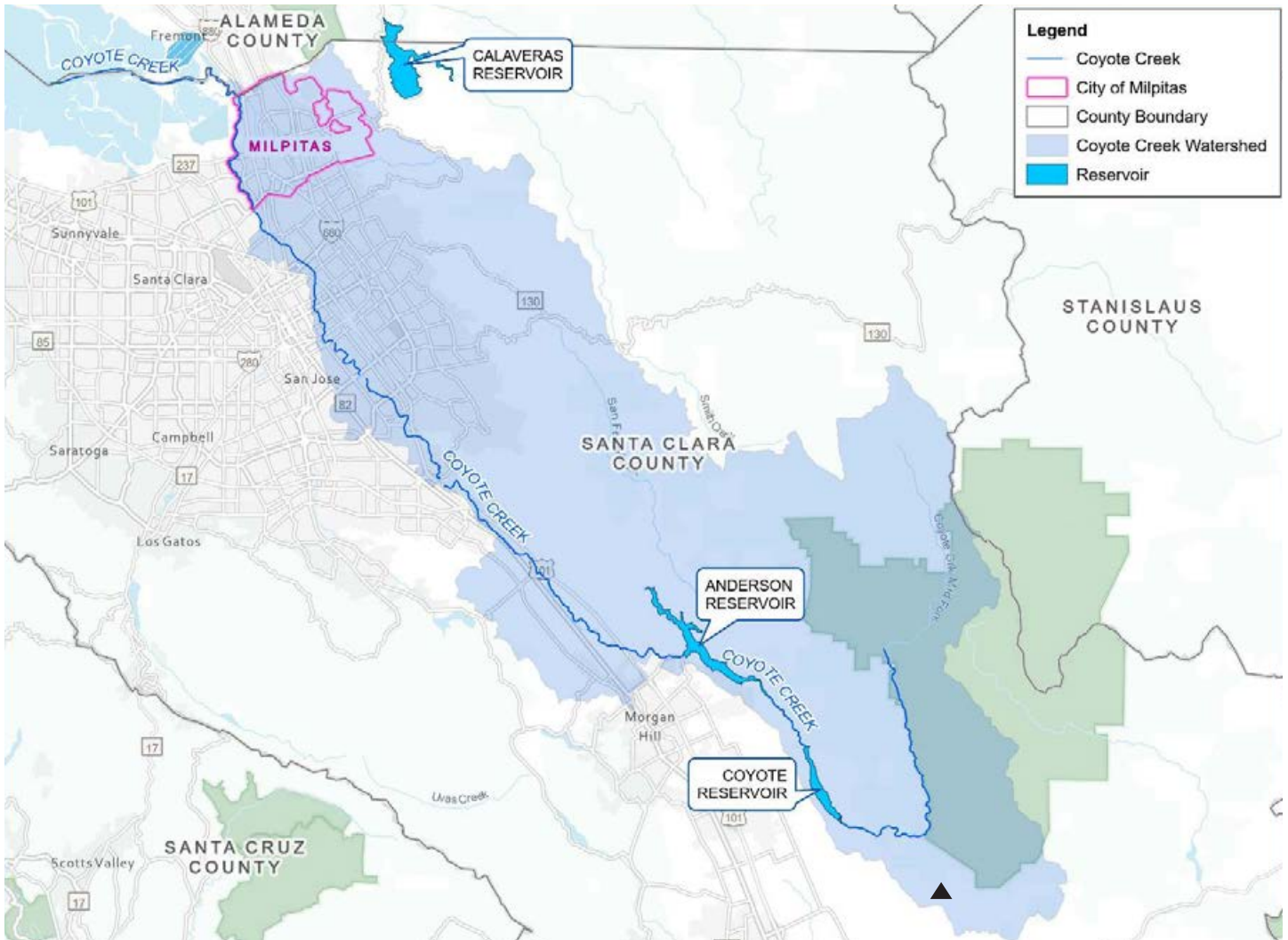
This updated master plan and corresponding CIP differs from previous master plans due to the ICM (Integrated Catchment Modeling) model, which integrates updated rainfall and a different hydrologic methodology as described herein. Additionally, the model accounts for surface storage within streets and other open spaces and the precise timing of coincident creek discharges, which was not directly accounted for in previous master plans. These updates generally result in less flooding at the desired level of service and fewer CIP projects to meet the City's storm drainage criteria. Figure ES-2 depicts the CIP from the 2013 Master Plan for reference.

Stormwater runoff in Milpitas is channeled through a network of gutters, underground pipes, and open channels. These channels direct the run-off to Coyote Creek, which ultimately empties into San Francisco Bay. The drainage pattern in Milpitas typically flow from the southeast to the northwest. In lower-lying areas near the bay, many storm drains rely on pumping to handle significant flows. Furthermore, the Santa Clara Valley Water District oversees storm drainage operations within the City of Milpitas.

The Santa Clara Valley Water District (Valley Water) is Milpitas' primary partner in managing local stormwater issues. Valley Water's stated mission is to "provide Silicon Valley safe, clean water for a healthy life, environment, and economy." More specifically, Valley Water manages most of Milpitas' major drainage-ways, including Arroyo de los Coches, Berryessa Creek, Calera Creek, Coyote Creek, Lower Penitencia Creek, East Penitencia Creek, Piedmont Creek, and Tularcitos Creek. Coordination with Valley Water is integral to the Storm Drain Master Plan's success since all the storm drainage systems within the city eventually discharge into a Valley Water-managed facility. Valley Water is keenly interested in any storm drain project that might impact one of their receiving creeks. In turn, Milpitas has a vested interest in how Valley Water manages its legislated flood protection responsibility. (City of Milpitas Storm Drain Master Plan 2021, Page ES-1)

The City of Milpitas and Gateway-Main Street Specific Plan Area are situated within the lower portion of the Coyote Creek watershed, as depicted in Figure 7-1.

Figure 7-1 City of Milpitas within the Coyote Creek Watershed



Source: City of Milpitas Storm Drain Master Plan 2021

The 2021 Storm Drain Master Plan outlines proposed land uses for portions of the Plan Area, but not others. Areas with no defined land uses were assigned sub-basin-specific hydrology parameters based on the Esri World Imagery Map. The Master Plan highlights three low-priority improvements within the Specific Plan boundaries at:

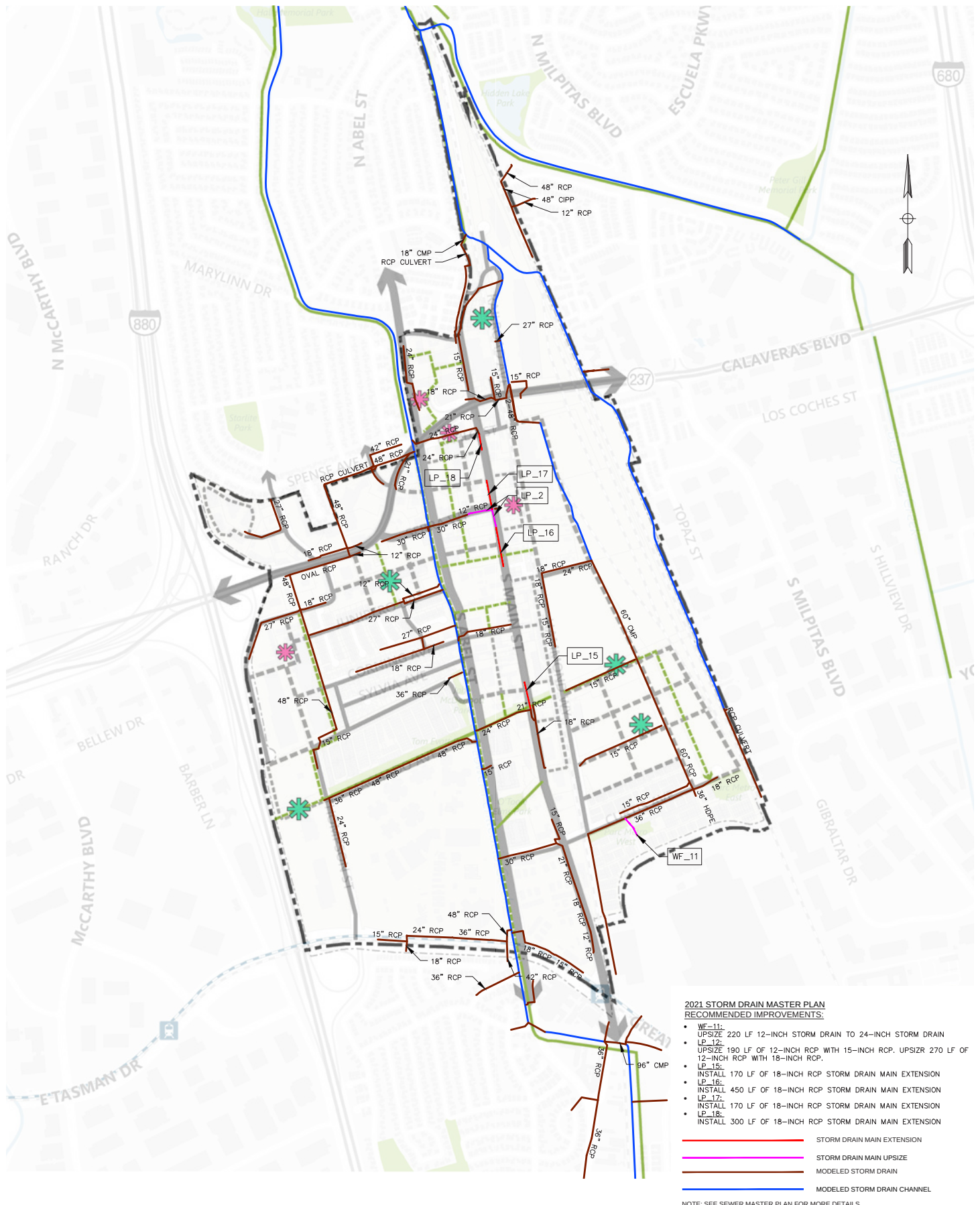
- Main Street and Sierra Way,
- On Comet Drive, and
- A short segment of Railroad Avenue.

Additionally, the report identifies four CIP storm drain main extensions along Main Street. These projects currently lack priority and will need to be constructed concurrently with developments along Main Street. See Figure 7-2 on the following page. The following excerpts from pages 1-3 of the Master Plan encapsulate the developmental impact on the Plan Area.

Generally, impervious surface does not increase with infill development, so the impacts of the specific plan areas would be based on realigned roads or identifying currently underserved areas where parcels drain by gravity to the street frontage.

Recent land-use changes and growth are concentrated within the Gateway-Main Street and Metro Plan areas. Therefore, storm drain systems serving these tributary areas are the most potentially impacted by new development.

Figure 7-2 Stormwater Infrastructure Improvements



Source: City of Milpitas Storm Drain Master Plan, adapted by BKF in 2024.

GREEN STORMWATER INFRASTRUCTURE

Effective July 1, 2023, the San Francisco Bay Regional Water Quality Control Board implemented an updated iteration of the Municipal Stormwater Permit, known as MRP 3.0. This revision incorporates modifications and supplementary requirements compared to the preceding C.3 regulations. The following is a summary of the significant updates:

- Impervious surface threshold for most projects has dropped from 10,000 to 5,000 square feet, including for new roads and the addition of a travel lane to an existing road.
- New categories of regulated projects include:
 - Road and sidewalk repair projects $\geq 5,000$ contiguous square feet.
 - Road reconstruction and pavement widening ≥ 1 contiguous acre.
 - Detached single family home that creates or replaces $\geq 10,000$ square feet.

The changes to the MRP mandate that off-site road and sidewalk repairs be treated so each project will need to assess the application of these additional requirements individually. There are various methods to meet the treatment requirements of MRP 3.0, whether regionally or locally, and each project within the Plan Area must evaluate effective strategies to enhance water quality and manage stormwater runoff from new developments.

To comply with the latest stormwater regulations, implementing green streets infrastructure may be necessary. Within the Plan Area, which includes public roads like Main Street, Thompson Street, and Abel Street, all must meet new treatment requirements as projects are developed along their frontage. The City of Milpitas Green Stormwater Infrastructure (GSI) initiative has proposed methods to address treatment in the public right-of-way. Chapter 5 (Mobility) of the Specific Plan outlines potential locations for these treatments within the public right-of-way.

The Amenity Zone, situated between the curb and sidewalk as depicted in Chapter 5, and the Flexible Street Zone (Flex Zone), which accommodates parking, loading, parklets, and curb extensions along Main Street, Abel Street, Serra Way, Abbott Avenue, future mixed-use streets, and future residential streets, and future alleyways are earmarked for treatment installations. Along Main Street, four intersections—Carlo Street, Serra Way, Corning Avenue, and Curtis Avenue—have been identified as ideal locations for public right-of-way treatment. Additionally, Tom Evatt Park along Main Street is also suited for treatment. These locations benefit from underground storm drains that will connect to green street treatment basins located within the amenity zones and particularly, the curb extensions (bulb-outs) introduced in these areas.

The City of Milpitas Green Stormwater Infrastructure (GSI) Plan states the following:

Integrating GSI into public spaces typically involves construction of stormwater capture and treatment measures in public streets, parks, and parking lots or as part of public buildings. Types of GSI measures that can be constructed in public spaces include: (1) bioretention, (2) stormwater tree well filters, (3) pervious pavement, (4) infiltration facilities, (5) green roofs, and 6) rainwater harvesting and use facilities.

The most typical treatment infrastructure constructed along roadways are bioretention and stormwater tree well filters. The GSI Plan further describes these infrastructure types:

Bioretention areas are depressed landscaped areas that consist of a ponding area, mulch layer, plants, and a special biotreatment soil media composed of sand and compost, underlain by drain rock and an underdrain, if required. Bioretention is designed to retain stormwater runoff, filter stormwater runoff through biotreatment soil media and plant roots, and either infiltrate stormwater runoff to underlying soils as allowed by site conditions, or release treated stormwater runoff to the storm drain system, or both. They can be of any shape and are adaptable for use on a building or parking lot site or in the street right-of-way. Parking lots can accommodate bioretention areas in medians, corners, and pockets of space unavailable for parking. Bioretention systems in the streetscape have specific names: stormwater planters, stormwater curb extensions (or bulb-out), and stormwater tree well filters.

A stormwater curb extension is a bioretention system that extends into the roadway and involves modification of the curb line and gutter (Figure 7-3). Stormwater curb extensions may be installed midblock or at an intersection. Curb bulb-outs and curb extensions installed for pedestrian safety, traffic calming, and other transportation benefits can also provide opportunities for siting bioretention facilities.

Figure 7-3 Stormwater Curb Extension, Los Altos



Source: City of Los Altos

A stormwater planter is a linear bioretention facility in the public right-of-way along the edge of the street, often in the planter strip between the street and sidewalk. They are typically designed with vertical (concrete) sides. However, they can also have sloped sides depending on the amount of space that is available.

A stormwater tree well filter is a type of bioretention system consisting of an excavated pit or vault that is filled with biotreatment soil media, planted with a tree and other vegetation, and underlain with drain rock and an underdrain, if needed. Stormwater tree well filters can be constructed in series and linked via a subsurface trench or underdrain. A stormwater tree well filter can require less dedicated space than other types of bioretention areas. 12 Suspended pavement systems may be used to provide increased underground treatment area and soil volume for tree well filters. These are structural systems designed to provide support for pavement while preserving large volumes of uncompacted soil for tree roots. Suspended pavement systems may be any engineered system of structural supports or commercially available proprietary structural systems. Stormwater tree well filters and suspended pavements systems are especially useful in settings between existing sidewalk elements where available space is at a premium. They can also be used in curb extensions or bulb-outs, medians, or parking lots if surrounding grades allow for drainage to those areas. The systems can be designed to receive runoff through curb cuts or catch basins or allow runoff to enter through pervious pavers on top of the structural support.

7.1.2 RECOMMENDED STORMWATER INFRASTRUCTURE IMPROVEMENTS

STANDARDS

Support stormwater infrastructure that is appropriate for planned development in the Plan Area through the following standards.

1. Fulfill the most current requirements set forth by the San Francisco Bay Regional Water Quality Control Board Municipal Stormwater Permit, known as MRP 3.0.
2. Ensure that the proposed project site does not result in an increase of stormwater runoff compared to the existing runoff, evaluated under equivalent storm conditions.
3. Ensure that run-off in storm drains does not lower water quality within or outside of the Plan Area by implementing Best Management Practices in new development.
4. Improve the public curb and gutter along project frontages to eliminate ponding to the satisfaction of the City.
5. Development shall be required to evaluate project impacts on the city's stormwater infrastructure and implement mitigation measures in compliance with city standards.
6. Upgrade and expand the the storm drain system in accordance with the 2021 Storm Drain Master Plan and as required to adequately serve new development, new and realigned roads, and development areas within the Specific Plan Area.
 - a. As part of the Sense of Place Plan, conduct a study to determine the stormwater infrastructure system improvements needed to address flooding along Main Street, including addressing gaps in the stormwater infrastructure system.
 - b. Work with the Public Works Department and the City Engineer to ensure that system improvements meet City standards.
 - c. Require new development to participate in fair share contributions to improvements that were identified as deficient in the 2021 Storm Drain Master Plan. Fair share contributions shall be re-evaluated by the City with any significant updates to the Storm Drain Master Plan.

RECOMMENDED IMPROVEMENTS

The standards above shall be followed along with the storm drain improvement recommendations in Table 7-1 from the Capital Improvement Program identified in the Milpitas Storm Drain Master Plan. These recommended improvements represent a set of projects to resolve the storm drain issues outlined in the Storm Drain Master Plan. Although the Storm Drain Master Plan did not have access to the timing of future development, it is recommended that these improvements be implemented prior to build-out regardless of which specific development(s) trigger them. A focused storm drain study assessing the capacity needs along Main Street must be completed after the adoption of the Gateway-Main Street Specific Plan. This analysis will guide the design and improvement of the stormwater infrastructure system addressing flooding and the lack of infrastructure along Main Street as part of the planned streetscape improvements in the Main Street Sense of Place Plan. Additionally, efforts should be made to secure funding for the implementation of the stormwater drainage improvements identified in the study.

TABLE 7-1: STORM DRAIN INFRASTRUCTURE RECOMMENDATIONS

MASTER PLAN ID	LOCATION	PRIORITY	REPLACEMENT OPTION
WF_11	Comet Drive	Low	Replace approximately 220 LF of existing 12-inch RCP with 24-inch RCP on Comet Dr between Metro Walk Dr and Curtis Ave.
WF_13	Railroad Avenue	Low	Install approximately 350 LF of 36-inch RCP from Railroad Ave to Marylinn Dr. Install approximately 1020 LF of 42-inch x 28-inch rectangular RCP along Marylinn Dr to N Abel St. Replace the approximately 150 LF of existing 24-inch RCP with 42-inch x 28-inch rectangular RCP.
LP_12	Main Street - Sierra Way	Low	Replace approximately 190 LF of existing 12-inch RCP on S Main St with 15-inch RCP. Replace approximately 270 LF of existing 12-inch RCP from S Main St to Serra Way with 18-inch RCP.
LP_15	Main Street - Tom Evatt Park	Underserved Area	Install approximately 170 LF of 18-inch RCP on S Main St to the existing 24-inch RCP on Carlo St.
LP_16	Main Street	Underserved Area	Install approximately 450 LF of 18-inch RCP on S Main St to the improvement project of the existing system on Serra Way.
LP_17	Main Street - Sinnott Lane	Underserved Area	Install approximately 70 LF of 18-inch RCP on S Main St from near Sinnott Ln to the improvement project of the existing system.
LP_18	Carlo Street	Underserved Area	Install approximately 300 LF of 18-inch RCP on S Main Street to the existing system.

Notes:

* A prioritized Capital Improvement Program (CIP) is established based on the analytical evaluation of Milpitas' existing storm drainage system using the integrated ICM hydrologic and hydraulic model. Refer to the 2021 Storm Drain Master Plan for additional context.

Source: City of Milpitas Storm Drain Master Plan, 2021



Examples of stormwater tree well filters located in the amenity zone of a sidewalk.

7.2 Flood Protection

7.2.1 CONTEXT

The 2021 Milpitas Storm Drain Master Plan has identified multiple inundation areas within the Plan Area. Inundation areas will be reduced or eliminated for the 10-year storm event upon the completion of improvements outlined in the 2021 Storm Drain Master Plan. Within the Plan Area, the removal of paved surfaces for new parks, open spaces, and landscaped areas will decrease impervious surfaces, consequently reducing stormwater runoff. Nonetheless, the region remains susceptible to flooding during 100-year storm events due to its position in the flatter portion of the city and the influx of flows from upstream areas, which cannot be mitigated within the Plan Area without significant channel enhancements.

Major portions of the Plan Area lies within a federally designated floodplain, necessitating compliance with federal and local regulations. Consequently, the Specific Plan must adhere to the provisions outlined in the Milpitas Municipal Code Section XI-15 (Floodplain Management Regulations).

For all new residential construction, the lowest floor must be constructed at least one foot above the Base Flood Elevation. In Zone AO areas, finish floors should be at least one foot above the depth number specified on the Flood Insurance Rate Map (FIRM), or three feet above the highest adjacent grade if no depth number is provided. Non-residential construction can have the lowest floor elevation at the Base Flood Elevation. The FEMA-Designated Special Flood Hazard Areas are illustrated in Figure 7-5.

The Milpitas Municipal Code outlines the following requirements for flood protection and flood proofing:

- All residential facilities shall be built 1 foot above the base flood elevations or 3 feet above the highest adjacent grade if no depth is provided.
- All non-residential buildings must be elevated at least 1 foot above the base flood elevation or be flood-proofed to ensure they remain water tight and structurally sound against flood forces, with certification from a registered professional engineer or architect.

- All enclosed areas below the lowest floor that are used for parking, access, or storage and subject to flooding must include openings for floodwater entry and exit, totaling one square inch for each square foot of enclosed area, and must be certified by a professional engineer or architect.
- All manufactured homes must be elevated according to the standards outlined in Section XI-15-5.4 to minimize flood risk and ensure compliance with local floodplain regulations.

Flood zones AE, AH, and AO can all be found in the Plan Area and FEMA has defined these zones as follows:

- Zone AE: Base flood elevations determine.
- Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determine.
- Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determine. For areas of alluvial fan flooding, velocities also determine.

7.2.2 RECOMMENDED FLOOD PROTECTION IMPROVEMENTS

STANDARDS

Ensure development is protected from flooding hazards through the following standards.

1. Minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program.
2. New development within a FEMA-designated flood hazard zone must follow the City's construction standards for such areas as currently laid out in the Milpitas Municipal Code Section XI-15 (Floodplain Management Regulations).

RECOMMENDED IMPROVEMENTS

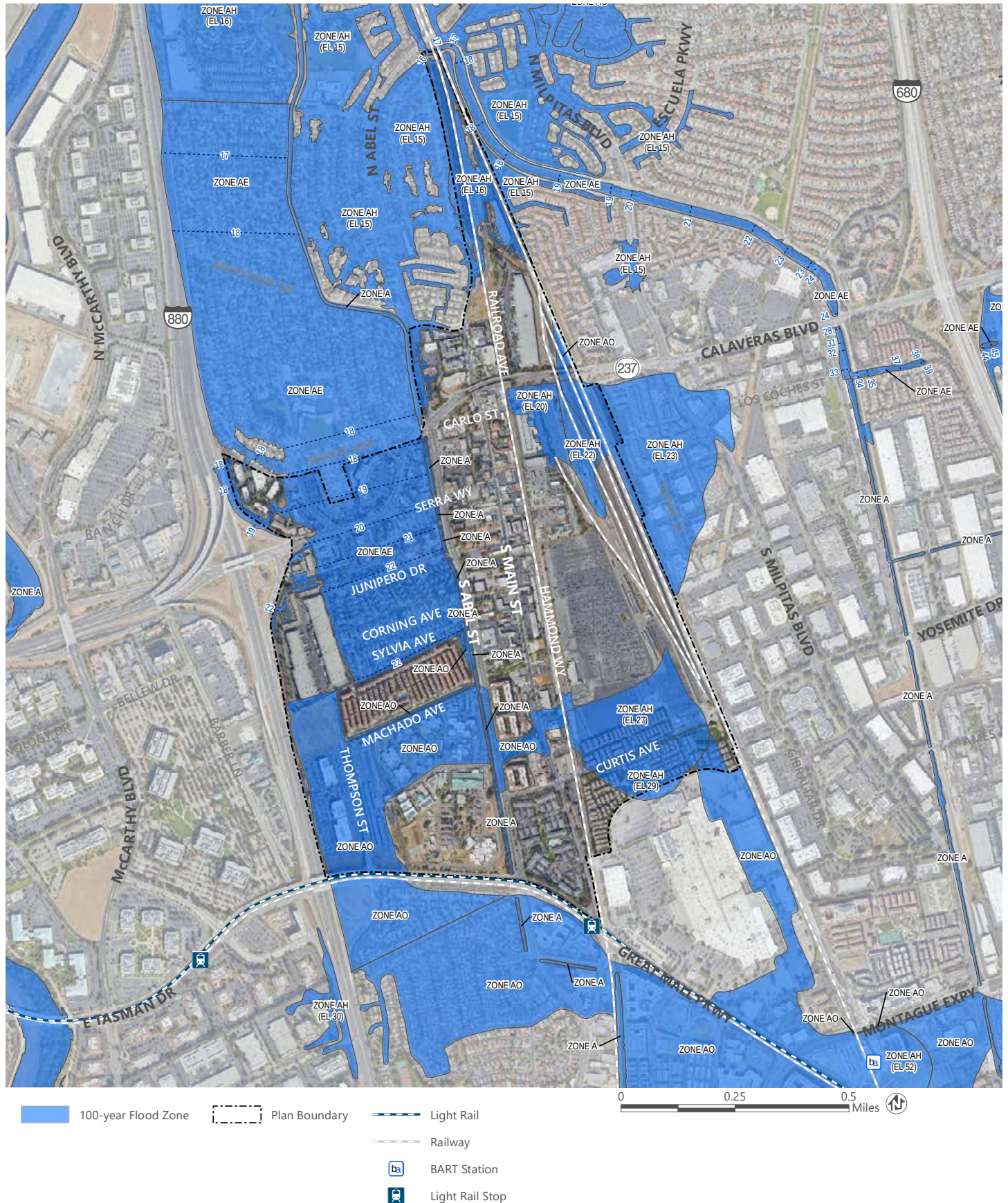
Recommendations identified in Section 7.1.2 shall be implemented in the Plan Area, along with the recommendations from the Capital Improvement Program for the Milpitas Storm Drain Master Plan, listed below in Table 7-2.

TABLE 7-2: FLOODING PROTECTION IMPROVEMENTS

PROJECT	PRIORITY	CIP DETAILS	ESTIMATED COST
Spence Creek Pump Station	Low	Provide permanent standby power	\$750,000
Wrigley-Ford Creek Maintenance	Low	Open Channel Maintenance	\$800,000
Main Street Flood Study	-	Study	\$500,000

Source: City of Milpitas Storm Drain Master Plan, 2021.

Figure 7-4 FEMA Designated Flood Areas



Source: Federal Emergency Management Agency

7.3 Water Supply System

7.3.1 WATER MASTER PLAN ANALYSIS

The City of Milpitas Water Master Plan, drafted in 2021, describes background information and analysis relevant to the Plan Area. The Milpitas water system operates within two distinct service areas, each managed separately under typical circumstances. One area is served by the San Francisco Public Utilities Commission (SFPUC), while the other, encompassing the Plan Area, is served by Valley Water (VW), formerly known as the Santa Clara Valley Water District.

Within the VW service area, there are two pressure zones, both of which the Plan Area spans. A turnout from a VW transmission main supplies the higher-pressure zone (referred to as Zone VW2), which then feeds the lower-pressure zone (Zone VW1) through pressure-reducing valves (PRVs).

The WMP conducted various analyses, including an assessment of the City's distribution system's capacity to meet hydraulic performance criteria under different demand and outage scenarios. Both the existing (2019) and projected build-out (2040) systems were scrutinized, with the latter incorporating anticipated water demands from planned growth and development, including those outlined in the Specific Plan. Hydraulic evaluations of the City's build-out water distribution system encompassed peak-hour demand, maximum day demand with fire flow, as well as potential water supply and power outages.

7.3.2 RECOMMENDED WATER INFRASTRUCTURE IMPROVEMENTS

The Plan Area generally met most hydraulic performance criteria for build-out pressures during peak hour demand and fire flow conditions. At build-out, pressures and flows in the Plan Area were found to be sufficient to meet peak hour demands and maximum day demand along with fire flow requirements. However, the Water Master Plan (WMP) did identify inadequate existing fire flows within the Plan Area. Specifically, the report highlights a geographic area, "group area number 5" as having insufficient fire flows in the following Plan Area locations:

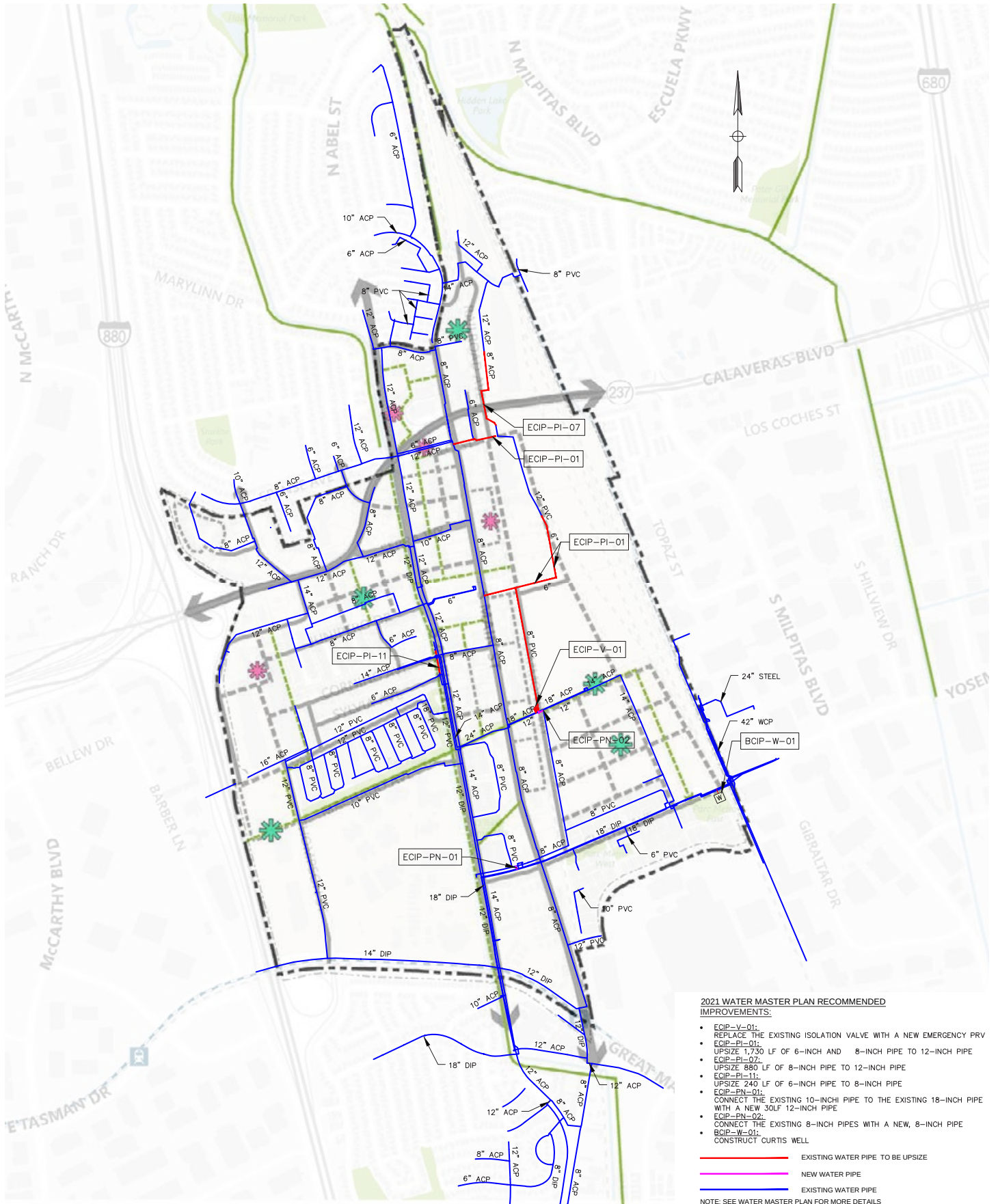
- The West of Abel neighborhood, along Thompson Street and Abel Street.
- The Crossroads Focus Area along Calaveras Boulevard and Carlo Street.
- Main Street Focus Area along Hammond Way.
- North Railyards Urban Reserve Area on Sinnott Lane, Bothelo Avenue, and Carlo Street.

To improve flow within the Plan Area, the Water Master Plan suggests upsizing the following water mains:

- Along Sinnott Lane, Bothelo Avenue, and East Carlo Street, replace approximately 1,730 linear feet of 6-inch and 8-inch diameter pipeline with 12-inch diameter pipeline (ECIP-PI-01).
- On Hammond Way near Tom Evatt Park, replace the (normally closed) isolation valve separating Zones VW1 and SF1 with an emergency pressure reducing valve (EPRV) to allow flows from Zone SF1 during a fire event along Hammond Way (ECIP-V-01). Alternatively, the City can replace approximately 1,300 linear feet of 8-inch diameter pipeline with 12-inch diameter pipeline (ECIP-PI-02).
- Along Railroad Avenue between approximately hydrant 1A-355 and the southern end of Railroad Avenue, replace approximately 880 linear feet of 8-inch diameter pipeline with 12-inch diameter pipeline (ECIP-PI-07).
- For the below criterion locations near the western end of Corning Avenue, install a new isolation valve at the end of the existing Zone SF1 pipeline, immediately upstream of the tee connecting Zones VW1 and SF1. Should a fire occur at the adjacent industrial site, the City can open existing (normally closed) isolation valves (numbers 35 and 35100) to supplement flows to the area. The hydraulic model shows these locations meet recommended fire flows with this adjustment. The new isolation valve can be closed to maintain separation between Zones VW1 and SF1 (ECIP-V-02). Alternatively, the City can replace approximately 870 LF of 8-inch diameter pipeline with 12-inch diameter pipeline (ECIP-PI-03).
- Along South Abel Street, between Sylvia Avenue and Corning Avenue, replace approximately 240 linear feet of 6-inch diameter pipeline with 8-inch diameter pipeline (ECIP-PI-11).

The report also suggests upgrading pipelines smaller than 6 inches in diameter that serve hydrants. It's worth noting in the Plan Area that under the main corridors, water pipelines appear to all be larger than 6 inches, particularly along Thompson Street, Abel Street, Hammond Way, Main Street, Serra Way, and Calaveras Boulevard. Although the pipelines within the major development areas exceed 6 inches and the Water Master Plan has identified a set of projects to address demand, refer to Recommended Improvements section for details and Figure 7-6. While the land uses analyzed in the Milpitas Gateway-Main Street Specific Plan differ from those in the 2040 General Plan, the City has run sample scenarios for projected development and have found no significant deficiencies; thus, no additional modeling was conducted for the Specific Plan. Parcel-by-parcel water models shall be developed at the project level. Additional analysis by updating the city's water model is necessary to evaluate the potential impact of the Specific Plan's build-out on the

Figure 7-5 Water Infrastructure Improvements



Source: City of Milpitas Water Master Plan 2021

City's water infrastructure system-this analysis will be conducted as part of the Main Street Sense of Place Plan. In addition to hydraulic evaluation, the Water Master Plan assessed the supply, storage, and pumping capacities for the City's build-out water system. The pumping capacity is sufficient to handle the increased water demands in the VW service area from the Specific Plan and other developments. However, improvements to water supply and storage are recommended to meet the performance criteria.

Although the Water Master Plan did not have access to the timing of future development, it is recommended that these improvements be implemented prior to build-out, regardless of which specific development(s) trigger them. Based on the analysis of the build-out system in the Water Master Plan, recommended water supply and storage improvements for the VW service area include:

- A new turnout from VW with a capacity of 10,000 gallons per minute (gpm).
- Two new groundwater wells (Curtis Well and McCandless Well), each with a capacity of at least 400 gpm. The McCandless Well will be located in McCandless Park.
- A new, two-million-gallon potable water storage tank.
- A new pump station (drawing from the new storage tank) with a firm capacity of 4,000 gpm.

These suggested improvements represent one possible set of projects that the City could undertake to resolve the water supply and storage issues outlined in the Water Master Plan.



Recycled water is used for irrigation in Tom Evatt Park.

STANDARDS

Provide a reliable, sustainable water supply that supports future growth projections through the following standards.

1. Provide water supply for the Plan Area from the City's portfolio of water supplies, including potable water from Valley Water District and San Francisco Public Utilities Commission and groundwater and recycled water from South Bay Water Recycling, per the Water Master Plan. Require development to obtain a building permit is issued by the City prior to being entitled to municipal water.
2. Development shall be required to evaluate project impacts on the city's water infrastructure and implement mitigation measures in compliance with city standards.
3. Upgrade, expand, and loop the water distribution system in accordance with the Water Master Plan and as required to ensure it can adequately serve new development, new and realigned roads, and development areas within the Specific Plan Area.
 - a. Work with the Public Works Department and the City Engineer to ensure that system improvements meet City standards.
 - b. Require new development to participate in fair share contributions to improvements that were identified as deficient in the 2021 Water Master Plan. Fair share contributions shall be re-evaluated by the City with any significant updates to the Water Master Plan.
4. Reduce overall water consumption and particularly, potable water consumption through conservation measures, including but not limited to the following:
 - a. use of recycled water;
 - b. water-saving features; and
 - c. drought-tolerant landscaping.
5. Require installation of water-saving devices, as required by the California Building Code, in all residential, commercial, industrial, and institutional facilities within the Plan Area. Such devices are capable of reducing the amount of water used indoors, resulting in substantial wastewater flow reductions.
6. Require, where feasible, that commercial uses, schools, and non-residential mixed-use developments include dual plumbing to enable indoor recycled water use for non-potable uses, to the extent feasible.
7. If available on-site, require that recycled water be used for irrigation, including parks, plazas, community facilities, linear parks, landscaped front yards, buffer zones, vegetated setbacks, and private common areas.
8. If available at the site, recycled water mains shall be installed up to and across the frontage of parcels that do not have access to recycled water.

RECOMMENDED IMPROVEMENTS

The standards in the previous section shall be followed along with the recommendations for water infrastructure identified in Table 7-3 from the Capital Improvement Program of the 2021 Water Master Plan. These recommended improvements represent a set of projects to resolve the water service issues outlined in the Water Master Plan. Although the Water Master Plan did not have access to the timing of future development, it is recommended that these improvements be implemented prior to buildout, regardless of which specific development(s) trigger them. Additional analysis by updating the city's water model is required to evaluate the potential impact of the Specific Plan's build-out on the City's sewer infrastructure system-this analysis will be conducted as part of the Main Street Sense of Place Plan.

TABLE 7-3: WATER SUPPLY AND DISTRIBUTION INFRASTRUCTURE RECOMMENDATIONS

MASTER PLAN ID	IMPROVEMENT TYPE	REASON FOR IMPROVEMENT	PRIORITY	IMPROVEMENT DESCRIPTION	CONSTRUCTION COST WITH MARKUPS
ECIP-V-01	Interconnection	Fire Flow	High	On Hammond Way near Tom Evatt Park, replace the existing (normally closed) isolation valve separating Zones VW1 and SF1 with a new emergency PRV (Hammond EPRV).	\$479,000
ECIP-V-02	Interconnection	Fire Flow	High	Near the western end of Corning Avenue, install a new isolation valve at the end of the existing Zone SF1 pipeline, immediately upstream of the tee connecting Zones VW1 and SF1.	\$14,000
ECIP-PI-01	Pipeline Improvement	Fire Flow	High	Along Sinnott Lane, Bothelo Avenue, and East Carlo Street, replace existing 6-inch and 8-inch diameter pipelines with 12-inch diameter pipeline.	\$1,030,000
ECIP-PI-07	Pipeline Improvement	Fire Flow	High	Along Railroad Avenue between approximately hydrant 1A-355 and the southern end of Railroad Avenue, replace existing 8-inch diameter with 12-inch diameter pipeline.	\$524,000
ECIP-PI-11	Pipeline Improvement	Fire Flow	High	Along South Abel Street between Sylvia Avenue and Corning Avenue, replace existing 6-inch with 8-inch diameter pipeline.	\$143,000
ECIP-PN-01	New Pipeline (Developed Area)	Fire Flow (Outage)	High	Along Curtis Avenue, connect the existing 10-inch diameter pipeline on the northern side of the street to the existing 18-inch diameter pipeline on the southern side of the street with a new 12-inch diameter pipeline.	\$18,000
ECIP-PN-02	New Pipeline (Developed Area)	Firm Supply Capacity	High	Along Hammond Way, east of Tom Evatt Park, connect the existing 8-inch diameter pipelines in Zone VW1 with a new 8-inch diameter pipeline.	\$34,000
BCIP-TO-01	Turnout	Storage Capacity	High	New VW turnout near the intersection of Piper Drive and Garden Street with a capacity of 10,000 gpm (14.4 mgd).	\$532,000
BCIP-S-01	Storage Reservoir	Storage Capacity	High	2.0 MG reservoir in VW service area.	\$5,532,000
BCIP-PS-01	Pump Station	Storage Capacity	High	Firm capacity of 4,000 gpm (5.76 mgd) for new storage reservoir.	\$4,137,000
BCIP-W-01	Groundwater Well	Storage Capacity	High	Construct Curtis Well.	\$479,000
BCIP-V-01	Interconnection	Fire Flow	High	Near the intersection of Cedar Way and South Main Street, replace the existing (normally closed) isolation valve separating Zones SF1 and VW1 with a new emergency PRV (Cedar EPRV).	

Notes:

* Priority definitions vary depending on the project type, refer to the City of Milpitas Water Master Plan, drafted in 2021.

Source: City of Milpitas Water Master Plan 2021

7.4 Sewer System

7.4.1 CONTEXT

The Milpitas Sewer Master Plan was adopted in 2021, which presents background information and analysis relevant to the Milpitas Gateway-Main Street Specific Plan. Below are excerpts highlighting the pertinent details.

The wastewater collection system consists of approximately 160 miles of gravity sewers, with pipe diameters ranging from 4- to 66-inches. The collection system generally flows from east to west and south to north towards the San Francisco Bay. Most of the collection system flows by gravity to the Milpitas Main Lift Station (Main LS) then is pumped to the San Jose-Santa Clara Regional Wastewater Facility (RWF) through dual force mains. (City of Milpitas Sewer Master Plan, Page ES-1)

The City of Milpitas pays a share of the capital cost of the RWF, based on the City's capacity rights in proportion to the 167 MGD total capacity of the RWF. The City also pays a share of the operating cost, based on the volume of wastewater discharged to RWF. The City has rights to discharge 14.25 MGD to the RWF under its current allotment. (Sewer Master Plan, Page 2-4)

The Plan Area lies between Calaveras Boulevard and Great Mall Parkway, positioned between the I-880 corridor and the UPRR and BART corridor. This area represents the lower end of the sewer shed for the City.

Within the Master Plan, the system risk exposure was identified and classified using a 5-point scoring - ranking all segments of the existing system. Risks levels 1, 2, and 3 range from insignificant to medium risk while significant risks are rated as #4 (High) and #5 (Extreme). These are identified in various areas of the Milpitas Gateway-Main Street Specific Plan Area, particularly along Main Street. Consequently, a series of Capital Improvement Projects have been earmarked for completion in this region.

As part of the City's Master Plan project, a Sewer Utility Asset Renewal and Replacement Study (R&R Study) was conducted. The study documents the City's Business Risk Exposure (BRE) based on the physical condition and desktop assessment of the City's collection system applying a set of factors developed to determine the relative risk of failure for each pipeline segment. (City of Milpitas Sewer Master Plan, Page ES-1)

The 2021 Sewer Master Plan incorporates a capacity analysis of the citywide system, which accounts for anticipated land uses within the Plan Area (as illustrated in Figure 5-2 of the Sewer Master Plan), based on the assumption of the city's 2040 General Plan. Although the capacity analysis did not reveal any deficiencies in the Plan Area, certain downstream segments are operating below capacity and have thus, been designated as Capital Improvement Projects.

There were no major capacity deficiencies identified as part of this analysis. There were no additional capacity deficiencies identified under future conditions that were not seen under existing conditions. (City of Milpitas Sewer Master Plan, Page ES-1)

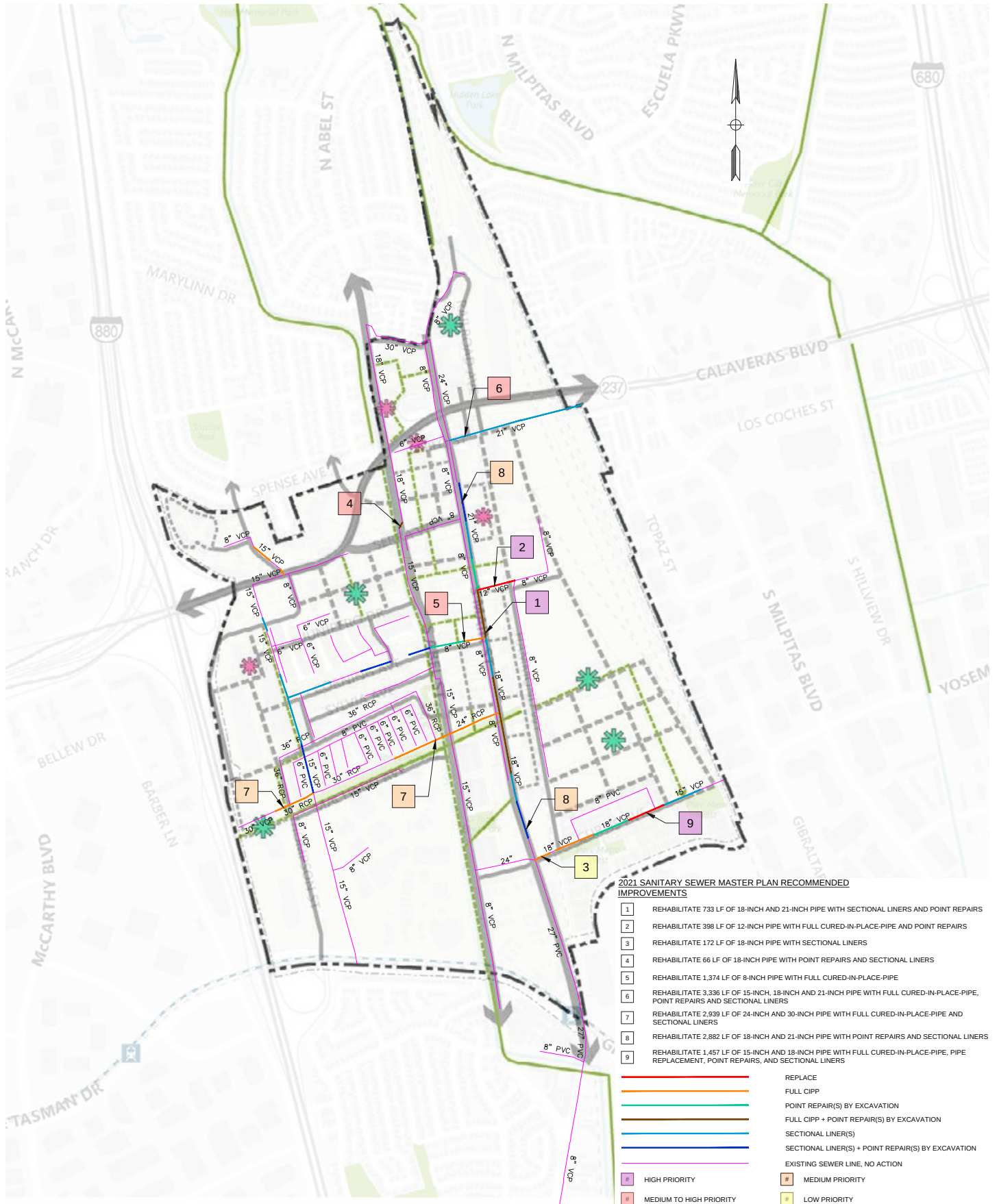
While the analysis considered anticipated land uses, the land use designations within the Milpitas Gateway-Main Street Specific Plan deviates from those outlined in the 2040 General Plan and uses examined in the Sewer Master Plan. Additional analysis, by updating the city's sewer models, will be required to evaluate the potential impact of the Specific Plan's build-out on the City's sewer infrastructure system and shall be conducted as part of the Main Street Sense of Place Plan.

The following streets within the Plan Area necessitate sewer rehabilitation Capital Improvement Projects:

- Curtis Avenue,
- South Main Street,
- Sinnott Lane,
- South Abel Street,
- East Calaveras Boulevard,
- Coming Avenue, and
- Machado Avenue

as summarized in Section 7.4.2 (Recommended Sewer Infrastructure Improvements).

Figure 7-6 Recommended Sewer Rehabilitation Method



Source: Milpitas Sewer Master Plan 2021

7.4.2 RECOMMENDED SEWER INFRASTRUCTURE IMPROVEMENTS

STANDARDS

Ensure sewer infrastructure can support future growth in the Plan Area by addressing the following standards.

1. Require development to obtain a building permit issued by the City prior to being entitled to wastewater treatment capacity.
2. Development shall be required to evaluate project impacts on the city's sewer infrastructure and implement mitigation measures in compliance with city standards.
3. Upgrade and expand the sanitary sewer system in accordance with the Sewer Master Plan to ensure it can adequately serve new development, new or realigned roads, and development areas within the Specific Plan Area.
 - a. Work with the Public Works Department and City Engineer to ensure that system improvements meet City standards.
 - b. Require new development to participate in fair

share contributions to downstream improvements that were identified as deficient in the 2021 Sewer Master Plan. Fair share contributions shall be re-evaluated by the City with any significant updates to the Sewer Master Plan.

RECOMMENDED IMPROVEMENTS

The standards above shall be followed along with the following recommendations shown in Table 7-4, as identified in the 2021 Sewer Master Plan Capital Improvement Program. These recommended improvements represent a set of projects to resolve the risks outlined in the Sewer Master Plan. Although the Sewer Master Plan did not have access to the timing of future development, it is recommended that these improvements be implemented prior to build-out, regardless of which specific development(s) trigger them. Additional analysis by updating the city's sewer model is required to evaluate the potential impact of the Specific Plan's build-out on the City's sewer infrastructure system- this analysis will be conducted as part of the Main Street Sense of Place Plan.

TABLE 7-4: SEWER INFRASTRUCTURE RECOMMENDATIONS

AVERAGE RISK GRADE	STREET NAME	PRIORITY	DIAMETER (IN)	LENGTH (FT)	RECOMMENDED REHABILITATION METHOD	CONSTRUCTION COST
4.0	Curtis Avenue	High	18	172	Sectional Liner(s)	\$39,000
4.0	S. Main Street	High	18, 21	733	Sectional Liner(s), Point Repair(s)	\$147,000
4.0	Sinnott Lane	High	12	398	Full CIPP, Point Repair(s)	\$139,000
5.0	S. Abel Street	Medium to High	18	66	Point Repair(s), Sectional Liner(s)	\$32,000
3.3	E. Calaveras Blvd	Medium to High	12, 15, 18, 21	3,336	Full CIPP, Point Repair(s), Sectional Liner(s)	\$1,168,000
3.2	Coming Avenue	Medium to High	8	1,374	Full CIPP	\$358,000
3.3	S. Main Street	Medium	18, 21	2,882	Point Repair(s) and Sectional Liner(s)	\$576,000
2.9	Machado Avenue	Medium	24, 30	2,939	Full CIPP, Sectional Liner(s)	\$1,006,000
3.0	Curtis Avenue	Low	15, 18	1,457	Full CIPP, Pipe Replacement, Point Repair(s), Sectional Liner(s)	\$572,000

Notes:

* According to the 2021 Sewer Master Plan, the highest priority improvements are those segments identified to have significant defects during the conditions assessment and thus, rated with the highest risk of failure. Refer to the 2021 Sewer Master Plan for additional context.

Source: Milpitas Sewer Master Plan 2021

7.5 Solid Waste Services

The City of Milpitas disposes solid waste at different facilities depending on the material waste stream (e.g. garbage, recyclables, food waste, yard trimmings, and construction and demolition) in accordance with the Franchise Agreement that the City has with Milpitas Sanitation, Inc. (MSI), which has a term of contract from September 6, 2017 to August 31, 2032.

While collection is performed by MSI, the facilities where the waste streams are transported vary as listed below:

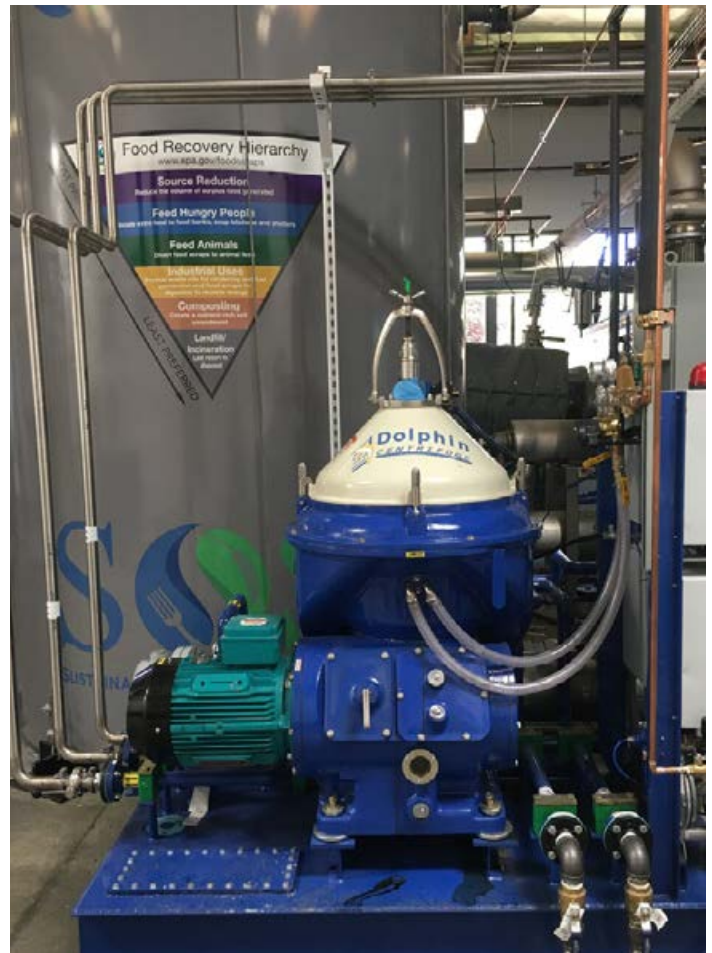
- **Solid Waste.** Solid waste is processed at the GreenWaste Recovery MRF with the end destination of the material at Kirby Canyon Landfill.
- **Recyclables.** The primary approved facility for recyclables is GreenWaste Recovery MRF. Alternate approved facilities include Alameda County Industries Material Recovery Facility and the Sunnyvale Materials Recovery and Transport Station (SMaRT Station).
- **Yard Trimmings.** Yard trimmings are processed at GreenWaste Recovery MRF.
- **Food Scraps.** The primary approved facility for food scraps is Sustainable Organic Solutions (SOS). Food waste is used to make animal feed. Alternate approved facilities include East Bay Municipal Utility District Treatment Plant and the Sunnyvale Materials Recovery and Transport Station (SMaRT Station).
- **Construction and Demolition (C&D).** The primary approved facility for C&D is Mission Trails Waste Systems (MTWS). Alternate approved facilities include Zanker Road Resource Management Facilities, Guadalupe C&D Recovery Facility, and the Sunnyvale Materials Recovery and Transport Station (SMaRT Station).

Hazardous waste is being managed through Santa Clara County's household hazardous waste (HHW) program, which provides a drop-off site for residents and small generators through an appointment-based system. Milpitas continues to participate in this program. Santa Clara County and the City of Milpitas hold an annual HHW collection event within the city to encourage proper disposal of hazardous waste.

7.5.1 SOLID WASTE FACILITY STANDARDS

Ensure solid waste facilities can support growth in the Gateway-Main Street Specific Plan Area and that waste continues to be collected and disposed of safely, consistent with the following standards.

1. Require all new development to participate to the maximum extent practical in solid waste source reduction and diversion programs.
2. Negotiate new agreements to handle the long-term disposal of its solid waste before the expiration of the current waste disposal contract.



Sustainable Organic Solutions food waste treatment facility. Image source: Sustainable Organic Solutions.

7.6 Energy and Technology

The Gateway-Main Street Specific Plan Area is an urban area with electrical, gas, and telecommunication facilities that future projects would be able to connect to. Additionally, the Plan Area supports energy and greenhouse gas (GHG) reduction measures by encouraging and requiring more efficient building systems, alternative transportation options, and green energy generation.

7.6.1 ELECTRICITY AND GAS

Pacific Gas & Electric (PG&E) provides electric and gas services to the Plan Area. The area is served by two electrical substations, located outside the Plan Area:

- The Montague Substation, located east of I-880 on Montague Expressway; and
- Milpitas Substation, located on Milpitas Boulevard, north of Montague Expressway.

Most electrical service in the Plan Area has already been located underground, except for a section of South Main Street, between Corning Avenue and West Curtis Avenue, and within the existing single family residential neighborhood around Corning Avenue and Sylvia Avenue west of South Abel Street. Easements on both sides of the street have been provided along this section of South Main Street and along all existing streets in the Plan Area for the undergrounding of electrical service and future utility needs as development occurs. All new streets within the Plan Area shall be built with utilities located under the roadway.

The Gateway-Main Street Specific Plan encourages building design features that reduce energy consumption and increase renewable energy generation through a series of development incentives and objective design standards as provided in Chapters 3 and 4. In addition, development associated with the Gateway-Main Street Specific Plan is required to comply with the California Green Building Standards Code, which includes green and sustainable building requirements to achieve energy efficiency.

New development will be served through the extension of existing electrical lines, with existing and new utilities located underground, whenever possible. In Urban Reserve Areas, where development would mean a significant change in land use over a large area, utility needs may be significantly higher than existing capacity can provide, warranting further utility studies should those areas redevelop.

7.6.2 TECHNOLOGY

Located in Silicon Valley, Milpitas is embedded in the region's culture of technological innovation. The City is exploring opportunities for providing an efficient and reliable citywide broadband network, which could create new opportunities for businesses, public safety, healthcare, and will be a key asset to the development of the Crossroads and Abbott districts. A public broadband network would provide high-speed connectivity in existing and new public spaces within the city and requires collaboration with the private sector to implement.

7.6.3 ENERGY AND TECHNOLOGY STANDARDS

The Plan Area is subject to the following standards:

1. Relocate all remaining overhead electric service underground, and in utility easements on existing streets.
2. Require undergrounding all new utilities as part of new development projects, street extensions, parks and other infrastructure projects.
3. Provide a public broadband network in the Specific Plan Area, to establish the City as an innovative technological center.
 - a. Require new business developments to provide fiber-optic connections.
 - b. Encourage the development of new fiber-optic connections to existing development when utility construction is underway.
4. Consistent with the City's Economic Development Strategy (EDS) #29, facilitate deployment of 5G wireless service in the Specific Plan Area, especially in underserved areas and locations targeted for growth of office and business uses, including the Crossroads, Main Street, and Abbott Districts.



Existing overhead power lines on South Main Street.

7.7 Fire Protection and Emergency Services

The Milpitas Fire Department (MFD) is responsible for fire suppression, 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.

There is one existing fire station within the Plan Area: Fire Station #1, on the northwest corner of Curtis Avenue and South Main Street. There are two additional fire stations just outside the project area boundaries: Station #2, located northeast of the project on Yosemite Drive and South Park Victoria Drive; and Station #4 on Barber Lane, just west of I-880. The City has automatic aid and mutual aid agreements with the cities of San Jose and Fremont.

More firefighting personnel and equipment may be needed to provide the level of service and response time for all urban service areas described in the General Plan.

Ultimately, MFD will need to conduct a “standards of cover” analysis to determine the Gateway-Main Street Specific Plan’s precise impact on the department’s staffing and equipment, and any required facility enhancements.

The MFD will also need to write an addendum to the City’s emergency management plan to address the development of the project area. Adjustments to communication systems, evacuation plans, and community warning systems may also be necessary.

The City currently has building regulations that ensure adequate emergency access to buildings. However, the building and streetscape standards established in Chapters 3-5 were developed in coordination with MFD.

The Fire Department will evaluate individual development plans to assess whether emergency access is adequate.



The existing fire station on South Main Street at Curtis Avenue.

7.7.1 FIRE PROTECTION AND EMERGENCY RESPONSE STANDARDS

Provide fire and emergency services and facilities that support growth in the Gateway-Main Street Specific Plan Area, while maintaining an adequate level of service in accordance with the following standards.

1. Conduct a “standards of cover” analysis to determine the Specific Plan’s precise impact on the Fire Department’s staffing and equipment, and any required facility needs. Identify and evaluate potential sites for an expanded or new fire station near the Plan Area if the standards of cover analysis determines it is warranted.
2. Provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Plan Area by hiring additional fire department staff, purchasing equipment, and building facilities. New equipment and facilities shall be funded by the Community Facilities District fee and new staff paid from the City’s General Fund.
3. If a new fire station is built to meet the service needs of the Plan Area, it must be sited and developed in such a way as to not create substantial adverse physical impacts or significant environmental impacts.
4. Any new facilities should minimize noise and traffic impacts on existing land uses.
5. Update the City’s emergency and disaster response plans to take the location and type of new development, and future traffic levels, into account.



Fire access and equipment shall be assessed at the individual development level.

7.8 Police Services

Law enforcement services in Milpitas are provided by the City of Milpitas Police Department (MPD). Additionally, BART Police provides law enforcement services to the Milpitas BART station and the Transit Patrol Division of the Santa Clara County Sheriff provides contract security and law enforcement services for the Valley Transportation Authority, which includes the orange light rail line that runs along Great Mall Parkway at the southern Plan Area boundary.

More than half of the police-related calls in the Plan Area are vehicle violations, traffic accidents, and automobile theft. The increase in population, business traffic, and vehicular traffic resulting from the build-out of the Plan Area will increase the workload of MPD. To maintain current levels of service, an increase in staffing and equipment may be necessary.

Milpitas has one existing police station located in the north part of the city that is approximately one and a half miles from the Plan Area's northern boundary. A new police substation is planned to be located in the Metro Plan Area in the southern part of Milpitas. The substation will be located near the Milpitas Transit Center, though the exact location has not yet been determined.

The metrics that MPD would use to determine the precise number of additional staff required are the projected call volume and impact in service levels, such as an increase in dispatch and response times; ring times for 9-1-1 calls; and calls that are pending for an officer. The City should also anticipate investing in additional MPD communications staff and equipment, professional staff needed to support the additional officers, technology related to crime prevention, deterrence, and enforcement, and increasing the vehicle fleet of MPD.

7.8.1 POLICE SERVICES STANDARDS

Provide adequate police services and facilities that ensure the safety of the community, consistent with the following standards.

1. Hire additional police staff and purchase equipment to provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Plan Area, as well as surrounding areas. New equipment shall be funded by the Community Facilities District fee and new staff paid from the City's General Fund.
2. As identified in the Metro Specific Plan, construct an additional Police Substation in the Metro Area on the Milpitas Boulevard Extension adjacent to Berryessa Creek or in another location determined by the City.

7.9 Schools

The Plan Area falls within the Milpitas Unified School District (MUSD), which handles students in grades K-12. The MUSD serves the majority of the city, adjacent unincorporated portions of Santa Clara County, and a small area of San Jose. As of the 2022-2023 school year, MUSD's total enrollment was 10,402 students across 15 schools. The 15 schools include ten elementary schools, two middle schools, two high schools and one alternative school. There are no schools within the Plan Area, however the Anthony Spangler Elementary School is located just outside the northern boundary of the Plan Area along North Abbott Avenue, across from Starlite Park.

Total student generation is summarized in Table 7-5. The Gateway-Main Street Specific Plan will generate approximately 260 new students at build-out assuming that 20 percent of the projected 1,435 units of new housing are below market-rate.

7.9.1 SCHOOL STANDARDS

The Specific Plan ensures that affected school districts have the funding needed to support the additional student population generated by development in the Gateway-Main Street Specific Plan Area by requiring the following:

1. Coordinate with the MUSD on facilities needed to accommodate new students and define actions the City can take to assist or support them in their efforts.
2. Ensure that all school impact fees are paid from individual projects prior to the issuance of any building permits.
3. Continue to monitor school enrollment numbers to ensure the existing schools have the resources they need to provide quality education to MUSD students.

TABLE 7-5: STUDENT GENERATION RATES AND PROJECTED NEW STUDENTS

	MARKET-RATE HOUSING GENERATION RATE	BELOW MARKET-RATE HOUSING GENERATION RATE	NUMBER OF NEW STUDENTS
Milpitas Unified School District			
K-6	0.087	0.246	171
7-8	0.017	0.047	33
9-12	0.03	0.076	56
		Total	260

Student generation rates are assumed to be the same as identified in the Metro Plan Specific Plan EIR. The number of new students was calculated by multiplying the student generation rates to the Gateway-Main Street Specific Plan's projected units of new housing.

7.10 Libraries

The Milpitas Public Library is located just north of the Plan Area at 160 North Main Street and is a member of the Santa Clara County Library District. The Santa Clara County Library District is governed by a Joint Powers Authority (JPA) and overseen by the Santa Clara Board of Supervisors. The JPA membership consists of a City Council representative from participating jurisdictions including the cities of Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Milpitas, Monte Sereno, Morgan Hill, and Saratoga and two County Supervisors from the County of Santa Clara.

The Library District prepares and annually reviews a Capital Plan and budget that accounts for population changes in the County.

7.10.1 LIBRARY STANDARDS

1. Continue to monitor population changes in the City and ensure that the current public library has the capacity to provide the Milpitas community with adequate library resources.
2. As development in the Specific Plan Area occurs, monitor the changing needs of the community to determine what types of resources are the highest priority for the library, such as print, digital, or community gathering resources.



The Milpitas Public Library on North Main Street.

7.11 Child Care Services

Childcare plays an important role in economic development and household wealth, by permitting parents to work either part- or full-time. It plays an especially important role in single-parent households, where the sole adult must work. Childcare can also provide informal income for home-based caregivers. Demand for childcare can be all-day or just after-school in nature and can come from local residents as well as workers within the area.

The City adopted a Childcare Master Plan in 2002 and updated it in 2004. It calls for the following:

- Support the development of childcare within transit overlay districts;
- Require incoming projects to be evaluated for their potential impact on childcare demand within the city; and
- Require incoming projects to be evaluated for their potential to provide childcare facilities within the project.

The City has an incentive program for developers that incorporate childcare into their developments. The City now offers fee reductions for large family childcare homes and has a practice of prioritizing the processing of childcare centers.

7.11.1 CHILDCARE STANDARDS

1. Support the expansion of childcare services to support demand in the Plan Area through the following actions.
 - a. Encourage childcare services near light rail stations, bus stops, and planned micro-mobility hubs.
 - b. Encourage childcare services to be integrated into affordable housing projects.
 - c. Encourage new commercial spaces to provide childcare services for its employees.



Childcare on the ground-floor of a development.

This page intentionally left blank



08

ADMINISTRATION & IMPLEMENTATION

Overview

The Administration and Implementation chapter summarizes the process for administering and evaluating future development within the Gateway-Main Street Specific Plan Area. It also describes the actions involved in implementing the vision for the Specific Plan through public and private programs and actions. Private development will be responsible for on-site building, landscaping, open space, parking, and infrastructure improvements. The City and other public sector agencies can help facilitate private development through organizing the mechanisms to support and implement area-wide circulation, infrastructure, service, parking, and other improvements. In addition to city-led improvements, it is anticipated that assessments or impact fees on private development will be required to help pay for their fair share of improvements.

8.1 Plan Administration

Following the approval of the Specific Plan, all applications for development entitlement shall be reviewed by the City for conformity with the Specific Plan and EIR, applicable City regulations, and compliance with the California Environmental Quality Act (CEQA). Development within the Plan Area shall comply with the following City administrative requirements:

- **Application Process and Review Process.** Project applications and checklists, fees, forms, and the Milpitas Development Review Handbook, describing the City's development review process, are available on the City's website at: <https://www.milpitas.gov/375/Applications-Forms>.
- **Permit Requirements.** The process for General Plan, Specific Plan, and Zoning Amendments; Site Development and Conditional Use Permits; and Variances are addressed in the Zoning Ordinance chapter on procedures and administration.
- **Development Review.** Development Review is required for new construction, building expansions, exterior building modifications, or site modifications as governed by the Zoning Ordinance chapter on procedures and administration, which also addresses the authority and public hearing requirements for land use and zoning decisions.
- **Existing Uses.** All existing uses legally operating prior to the adoption of the Specific Plan that are no longer a permitted or conditionally permitted use shall be classified as "nonconforming," subject to the standards for in the Zoning Ordinance.

8.2 Historic And Cultural Resources

The preservation of historic resources within the Plan Area is a city and community priority. Existing historic resources in the Plan Area shall be preserved through one of two principle strategies: 1) stabilizing, rehabilitating, or restoring buildings and surveying or cataloging; or 2) protecting artifacts, documents, and other historic materials.

1. **Designated Cultural Resources.** The city's Cultural Resources Register lists the buildings, trees, and other resources that are officially designated cultural resources, subject to the criteria and procedures in the Milpitas Municipal Code Title XI, Chapter 4 (Cultural Resources Preservation Ordinance). Designated historic resources in the Plan Area include:
 - a. Site of the Milpitas Hotel at 147 S. Main Street.
 - b. Old St. John's Church Site at 279 S. Main Street.
 - c. Milpitas Grammar School (now the Senior Center) at 160 N. Main Street.
 - d. Smith's Corner, also know as Campbell's Corner at 167 S. Main Street.
 - e. Dr. Smith's House, also known as DeVries House at 163 N. Main Street.
 - f. Windsor Blacksmith Shop at 112 N. Main Street.
 - g. Windsor Tank House at 112 N. Main Street.
 - h. O'Toole Elms Site at 701 S. Abel Street.
2. **Additional Sites Recommended for Preservation.** The city's Conceptual Historic Resources Master Plan and the city's Historic Resource Inventory identify additional historic resources within the Plan Area with the potential to contribute to a national register historic district nomination, although some resources are noted to lack sufficient historic integrity. The following additional resources are recommended for preservation or as a potential district contributor.
 - a. Caudillo House/Silvera House at 282 S. Main Street for protection and as a potential district contributor.
 - b. Torres House, eligible for individual listing.
 - c. Pashote/Venturi House as a potential district contributor.
 - d. Deniz House/Crabb House as a potential district contributor.
 - e. Dr. Al Curlin House and Office as an eligible district contributor.
 - f. Pimental Home/Almeida Home as a potential district contributor.
 - g. Dophna Home as a potential district contributor.
 - h. 87 Sinnott Lane as a potential district contributor.

- i. Site of 27 S. Main Street, owned by the city and proposed as Carlo Park.

3. Historic Resources Pursuant to CEQA. For any future development project occurring within the Plan Area that proposes to alter or demolish a building that is more than 50 years old, the City will require the project sponsor to engage a professionally qualified historian or architectural historian to prepare a historical evaluation of the building unless a previously prepared historical evaluation is available. This requirement can be met through the preparation of California Department of Parks and Recreation 523 Forms. The historical evaluation will analyze whether the building meets the eligibility requirements of the California Register of Historical Resources. If the building is determined to be eligible, the project sponsor's professionally qualified historian or architectural historian must also assess the project's compliance with the Secretary of the Interior's Standards for Rehabilitation. If the building is determined not to be eligible, or if the project is found to adhere to the Secretary's Standards, relative to eligible resources, no further action is required.

8.3 Subsequent Environmental Review

All applications for a development entitlement shall be reviewed by the City for compliance with CEQA. The rules governing the extent of any future environmental review are set forth in Section 15183 of the State CEQA Guidelines. Under Section 15183, no additional environmental review is required for projects that are consistent with the zoning for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects that are peculiar to the project or its site.

CEQA requires all state and local agencies to establish reporting and monitoring programs for projects approved by a public agency. The mitigation measures of the Gateway-Main Street Specific Plan EIR have been identified to reduce environmental impacts associated with project development. The Mitigation Monitoring Program, included in the Final EIR, is intended to satisfy the requirements of CEQA and shall be used by the City and project developers to ensure compliance with adopted mitigation measures during project review and implementation.

8.4 Implementation Actions

Table 8-1 (on the next page) identifies the actions that will implement the standards of the Specific Plan, organized by the following:

- **Action Number and Topic** identifies the topical section and type of action.
- **Implementation Action** describes the specific actions to implement the Specific Plan under each topic.
- **Responsible Lead** identifies the department or agency with primary responsibility and the recommended timeframe for the identified action.
- **Time Frame** identifies the anticipated timing of implementation, classified as:
 - **Near-term** to identify 1-5 years from plan adoption for the highest priority projects.
 - **Mid-term** to identify 6-10 years from plan adoption for the highest priority projects.
 - **Long-term** to identify 10+ years from plan adoption for lower priority projects or those requiring a longer time frame to achieve.
 - **On-going** for projects that are recurring and not limited to a specific time frame, such as application of development regulations.
- **Funding Options** identify the potential programs or funding sources that can be used to implement the action.

8.5 Funding and Financing

8.5.1 PUBLIC INFRASTRUCTURE & INVESTMENTS

A Basic Improvement Program (BIP) will be prepared to identify an initial list of public infrastructure and improvements needed to serve the Plan Area, including:

- Current projects that are not completed or yet fully funded.
- New utility or basic infrastructure investments required to accommodate new development anticipated by the Specific Plan.
- New public space and mobility investments necessary to implement the vision for the Specific Plan.

The BIP list may be adjusted as the needs of and types of development in the Plan Area evolve over time.

TABLE 8-1: IMPLEMENTATION ACTIONS MATRIX

TOPIC	IMPLEMENTATION ACTION	RESPONSIBLE LEAD	TIME FRAME	FUNDING OPTIONS
1. LAND USE AND DEVELOPMENT STANDARDS				
1.1 General Plan and Zoning Code Map Updates	Amend the General Plan Land Use Map and Zoning Map boundaries to reflect the Gateway-Main Street Specific Plan Area.	Planning	At time of adoption or shortly after	General Fund
1.2 Development Review	Use the city's Development Review process to ensure private development is consistent with the standards of the Specific Plan.	Planning	On-going	General Fund
1.3 Inclusionary Housing Standards	Implement the city's inclusionary housing requirements and the goals, policies, and actions of the Housing Element.	Planning	On-going	General Fund, Affordable Housing Fees
1.4 Specific Plan Community Benefits Program	Establish a Community Benefits Program, or similar process to implement Specific Plan incentives, including green roofs, lot consolidation, open space, parking, and economic development incentives, as described in Section 3.4.	Planning	On-going	General Fund
1.5 Usable Open Space Standards	Require usable open space with amenities to support commercial, residential, and other uses, consistent with the standards provided in Section 3.9.	Planning	On-going	General Fund
1.6 Parking Standards	Reduce parking requirements and facilitate parking solutions, consistent with the regulations in Section 3.10 (Parking Standards). Provide incentives for private development projects that construct additional district parking.	Planning	On-going	General Fund
1.7 Specific Plan Monitoring Program	Monitor the development achieved under the Specific Plan and provide a status report to the City Council every two years.	Planning	On-going	General Fund
2. ECONOMIC DEVELOPMENT PRIORITIES				
2.1 Real Estate Development Opportunities	Expand staff capacity to support real estate functions to incentivize development of key properties in the Plan Area. Prioritize working with property owners in the Crossroads District to facilitate the development of a downtown area commercial and entertainment destination for Milpitas.	Economic Development, Planning	Near-term	General Fund
2.2 Business Retention and Relocation Assistance	Coordinate with property owners to help retain or relocate existing small businesses that are displaced by new development.	Economic Development, Planning	On-going	General Fund, Development Agreements and Incentives
2.3 Targeted Funding Assistance	Seek additional funding to support the continuation of the City's Storefront Improvement Program to fund commercial storefront improvement and commercial activation projects on Main Street. Consider establishing a new small business grant or loan program to support businesses in the Plan Area.	Economic Development	On-going/ Near-term	Grants, General Fund
2.4 Business Improvement District	Establish a business improvement district or similar entity to develop and maintain public amenities in the Plan Area.	Economic Development	Near-term	General Fund

TABLE 8-1: IMPLEMENTATION ACTIONS MATRIX

TOPIC	IMPLEMENTATION ACTION	RESPONSIBLE LEAD	TIME FRAME	FUNDING OPTIONS
2.5 SPAR Fund	Assemble a SPAR fund to strategically acquire land to help facilitate catalytic redevelopment projects on vacant land in the Crossroads district. Prioritize creating a retail shopfront presence along Serra Way and Main Street.	Economic Development	Near-Term	General Fund
2.6 Programming and Events	Identify new programming and event opportunities to attract more visitors to the Specific Plan Area.	Economic Development, Parks and Recreation	On-going / Near-term	General Fund, BID/PBID, User Fees
2.7 Marketing and Promotion	Expand staff capacity and funding to support the development of a new marketing and branding strategy to position the Specific Plan Area as a community destination for local, independent retail and restaurants. Use the Specific Plan and Sense of Place Plan as the basis for marketing and branding.	Economic Development	Near-term	General Fund
3. MOBILITY AND PARKING IMPROVEMENTS				
3.1 Mobility and Infrastructure Improvements	Review new development projects for consistency with the vehicular, bike and micromobility, and pedestrian mobility frameworks illustrated in Figures 5-1, 5-17, and 5-18. Implement the street section design sections in Section 5.3, including necessary stormwater treatment facilities and street/streetscape improvement as identified in Specific Plan Chapters 6 and 7.	Planning, Public Works	On-going	Grants, General Government CIP Fund, Impact Fees, Development Incentives, Development Agreements, BID, LLAD, EIFD
3.2 Trail, Pedestrian, and Bicycle Master Plan	Update the city's Trail, Pedestrian, and Bicycle Master Plan to reflect the updates to the street design sections identified in Chapter 6 of the Specific Plan.	Planning, Public Works	Near-term	
3.3 Bike and Micromobility Improvements	Prepare a bike and micromobility plan in accordance with the design improvement standards in Section 5.7.	Planning, Public Works	On-going	
3.4 Public Transit Improvement Standards	Coordinate with VTA to implement the public transit improvements identified in Section 5.5 and shown in Figure 5-16.	Public Works, Valley Transportation Authority	On-going	General Fund, General Government CIP Fund, Grants
3.5 Parking District	Establish a parking district to support shared parking within the Crossroads, Main Street, and Library Districts, including establishing an in-lieu fee program. Phase in new public parking with parking district demands. Work with private property owners to implement shared or district public parking strategies as addressed in Section 5.8.	Planning, Public Works	Near-term and Mid-term	General Fund, Grants, BID, parking fees, parking in-lieu fees
3.6 Parking Management Plan	Prepare a parking management plan to efficiently manage parking and evaluate and monitor parking strategies, including implementing on-street parking time limits or parking meters in the future.	Planning, Public Works	Long-term	General Fund, Grants

TABLE 8-1: IMPLEMENTATION ACTIONS MATRIX

TOPIC	IMPLEMENTATION ACTION	RESPONSIBLE LEAD	TIME FRAME	FUNDING OPTIONS
4. PUBLIC REALM IMPROVEMENTS				
4.1 Historical Markers and Interpretative Display	Work with the Milpitas Historical Society to design and implement historical markers and interpretive displays that identify locally important historic and cultural sites and resources; and provides the public education about the area's development history, including tribal and Spanish settlement.	Planning, Parks and Recreation	Near-term	General Government CIP Fund, Development Incentives, Development Agreements, BID, LLAD, Public Art In-Lieu Fees
4.2 Main Street Sense of Place Plan	Following the adoption of the Specific Plan, prepare a Sense of Place Plan for the Crossroads and Main Street districts that prioritizes implementing streetscape, branding, and wayfinding improvements, including redesigning Main Street as a slow street with parklets and stormwater planters, and integrating the citywide branding program.	Planning, Economic Development, Public Works	Near-term	Grants, General Fund
4.3 Future Parks and Open Space	During the Development Review process, monitor the need for new public parks and open space to support the new population growth associated with future development, as guided by Figure 6.1 (Public Realm Framework). Work with private development to pay for or contribute to the construction of new parks or open space in the Plan Area.	Parks and Recreation, Planning	On-going	General Fund, Development Agreements, Development Incentives, Park In-Lieu Fees, BID, LLAD
4.4 North Main Street Park	Work with the Milpitas Historical Society to construct a town green and Milpitas Community Museum on the land north of the library, to celebrate the city's unique cultural diversity and heritage.	Parks and Recreation, Milpitas Historical Society	Near-term	Grants, General Government CIP Fund, Park In-Lieu Fees, BID, LLAD, EIFD, Development Incentives
4.5 Privately Owned, Publicly Accessible Open Space	Provide credit and partner with developers to develop privately owned plazas and publicly accessible open spaces, that provide social, contemplative, and active recreational development opportunities.	Planning, Parks and Recreation	On-going	Development Agreements, Development Incentives
4.6 Public Art	Work with developers and the City's Public Art and Mural programs to promote the use of public art as a placemaking feature in the Specific Plan Area, consistent with the Milpitas Public Art Master Plan.	Parks and Recreation, Planning	On-going	General Fund, Development Incentives, Public Art In-Lieu Fees, Development Agreements, BID, LLAD
5. INFRASTRUCTURE AND PUBLIC SERVICE IMPROVEMENTS				
5.1 Water Infrastructure Improvements	Implement the recommended water infrastructure improvements shown in Table 7-3, as needed to serve future development.	Public Works, Planning	On-going	Grants, Infrastructure Loans, General Government CIP Fund, Developer Incentives, Development Agreements, CFD, EIFD, User Fees
5.2 Sewer Infrastructure Improvements	Implement the recommended sewer infrastructure improvements shown in Table 7-4, as needed to serve future development.	Public Works, Planning	On-going	
5.3 Main Street Flood and Stormwater Infrastructure Study	Study the design and improvement of the stormwater infrastructure system to address flooding along Main Street as part of planned streetscape improvements to be developed in the Main Street Sense of Place Plan.	Public Works, Planning	Near-term	Grants, General Fund

TABLE 8-1: IMPLEMENTATION ACTIONS MATRIX

TOPIC	IMPLEMENTATION ACTION	RESPONSIBLE LEAD	TIME FRAME	FUNDING OPTIONS
5.4 Stormwater Infrastructure Improvements	Implement the stormwater drainage improvements in Section 7.1, Table 7-1 and Table 7-2, with future development or planned public improvements along Main Street. Seek funding and implement the stormwater drainage improvements addressed in Action 5.3.	Public Works, Planning	Mid-term and Long-term	Grants, Infrastructure Loans, General Government CIP Fund, Developer Incentives, Development Agreements, CFD, EIFD, User Fees
5.5 Modeling and Analysis of Infrastructure Improvements	Through the Main Street Flood and Stormwater Infrastructure Study identified in Action 5.3 and the Main Street Sense of Place Plan, update the city's water, sewer, and stormwater models; evaluate the potential impact of the Specific Plan's build-out on the city's infrastructure systems; and identify needed improvements.	Public Works, Planning	Near-term	General Fund
5.6 Capital Improvement Program Updates	Update the city's Capital Improvement Program to reflect new infrastructure improvements identified by the above studies.	Public Works	On-going	General Fund
5.7 Gateway-Main Street Specific Plan Development Impact Fee and Nexus Study	Prepare a nexus study to create a development impact fee to fund Plan Area-wide public improvements established through the Basic Improvement Program. Consider providing incentives for projects that construct Basic Infrastructure Program improvements described in Section 8.5.2, Development Incentives.	Planning, Public Works, Finance	Near-term	Grants, General Fund
5.8 Public Safety	Ensure future development provides the resources to maintain reasonable standards of safety, dependability, and compatibility with police and fire service operations and rapid emergency response.	Public Works, Milpitas Fire Department, Milpitas Police Department	On-going	General Fund (supported by increases in tax revenues), CFD
5.9 Public Schools	Require new housing development to pay school facility fees to support the projected new school population growth in the Specific Plan Area.	Planning	On-going	School District Development Impact Fees

8.5.2 FUNDING STRATEGY

The following sub-sections outline various funding sources and financing mechanisms that may be utilized to finance the public improvements in the Plan Area that are shown in Table 8-1. Many of the funding sources described below are unpredictable due to uncertainty about the availability of funding from various grant programs, the level of funding that will be available from future Gateway-Main Street Development Impact Fees, outcomes from future negotiations with developers, and other factors. Therefore, the funding strategy must remain flexible and adaptable to adjust to changes over time.

Funding for public improvements can accrue on either a one-time basis (e.g., grants, payments from developers) or ongoing basis (e.g., annual property assessments). There may be a mismatch between the timing for availability of funds from certain revenue sources and when it will be necessary to pay certain costs, so that public

improvements can be developed and ready when needed to serve new development. Often, it is necessary to “front load” development of public improvements, meaning that the improvements must be built in advance of the development that will ultimately benefit from them and generate the revenues that will help to pay for them. To address this, municipalities employ various debt financing tools to obtain necessary funds early in the development process, with the debt to be paid off over time by the development that is served.

Many of the improvements shown in Table 8-1 not only benefit new development but will also benefit existing development. The infill and redevelopment activity that the Specific Plan anticipates calls for an approach to funding that is different than the typical approach to funding public improvements in a “greenfield” area, where new development is essentially responsible for all of the costs of new public improvements. Rather, in a setting like the Plan Area, it will be necessary to identify funding

sources that do not rely exclusively on new development, including allocating costs between new development and existing development to the extent feasible and pursuing outside funding opportunities that do not rely on new development for revenues.

The following is a discussion regarding the types of funding sources and financing mechanisms that the City of Milpitas could potentially use to finance the Plan Area public improvements.

CITY OF MILPITAS GENERAL FUND AND GENERAL GOVERNMENT CIP FUND

The General Fund is the main operating fund for the City of Milpitas and is the least restrictive of all potential funding sources. The use of General Fund monies is at the discretion of the City Council. Major sources of revenue for the City's General Fund include property taxes, sales and use tax, and transient occupancy tax. The City of Milpitas has established the General Government Capital Improvement Program (CIP) Fund to account for construction and maintenance of most CIPs funded by the General Fund. The General Government CIP Fund is used to fund a variety of improvements that are identified in the CIP. Subject to the need to balance many budgeting needs, the City Council could decide to allocate funds from the General Fund or the General Government CIP Fund to finance any of the desired implementation items.

CITY OF MILPITAS DEVELOPMENT IMPACT FEES

The City of Milpitas may be able to fund some of the improvements that will be needed to implement the Gateway-Main Street Specific Plan using revenue from the City's existing development impact fees. The City of Milpitas charges impact fees on new development projects to fund infrastructure and improvements that are needed to address the impacts of new development. The City's existing impact fees include the Calaveras Boulevard Widening Traffic Impact Fee, the Storm Drain Impact Fee, and the Transit Area Specific Plan (TASP) Development Impact Fee. The Calaveras Boulevard Widening Traffic Impact Fee and the Storm Drain Impact Fee could potentially be used to fund improvements in the Plan Area. However, impact fees can only address the need for improvements that are attributable to the impacts caused by the projects that pay these fees, meaning that other sources of funding will be needed to address existing unmet needs or needs that are otherwise inconsistent with the improvements that the existing development impact fees are intended to address. The TASP Development Impact Fee is reserved for improvements in the Milpitas Metro Specific Plan (formerly the TASP) area and therefore improvements in the Gateway-Main Street Specific Plan Area would not be eligible for the use of these funds.

Like many school districts in California, the Milpitas Unified School District also assesses development impact fees on new development, with funds generated by the fees used to finance construction and reconstruction of school facilities. These funds will be used to help finance any school facilities that are needed to accommodate future growth in the student population within the Plan Area.

FUTURE GATEWAY-MAIN STREET DEVELOPMENT IMPACT FEES

The City of Milpitas intends to undertake a nexus study to develop a comprehensive development impact fee for the Gateway-Main Street Specific Plan Area to fund plan-wide public improvements and specific streetscape improvements that will be identified in the BIP. Like all impact fees, the future Gateway-Main Street Development Impact Fee will offset the cost of providing facilities that serve new development. Other sources of revenue will be necessary to address existing needs that are otherwise, unrelated to serving new developments and improvements not included in the BIP.

In addition, the City could choose to set impact fees at levels that are lower than the levels needed to fully address needs from new developments in order to avoid potential negative impacts on the financial feasibility of new development, leaving some improvements to be funded through other sources. Nonetheless, the Specific Plan development impact fee is anticipated to be an important source of financing for infrastructure and improvements in the Plan Area.

DEVELOPMENT INCENTIVES

The Specific Plan has established an incentive zoning system to allow for additional floor area and/or residential density for qualified projects. The purpose of the incentive zoning system is to incentivize the provision of certain project attributes, such as providing sustainable design features, open space, furthering economic development, and supporting the rehabilitation of existing buildings, or other actions. The City shall monitor and periodically consider refinements to improve the effectiveness of the incentive program.

The City could also consider expanding the incentive program to include incentives to projects that provide specified public infrastructure and improvements identified in the BIP list. Incentives could consist of additional floor area or exemptions from other development standards. The City could also offer impact fee waivers in exchange for providing up front improvements needed to implement the Specific Plan, particularly to the extent that improvements provided by developers are consistent with improvements that would otherwise, be financed using impact fees.

PARK IN-LIEU FEES

Park in-lieu fees are collected from residential developers that choose to pay an in-lieu fee rather than dedicate land for parks and recreational purposes within their project. The City uses funds from in-lieu fees to fund the construction and rehabilitation of City parks. Funds generated by park in-lieu fees provide a source of financing for Plan area improvements that are consistent with the intended use of these funds.

PUBLIC ART IN-LIEU FEES

The City of Milpitas has a Public Art Requirement for Private Development ordinance that requires developers to either install publicly accessible art valued at one half of one percent of the building Development Cost or pay the same amount into the Public Art Fund. The requirements apply to non-residential developments with more than 2,000 square feet of new construction and residential construction of 20 or more units. Residential developments with at least 20 percent affordable units can qualify for an exemption if the developer demonstrates that cost would cause the project to be economically infeasible.

AFFORDABLE HOUSING FEES

The City of Milpitas collects affordable housing fees from both residential and non-residential development. Fees collected from residential developments consist of in-lieu fees that developers can choose to pay instead of providing affordable units within a project in accordance with the City's inclusionary housing ordinance. Most non-residential developments in Milpitas pay an affordable housing fee per square foot for industrial uses, as well as for office, retail, and hotel uses. These funds may be a potential source of funding for affordable housing initiatives in the Gateway-Main Street Specific Plan Area.

ENTERPRISE FEES OR USER FEES

User fees and enterprise funds may provide a source of funding for improvements in the Plan areas. Fees collected from ratepayers that receive service from a particular City utility or "enterprise," such as water, wastewater, and stormwater, are collected to pay for the continued operations, maintenance, upgrades, and new facilities to serve the ratepayers. These may also be called "user fees" and are collected from users on an on-going basis as part of the utility billing process. Rate studies are performed routinely to adjust the enterprise fees to accurately reflect the true cost of delivery of services and the ultimate planned infrastructure to serve the City's ratepayers. The enterprise fees are reserved and restricted to only the service for which the fees are collected. Use of enterprise fees/user fees to pay for new or replacing or upgrading infrastructure may require an increase in rates. User fees may also include new parking fees, or other fees that are paid for the use of public facilities, either for day use or for special events.

DEVELOPMENT AGREEMENTS

For discretionary projects, a Development Agreement is a voluntary but binding contract between a property owner and the jurisdiction that outlines the rules and conditions for development. Structured negotiations between cities and developers are often conducted to obtain desired improvements in exchange for development rights through the development agreement process. To the extent that new developments in the Plan Area are subject to development agreements, the City may have opportunities to work with developers to include terms in development agreements that would require the provision of improvements noted in Table 8-1 above. The extent to which a new project can contribute to the provision of infrastructure depends on the project's specific economics, including the relationship between development costs and the revenues that the developer would collect from either leasing or selling the completed development.

BUSINESS IMPROVEMENT DISTRICT OR PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT

A business improvement district (BID) is a common type of self-taxing special assessment district that assesses business and/or property owners to fund maintenance, marketing, and other activities, including additional public services or improvements. Property owners within a BID agree to pay an additional property levy to fund improvements or services within the district.

To establish a BID, the City must adopt a resolution of intention. The BID is established if the resolution of intention is not protested by a majority of the affected taxpayers. Once formed, the BID is limited to those types of improvements or activities that were specified upon formation. A standard BID assesses the businesses located within the district. A property-based business improvement district (PBID) assesses the owners of property within the district. Although not common, BIDs and PBIDs can be established in overlapping areas.

Revenues from a BID or PBID could be used to guarantee issuance of a bond that could fund more significant improvements, such as signage and wayfinding, streetscape improvements, and parking and parking management improvements. BID or PBID revenue and associated bond proceeds would also be particularly valuable to the City in supporting water, sewer, and stormwater infrastructure replacement and upgrading which benefit existing Gateway-Main Street properties, but which are difficult to fund through increases in general user fees and/or development impact fees. To the extent that revenue exceeds that which is necessary to support debt service on bond issuance, surplus revenue could also be used to support ongoing maintenance of infrastructure and improvements in the plan area, as well as for assorted programming in the plan area. Prior to forming a BID or PBID, the City should assess the ability of the affected parcels to support an additional assessment without imposing undue economic strain.

COMMUNITY FACILITIES DISTRICT

State law, under the Mello-Roos Community Facility Act of 1982, enables local governments to establish special districts in which a special tax is levied to generate money to pay for public improvements and services. The district can also issue bonds that are secured with liens against the participating properties, repaying the bonds with annual special tax proceeds, or the revenue can be used to fund improvements or services on a pay-as-you-go basis. Mello-Roos community facility district (CFD) formation may be initiated by the City Council or by property owner petition. Because CFD levies are considered a special tax, district formation requires approval of either two-thirds of the registered voters (if there are more than twelve registered voters living in the area) or two-thirds of the affected property owners (if there are 12 or fewer registered voters). As opposed to a special benefit assessment district, a special tax district does not have to allocate the burden of the levy among property owners strictly on the basis of proportional benefit, meaning there is greater flexibility to structure the levy to meet project funding needs. A key consideration in establishing a CFD is the degree to which the participating properties could support an additional tax levy without imposing undue economic strain.

The Transit Area Specific Plan (now the Metro Plan) created a CFD to utilize a portion of the Plan Area's property tax revenues to fund services and maintenance of certain public improvements, such as police and fire protection services, public lighting, storm protection, and hazardous cleanup in the Plan Area. A similar CFD could fund public improvements in the Gateway-Main Street Plan Area.

LANDSCAPING LIGHTING ASSESSMENT DISTRICT

A landscaping and lighting assessment district (LLAD) is a type of special district established by a local government to finance the costs of landscaping and lighting in public areas. Revenues are most often used toward the installation and maintenance of landscaping, statues, fountains, general lighting, traffic lighting, recreational and playground equipment, and public restrooms. Revenues can also be used to back revenue bonds, which can fund acquisition of land for parks and open space, as well as the construction of community centers, auditoriums, and other similar public uses. By law, the levy associated with a LLAD cannot be tied to the value of land or improvements but must be established using a "benefit formula" that allocates benefits and costs to providing service to each parcel. A majority vote is required to establish a LLAD, as well as to increase the assessment rate. Prior to forming a LLAD, the City should assess the ability of the affected parcels to support an additional assessment without imposing undue economic strain.

ENHANCED INFRASTRUCTURE FINANCING DISTRICTS

Enhanced infrastructure financing districts (EIFDs) are a funding mechanism that was signed into law to serve as a post-redevelopment tool in 2014. The purpose of EIFDs is to finance a wide array of infrastructure projects with "communitywide significance," from parks and brownfield remediation to transit improvements and affordable housing. An EIFD can be created by a city, county, or joint powers authority to fund specific infrastructure and economic development projects. EIFDs can also leverage multiple funding streams to achieve these goals—including tax increment, assessment revenues, user fees, and other sources such as state and federal grants. An EIFD can be established without voter approval and does not require an affordable housing set-aside. EIFDs may not issue debt without a 55 percent vote of the District's registered voters, nor can revenues be used to fund ongoing maintenance and operations. An important consideration in the formation of an EIFD is how much revenue could be generated, based on the portion of the property tax increment that the City controls, and how much of that increment could be dedicated to funding plan area improvements versus the amount that is needed to fund increases in ongoing General Fund operations and maintenance costs for various City services that the Plan Area will also need.

GRANTS

Grants are available from a variety of public agencies and private foundations. Because there is uncertainty about the availability of funding from various grant programs, including future grant programs not known at this time, the level of funding that will be available from grants is unpredictable. A key role for the City of Milpitas will be to monitor and pursue grant opportunities for Plan Area improvements, including grants addressing storefront and streetscape improvements, pedestrian/bicycle/micromobility transportation, infrastructure improvements, flood control, roadway construction, and sustainable/livable communities.

Potential sources of grant funding are described below. It should be noted that this list of funding opportunities should not be considered exhaustive and may be subject to change over time.

SANTA CLARA COUNTY MEASURE B

In 2016, Santa Clara County voters approved Measure B, a 30-year, half-cent countywide sales tax to enhance transit, highways, expressways and active transportation (bicycles, pedestrians and complete streets). The City has used Measure B funds to finance prior projects in the City's CIP.

TRANSPORTATION DEVELOPMENT ACT ARTICLE 3

The Metropolitan Transportation Commission (MTC) administers the Transportation Development Act Article 3 (TDA-3) funding program for pedestrian and bicycle projects within the nine-county MTC region. The funding is generated by a quarter-cent sales tax assessed statewide for transportation improvements.

AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES

The California Strategic Growth Council administers the Affordable Housing and Sustainable Communities (AHSC) program to provide affordable housing and transportation infrastructure funding for transit-oriented development and related infrastructure projects that reduce greenhouse gas (GHG) emissions. Eligible projects may include affordable housing developments; active transportation improvements, such as sidewalks, paths, and bike lanes; transportation-related amenities, such as bus shelters, benches, or shade trees; and other programs that demonstrate improvements to the connectivity and accessibility of jobs and housing, increase options for mobility, reduce air pollution, and encourage infill development.

ACTIVE TRANSPORTATION PROGRAM

The Caltrans Active Transportation Program (ATP) consolidates funding from various transportation programs at both the state and federal level, including the federal Transportation Alternatives Program (TAP), Bicycle Transportation Account (BTA), and Safe Routes to School program. The purpose of the ATP is to encourage and increase use of active modes of transportation, including walking and biking, as well as the safety and mobility of non-motorized users. Eligible projects may include infrastructure projects, such as capital improvements; non-infrastructure projects, such as education, encouragement, and enforcement activities; combination projects, such as those that combine infrastructure and non-infrastructure projects; and transportation plans located in disadvantage communities, such as community-wide bicycle, pedestrian, safe routes to school, or other active transportation plans.

COMMUNITY DEVELOPMENT BLOCK GRANT

The City of Milpitas is designated as an entitlement jurisdiction under the U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) program and is therefore eligible for formula-based funding allocations under the Community Development Block Grant (CDBG) entitlement program. CDBG funds can be used to support a wide array of public services and infrastructure improvements, so long as they provide benefits to low- and moderate-income persons, prevent or eliminate slums or blight, or help to remediate urgent threats to the health or welfare of the community for which other funds are not available. Use of entitlement funds is guided through the preparation of a five-year Consolidated Plan, as well as annual action plans. Upon completion of the next Consolidated Plan in 2026, the City may elect to allocate CDBG funds towards implementation of the Gateway-Main Street Specific Plan, though this may divert resources from other City priorities.

LOW-INTEREST INFRASTRUCTURE LOAN PROGRAMS

The City of Milpitas could consider applying for funds from a variety of low-interest loan programs that provide funding for infrastructure projects. Potential sources of low-interest loan funding are described below. It should be noted that this list of funding opportunities should not be considered exhaustive and may be subject to change over time.

INFRASTRUCTURE STATE REVOLVING LOAN FUND

The California Infrastructure and Economic Development Bank (I-Bank) manages the Infrastructure State Revolving Fund (ISRF) program to provide loans to public agencies and non-profits for a wide variety of public infrastructure and economic expansion projects. Eligible project categories include rehabilitation of city streets, rehabilitation and/or replacement of water and wastewater treatment facilities; new parks and recreational facilities; flood control measures; educational, cultural, and social facilities; goods movement related infrastructure; and expanded public transit. The ISRF program could potentially be used to fund a variety of the planned improvements, including water, sewer, and stormwater infrastructure improvements and flood prevention improvements.

DRINKING WATER STATE REVOLVING FUND

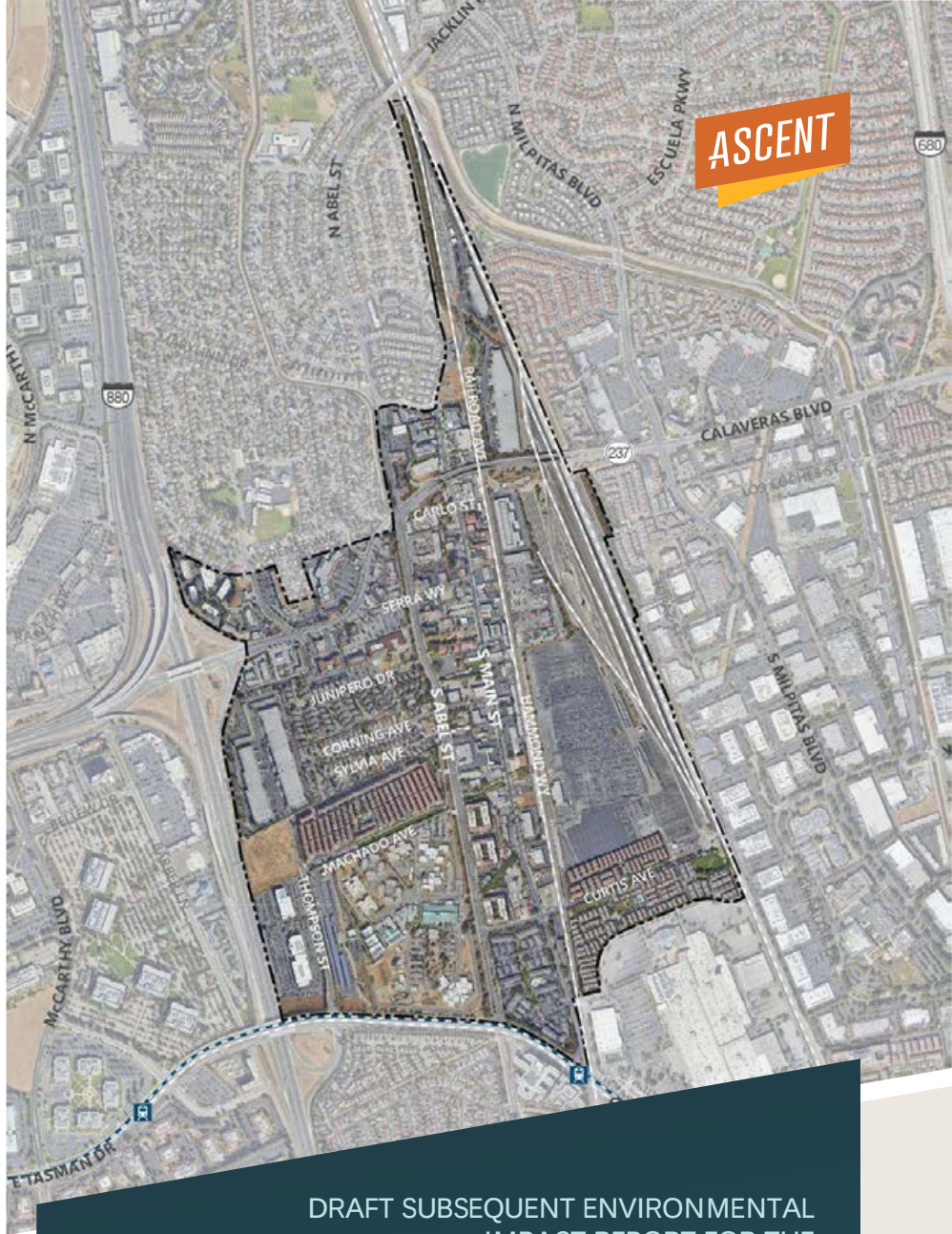
The Drinking Water State Revolving Fund (DWSRF) is part of a long-standing partnership between the State of California and the United States Environmental Protection Agency (EPA). Similar to the ISRF, the program makes low-cost financing available to local jurisdictions and water and sanitation districts, to facilitate infrastructure improvements and upgrades that ensure safety and availability of public water systems. Projects eligible for the DWSRF program include the rehabilitation, replacement, or installation of water distribution and transmission improvements that bring water pressure to safe levels or prevent contamination due to leaky pipes, among other eligible improvements. To the extent that some of the infrastructure improvements identified in Table 8-1 align with the eligibility criteria for these funds this loan program could provide a source of financing for implementation.

CLEAN WATER STATE REVOLVING FUND

The Clean Water State Revolving Fund (CWSRF), similar to the DWSRF, provides low-cost financing to protect California's waters from pollution. CWSRF provides below-market interest rates, 30-year financing, loan forgiveness, and is compatible with other funding sources. A wide range of projects, from treatment works to stormwater management to water conservation, are eligible. The City could evaluate whether any of the infrastructure improvements identified in Table 8-1 are consistent with the eligibility criteria for these funds.



www.ascent.inc



DRAFT SUBSEQUENT ENVIRONMENTAL
IMPACT REPORT FOR THE

Gateway-Main Street Specific Plan

State Clearinghouse No. 2024070432

PREPARED FOR:

City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95030

ATTENTION:

Jay Lee
Planning Director

April 2025

DRAFT SUBSEQUENT
ENVIRONMENTAL IMPACT REPORT FOR THE

Gateway-Main Street Specific Plan

State Clearinghouse No. 2024070432

PREPARED FOR:



City of Milpitas – Planning Department
455 E. Calaveras Boulevard
Milpitas, CA 95030

CONTACT:

Jay Lee
Planning Director
jlee@milpitas.gov

PREPARED BY:



Ascent Environmental, Inc., DBA Ascent
455 Capitol Mall, Suite 300
Sacramento, CA 95814

CONTACT:

Pat Angell
Principal
916.732.3324
pat.angell@ascent.inc

APRIL 2025
20210060.01

TABLE OF CONTENTS

Section	Page
LIST OF ABBREVIATIONS	v
EXECUTIVE SUMMARY	ES-1
ES.1 Introduction.....	ES-1
ES.2 Summary Description of the Project.....	ES-1
ES.3 Environmental Impacts and Recommended Mitigation Measures	ES-2
ES.4 Alternatives to the Proposed Project.....	ES-3
ES.5 Areas of Controversy.....	ES-3
ES.6 Issues to be Resolved.....	ES-4
1 INTRODUCTION	1-1
1.1 Project background	1-1
1.2 Type, Purpose, Scope, and Intended Uses of This Draft SEIR	1-1
1.3 Effects Found Not to Be Significant	1-2
1.4 Agency Roles and Responsibilities	1-5
1.5 Public Review Process.....	1-6
1.6 Draft SEIR Organization	1-6
1.7 Standard Terminology	1-6
2 PROJECT DESCRIPTION.....	2-1
2.1 Project Location and Setting	2-1
2.2 Project Background and Need	2-1
2.3 Project Objectives.....	2-7
2.4 Proposed Gateway-Main Street Specific Plan	2-9
2.5 Proposed Amendments	2-20
2.6 Anticipated Actions.....	2-20
3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES	3-1
3.1 Aesthetics	3.1-1
3.2 Air Quality	3.2-1
3.3 Biological Resources.....	3.3-1
3.4 Cultural, and Tribal Cultural Resources.....	3.4-1
3.5 Energy.....	3.5-1
3.6 Greenhouse Gas Emissions and Climate Change.....	3.6-1
3.7 Land Use and Planning.....	3.7-1
3.8 Noise and Vibration.....	3.8-1
3.9 Population and Housing	3.9-1
3.10 Public Services and Recreation.....	3.10-1
3.11 Transportation	3.11-1
3.12 Utilities and Service Systems	3.12-1
4 CUMULATIVE IMPACTS.....	4-1
4.1 Introduction to the Cumulative Analysis	4-1
4.2 Cumulative Impact Analysis Methodology.....	4-1
4.3 Cumulative Setting.....	4-2
4.4 Analysis of Cumulative Impacts.....	4-4

5	ALTERNATIVES.....	5-1
5.1	Introduction.....	5-1
5.2	Considerations for Selection of Alternatives.....	5-2
5.3	Alternatives Considered but not Evaluated Further	5-2
5.4	Alternatives Selected for Detailed Analysis	5-4
5.5	Environmentally Superior Alternative.....	5-9
6	OTHER CEQA SECTIONS.....	6-1
6.1	Growth Inducement.....	6-1
6.2	Significant and Unavoidable Adverse Impacts.....	6-4
6.3	Significant and Irreversible Environmental Changes.....	6-4
7	REPORT PREPARERS.....	7-1
8	REFERENCES.....	8-1

Appendices

Appendix A	Notice of Preparation and Comments Received
Appendix B	Air Quality, Greenhouse Gas, and Energy Model Calculations
Appendix C	Noise Model Calculations
Appendix D	Gateway-Main Street Vehicle Miles Traveled for Environmental Review
Appendix E	Draft Gateway-Main Street Water Supply Assessment

Figures

Figure 2-1	Regional Location.....	2-2
Figure 2-2	Specific Plan Area.....	2-4
Figure 2-3	Specific Plan Boundary Changes.....	2-5
Figure 2-4	General Plan Land Use.....	2-6
Figure 2-5	Midtown Plan Land Use	2-8
Figure 2-6	District Framework	2-10
Figure 2-7	Specific Plan Land Use.....	2-13
Figure 3.3-1	Land Cover.....	3.3-6
Figure 3.3-2	Aquatic Resources.....	3.3-7
Figure 3.7-1	Existing General Plan Land Use	3.7-5
Figure 3.7-2	Existing Midtown Plan Land Use	3.7-7
Figure 3.11-1	Existing Transit Services.....	3.11-11
Figure 3.11-2	Existing and Proposed Bicycle Network	3.11-14

Tables

Table ES-1	Summary of Impacts and Mitigation Measures.....	ES-5
Table 2-1	General Plan Land Use and Zoning	2-3
Table 2-2	Midtown Plan Land Use	2-7
Table 2-3	Proposed New Specific Plan Zoning Districts.....	2-14

Table 2-4	Changes in Buildout Under Gateway-Main Street Specific Plan.....	2-15
Table 2-6	Available Incentives	2-19
Table 3.2-1	National and California Ambient Air Quality Standards	3.2-2
Table 3.2-2	Sources and Health Effects of Criteria Air Pollutants	3.2-11
Table 3.2-3	Attainment Status Designations for Santa Clara County.....	3.2-12
Table 3.2-4	Specific Plan VMT and Service Population Changes.....	3.2-15
Table 3.2-5	Adopted General Plan Estimated Operational Emissions (Average Daily)	3.2-16
Table 3.2-6	Proposed Gateway-Main Street Specific Plan Estimated Operational Emissions (Average Daily)	3.2-16
Table 3.3-1	Special-Status Plant Species Known to Occur in the Vicinity of the Specific Plan Area and Their Potential for Occurrence in the Specific Plan Area.....	3.3-8
Table 3.3-2	Special-Status Wildlife Species Known to Occur in the Vicinity of the Specific Plan Area and Their Potential for Occurrence in the Specific Plan Area.....	3.3-12
Table 3.4-1	AB 52 Consultation	3.4-14
Table 3.5-1	General Plan Annual Operation-Related Building Energy Consumption (2040).....	3.5-9
Table 3.5-2	Proposed Milpitas Gateway-Main Street Specific Plan Annual Operation-Related Building Energy Consumption (2040).....	3.5-9
Table 3.5-3	General Plan Annual Transportation Energy Consumption (2040).....	3.5-10
Table 3.5-4	Proposed Milpitas Gateway-Main Street Specific Plan Annual Transportation Energy Consumption (2040).....	3.5-10
Table 3.6-1	City of Milpitas Greenhouse Gas Emissions Inventory for 2015, 2019, and Building-as-Usual Forecast Years (MTCO ₂ e).....	3.6-6
Table 3.6-2	Project Generated VMT and Population	3.6-10
Table 3.6-3	General Plan Annual Operational GHG Emissions for Specific Plan Area.....	3.6-10
Table 3.6-4	Proposed Gateway-Main Street Specific Plan Annual Operational GHG Emissions	3.6-11
Table 3.7-1	Existing General Plan Land Use and Zoning within the Proposed Specific Plan Area.....	3.7-4
Table 3.7-2	Existing Midtown Plan Land Use and Zoning within the Proposed Specific Plan Area	3.7-6
Table 3.7-3	Project Consistency with the ABAG Plan Bay Area 2050	3.7-10
Table 3.7-4	Project Consistency with the City of Milpitas 2040 General Plan	3.7-13
Table 3.8-1	Ground-Borne Vibration Impact Criteria for General Assessment.....	3.8-1
Table 3.8-2	Caltrans Recommendations Regarding Levels of Vibration Exposure.....	3.8-1
Table 3.8-3	Land Use Compatibility for Community Noise Environment	3.8-2
Table 3.8-4	Stationary (Non-Transportation) Noise Source Standards	3.8-3
Table 3.8-5	Stationary (Non-Transportation) Noise Source Standards (Commercial Mixed-Use and Transit-Oriented Areas).....	3.8-5
Table 3.8-6	Typical A-Weighted Noise Levels.....	3.8-7
Table 3.8-7	Human Response to Different Levels of Ground Noise and Vibration.....	3.8-8
Table 3.8-8	Base and Future Traffic Noise Conditions Identified in the General Plan Update EIR.....	3.8-10
Table 3.8-9	Noise Ranges of Typical Construction Equipment	3.8-11
Table 3.8-10	Vibration Ranges of Typical Construction Equipment.....	3.8-11

Table 3.8-11	Summary of Modeled Traffic Noise Levels under General Plan and Gateway-Main Street Specific Plan Conditions.....	3.8-15
Table 3.8-12	Representative Groundborne Vibration for Construction Equipment.....	3.8-17
Table 3.9-1	Changes in Population and Employment at Full Buildout Under Gateway-Main Street Specific Plan	3.9-4
Table 3.10-1	Schools Serving the Specific Plan Area and Enrollment	3.10-7
Table 3.10-2	Student Generation in the Specific Plan Area Beyond General Plan Buildout.....	3.10-12
Table 3.11-1	Existing Transit Services within the Vicinity of the Specific Plan Area.....	3.11-12
Table 3.11-2	Project-Generated Vehicle Miles Traveled Threshold	3.11-16
Table 3.11-3	Total Project-Generated Vehicle Miles Traveled Assessment.....	3.11-21
Table 3.12-1	Utilities Providers for the Specific Plan Area.....	3.12-12
Table 3.12-2	City of Milpitas Normal, Single-, and Multiple-Dry Year Water Supply and Demand (2025–2045) (AFY).....	3.12-16
Table 3.12-3	Solid Waste Disposal Facilities	3.12-19
Table 3.12-4	Solid Waste Generation Rates.....	3.12-19
Table 3.12-5	Comparison of Adopted General Plan to the Specific Plan Water Demands	3.12-24
Table 4-1	Geographic Scope of Cumulative Impacts.....	4-2
Table 4-2	Cumulative Projects List	4-4
Table 4-3	Summary of Modeled Traffic Noise Levels under Cumulative No Project and Cumulative Plus Project Conditions.....	4-13
Table 4-4	Cumulative and Cumulative Plus Project VMT Assessment	4-16
Table 5-1	Summary of Environmental Effects of the Alternatives Relative to the Proposed Specific Plan.....	5-9

LIST OF ABBREVIATIONS

°C	degrees Celsius
°F	Fahrenheit
2022 Scoping Plan	<i>Final 2022 Scoping Plan for Achieving Carbon Neutrality</i>
2022 SIP	2022 State SIP Strategy
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACC	Advanced Clean Cars
ACWD	Alameda County Water District
ADA	Americans with Disabilities Act
ADT	average daily trips
AFY	acre-feet per year
ALUCP	Airport Land Use Commission Plan
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
Basin Plan	San Francisco Bay Basin (Region 2) Water Quality Control Plan
BAWSCA	Bay Area Water Supply & Conservation Agency
BIOS	Biogeographic Information and Observation System
BMP	best management practice
CA MUTCD	<i>California Manual on Uniform Traffic Control Devices</i>
CA SDWA	California Safe Drinking Water Act
CAA	Clean Air Act
CAAA	federal Clean Air Act Amendments of 1990
CAAQS	California ambient air quality standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CARE	Community Air Risk Evaluation

CBSC	California Building Standards Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CD	Community Design
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA Guide	BAAQMD's 2022 <i>CEQA Guidelines</i>
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CGC	California Government Code
CH ₄	methane
CI	carbon intensity
CIP	Capital Improvement Program
CIR	Circulation
City	City of Milpitas
CIWMA	California Integrated Waste Management Act
CMA	Congestion Management Agency
CMP	Congestion Management Program
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CON	Conservation and Sustainability
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CTP	California Transportation Plan
CUPA	Certified Unified Program Agencies
CWA	Clean Water Act
CWC	California Water Code
dB	decibels
DHS	California Department of Health Services
diesel PM	exhaust from diesel engines
DOF	California Department of Finance
DOT	U.S. Department of Transportation

Draft SEIR	draft subsequent environmental impact report
DWR	California Department of Water Resources
ECA	Essential Connectivity Area
EO	Executive Order
EPA	US Environmental Protection Agency
EPAct	Energy Policy Act of 1992
ESA	Endangered Species Act
EV	electric vehicle
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Maps
FTA	Federal Transit Administration
General Plan Update EIR	Draft EIR for the Milpitas General Plan Update
General Plan	City of Milpitas General Plan 2040
GHG	greenhouse gas
GHGRP	greenhouse gas reduction plan
HAP	hazardous air pollutant
HRA	health risk assessment
HVAC	heating, ventilation, and air conditioning
Hz	hertz
I	Interstate
ICM	Integrated Catchment Modeling
IEPR	Integrated Energy Policy Report
in/sec	inches per second
IPaC	Information for Planning and Consultation
IWRP	integrated water resources planning study
LCFS	Low Carbon Fuel Standard
LDIGR	<i>Interim Local Development Intergovernmental Review</i>
L_{dn}	Day-Night Level
L_{eq}	Equivalent Continuous Sound Level
LID	Low Impact Development
L_{max}	Maximum Sound Level
LOS	level of service
loudness	amplitude

LRA	Local Responsibility Areas
LRT	light rail transit
LU	Land Use
MBTA	Migratory Bird Treaty Act
MCL	maximum contaminant level
Metro Plan	Milpitas Metro Specific Plan
MFD	Milpitas Fire Department
mgd	million gallons per day
Midtown SP EIR	Environmental Impact Report for the Midtown Specific Plan
MLD	most likely descendant
MMC	Milpitas Municipal Code
MMTCO ₂ e	million metric tons of carbon dioxide equivalent
mPa	micro-Pascals
MPD	Milpitas Police Department
MPO	metropolitan planning organization
MSI	Milpitas Sanitation, Inc.
MTC	Metropolitan Transportation Commission
MTC/ABAG	Metropolitan Transportation Association/Association of Bay Area Governments
MTIP	Metropolitan Transportation Improvement Program
MTP/SCS	metropolitan transportation plan/sustainable communities strategy
MUSD	Milpitas School District
N ₂ O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NFIP	National Flood Insurance Program
NO	nitric oxide
NO ₂	nitrogen dioxide
NOP	notice of preparation
NO _x	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NWIC	Northwest Information Center at Sonoma State University
OO	Gateway Office Overlay
OPR	Governor's Office of Planning and Research
ozone	photochemical smog

PG&E	Pacific Gas and Electric Company
pitch	frequency
PM	particulate matter
PM ₁₀	respirable particulate matter with aerodynamic diameter of 10 micrometers or less
PM _{2.5}	fine particulate matter with aerodynamic diameter of 2.5 micrometers or less
PPV	peak particle velocity
PRC	Public Resources Code
PV	solar photovoltaic
RHNA	Regional Housing Need Allocation
RMS	root-mean-square
ROG	reactive organic gases
ROW	right-of-way
RPS	California's Renewable Portfolio Standard
RTP	regional transportation plan
RTP/SCS	Regional Transportation/Sustainable Communities Strategy
RWF	Regional Wastewater Facility
RWQCB	regional water quality control board
SAF Plan	State Alternative Fuels Plan
SB	Senate Bill
SBWR	South Bay Water Recycling
SCCLD	Santa Clara County Library District
SCS	sustainable communities strategy
SCVHP	Santa Clara Valley Habitat Plan
SCVURPPP	Santa Clara Valley Urban Runoff Prevention Program
SCVWD	Santa Clara Valley Water District
SDMP	Storm Drain Master Plan
SDWA	Safe Drinking Water Act
SEIR	subsequent environmental impact report
SFBAAB	San Francisco Bay Area Air Basin
SFPUC	San Francisco Public Utilities Commission
SGMA	Sustainable Groundwater Management Act of 2014
SIP	State implementation plan
SJWC	San Jose Water Company
SMART	Simple Mobile Access to Reliable Transit
SO ₂	sulfur dioxide

SOI	Sphere of Influence
Specific Plan Area	Gateway-Main Street Specific Plan Area
Specific Plan	Gateway-Main Street Specific Plan
SPL	sound pressure level
SR	State Route
SSMP	sanitary sewer management plan
SVCE	Silicon Valley Clean Energy
SWRCB	State Water Resources Control Board
TAC	Toxic air contaminants
TAG	<i>City of Milpitas Transportation Analysis Guidelines</i>
TASP	Milpitas Transit Area Specific Plan
TCR	tribal cultural resource
TDM	Transportation Demand Management
TOD	Transit-Oriented Development
TPBMP	<i>City of Milpitas Trail, Pedestrian, and Bicycle Master Plan</i>
UPRR	Union Pacific Railroad
USFWS	US Fish and Wildlife Service
UWMP	City's 2020 Urban Water Management Plan
UWMPA	Urban Water Management Planning Act
VdB	vibration decibels
VMT Report	<i>Milpitas Gateway-Main Street Specific Plan: Vehicle Miles Traveled for the Environmental Review</i>
VMT	vehicle miles traveled
VTAA	Santa Clara Valley Transportation Authority
VTP	<i>Santa Clara Valley Transportation Plan</i>
WMP	Water Master Plan
WSA	water supply assessment
WSCP	Water Shortage Contingency Plan
ZEV	zero-emission vehicle
ZWED	Zanker Organic Digester Facility

EXECUTIVE SUMMARY

ES.1 INTRODUCTION

This summary is provided in accordance with California Environmental Quality Act Guidelines (State CEQA Guidelines) Section 15123. As stated in Section 15123(a), “an EIR [environmental impact report] shall contain a brief summary of the proposed action and its consequences. The language of the summary should be as clear and simple as reasonably practical.” As required by the guidelines, this chapter includes a summary description of the Gateway-Main Street Specific Plan (Specific Plan), a synopsis of environmental impacts and recommended mitigation measures (Table ES-1), identification of the alternatives evaluated and of the environmentally superior alternative, and a discussion of the areas of controversy associated with the project.

ES.2 SUMMARY DESCRIPTION OF THE PROJECT

ES.2.1 Project Location

The Gateway-Main Street Specific Plan Area (Specific Plan Area) is approximately 605 acres within the City. The City, located in northern Santa Clara County, within the South San Francisco Bay Area, is situated north of San Jose and east of Santa Clara, Sunnyvale, and Mountain View along State Route 237 (Highway 237) (Figure 2-1). The City is served by three major freeways: Interstate (I)-880, I-680, State Route 237 (Highway 237)/Calaveras Boulevard, and the County-managed Montague Expressway.

ES.2.2 Background and Need for the Project

The Midtown Plan, adopted in 2002 and updated in 2010, is the predecessor plan to the proposed Milpitas Gateway-Main Street Specific Plan. Its aim was to respond to a series of development activities in the Midtown area, including the construction of new housing, reinvestment in the Great Mall, and the future extension of the VTA Light Rail Transit line and BART to the area by creating a cohesive Specific Plan for Midtown.

The Milpitas General Plan Update, adopted in 2021, is the guiding, long-term plan and policy document for the physical development of the city through 2040. The City's General Plan Land Use Element designates the adopted Midtown Plan area as Milpitas Gateway-Main Street Specific Plan (Specific Plan). The General Plan includes the following actions related to the development of the proposed Specific Plan: Action LU-2A to maintain and implement the Gateway-Main Street Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community ‘gathering place’ while maintaining needed industrial, service and commercial uses; and Action ED-3H to work with property owners to facilitate development of vacant and underutilized properties on Main Street to achieve the highest and best use.

The Specific Plan Area includes the historic commercial core of the city, centered on Main Street and the Calaveras Gateway. The proposed Specific Plan would update the vision, standards, and policies of the Midtown Plan. The project would implement the General Plan goals and policies to update the Midtown Plan with a focus on revitalizing Main Street as the city's historic core and improving Calaveras Boulevard as a western gateway into the city.

ES.2.3 Project Objectives

The objectives are based on the proposed Specific Plan vision and are intended to achieve the following:

- Develop a center for the City composed of districts and neighborhoods organized around hubs of activity to improve the character of the area with high quality development, landscaping, and streetscape design.

- ▶ Integrate a mix of land uses throughout Main Street and the surrounding districts to create a walkable downtown supported by commercial retail and office uses, civic and cultural anchors, and infill residential and neighborhood service nodes.
- ▶ Improve mobility and access for infill and mixed-use development in the community, through creation of complete streets, trails and transit improvements to support a walkable and bikeable urban community.
- ▶ Create diverse and meaningful public open space that builds on the assets of its location to support new public realm streetscape improvements, urban parks, plazas, special gathering places, and connected open space.

ES.2.4 Characteristics of the Project

Specific plans are a land use planning tool for the further implementation of the General Plan for individual development proposals in a defined geographic area. They give local land use agencies the ability to establish land use and design regulations to create development that is consistent with site-specific physical constraints and opportunities as well as available infrastructure. All subsequent development within the boundaries of the specific plan area is subject to the requirements of the specific plan. Sections 65450 through 65457 of the California Government Code grant authority to the City for the development and adoption of specific plans.

The purpose of the proposed Specific Plan is to guide land use and development consistent with the General Plan; implement the City's economic development strategy and help facilitate investment in the Specific Plan's Focus Areas; preserve and enhance existing neighborhoods; and plan for the future transition of Urban Reserve lands. The Specific Plan identifies four focus areas: Gateway District, Crossroads District, Main Street District, and Abbot District.

The Specific Plan proposes a new project area boundary, which includes additional areas that currently have other designations in the General Plan Land Use Element and removes areas south of Great Mall Parkway that were included in the Midtown Plan. The proposed Specific Plan Land Use Framework would implement the vision for the Specific Plan focus areas through Specific Plan Zoning Districts and existing Citywide Zoning Districts.

ES.3 ENVIRONMENTAL IMPACTS AND RECOMMENDED MITIGATION MEASURES

ES.3.1 Project-Specific Impacts

This Subsequent EIR (SEIR) has been prepared pursuant to the CEQA (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 1500, et seq.) to evaluate the physical environmental effects of the proposed Specific Plan. The City of Milpitas (City) is the lead agency for the project. The City has the principal responsibility for approving and carrying out the project and for ensuring that the requirements of CEQA have been met.

Table ES-1, presented at the end of this chapter, provides a summary of the environmental impacts for the project. The table provides the level of significance of the impact before mitigation, recommended mitigation measures, and the level of significance of the impact after implementation of the mitigation measures.

ES.3.2 Significant-and-Unavoidable Impacts and Cumulative Impacts

As documented throughout Chapter 3 (Sections 3.1 through 3.12) and Chapter 4, "Cumulative Impacts," of this Draft SEIR, after implementation of the recommended mitigation measures, all of the impacts associated with the project would be reduced to a less-than-significant level or remain significant and unavoidable as identified in the General Plan Update EIR, with the exception of the following impacts identified for the proposed Specific Plan that would be significant and unavoidable:

- ▶ Impact 3.4-1 (Cause a Substantial Adverse Change in the Significance of a Historical Resource)
- ▶ Impact 3.4-2 (Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources)
- ▶ Impact 3.4-3 (Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource)
- ▶ Impact 3.8-2 (Generate a Substantial Increase in Long-Term Transportation Noise Levels)
- ▶ Cumulative Impact 4.4.4-1 (Contribute to Cumulative Impacts to Historical Resources, Archaeological, and Tribal Cultural Resources)
- ▶ Cumulative Impact 4.4.8-2 (Contribute to Cumulative Traffic Noise Impacts)
- ▶ Cumulative Impact 4.4.11-1 (Contribute to Cumulative Impacts Related to Vehicle Miles Traveled)

ES.4 ALTERNATIVES TO THE PROPOSED PROJECT

The following provides brief descriptions of the alternatives evaluated in this Draft SEIR.

- ▶ **Alternative 1: No Project Alternative** assumes that the existing Midtown Plan and the associated General Plan land use designations and zoning would remain. No specific plan document would be adopted.
- ▶ **Alternative 2: Increased Residential Development for Main Street and Crossroad Districts Alternative** consists of the proposed Specific Plan modified that would apply the Specific Plan development incentives identified in Section 2.4.4, "Development Incentives," of Chapter 2, "Project Description," to the Main Street and Crossroad Districts to increase residential development beyond the proposed Specific Plan.

ES.5 AREAS OF CONTROVERSY

State CEQA Guidelines Section 15123 requires the summary section of a Draft EIR to identify the areas of controversy known to the lead agency, including issues raised by agencies and the public. State CEQA Guidelines Section 15123 requires the summary section of a Draft EIR to identify issues to be resolved related to the proposed project.

A notice of preparation (NOP) was distributed for the Specific Plan SEIR on July 15, 2024, to responsible agencies, interested parties, and organizations, as well as private organizations and individuals that may have an interest in the project. A virtual public scoping meeting was held on August 1, 2024. The purpose of the NOP and the scoping meeting was to provide notification that an SEIR for was being prepared for the Specific Plan and to solicit input on the scope and content of the environmental document. The NOP and responses to the NOP are included in Appendix A of this Draft AEIR. Key concerns and issues that were expressed during the scoping process included the following:

- ▶ Construction and operational traffic impacts of the Specific Plan in combination with other anticipated development in the area;
- ▶ Request to prepare a Water Supply Assessment to evaluate the proposal's consistency with the City's Urban Water Management Plan and available water supplies to serve the development; water conservation measures; sufficient water supplies.
- ▶ Concerns related to Valley Water-owned fee title property and easements for Valley Water's Milpitas Pipeline and Lower Penitencia Creek within the Specific Plan Area as it relates to Valley Water encroachment permit requirements;
- ▶ Concerns related to stream resources including mainstems, tributaries, drainages and floodplains associated with Penitencia Creek that may require notification to the LSA Program., migratory birds, fully protected species.
- ▶ Concerns related to nesting bird surveys, bats, Crotch's bumble bee, and the Western Burrowing Owl;
- ▶ Concerns related to City and County of San Francisco owned in fee several parcels, and one easement, within the Specific Plan Area; San Francisco Public Utilities Commission (SFPUC) Right of Way parcels; consistency with SFPUC land use policies; and

- ▶ Concerns related to cultural and tribal cultural resources and compliance with AB 52 and SB 18 requirements.
- ▶ These issues are each addressed in this Draft SEIR.

ES.6 ISSUES TO BE RESOLVED

Section 15123 of the State CEQA Guidelines requires the summary section of a Draft EIR to identify issues to be resolved in the EIR, including the choice among alternatives and whether or how to mitigate the significant project effects. The following issues, in addition to the areas of controversy, are identified to be resolved:

- ▶ whether the proposed Specific Plan should be approved, modified, or denied;
- ▶ whether the is consistent with the City of Milpitas General Plan; and
- ▶ whether the mitigation measures identified in the Draft SEIR should be applied to the proposed Specific Plan.

Table ES-1 Summary of Impacts and Mitigation Measures

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Aesthetics			
Impact 3.1-1: Have a Substantial Adverse Effect on a Scenic Vista	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.1-2: Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality in an Urbanized Area	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.1-3: Light and Glare Impacts	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Air Quality			
Impact 3.3-1: Conflict with or Obstruct Implementation of the Applicable Air Quality Plan, or Result in a Cumulatively Considerable Net Increase of Criteria Pollutants	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.3-2: Expose sensitive receptors to substantial TAC concentrations	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.3-3: Result in Other Emissions (Such as Those Leading to Odors) Adversely Affecting a Substantial Number of People	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Biological Resources			
Impact 3.3-1: Substantially Affect Special-Status Plant Species Either Directly or Through Habitat Modifications	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

City of Milpitas

Gateway-Main Street Specific Plan Subsequent Draft EIR

ES-5

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.3-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.3-3: Substantially Affect any Riparian Habitat or Other Sensitive Natural Community Identified in Local or Regional Plans, Policies, or Regulations or by CDFW or USFWS	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.3-4: Interfere with or Impede the Use of Wildlife Nurseries	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.3-5: Have A Substantial Adverse Effect on State or Federally Protected Wetlands and Waters	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.3-6: Conflict with Local Policies and Ordinances	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination

Cultural, and Tribal Cultural Resources

Impact 3.4-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource	PS	Mitigation Measure 3.4-1a: Conduct Project-Specific Level Surveys Prior to altering or otherwise affecting a building or structure 50 years old or older and has not been previously evaluated as a potential historic resource, the City shall require the project applicant to retain a qualified architectural historian to evaluate and record it on a California Department of Parks and Recreation DPR 523 form or equivalent documentation. Its significance shall be assessed by a qualified architectural historian and evaluated against NRHP, CRHR, and local criteria. The evaluation process shall include the development of appropriate historical background research as context for the assessment of the significance. For buildings or structures that do not meet significance and integrity criteria, no further mitigation is required. Mitigation Measure 3.4-1b: Historical Resources Documentation Prior to the alteration or demolition of any building or structure that qualifies as a historical resource, a qualified architectural historian, the project applicant, and the City	SU, more severe compared to the General Plan Update EIR
---	----	--	---

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		shall consult to consider measures that would enable the project to avoid direct or indirect impacts to the building or structure. If the project cannot avoid modifications to a historic building or structure that would result in a substantial adverse change the City shall ensure that the project applicant have a qualified architectural historian thoroughly documents the building and associated landscaping and setting. If the historic building or structure is eligible or listed on the NRHP, documentation shall include still and video photography and a written documentary record of the building to the standards of the Historic American Building Survey or Historic American Engineering Record, including accurate scaled mapping, architectural descriptions, and scaled architectural plans, if available. A copy of the record shall be deposited with the City, the Milpitas Historical Society, and the Milpitas Library. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.	
Impact 3.4-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources	PS	Mitigation Measure 3.4-2a: Prepare and Implement Worker Training Program A training program will be provided to all construction personnel active on a given project site prior to implementation of earth moving activities. A qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists shall prepare the program and provide the training to all construction personnel. The program will include relevant information regarding archaeological resources, including protocols for resource avoidance, applicable laws regulations, and the consequences of violating them. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance as well as the actions that need to be taken after a find is made. Mitigation Measure 3.4-2b: Identify and Protect Unknown Archaeological Resources During project-specific environmental review of development under the Specific Plan for any projects that include ground disturbance, the project applicant shall hire a qualified archaeologist to determine the potential for the project to result in significant impacts. At a minimum, the effort shall include the following steps: (i) Record's search – The qualified archaeologist shall request a record's search of the entire project area plus a one-half mile buffer from the Northwest Information Center at Sonoma State University. (ii) Surface survey exposed soil – The qualified archaeologist shall complete a pedestrian survey of any exposed soils on the project site. (iii) Reporting – The qualified archaeologist shall complete a report/memo that summarizes the results of the record search and pedestrian survey as well as provides	SU, more severe compared to the General Plan Update EIR

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		recommendations for additional study and/or mitigation measures to protect and/or reduce significant impacts to archaeological resources, as needed. If indigenous materials are identified, the associated tribe(s) will be contacted by the City and will be given the opportunity to review the report and provide input for consideration. (iv) Preservation in place – The project applicant shall consult with the qualified archaeologist to consider means of avoiding or reducing ground disturbance within the archaeological site boundaries, including minor modifications of building footprint, landscape modification, the placement of protective fill (capping), the establishment of a preservation easement, or other means that will avoid or substantially preserve the resource in place. If avoidance or substantial preservation in place is not possible, the project applicant shall implement Mitigation Measure 3.4-2(e). Mitigation Measure 3.4-2c: Identify and Protect Known Unique Archaeological Resources During project-specific environmental review of development under the Specific Plan for any projects that include ground disturbance, the project applicant shall define each project's area of effect for archaeological resources. The project applicant shall determine the potential for the project to result in cultural resources impacts, based on the extent of ground disturbance and site modification anticipated for the project. The project applicant shall implement the following steps where it has been determined under Mitigation Measure 3.4-2b(iv) that avoidance or preservation in place is not feasible, a qualified archaeologist, in consultation with the City, and Native American tribe(s) as applicable, shall: 1) Retain a qualified archaeologist to conduct a subsurface investigation of the archaeological site, to ascertain whether buried archaeological materials are present and, if so, the extent of the deposit relative to the project's area of effects. The project applicant shall be responsible for facilitating access to the archaeological site if it is paved at the moment of testing. If an archaeological deposit is discovered, the archaeologist shall prepare a site record and a written report of the results of investigations and filed with the appropriate Information Center of the California Historical Resources Information System. The archaeological resource shall be evaluated by a qualified archaeologist, who shall determine whether it qualifies as a historical resource or a unique archaeological resource under the criteria of CEQA Guidelines § 15064.5. 2) If the resource does not meet the criteria of CEQA Guidelines § 15064.5, then it shall be noted in the environmental document and no further mitigation is required unless there is a discovery during construction. In the event of a discovery Mitigation Measure 3.4-2e below shall be implemented. However, the archaeological resource may be identified as a tribal cultural resource regardless even if it is determined that it	

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		is not a unique archaeological resource (See Mitigation Measures 3.4-3b and 3.4-3c below for further information). 3) If archaeological material within the project's area of effects is determined to qualify as a historical resource or a unique archaeological resource (as defined by CEQA), the project applicant shall consult with the qualified archaeologist to prepare a research design and archaeological data recovery plan for the recovery that will capture those categories of data for which the site is significant and implement the data recovery plan prior to or during development of the site. The archaeologist shall prepare a written report of the results of the data recovery and filed with the appropriate Information Center of the California Historical Resources Information System. 4) If, in the opinion of the qualified archaeologist and tribe(s) as applicable and in light of the data available, the significance of the site is such that data recovery cannot capture the values of the resource, the project applicant shall reconsider project plans in light of the high value of the resource, and implement more substantial modifications to the project that would allow the site to be preserved intact, such as project redesign, placement of fill, or project relocation or abandonment. If no such measures are feasible, the project applicant shall implement Mitigation Measure 3.4 2d. Mitigation Measure 3.4-2d: Retain Archaeological Monitor During project-specific environmental review of development under the Specific Plan, the project applicant shall retain an archaeological monitor for projects where an archaeological resource cannot be preserved or avoided. The archaeological monitor shall be retained prior to the commencement of any ground-disturbing activities (e.g., tree removals, boring, excavation, drilling, and trenching) for the future projects within 100 feet from all known archaeological resources that have been determined eligible or listed in the CRHR and NRHP, California Historical Landmarks, and any archaeological resources that have not been evaluated for its significance. A copy of the executed monitoring agreement shall be submitted to the project applicant and the City prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries. Monitor logs will identify and describe any discovered archaeological resource. Copies of monitor logs will be provided to the project applicant.	

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

City of Milpitas

Gateway-Main Street Specific Plan Subsequent Draft EIR

ES-9

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		Mitigation Measure 3.4-2e: For All Ground-Disturbing Construction Activities, Halt Ground Disturbance Upon Discovery of Subsurface Archaeological Features During project-specific environmental review under the Specific Plan, for projects where no archaeological materials have been identified as part of Mitigation Measures 3.4-2b and 3.4-2c, in the event that any precontact or historic era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the qualified archaeologist determines the archaeological material to be Native American in nature, the project applicant shall contact the appropriate Native American tribe for their input on the preferred treatment of the find. Mitigation Measure 3.4-2b(iv) or Mitigation Measure 3.4-2c and Mitigation Measure 3.4-2d shall be implemented.	
Impact 3.4-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource	PS	Mitigation Measure 3.4-3a: Conduct Tribal Cultural Resources Awareness Training During project-specific environmental review for development under the Specific Plan, the City shall coordinate with California Native American tribe(s) to prepare tribal cultural resource awareness and sensitivity training. All crew members and contractors shall be trained in the protection of tribal cultural resources and sensitive archaeological resources that the tribe(s) deems important. Workers will be trained to halt work if tribal cultural resources or sensitive archaeological resources are encountered and the construction method consists of physical disturbance of land surfaces (e.g., soil disturbance). The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and protocols, consistent, to the extent feasible, with Native American Tribal values. The tribe(s) shall determine the most appropriate method of training (e.g., in person, brochure, or archaeological consultant). Mitigation Measure 3.4-3b: Identify and Protect Unknown Tribal Cultural Resources During project-specific environmental review under the Specific Plan, if the City in consultation or coordination with the tribe(s) determines that a project activity may cause a substantial adverse change to a tribal cultural resource, and measures to protect the resource are not otherwise identified in the consultation process, the project applicant shall implement the following steps to identify and protect tribal cultural resources or archaeological resources significant to the tribe that may be present in the project's area of effects. 1) If a tribal cultural resource is identified, the project lead shall consult with the tribe(s) to consider means of avoiding or reducing ground disturbance within the resource boundaries, including minor modifications of building footprint, landscape	SU, more severe compared to the General Plan Update EIR

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		modification, the placement of protective fill (e.g., capping), the establishment of a preservation easement, or other means that will avoid or substantially preserve the resource in place. Similar to Mitigation Measure 3.4-2b(iv). 2) If avoidance or substantial preservation in place of tribal cultural resources is not possible, the project lead shall implement Mitigation Measure 3.4-3(c). 3) For projects that require subsurface testing of archaeological sites that contain indigenous materials, the project applicant shall retain the Native American tribe(s) to monitor the subsurface testing of the project area that is required under Mitigation Measure 3.4-2c. The type of subsurface testing (e.g., ground-penetrating radar, core, forensic dogs, excavation) shall be coordinated with the consulting tribe(s). Mitigation Measure 3.4-3c: Identify and Protect Known Tribal Cultural Resources If the City determines that avoidance or preservation in place of a tribal cultural resource is not feasible and ground disturbance cannot be avoided, the project lead and Native American tribe(s) as applicable, shall develop a treatment plan. The treatment plan shall include, but not be limited to testing, excavation strategy, research design, resource significance assessment methods, a burial treatment agreement (if applicable), reporting requirements and health and safety procedures. The burial treatment agreement (if applicable) shall include a discussion of reburial options, locations, and potential easements, considering tribal preferences. This may be developed in conjunction with Mitigation Measure 3.4-2c. Mitigation Measure 3.4-3d: Retain a Native American Monitor Irrespective of pedestrian survey or subsurface testing findings, the project lead shall notify the appropriate Native American tribe(s) and retain a representative for tribal cultural resource monitoring prior to the commencement of any ground-disturbing activities within 100 feet from all known tribal and archaeological resources (containing indigenous materials) that have been determined eligible or listed in the CRHR and NRHP, as well as California Historical Landmarks, and any archaeological resources that have not been evaluated for its significance. The project applicant shall contact the tribal representatives a minimum of seven days prior to beginning earthwork or other ground disturbing activities; construction activities will proceed if no response is received 48 hours prior to ground disturbing activities. The tribal monitor shall only be present onsite during the construction phases that involve ground disturbing activities, including but not limited to tree removals, boring, excavation, drilling, and trenching. The tribal monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. The onsite monitoring shall end when the site grading and excavation activities are completed, or	

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

City of Milpitas

Gateway-Main Street Specific Plan Subsequent Draft EIR

ES-11

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		when the tribal representatives and monitor have indicated that the site has a low potential for impacting tribal cultural resources. Mitigation Measure 3.4-3e: Implement Native American Response and Treatment Protocol During project-specific environmental review under the Specific Plan, for projects where no archaeological materials have been identified as part of Mitigation Measures 3.4-3b and 3.4-3c, in the event that any tribal cultural resources and/or precontact subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted. The project applicant shall contact the appropriate Native American tribe(s) for their input on the preferred treatment of the find. Mitigation Measure 3.4-3b (1) or Mitigation Measure 3.4-3c and Mitigation Measure 3.4-3d shall be implemented. If artifacts are recovered from significant tribal cultural resources, the first option shall be to transfer the artifacts to an appropriate tribal representative. If possible, accommodations shall be made to reinter the artifacts at the project site or another mutually agreed upon (with the Native American representative) location within the Specific Plan Area. Only if no other options are available will recovered precontact archaeological material be housed at a qualified curation facility, if approved by the consulting tribe(s).	
Impact 3.4-4: Disturb Human Remains	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Energy			
Impact 3.5-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy, During Plan Construction or Operation	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.5-2: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

City of Milpitas

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Greenhouse Gas Emissions and Climate Change			
Impact 3.6-1: Generate GHG Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.6-2: Consistent with Local Greenhouse Gas Reduction Strategies and Plans	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Land Use and Planning			
Impact 3.7-1: Physically Divide an Established Community	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.7-2: Conflict With any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Noise and Vibration			
Impact 3.8-1: Generate Substantial Short-Term (Construction) Noise	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.8-2: Generate a Substantial Increase in Long-Term Transportation Noise Levels	SU No change in General Plan Update EIR determination	None required	SU No change in General Plan Update EIR determination
Impact 3.8-3: Generate a Substantial Increase in Long-Term Stationary Operational Noise	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

City of Milpitas

Gateway-Main Street Specific Plan Subsequent Draft EIR

ES-13

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.8-4: Generate Substantial Short-Term (Construction) Vibration	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Population and Housing			
Impact 3.9-1: Induce Substantial Population Growth	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.9-2: Displace Substantial Numbers of Existing People or Housing	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Public Services and Recreation			
Impact 3.10-1: Result in Substantial Adverse Physical Impacts Associated with the Provision of New Fire Facilities	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.10-2: Result in Substantial Adverse Physical Impacts Associated with the Provision of New Police Facilities	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.10-3: Result in Substantial Adverse Physical Impacts Associated with the Provision of New School Facilities	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.10-4: Result in Substantial Adverse Physical Impacts Associated with the Demand for or Provision of New Parks and Other Recreational Facilities	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Transportation			
Impact 3.11-1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle, and Pedestrian Facilities	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.11-2: Conflict or Be Inconsistent with CEQA Guidelines Section 15064.3(b) Regarding Vehicle Miles Traveled	SU No change in General Plan Update EIR determination	Mitigation Measure 3.11-2a: Implement Commute Trip Reduction Program Future employers shall develop and implement a commute trip reduction program and shall present the strategy to the City of Milpitas for review and approval. The following elements, or equally effective alternatives, shall be provided as part of the Commute Trip Reduction program: ▶ ridesharing program, ▶ subsidized or discounted transit passes, ▶ end-of-trip bicycle facilities, ▶ employer-sponsored vanpool, and ▶ guaranteed ride home program. Additionally, the Commute Trip Reduction Program must be complimented with Commute Trip Reduction Marketing to share information, facilitate coordination, and implement marketing for services, infrastructure, and incentives provided by the Commute Trip Reduction Program. The following features, or similar alternatives, shall be implemented to satisfy the Commute Trip Reduction Marketing strategy. ▶ On-site or online commuter information services, ▶ Employee transportation coordinators, and ▶ On-site or online transit pass sales Potential Reduction in VMT: Commute Trip Reduction programs discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking, thereby reducing VMT. A voluntary commute trip reduction program can reduce employee commute VMT by up to 4.0 percent with full participation of all eligible employees (CAPCOA 2021). Mitigation Measure 3.11-2b: Require Employers to Provide Employer-Sponsored Vanpool or Shuttle Service The project applicant shall require building occupants or tenants (i.e., employer) to implement an employer-based shuttle or vanpool service. For large employers with corporate campuses, this may include running private shuttles to and from neighborhoods where employees live. For smaller employers, or buildings with multiple	SU No change in General Plan Update EIR determination

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		employer tenants, it may involve a shuttle connecting to regional transit, such as a Caltrain station, funded through an organization such as a transportation management association. Potential Reduction in VMT: Vanpooling is a flexible form of public transportation that provides groups of five to 15 people with a cost-effective and convenient rideshare option for commuting, thus reducing single-occupancy trips and VMT. Employer-sponsored vanpool can reduce employee commute VMT by up to 7 percent (Fehr & Peers 2024). Mitigation Measure 3.11-2c: Provide a Ridesharing Program Building occupants or tenants who provide employment for 50 people or more shall develop and implement ridesharing programs. The following strategies provide examples of a multifaceted approach for promoting a rideshare program: ▶ designating a certain percentage of desirable parking spaces for ridesharing vehicles, ▶ designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles, and ▶ providing an app or website for coordinating rides. Potential Reduction in VMT: Ridesharing encourages carpooled vehicle trips in place of single-occupancy vehicle trips, thereby reducing the number of trips and VMT. Ridesharing programs can reduce employee commute VMT by up to 8 percent (CAPCOA 2021). Mitigation Measure 3.11-2d: Implement Carshare Program The project applicant shall increase carshare access in the user's community by deploying conventional carshare vehicles. Potential Reduction in VMT: Carsharing offers people convenient access to a vehicle for personal or commuting purposes. This helps encourage transportation alternatives and reduces vehicle ownership, thereby reducing VMT. Carsharing can reduce VMT by up to 0.15 percent in the plan area (CAPCOA 2021). Measure 3.11-2e: Establish a Bikeshare, Electric Bikeshare, and Scootershare Program Establish a bikeshare and scootershare program that provides users with on-demand access to bicycles, electric pedal assist bicycles, and electric scooters for short-term rentals. Potential Reduction in VMT: This encourages a mode shift from vehicles to active modes of transportation, displacing VMT. Establishing bikeshare, electric bikeshare, and scootershare programs can result in up to 0.02 percent, 0.06 percent, and 0.07 percent VMT reduction in plan area, respectively (CAPCOA 2021).	

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		Measure 3.11-2f: Implement On-Street Market Price Parking The City shall establish pricing all on-street parking in central business districts, employment centers, and retail centers within the Specific Plan area. When pricing on-street parking, best practice is to allow for dynamic adjustment of prices to ensure approximately 85 percent occupancy, which helps prevent induced VMT due to circling behaviors as individuals search for a vacant parking space. In addition, this method should primarily be implemented in areas with available alternatives to driving, such as transit availability within 0.5 mile or areas of high residential density nearby (allowing for increased walking/biking). If the measure is implemented in a small area, residential parking permit programs should be considered to prevent parking intrusion on nearby streets in residential areas without priced parking. Potential Reduction in VMT: Increasing the cost of parking increases the total cost of driving to a location, incentivizing shifts to other modes and thus decreasing total VMT to and from the priced areas. On-street market price parking can reduce VMT by up to 30 percent in the plan area (CAPCOA 2021).	
Impact 3.11-3: Substantially Increase Hazards Due to a Geometric Design Feature or Incompatible Uses	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.11-4: Result in Inadequate Emergency Access	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Utilities and Service Systems			
Impact 3.12-1: Construction Impacts of New or Expanded Water, Wastewater Treatment, or Storm Water Drainage, Electric Power, Natural Gas, or Telecommunications Facilities	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.12-2: Have Sufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

City of Milpitas

Gateway-Main Street Specific Plan Subsequent Draft EIR

ES-17

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 3.12-3: Have Adequate Wastewater Treatment Capacity	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Impact 3.12-4: Solid Waste Facilities and Compliance with Solid Waste Statutes and Regulations	LTS No change in General Plan Update EIR determination	None required	LTS No change in General Plan Update EIR determination
Cumulative Impacts			
Impact 4.4.1-1: Contribute to Cumulative Visual Resources Impacts	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.1-12 Contribute to Cumulative Light and Glare Impacts	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.2-1: Contribute to Cumulative Conflicts with or Obstruction of Implementation of an Applicable Air Quality Plan	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.2-2: Contribute to Cumulative Exposure of TACs	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.2-3: Contribute to Cumulative Exposure of Odors	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.3-1: Contribute to Cumulative Impacts on Biological Resources	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.4-1: Contribute to Cumulative Impacts to Historical Resources, Archaeological, and Tribal Cultural Resources	Cumulatively considerable	Implementation of Mitigation Measures 3.4-1a, 3.4-1b, 3.4-2a through 3.4-2e, and 3.4-3a through 3.4-3e would assist, but not fully mitigate, this impact. No additional measures are available	Cumulatively considerable and SU
Impact 4.4.5-1: Contribute to Cumulative Energy Impacts	Less than cumulatively considerable	None required	Less than cumulatively considerable

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 4.4.6-1: Contribute to Cumulative Greenhouse Gas Impacts	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.7-1: Physically Divide an Established Community	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.7-2: Conflict with Any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.8-1: Contribute to Cumulative Construction Noise and Vibration Impacts	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.8-2: Contribute to Cumulative Traffic Noise Impacts	Cumulatively considerable	None required	Cumulatively considerable and SU
Impact 4.4.8-3: Contribute to Cumulative Operational Noise Impacts	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.9-1: Contribute to Cumulative Inducement of Unplanned Growth or Displacement	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.10-1: Contribute to Cumulative Impacts on Public Services and Recreation	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.11-1: Transit Service and Facilities, Bicycle Facilities, and Pedestrian Facilities	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.11-2: Vehicle Miles Traveled	Cumulatively considerable	None required	Cumulatively considerable and SU
Impact 4.4.11-3: Geometric Design Hazards	Less than cumulatively considerable	None required	Less than cumulatively considerable

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

City of Milpitas

Gateway-Main Street Specific Plan Subsequent Draft EIR

ES-19

Impacts	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact 4.4.11-4: Emergency Access	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.12-1: Contribute to Cumulative Impacts Related to Water Supply	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.12-2: Contribute to Cumulative Impacts Related to Wastewater	Less than cumulatively considerable	None required	Less than cumulatively considerable
Impact 4.4.12-2: Contribute to Cumulative Impacts Related to Solid Waste	Less than cumulatively considerable	None required	Less than cumulatively considerable

NI = No impact

LTS = Less than significant

PS = Potentially significant

S = Significant

SU = Significant and unavoidable

1 INTRODUCTION

This Draft Subsequent Environmental Impact Report (Draft SEIR) evaluates the environmental impacts of the proposed Specific Plan. This Draft SEIR has been prepared under the direction of the City of Milpitas (City) in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines. This chapter of the Draft SEIR provides information on:

- ▶ the project requiring environmental analysis (synopsis);
- ▶ the type, purpose, and intended uses of the Draft SEIR;
- ▶ effects found not to be significant;
- ▶ the agency roles and responsibilities;
- ▶ the public review process;
- ▶ the organization of the Draft SEIR; and
- ▶ the standard terminology.

1.1 PROJECT BACKGROUND

The purpose of the Gateway-Main Street Specific Plan (Specific Plan) is to guide land use and development consistent with the General Plan; implement the City's economic development strategy and help facilitate investment in the Specific Plan's Focus Areas; preserve and enhance existing neighborhoods; and plan for the future transition of Urban Reserve lands. The Specific Plan identifies four focus areas: Gateway District, Crossroads District, Main Street District, and Abbott District. The Specific Plan would require amendments to the General Plan as changes to the boundaries and land use and development standards of the adopted Midtown Plan Area are proposed. The Specific Plan proposes a new project area boundary that removes the portion of the Midtown Specific Plan Area south of the Great Mall Parkway, and adds area in the northwestern portion of the Specific Plan Area. The proposed Specific Plan would allow for additional residential development beyond what is allowed under the General Plan through increases in density and implementation of an incentive program. This would also include alterations in nonresidential development potential through mixed-use development.

For further information on the proposed Specific Plan, see Chapter 2, "Project Description."

1.2 TYPE, PURPOSE, SCOPE, AND INTENDED USES OF THIS DRAFT SEIR

Pursuant to State CEQA Guidelines Section 15162, an SEIR should be prepared if an EIR has been certified for a project, but one or more of the following conditions are met:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

- A. The project will have one or more significant effects not discussed in the previous EIR or negative declaration.
- B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The City certified the General Plan Update and adopted the General Plan Update in March 2021. A summary of the adopted General Plan Update is provided in Section 2.1, "Project Background and Need," of this Draft SEIR. Due to the proposed modifications to the adopted General Plan Update, the City has determined that the preparation of a SEIR is the appropriate environmental review document for the project, per the requirements of State CEQA Guidelines Section 15162.

The General Plan Update, Draft EIR and Final EIR are available for review through the City and online at the following locations:

- ▶ <https://www.milpitas.gov/DocumentCenter/View/1147/Milpitas-2040-General-Plan-PDF>
- ▶ [https://www.milpitas.gov/DocumentCenter/View/1342/Notice-of-Determination-and-Final-EIR-PDF?bidId=.](https://www.milpitas.gov/DocumentCenter/View/1342/Notice-of-Determination-and-Final-EIR-PDF?bidId=)

An EIR is a public informational document used in the planning and decision-making process. An EIR assesses the environmental effects related to the planning, construction, and operation of a project and indicates ways to reduce or avoid significant environmental impacts. An EIR also discloses significant environmental impacts that cannot be avoided; any growth-inducing impacts of a project; effects found not to be significant; and significant cumulative impacts of past, present, and reasonably foreseeable future projects in combination with the impacts of the project.

Mitigation has been recommended where feasible to reduce or avoid the project's significant impacts. Mitigation measures from the General Plan Update EIR that were adopted and apply to the Specific Plan are identified. As an informational document for decision makers, a Draft SEIR is not intended to recommend either approval or denial of a project. CEQA requires the decision makers to balance the benefits of a project against its unavoidable environmental impacts. If environmental impacts are identified as significant and unavoidable (i.e., no feasible mitigation is available to reduce the impact to a less-than-significant level), the City may still approve the project if it believes that social, economic, or other benefits outweigh the unavoidable impacts. The City would then be required to make findings and state, in writing, the specific reasons for approving the project, based on information in the Draft SEIR and other information in the administrative record. In accordance with Section 15093 of the State CEQA Guidelines, the document containing such reasons is called a "statement of overriding considerations."

The program-level analysis in this SEIR considers the broad environmental effects of the project consistent with State CEQA Guidelines Section 15168. This SEIR will be used to evaluate subsequent projects and activities under the project. This SEIR is intended to provide the information and environmental analysis necessary to assist public agency decision-makers in considering approval of the project. Additional environmental review under CEQA may be required for subsequent projects and would be generally based on the subsequent project's consistency with the project and the analysis in this SEIR, as required under CEQA. It may be determined that some future projects or activities under the project may be exempt from further environmental review. When subsequent projects or activities under the project are proposed, the City will examine the projects or activities to determine whether their effects were adequately analyzed in the General Plan Update EIR and this SEIR (CEQA Guidelines Section 15168[c]).

1.3 EFFECTS FOUND NOT TO BE SIGNIFICANT

CEQA allows a lead agency to limit the detail of discussion of environmental effects that are not potentially significant (PRC Section 21100, State CEQA Guidelines Section 15128). Based on a review of comments received on the notice of

preparation (NOP) and at the scoping meeting (Appendix A) as well as additional research and analysis of relevant project data during preparation of this Draft SEIR, it was determined, for reasons described below, that the project would not result in significant environmental impacts to agriculture and forestry resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, or wildfire. Accordingly, these resources are not addressed further in this Draft SEIR.

1.3.1 Agriculture and Forestry Resources

The Specific Plan Area is located within the City of Milpitas, an urbanized area in northern Santa Clara County, within the South San Francisco Bay Area. The Specific Plan Area is fully developed and no agricultural, forestry, or timber resources exist on or adjacent to the Specific Plan Area. In addition, the Specific Plan Area is currently zoned for industrial, commercial, and residential purposes. Therefore, the project would not convert farmland, conflict with any zoning for agricultural uses or forest land, result in loss or conversion of forest land or involve other changes in the environment that would result in conversion of farmland or forest land. There would be **no impact** to agriculture or forestry resources.

1.3.2 Geology and Soils

There are known active faults that have been mapped within the city and numerous faults located in the region as illustrated. In addition, the California Geological Survey has established an Alquist-Priolo Earthquake Fault Zone, the Hayward Fault Zone, which traverses the city, east of the Specific Plan Area. All projects would be required to comply with the provisions of the California Building Standards Code (CBSC), which requires development projects to perform geotechnical investigations in accordance with State law, engineer improvements to address potential seismic and ground failure issues, and use earthquake-resistant construction techniques to address potential earthquake loads when constructing buildings and improvements. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the CBSC, General Plan, and other regulations. In addition to the requirements associated with the CBSC and the Municipal Code, the General Plan includes policies and actions to ensure that development projects address potential geologic hazards, at-risk buildings and infrastructure is evaluated for potential risks, and site-specific studies are completed for area subject to liquefaction.

In addition, it is important to note that environmental impact analyses under CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents unless the proposed project might cause or risk exacerbating environmental hazards or conditions that already exist (State CEQA Guidelines, section 15126.2(a)). In those specific instances, it is the project's impact on the environment and not the environment's impact on the project that compels an evaluation of how future residents or users may be affected by exacerbated conditions (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369). New development would not create new seismic events or exacerbate existing seismic hazards, because limited ground disturbance would not alter seismic and fault conditions in the region.

Therefore, impacts related to geology and soils would be **less than significant**.

1.3.3 Hazards and Hazardous Materials

The use, transportation, and disposal of hazardous materials is regulated and monitored by local fire departments, Certified Unified Program Agencies (CUPA), the California Division of Occupational Safety and Health and the Department of Toxic Substances Control consistent with the requirements of Federal, State, and local regulations and policies. Facilities that store hazardous materials on-site are required to maintain a Hazardous Materials Business Plan in accordance with State regulations. In the event of an accidental release of hazardous materials, the local CUPA and emergency management agencies (e.g., Police and Fire) would respond. All future projects allowed under the Specific Plan would be required to comply with the provisions of Federal, State, and local requirements related to hazardous materials. In addition to the requirements associated with Federal and State regulations and the Municipal Code, the

General Plan includes policies and actions to address potential impacts associated with hazardous materials among other issues. These policies and actions in the General Plan would ensure that potential hazards are identified on a project site, that development is located in areas where potential exposure to hazards and hazardous materials can be mitigated to an acceptable level, and that business operations comply with Federal and State regulations regarding the use, transport, storage, and disposal of hazardous materials. Specifically, Action SA-5a would require that applications for discretionary development projects provide detailed information regarding the potential for the historical use of hazardous materials on the site, using information from databases identifying past soil and/or groundwater contaminations, including the Cortese list. If warranted, identify and require mitigation measures to ensure the exposure to hazardous materials from historical uses has been mitigated to acceptable levels consistent with EPA and/or DTSC standards. As identified in the General Plan Update EIR, there are no hazardous materials release sites located in the General Plan Update Planning Area listed on the Cortese List (City of Milpitas 2021). The General Plan also includes policies and actions to ensure that the City has adequate emergency response plans and measures to respond in the event of an accidental release of a hazardous substance (City of Milpitas 2021). Therefore, impacts related to hazards and hazardous materials would be **less than significant**.

1.3.4 Hydrology and Water Quality

Existing regulatory requirements that manage water quality, and implement the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) include requirements to obtain approval from the Regional Water Quality Control Boards for National Pollutant Discharge Elimination System permits, other discharge permits, Water Quality Management Plans, Storm Water Pollution Prevention Plans, and to implement Best Management Practices. These regulatory requirements are intended to ensure that water quality does not degrade to levels that would violate water quality standards.

Future development projects under the Specific Plan would result in new impervious surfaces and could reduce rainwater infiltration and groundwater recharge. However, the majority of developable areas within the Santa Clara Plain Recharge Area and Specific Plan Area are currently developed with urban uses. The amount of new pavement and impervious surfaces, and the extent to which they affect infiltration, depends on the site-specific features and soil types of a given project site. However, all new development would be subject to stormwater quality requirements and the implementation of Low Impact Development (LID) measures that would reduce impervious surfaces and promote the use of infiltration in drainage improvements. Projects located within the Specific Plan Area would have less of an impact than projects converting open lands and spaces. Implementation and future development under the proposed Specific Plan would not appreciably add to the volume of impervious surfaces in the Specific Plan Area or the Santa Clara Plain Recharge Area, when compared to the overall size of the regional groundwater basin recharge area. The proposed Specific Plan contains standards to reduce impacts associated with flooding including standards to minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program and require that new development within a FEMA-designated flood hazard zone must follow the City's construction standards for such areas as currently laid out in the Milpitas Municipal Code Section XI-15 (Floodplain Management Regulations).

The City manages local storm drain facilities and the Santa Clara Valley Water District (SCVWD) is responsible for regional flood control planning within the County. The City is a participant in the National Flood Insurance Program (NFIP). The NFIP provides property owners and renters with federally backed flood insurance, reduces flood damage through a mandatory local floodplain management ordinance, and identifies and maps flood hazards. The NFIP requires the City to maintain a floodplain management ordinance based upon current FEMA Flood Insurance Rate Maps (FIRMs). The City meets this requirement through the implementation of Floodplain Management Regulations specified in Section XI Chapter 15 of the Milpitas Municipal Code. The 2021 Storm Drain Master Plan outlines proposed land uses for portions of the Specific Plan Area, but not others. Areas with no defined land uses were assigned subbasin-specific hydrology parameters. The Storm Drain Master Plan highlights three low-priority improvements within the Specific Plan Area at: Main Street and Sierra Way; on Comet Drive; and a short segment of Railroad Avenue. Additionally, the report identifies four Capital Improvement Plan storm drain main extensions along Main Street. The proposed Specific Plan contains standards to reduce impacts associated with stormwater and

drainage including standards to provide storm drain infrastructure that is designed to serve new development and meets City standards; construct the improvements within the Specific Plan Area that were identified in the 2021 Storm Drainage Master Plan; and Upgrade and expand the storm drain system in accordance with the Storm Drain Master Plan and as required along new roads within the Specific Plan Area, ensuring it meets the needs of new development to the satisfaction of the City Engineer.

Compliance with mandatory Federal and State regulations, and compliance with the existing City standards and regulations for the SCVURPPP, the City of Milpitas Storm Drainage Master Plan, General Plan policies and the Milpitas Municipal Code requirements, and proposed Specific Plan standards that address drainage and flooding would ensure that impacts to drainage patterns, erosion, and water quality would be less than significant. Therefore, impacts related to hydrology and water quality would be **less than significant**.

1.3.5 Mineral Resources

There are no active mines, no known areas with mineral resource deposits, or mineral or aggregate resources areas of statewide importance located in the City (City of Milpitas 2021). Therefore, **no impact** to mineral resources would occur.

1.3.6 Wildfire

While all of California is subject to some degree of wildfire hazard, the project site is surrounded by urban uses and, therefore, less prone to wildfire.

"Local responsibility areas," which are under the jurisdiction of local entities (e.g., cities, counties), are required to identify very high fire hazard severity zones. Local Responsibility Areas (LRA) are concentrated in the incorporated areas of Milpitas. Milpitas is an LRA that is served by the Milpitas Fire Department. The City of Milpitas or the general vicinity is not categorized as a "Very High" FHSZ by California Department of Forestry and Fire Protection (CAL FIRE). State Responsibility are found to the east of the city limits in the hilly terrain. There are no State Responsibility areas within the city limits of Milpitas, however areas east of the city are designated as "high" FHSZ by CAL FIRE. There are no areas that are designated as a "Very High Fire Hazard" area within the city.

New construction is subject to the City Municipal Code and the California Fire Code, which includes safety measures to minimize the threat of fire. Thus, the project would have **no impact** related to wildlife risk and this issue is not discussed further in this EIR.

1.4 AGENCY ROLES AND RESPONSIBILITIES

1.4.1 Lead Agency

The City of Milpitas is the lead agency responsible for approving and carrying out the project and for ensuring that the requirements of CEQA have been met. After the SEIR public-review process is complete, the City will determine whether to certify the SEIR (see State CEQA Guidelines Section 15090) and approve the project.

1.4.2 Trustee and Responsible Agencies

A trustee agency is a State agency that has jurisdiction by law over natural resources that are held in trust for the people of the State of California.

Responsible agencies are public agencies, other than the lead agency, that have discretionary-approval responsibility for reviewing, carrying out, or approving elements of a project. Responsible agencies should participate in the lead agency's CEQA process, review the lead agency's CEQA document, and use the document when making a decision

on project elements. Agencies that may have responsibility for, or jurisdiction over, the implementation of elements of the project include the following:

STATE AGENCIES

- ▶ San Francisco Bay Region Regional Water Quality Control Board (Region 2)

REGIONAL AND LOCAL AGENCIES

- ▶ Bay Area Air Quality Management District

1.5 PUBLIC REVIEW PROCESS

In accordance with CEQA regulations, an NOP was distributed on July 15, 2024, to responsible agencies, interested parties and organizations, and private organizations and individuals that could have interest in the project. The NOP was available at the City's Planning Department at 455 E. Calaveras Blvd Milpitas, CA 95035.

The purpose of the NOP was to provide notification that an SEIR for the Specific Plan was being prepared and to solicit input on the scope and content of the document. The NOP and responses to the NOP are included in Appendix A of this Draft SEIR.

1.5.1 Public Review of This Draft SEIR

This Draft SEIR is being circulated for public review and comment for a period of **45 days**. During this period, comments from the general public as well as organizations and agencies on environmental issues may be submitted to the lead agency. Please send all comments to:

Jay Lee, Planning Director
City of Milpitas, Planning Department
455 E. Calaveras Boulevard
Milpitas, CA 95035
Phone: (408) 586-3077
Email: [jlee @ milpitas.gov](mailto:jlee@milpitas.gov)

Agencies that will need to use the SEIR when considering permits or other approvals for the project should provide the name of a contact person, phone number, and email address. Comments provided by email should include the name and physical address of the commenter.

A copy of this Draft SEIR has been posted on the City's Gateway-Main Street Specific Plan website:
<https://www.milpitasmainstreet.org/>.

Upon completion of the public review and comment period, a final SEIR will be prepared that will include comments on the Draft SEIR received during the public-review period, responses to those comments, and any revisions to the Draft SEIR made in response to public comments. The Draft SEIR and Final SEIR will comprise the SEIR for the project.

Before adopting the project, the lead agency, is required to certify that the SEIR has been completed in compliance with CEQA, that the decision-making body reviewed and considered the information in the SEIR, and that the SEIR reflects the independent judgment of the lead agency.

1.6 DRAFT SEIR ORGANIZATION

This Draft SEIR is organized into chapters, as identified and briefly described below. Chapters are further divided into sections (e.g., Chapter 3, "Environmental Impacts and Mitigation Measures" and Section 3.5, "Energy"):

- ▶ The “Executive Summary”: This chapter introduces the Specific Plan; provides a summary of the environmental review process, effects found not to be significant, and key environmental issues; and lists significant impacts and mitigation measures to reduce significant impacts to a less-than-significant level.
- ▶ Chapter 1, “Introduction”: This chapter provides a synopsis of the project; a description of the type, purpose, and intended uses of this Draft SEIR; effects found not to be significant; a description of the lead and responsible agencies; a summary of the public review process; and a description of the organization of this SEIR; and definitions of standard terminology used in this SEIR.
- ▶ Chapter 2, “Project Description”: This chapter describes the location, background, and goals and objectives for the Specific Plan, and describes the project elements in detail.
- ▶ Chapter 3, “Environmental Impacts and Mitigation Measures”: The sections in this chapter evaluate the expected environmental impacts generated by the Specific Plan, arranged by subject area (e.g., land use, utilities). In each subsection of Chapter 3, the regulatory background, existing conditions, analysis methodology, and thresholds of significance are described. The anticipated changes to the existing conditions after development of the project are then evaluated for each subject area. For any significant or potentially significant impact that would result from project implementation, mitigation measures are presented and the level of impact significance after mitigation is identified. Environmental impacts are numbered sequentially within each section (e.g., Impact 3.2-1, Impact 3.2-2, etc.). Any required mitigation measures are numbered to correspond to the impact numbering; therefore, the mitigation measure for Impact 3.2-2 would be Mitigation Measure 3.2-2.
- ▶ Chapter 4, “Cumulative Impacts”: This chapter provides information required by CEQA regarding cumulative impacts that would result from implementation of the Specific Plan, as well as other past, present, and probable future projects.
- ▶ Chapter 5, “Alternatives”: This chapter evaluates alternatives to the Specific Plan, including alternatives considered but eliminated from further consideration, the No Project Alternative, and alternative development options. The environmentally superior alternative is identified.
- ▶ Chapter 6, “Other CEQA Sections”: This chapter evaluates growth-inducing impacts and irreversible and irretrievable commitment of resources, and discloses any significant and unavoidable adverse impacts.
- ▶ Chapter 7, “Report Preparers”: This chapter identifies the preparers of the document.
- ▶ Chapter 8, “References”: This chapter identifies the organizations and persons consulted during preparation of this Draft SEIR and the documents and individuals used as sources for the analysis.

1.7 STANDARD TERMINOLOGY

This Draft SEIR uses the following standard terminology:

- ▶ “No impact” means no change from existing conditions (no mitigation is needed).
- ▶ “Less-than-significant impact” means no substantial adverse change in the physical environment (no mitigation is needed).
- ▶ “Potentially significant impact” means a substantial adverse change in the environment that might occur (mitigation is recommended because potentially significant impacts are treated as significant).
- ▶ “Significant impact” means a substantial adverse change in the physical environment that would occur (mitigation is recommended).
- ▶ “Significant and unavoidable impact” means a substantial adverse change in the physical environment that would occur and that cannot be avoided, even with the implementation of all feasible mitigation.

This page is intentionally left blank.

2 PROJECT DESCRIPTION

This chapter presents a detailed description of the proposed Gateway-Main Street Specific Plan (Specific Plan), referred to as the project. The project consists of updates to the adopted Milpitas Midtown Specific Plan (Midtown Plan) including changes to existing zoning and land use to allow for increased density. This chapter describes project location, setting, and background; City of Milpitas (City) objectives; project elements; and anticipated public approvals. This draft subsequent EIR (SEIR) provides a programmatic evaluation of the proposed Specific Plan.

2.1 PROJECT LOCATION AND SETTING

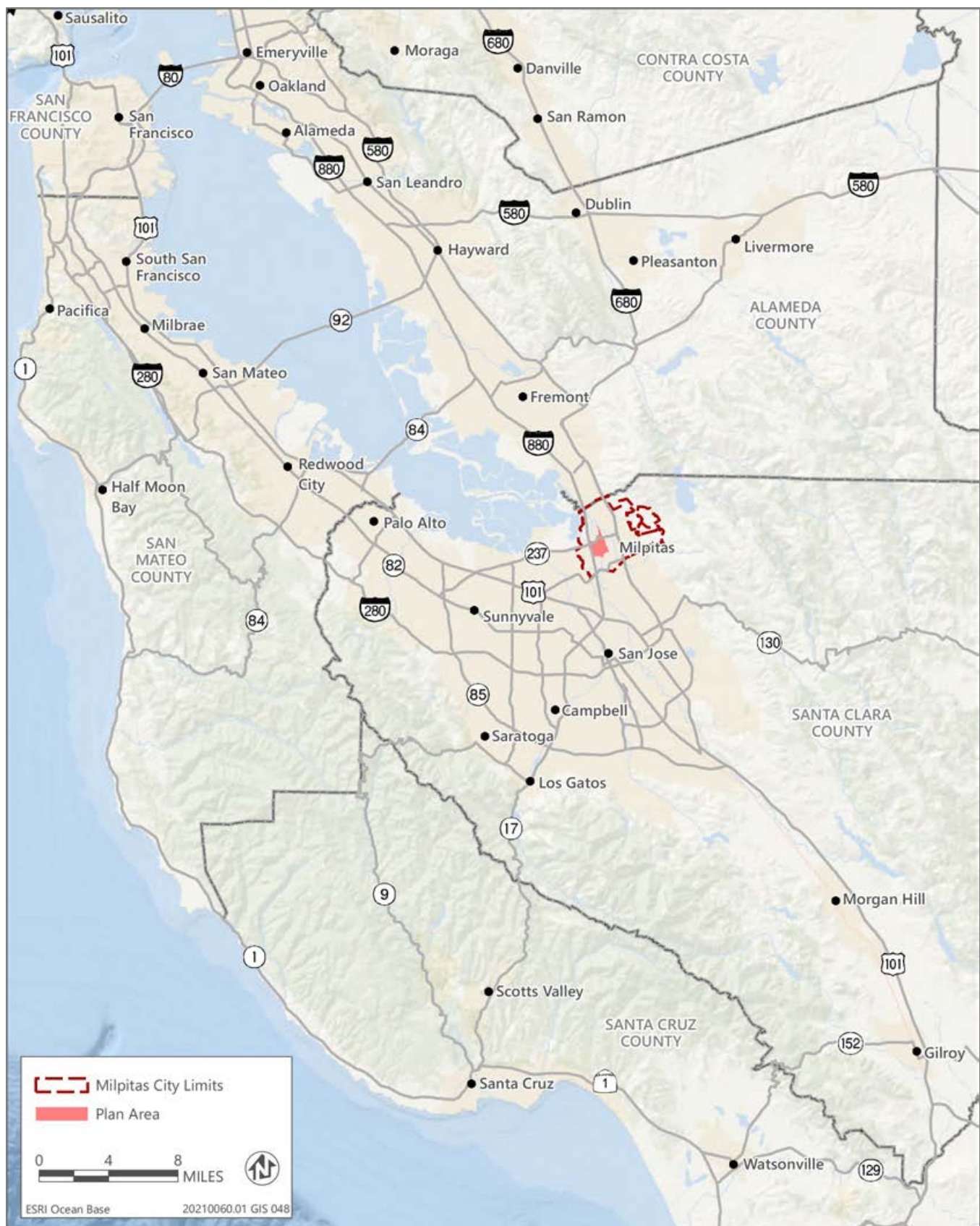
The Gateway-Main Street Specific Plan Area (Specific Plan Area) is approximately 605 acres within the City. The City, located in northern Santa Clara County, within the South San Francisco Bay Area, is situated north of San Jose and east of Santa Clara, Sunnyvale, and Mountain View along State Route 237 (Highway 237) (Figure 2-1). The City is served by three major freeways: Interstate (I)-880, I-680, State Route 237 (Highway 237)/Calaveras Boulevard, and the County-managed Montague Expressway.

2.2 PROJECT BACKGROUND AND NEED

The Midtown Plan, adopted in 2002 and updated in 2010, is the predecessor plan to the proposed Milpitas Gateway-Main Street Specific Plan. Its aim was to respond to a series of development activities in the Midtown area, including the construction of new housing, reinvestment in the Great Mall, and the future extension of the VTA Light Rail Transit line and BART to the area by creating a cohesive Specific Plan for Midtown.

The Milpitas General Plan Update, adopted in 2021, is the guiding, long-term plan and policy document for the physical development of the city through 2040. The City's General Plan Land Use Element designates the adopted Midtown Plan area as Milpitas Gateway-Main Street Specific Plan (Specific Plan). The General Plan includes the following actions related to the development of the proposed Specific Plan: Action LU-2A to maintain and implement the Gateway-Main Street Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community 'gathering place' while maintaining needed industrial, service and commercial uses; and Action ED-3H to work with property owners to facilitate development of vacant and underutilized properties on Main Street to achieve the highest and best use.

The Specific Plan Area includes the historic commercial core of the city, centered on Main Street and the Calaveras Gateway. The proposed Specific Plan would update the vision, standards, and policies of the Midtown Plan. The project would implement the General Plan goals and policies to update the Midtown Plan with a focus on revitalizing Main Street as the city's historic core and improving Calaveras Boulevard as a western gateway into the city.



Source: Adapted by Ascent in 2024.

Figure 2-1 Regional Location

2.2.1 Specific Plan Area

The Specific Plan Area is in the western portion of the city, west of the Union Pacific Railroad (UPRR) line. It encompasses Calaveras Boulevard, Main Street, and the former Midtown Milpitas area bordered by I-880 to the west, the UPRR tracks to the east, and Great Mall Parkway to the south (Figure 2-2). Two rail lines, the UPRR freight line and Bay Area Rapid Transit (BART) commuter rail lines, traverse the Specific Plan Area on the east. The Valley Transportation Authority (VTA) operates light rail transit (LRT) and interconnecting bus lines into the Specific Plan Area along the Great Mall Parkway.

Existing land uses in the Specific Plan Area consist of single-family residential, multi-family residential, retail, office, civic/institutional, park/open space, and industrial uses. Commercial uses (retail, office, and hospitality) are located throughout the Specific Plan Area. A mix of single-family and multi-family housing is scattered throughout the Specific Plan Area. Public uses, including religious, educational, and cultural facilities, comprise a portion of the Specific Plan Area, including the County-operated Elmwood Correctional Facility. Transportation and industrial uses, in the Specific Plan Area, are primarily focused between the two railroad lines. There are currently 2,403 residential units and 1,858,642 square feet of nonresidential uses in the Specific Plan Area.

The Specific Plan proposes a new project area boundary, as shown in Figure 2-3, which includes additional areas that currently have other designations in the General Plan Land Use Element and removes areas south of Great Mall Parkway that were included in the Midtown Plan. The proposed Specific Plan Land Use Framework would implement the vision for the Specific Plan focus areas through Specific Plan Zoning Districts and existing Citywide Zoning Districts.

2.2.2 Existing Land Uses and Zoning

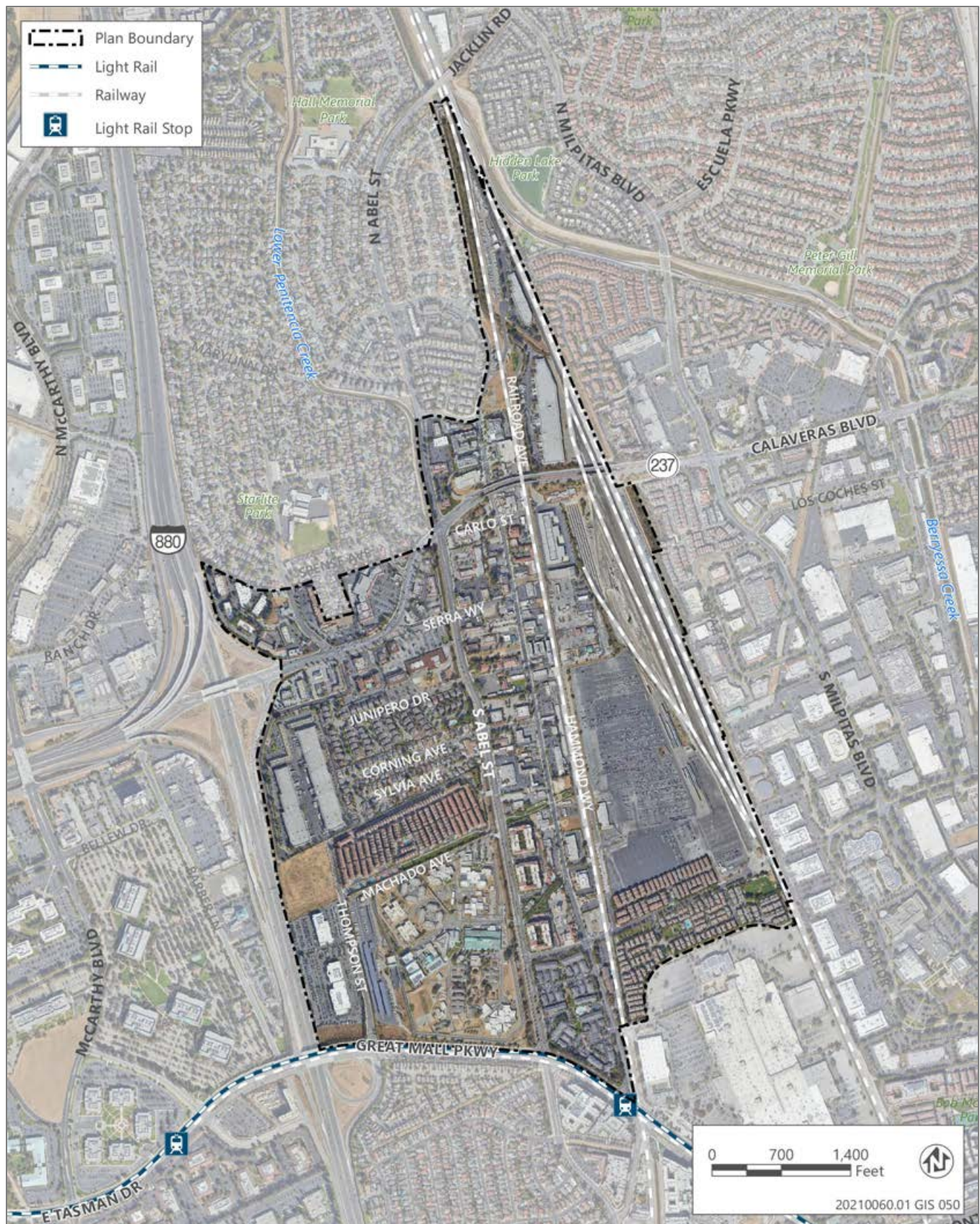
GENERAL PLAN

Existing General Plan land use designations and zoning within the proposed Specific Plan boundary are shown in Figure 2-4. Table 2-1 provides a summary of existing General Plan land use designations and zoning within the Specific Plan Area.

Table 2-1 General Plan Land Use and Zoning

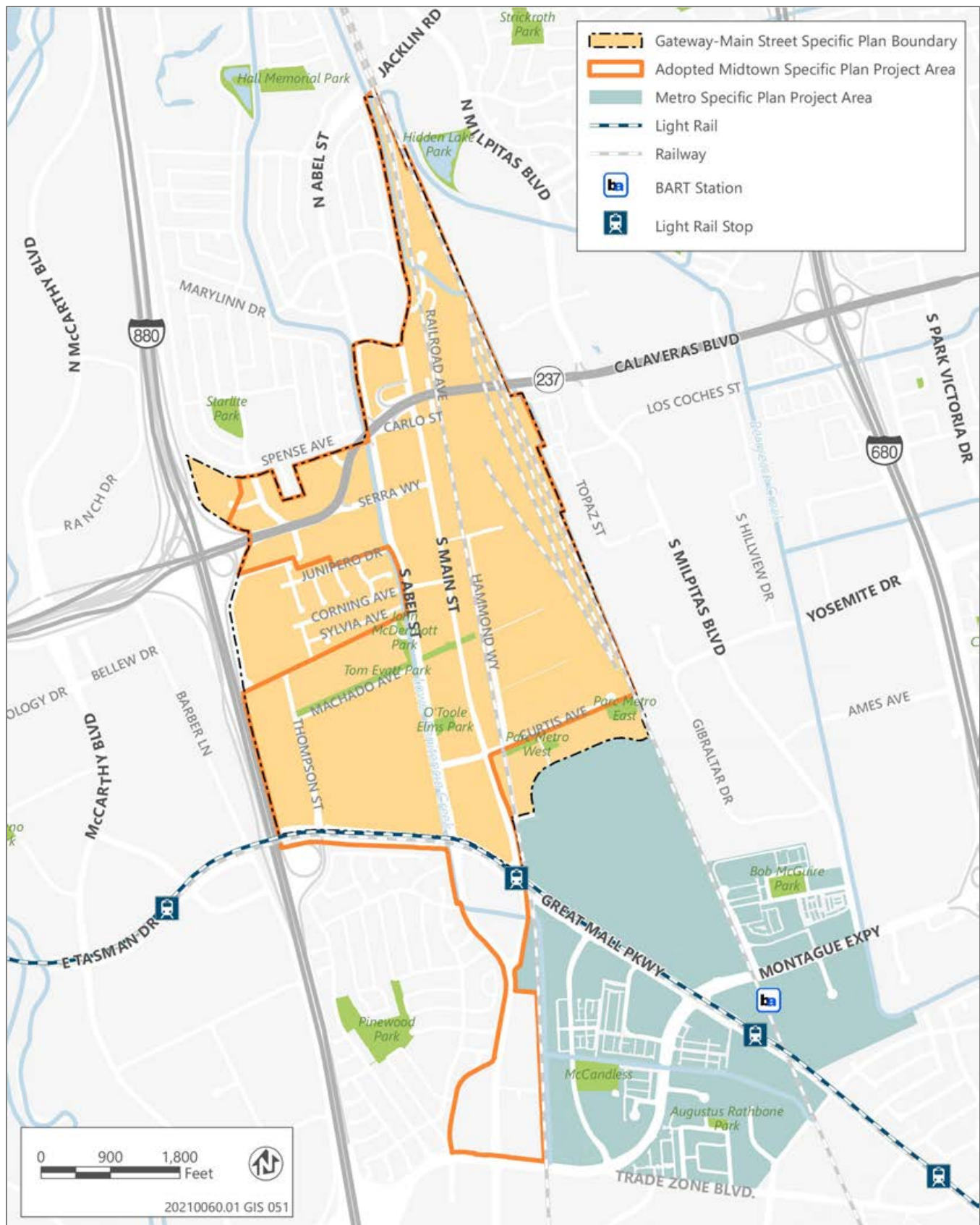
General Plan Land Use Designation within the Midtown Plan Boundary	Existing Zoning	Maximum Density or FAR
Residential		
LDR – Low Density Residential	R1	3-5 du/ac
MDR – Medium Density Residential	R2	6-15 du/ac
HDR – High Density Residential	R3	16-30 du/ac
Commercial/Industrial		
GNC – General Commercial	C2 – General Commercial	0.5 FAR
INP – Industrial Park	M2 – Heavy Industrial	1.0 FAR
Other		
POS – Permanent Open Space	POS – Parks and Open Space District	—

Source: City of Milpitas 2022.



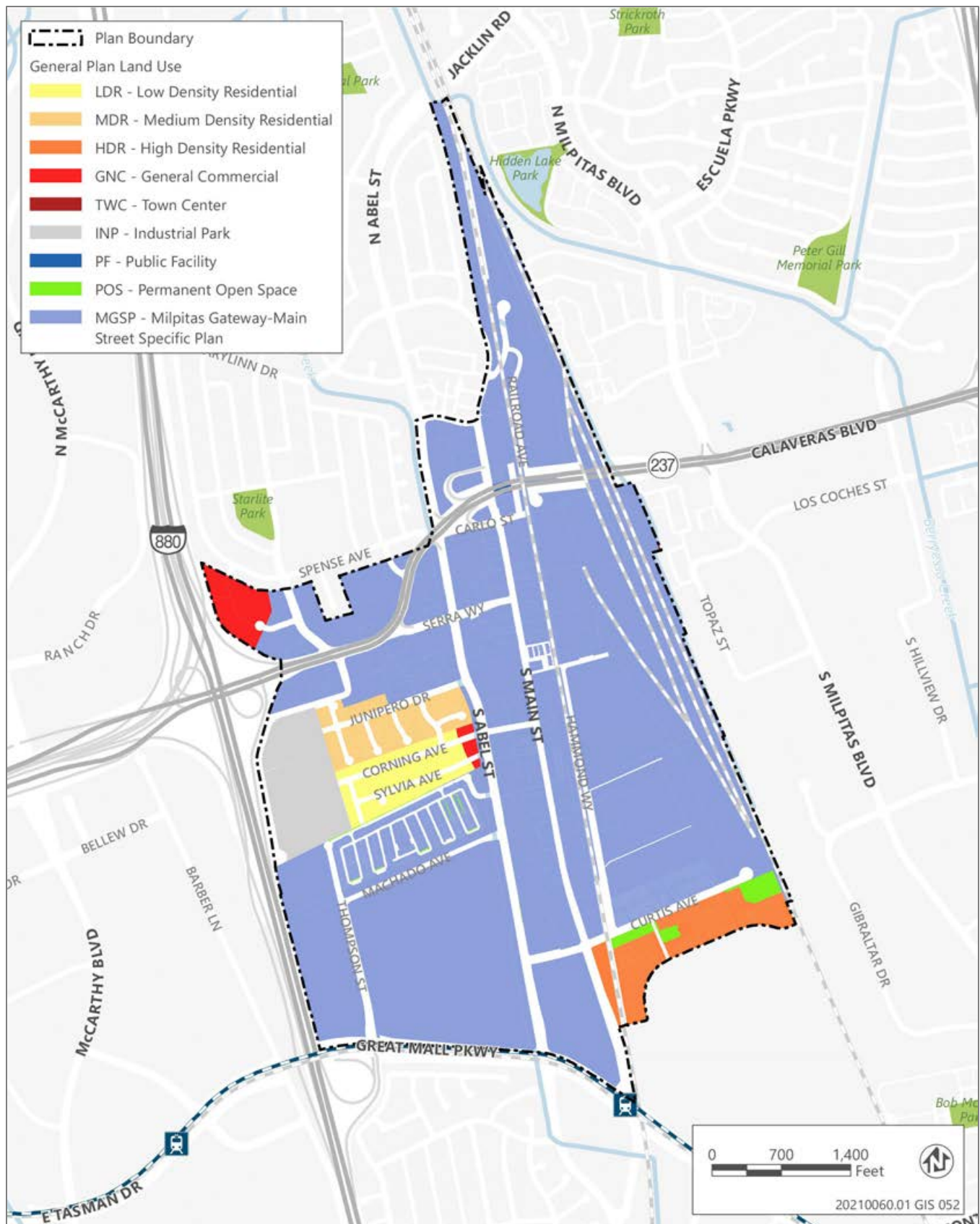
Source: Adapted by Ascent in 2024.

Figure 2-2 **Specific Plan Area**



Source: Adapted by Ascent in 2024.

Figure 2-3 Specific Plan Boundary Changes



Source: Adapted by Ascent in 2024.

Figure 2-4 General Plan Land Use

ADOPTED MIDTOWN SPECIFIC PLAN

The adopted Midtown Plan land uses are identified in Table 2-2 and shown in Figure 2-5. The Midtown Plan includes two overlay zones, the Transit-Oriented Development (TOD) Overlay and the Gateway Office Overlay (OO). The TOD Overlay zone provides special development standards for multi-family residential in proximity to the Great Mall Station. The OO Overlay zone provides an increase in intensity (FAR) to areas with an underlying commercial designation where “gateway” higher intensity office development was desired. The FAR increase applies to Class A office buildings only and is not applicable to retail or other office buildings. Areas where the overlays apply have already been built out and are proposed to be removed from the Specific Plan Area.

Table 2-2 Midtown Plan Land Use

Specific Plan Land Use Designation	Zoning	Maximum Density or FAR
Low Density Residential (LDR)	Single-Family Residential (R1-6), One-, Two-Family Residential (R2)	R1: 1 du per lot or 3-15 du/ac R2: 7-11 du/ac
Multi-Family High Density (MFH)	Multi-Family High Density Residential (R3)	12-20 du/ac
Multi-Family Very High Density (VHD)	Multi-Family Very High Density Residential (R4)	31-40 du/ac
Retail Subcenter (C1)	Neighborhood Commercial (C1)	0.35 FAR
General Commercial (C2)	General Commercial (C2)	0.50 FAR
Mixed-Use (MXD)	Mixed Use (MXD)	21-30 du/ac; 0.75 FAR
Manufacturing and Warehouse (M2)	Heavy Industrial (M2)	0.40 FAR
Industrial Park (MP)	Industrial Park (MP)	0.50* FAR
Institutional (I)	Institutional (I)	—
Parks and Recreation	Parks and Open Space (POS)	—
Transit-Oriented Development (TOD) Overlay	Transit-Oriented Development (TOD) Overlay	41-60 du/ac; 0.50 FAR
Gateway Office Overlay (OO)	Gateway Office Overlay (OO)	1.50 FAR

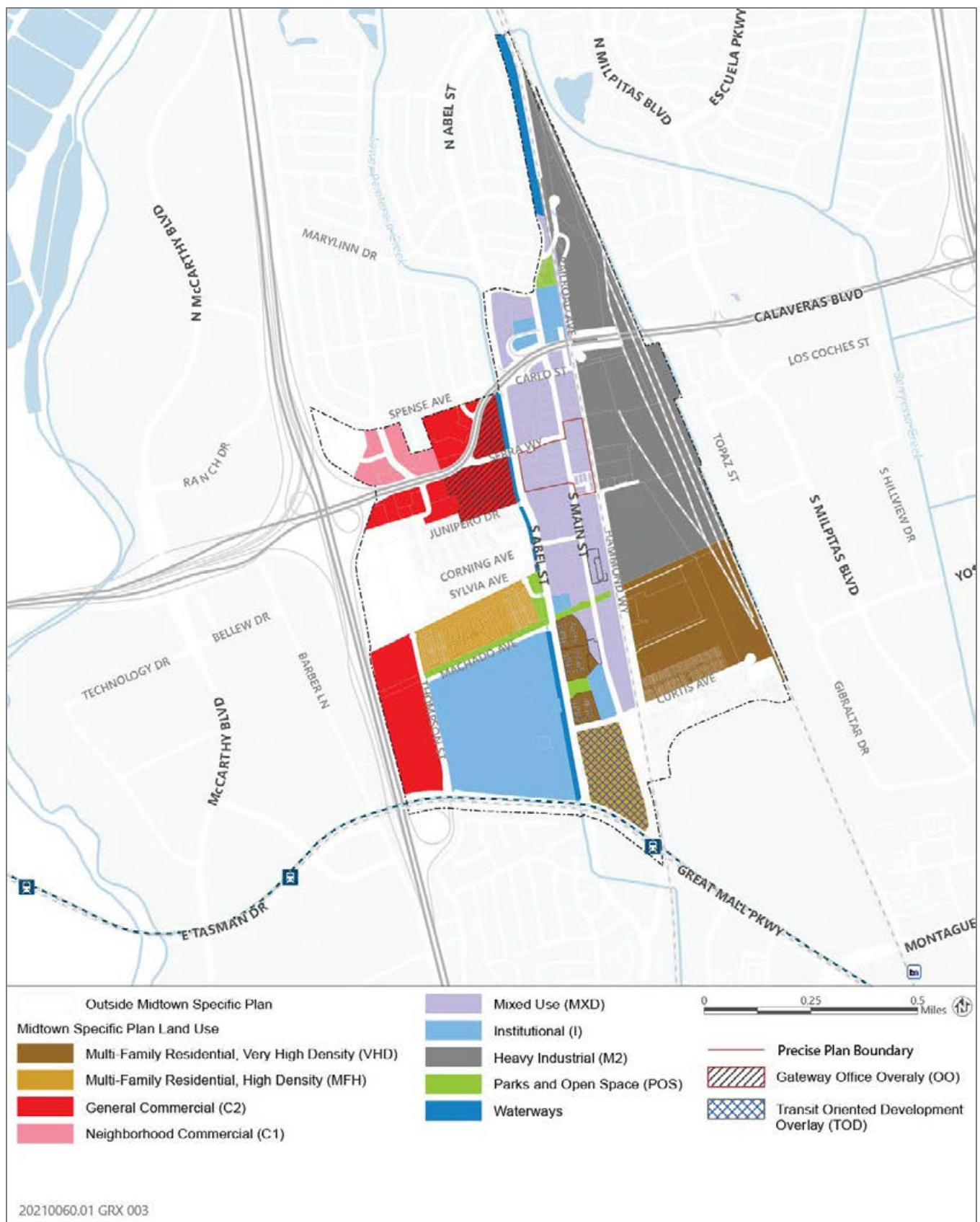
Notes: du/ac – dwelling units per acre, FAR – floor area ratio.

Source: City of Milpitas 2002, City of Milpitas 2022.

2.3 PROJECT OBJECTIVES

The objectives are based on the proposed Specific Plan vision and are intended to achieve the following:

- ▶ Develop a center for the City composed of districts and neighborhoods organized around hubs of activity to improve the character of the area with high quality development, landscaping, and streetscape design.
- ▶ Integrate a mix of land uses throughout Main Street and the surrounding districts to create a walkable downtown supported by commercial retail and office uses, civic and cultural anchors, and infill residential and neighborhood service nodes.
- ▶ Improve mobility and access for infill and mixed-use development in the community, through creation of complete streets, trails and transit improvements to support a walkable and bikeable urban community.
- ▶ Create diverse and meaningful public open space that builds on the assets of its location to support new public realm streetscape improvements, urban parks, plazas, special gathering places, and connected open space.



Source: Adapted by Ascent in 2024.

Figure 2-5 Midtown Plan Land Use

2.4 PROPOSED GATEWAY-MAIN STREET SPECIFIC PLAN

Specific plans are a land use planning tool for the further implementation of the General Plan for individual development proposals in a defined geographic area. They give local land use agencies the ability to establish land use and design regulations to create development that is consistent with site-specific physical constraints and opportunities as well as available infrastructure. All subsequent development within the boundaries of the specific plan area is subject to the requirements of the specific plan. Sections 65450 through 65457 of the California Government Code grant authority to the City for the development and adoption of specific plans.

The purpose of the proposed Specific Plan is to guide land use and development consistent with the General Plan; implement the City's economic development strategy and help facilitate investment in the Specific Plan's Focus Areas; preserve and enhance existing neighborhoods; and plan for the future transition of Urban Reserve lands. The Specific Plan identifies four focus areas: Gateway District, Crossroads District, Main Street District, and Abbot District, as illustrated in Figure 2-6.

2.4.1 Specific Plan Areas

Existing neighborhoods would be preserved and enhanced with future improvements in the Specific Plan Area. Neighborhoods are intended to benefit from local area improvements, such as new street, streetscape, and open space trail improvements that would connect residents to adjacent area shops, businesses, parks, and open space. No new development is planned or anticipated in these areas. The proposed Specific Plan provides guidance for the design of edges adjacent to the existing neighborhoods, to create compatible transitions, landscaping, and neighborhood connectivity.

Urban Reserve Areas are areas subject to longer-term planning and further study in the event that future changes of use should occur on these sites. The Elmwood Correctional Facility, North Railyards, and South Railyards are Urban Reserve Areas within the Specific Plan. If and when it is determined that the Urban Reserve Areas or their associated facilities are no longer needed for their current purpose, redevelopment would be coordinated to ensure consistency with the Specific Plan.

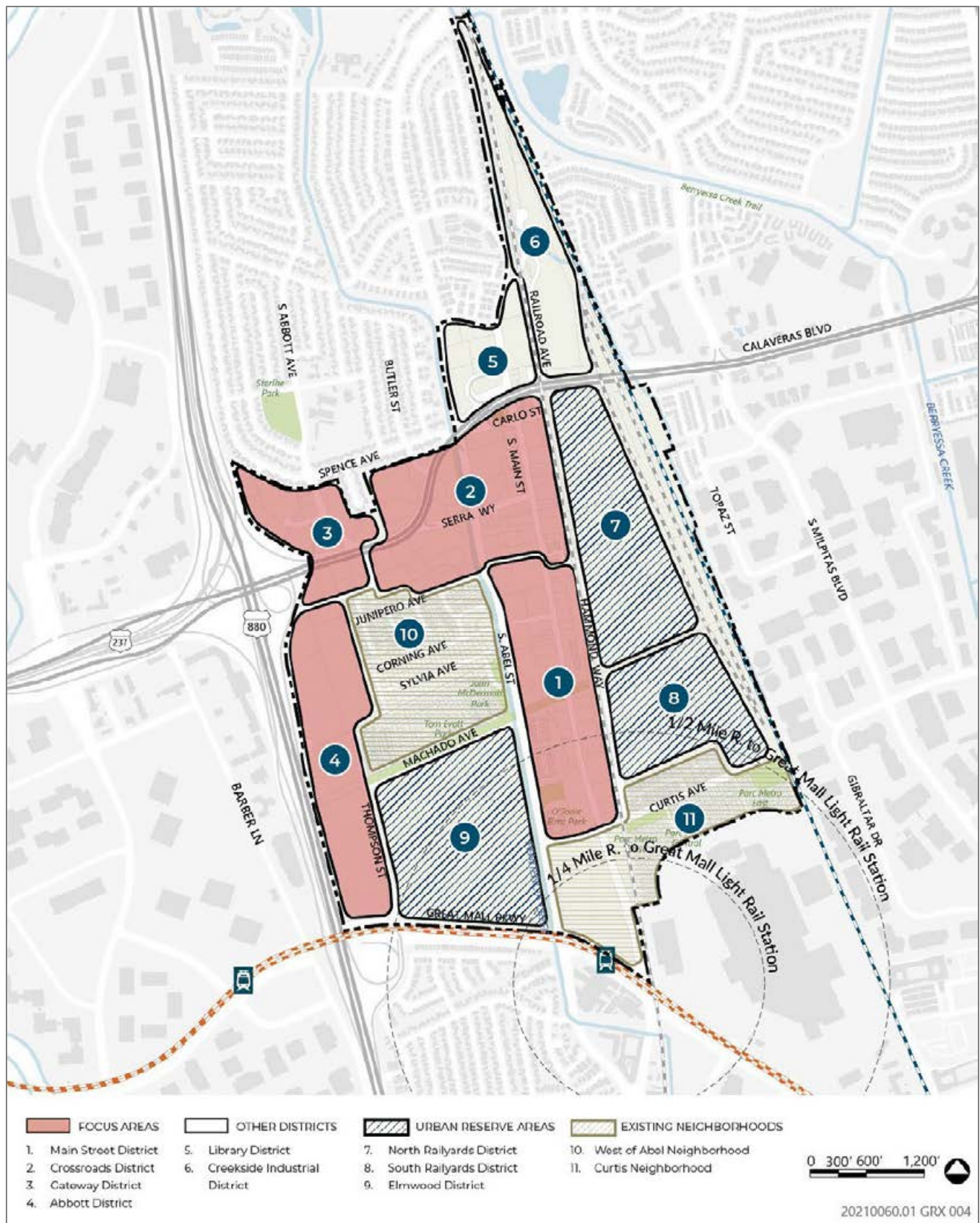
Focus Areas are areas of the Specific Plan targeted to support redevelopment and infill, including streetscape and open space improvements, connectivity improvements, and district branding. The Specific Plan includes four proposed focus areas, Main Street District, Crossroads District, Gateway District, and Abbott District, described below.

MAIN STREET DISTRICT

The Main Street District includes the blocks on both sides of South Main Street bound by the UPRR tracks on the east, Abel Street on the west, the extension of Junipero Drive/Sinnott Lane on the north, and Curtis Avenue on the south. Existing land uses within this focus area include religious and educational facilities and neighborhood serving shops, restaurants, and community services, including the post office and fire station.

The Main Street District would be characterized by numerous smaller parcels along Main Street and larger blocks of multifamily housing on Abel Street, to develop a mixed-use urban village, building from the existing commercial uses and services. Infill housing, commercial, and mixed-use development would complement and support the diversity and activity of the district.

Main Street District is envisioned as a "shared street" with reduced traffic speeds and active ground floor uses, shops, and outdoor dining lining the street, interspersed with ground-floor residential uses. As new development would occur, new streets, paseos, urban plazas, and open space would further enhance the neighborhood identity and character of the area as a walkable, mixed-use urban village. Proposed streetscape and branding improvements would further enhance the local identity of Main Street. Abel Street would support activity along Main Street with urban residential development and community services.



Source: Adapted by Ascent in 2024.

Figure 2-6 District Framework

CROSSROADS DISTRICT

The Crossroads District encompasses the area along Calaveras Boulevard, south of Highway 237/Calaveras Boulevard and centered on Serra Way and S. Abel and S. Main Streets. Existing land uses within this focus area include religious and educational facilities, as well as community- and neighborhood-serving shopping, retail, and restaurants.

The Crossroads District would be characterized as the center of downtown commercial, retail, entertainment, and community activity supporting compact, higher-intensity residential and mixed-use development along Calaveras Boulevard, Abel Street, Serra Way, and Main Street. Neighborhood-scale residential infill would occur next to residential neighborhoods along Junipero Drive and Spence Avenue. Branding and streetscape improvements would create a gateway entry at Calaveras and Serra Way and provide pedestrian-oriented linkages and open spaces connecting the Gateway District to Main Street.

This district is an area of priority investment that would focus on the improvement of the aging Serra Center, Serra Way, and Main Street as the main street destination for the community, anchored by local retail shops and restaurants, and designed to connect with the civic activities along N. Main Street. Within this district, the Serra Center would be prioritized for redevelopment as an opportunity site to enhance the gateway into the Crossroads District.

GATEWAY DISTRICT

The Gateway District would include the parcels north and south of Calaveras Boulevard at the west end of the Specific Plan Area, connected by S. Abbott Avenue. The existing area includes a mix of uses, including freeway-oriented commercial development, a neighborhood service node adjacent to Spangler Elementary School and residential neighborhoods, a shopping center anchored by a grocery store, and a non-profit office center.

The Gateway District, a community commercial node along Calaveras Boulevard would provide a west gateway entry into the city, with opportunities for freeway-oriented retail and services, neighborhood shopping, and hotel and convention space. This district would transition to residential-oriented retail and services along Abbott Avenue north of the Calaveras Boulevard frontage. Higher-intensity development, oriented along Calaveras Boulevard, would support the needs of travelers along the corridor, and provide a neighborhood-scale residential and mixed-use north of Calaveras Boulevard. Complete streets improvements planned for Calaveras Boulevard would balance the scale of the corridor with bike and pedestrian access.

ABBOTT DISTRICT

The Abbott District would include the freeway-fronting commercial and industrial parcels located along the I-880 freeway, south of Calaveras Boulevard and Abbott Avenue. Existing land uses within this focus area include a mix of auto dealerships to the south, and office/flex industrial business uses to the north.

The Abbott District would be characterized as a business district in a pedestrian-friendly campus setting. The Abbott District would serve as a business and employment center providing freeway fronting commercial and flexible office and work spaces for a variety of business and technology users, as well as supporting business uses and employee amenities.

The Abbott District is oriented to the I-880 freeway frontage on the west and residential neighborhoods on the east. Planned improvements would prioritize sustainable design and landscape features, including low-impact development strategies, with a landscaped neighborhood transition at the east edges of the district next to existing neighborhoods. Street and streetscape improvements would create a connected network of streets and open space, including a north/south open space and multi-use trail amenity, the extension of the Hetch-Hetchy greenway to the east, and new campus focal points and amenities.

2.4.2 Proposed General Plan Zoning and Land Use

Residential and non-residential land use designations in the adopted General Plan are proposed within the Specific Plan Area. Existing residential land use designation uses include low density residential (LDR), medium density residential (MDR), and high density residential (HDR); non-residential land use designations include general commercial (GNC), industrial park (INP), and permanent open space (POS).

The Specific Plan Land Use Framework is depicted in Figure 2-7. The Land Use Framework, described in Chapter 3 of the proposed Specific Plan, guides future development in the Specific Plan focus areas through a series of Specific Plan Zoning Districts, as well as existing applicable Citywide zones, and Urban Reserve Areas. Areas not expected to change in land use or character would continue to be regulated through the land use and development regulations in the City of Milpitas Zoning Ordinance (ZO) for the following Citywide Zones:

- ▶ Single Family Residential (R1),
- ▶ Multi-Family High Density Residential (R3) and Multi-Family Very High Density Residential (R4),
- ▶ General Commercial (C2),
- ▶ Heavy Industrial (M2),
- ▶ Institutional (I), and
- ▶ Parks and Open Space (POS).

A citywide overlay zone, the Freeway Corridor (FC) Overlay Zone, established in the Zoning Ordinance, may be combined with any nonresidential zoned property within 300 feet of a freeway corridor, including Interstate 880 and State Route 237 within the Specific Plan Area, to allow for an increase in the maximum floor area ratio to support new and infill developments.

The Specific Plan also identifies three potential Urban Reserve Areas, the County-owned Elmwood Correctional Facility, North Railyards, and South Railyards depicted as an overlay in Figure 2-6. The existing zoning for these areas would continue to remain in-place until these areas are ready to be redeveloped and planned for new uses. The proposed Specific Plan does not propose land use changes for these areas, but establishes policies to ensure the orderly development and integration of these projects within the Specific Plan Area.

The proposed Specific Plan mixed-use zones and overlays are described below.

MAIN STREET MIXED-USE (MS-MU)

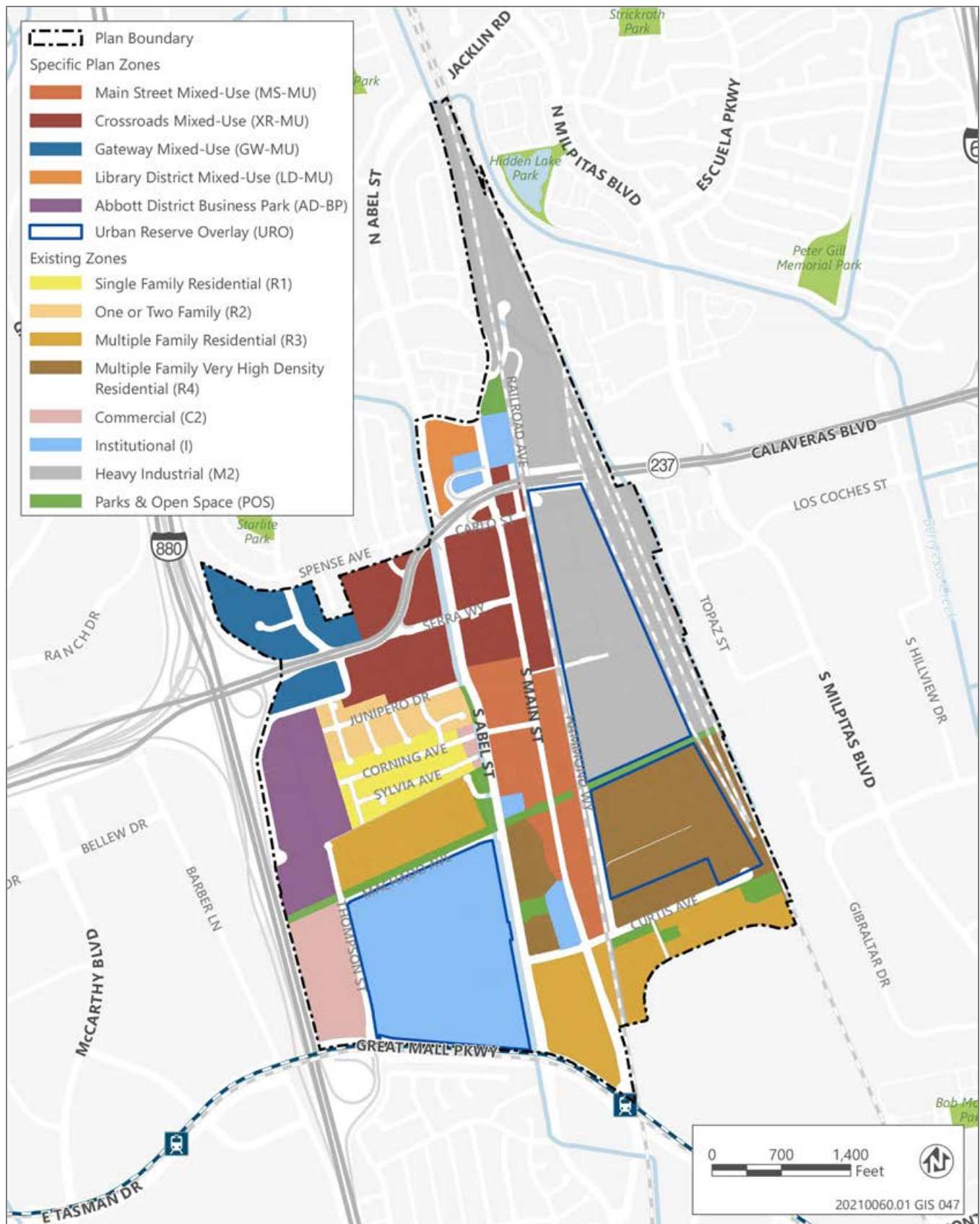
The MS-MU zone would include a mix of residential infill and smaller pedestrian-oriented retail shops, restaurants, services, and office uses, as well as urban parks, plazas, and open space uses within the framework of an active streetscape environment. Active retail, restaurant, and residential uses generate pedestrian activity at the street level, with office and residential uses above the ground floor encouraged.

CROSSROADS MIXED-USE IV (XR-MU)

The XR-MU zone would include a commercial mixed-use focus and supports a mix of retail, entertainment and office, with urban multifamily residential, civic, and recreational uses. The XR-MU zone is a pedestrian oriented streetscape environment, with ground-floor commercial uses prioritized along Retail Priority Streets and Corners, as identified in Section 3.7.2 of the Specific Plan.

LIBRARY DISTRICT MIXED-USE (LU-MU)

The LD-MU zone, centered around the Milpitas Library on N. Main Street, supports a compatible mix of retail, office, multifamily residential, and civic uses within a pedestrian-oriented streetscape environment.



Source: Adapted by Ascent in 2024.

Figure 2-7 Specific Plan Land Use

GATEWAY MIXED-USE (GW-MU)

The GW-MU zone supports a freeway and commercial corridor service orientation along Calaveras Boulevard and I-880, transitioning to a neighborhood-oriented residential focus to the north, and a commercial/mixed-use focus adjacent to Crossroads Mixed-Use.

ABBOTT DISTRICT BUSINESS PARK (AD-PB)

The AD-BP zone allows for a compatible mix of commercial, office, light industrial, open space, and public uses, organized within a campus setting.

URBAN RESERVE OVERLAY (URO)

The URO is applied as an overlay for areas that will be subject to future study when these uses are ready for redevelopment. The policies of the Specific Plan found in Section 3.8 of the Specific Plan apply within these areas.

The proposed Specific Plan includes regulations for development, including density, intensity, height, setbacks, historic and cultural resources, housing resources, and development incentives, applicable to several new proposed Specific Plan mixed-use zones.

The proposed Specific Plan would allow for additional residential development beyond what is allowed under the General Plan through increases in density and implementation through an incentive program. This would also include alterations in nonresidential development potential through mixed-use development. Within the Specific Plan Area, rezoning would be required to clarify locations of the different types of allowable land uses. The allowable land uses, maximum building heights, residential densities, and nonresidential floor area ratios (FARs) would also change within the proposed Specific Plan Area. The Specific Plan consists of increasing the maximum density allowance (in dwelling units per acre – du/ac) for residential and non-residential areas (from 40 du/ac to 65 du/ac) as identified in Table 2-3.

Table 2-3 Proposed New Specific Plan Zoning Districts

Specific Plan Area District	Zoning	Maximum Density	FAR (maximum)	Maximum Building Height (feet)	Maximum Number of Stories	Minimum Ground Floor Height
Main Street District	MS-MU	65 du/ac	2.5	65	5	Main Street: 15 ft Other Areas: 12 ft
Crossroads District	XR-MU	85 du/ac	3.0	85	7	Serra Way: 15 ft Commercial Uses: 15 ft
Gateway District	GW-MU	65 du/ac	2.0	65	5	Calaveras Blvd: 15 ft Commercial Uses: 15 ft
Abbott District	AD-BP	N/A	1.5	65	N/A	Commercial Uses: 15 ft
Library District	LD-MU	65 du/ac	2.0	65	5	Main Street: 15 ft Other Areas: 12 ft
All Other Areas	See applicable existing Zoning					

Source: City of Milpitas 2024.

The proposed Specific Plan implements the General Plan policies that would change the development currently allowed under the General Plan. Table 2-4 identifies development buildout within the Midtown Plan Area under the General Plan and the proposed development buildout that would be allowed with implementation of the Specific Plan. The maximum residential development capacity under the General Plan within the Midtown Plan Area is 3,838 units. A total of 1,338 additional units would be allowed under the Specific Plan beyond what is allowed under the General Plan currently. The nonresidential development area allowed under the General Plan is 3,293,240 square feet (sf) which would be reduced to 2,058,666 sf with implementation of the proposed Specific Plan.

Table 2-4 Changes in Buildout Under Gateway-Main Street Specific Plan

Land Use Type	General Plan	Proposed Specific Plan	Change
Residential	3,838 dwelling units	5,176 dwelling units	1,338 dwelling units
Non-Residential	3,293,240 square feet	2,058,666 square feet	-1,234,574 square feet

Note: The allowable development numbers under the General Plan include the development assumptions of the adopted Midtown Plan.

Source: Data compiled by Ascent 2024.

Based on Table 2-4, it is estimated that the proposed Specific Plan at buildout could result in a population of 16,384 residents (General Plan identified 9,557 residents in the Midtown Specific Plan Area) and 5,541 jobs (General Plan identified 11,555 jobs in the Midtown Specific Plan Area).

2.4.3 Specific Plan Components

OBJECTIVE DESIGN STANDARDS

The proposed Specific Plan includes Objective Design Standards that provide criteria for site planning, urban form, and building design in the Specific Plan Area, as well as topics such as pedestrian-level design. The Objective Design Standards are tailored to development within the Specific Plan Area, with a focus on requirements for commercial and pedestrian-oriented mixed-use development.

The planning and design of the site and arrangement of activities identified in the proposed Specific Plan aim to activate a mixed-use Downtown environment and create walkable communities that support a mix of uses and activities. The Building Design and Architecture section of the proposed Objective Design Standards address the overall building form and massing, as well as primary building architectural features, including building entries, windows, roofs, materials, and colors. A complete list of Objective Design Standards is included in Chapter 4 of the proposed Specific Plan.

MOBILITY

The proposed Specific Plan includes a mobility chapter (Chapter 5) that addresses mobility, transportation, and parking within the Specific Plan Area and sets the standards and street designs that would support a complete street travel environment. The proposed Specific Plan addresses both the mobility and parking needs of existing uses while accommodating future development planned for the area. The mobility framework, illustrated in Figure 5-1 in Section 5.1 of the proposed Specific Plan identifies the new circulation elements of the Specific Plan. It includes existing streets as well as new streets and service alleys parallel to Main Street to provide business and neighborhood access while improving the bike and pedestrian quality and character of Main and Abel Streets. The Specific Plan supports new streets with redevelopment of the Serra Center and other large neighborhood blocks to connect to existing roadways and support a more walkable neighborhood grid pattern. Components of the mobility framework are described briefly below and a complete description is included in Chapter 5 of the proposed Specific Plan.

Traffic Improvements

The proposed Specific Plan emphasizes pedestrian and bicycle safety improvements as a way to improve safety for all roadway users. The Specific Plan does not include increases to vehicle capacity, however Caltrans' Calaveras Boulevard Improvement Project would include changes to vehicle capacity along Calaveras Boulevard as well as other traffic and intersection improvements as described below.

The Calaveras Boulevard Improvement Project would result in the following improvements to Calaveras Boulevard between South Abel Street and Milpitas Boulevard:

1. Add pedestrian and bicycle facilities, including elevated cycle tracks in both directions.

2. Implement complete streets improvements on Calaveras Boulevard, including widening existing sidewalks on the north side of Calaveras Boulevard and providing new sidewalks along the south side of Calaveras Boulevard.
3. Widen Calaveras Boulevard and provide three through lanes between I-880 and I-680 in both directions.
4. Replace the existing structures over the UPPR/BART tracks with a wider structure and replace or widen the existing structures over North Main Street and the Union Pacific Railroad track with a wider structure or have the existing structure widened and seismically retrofitted.
5. Improve the intersection safety for bicyclists and pedestrians.

Public Transit Improvements

The Public Transit Framework for the Specific Plan Area is illustrated in Figure 5-16 in Section 5.5 of the proposed Specific Plan. The goal of the transit framework is to connect the Specific Plan Area to local and regional transit service directly and provide a comfortable, efficient, and safe experience for transit users. Figure 5-16 of the proposed Specific Plan illustrates the existing transit networks and proposed public transit improvements in the Specific Plan area, described in more detail below.

The Specific Plan Area is served by several transit services, including Santa Clara VTA buses and light rail, and BART commuter rail. The city has a shuttle program known as Simple Mobile Access to Reliable Transit (SMART) that provides on-demand rideshare service from various pick-up / drop-off locations and provides first-mile / last-mile connections with the Milpitas BART Station and VTA's bus and light rail stations.

The Specific Plan proposes a shuttle loop along Main Street, Weller Lane, North / South Abel Street, Thompson Street, and Great Mall Parkway to connect the Specific Plan Area with existing transit that may be coordinated with the SMART program and can build upon existing bus stop facilities, as well as serve underserved locations in the Plan Area, including at:

- a. Existing bus stops on South Main Street at Curtis Avenue.
- b. Existing bus stops on South Main Street south of Tom Evatt Park.
- c. Existing bus stops on South Main Street at Corning Avenue.
- d. Existing bus stops on South Main Street at Serra Way.
- e. Existing bus stops on North Main Street at the Milpitas Library.
- f. Existing bus stops on North Abel Street at Weller Lane.
- g. Existing bus stops on Serra Way between Calaveras Boulevard and South Abel Street.
- h. At the intersection of South Abbott Avenue and the extension of Thompson Street north.
- i. At the intersection of Thompson Street and Machado Avenue.

Pedestrian Network

The Pedestrian Framework for the Specific Plan Area is illustrated in Figure 5-17 in Section 5.6 of the proposed Specific Plan which illustrates the pedestrian intersection improvement priorities proposed. The Specific Plan includes traffic signal and intersection crossing improvements that support safe pedestrian roadway crossings, prioritizing the existing signalized intersections and new signalized intersections shown in Figure 5-17 of the proposed Specific Plan. All new intersections created by the intersection of two future streets would be required to comply with the design standards identified in Section 5.6.2 of the proposed Specific Plan.

Bicycles and Micro-Mobility

The Bicycle and Micro-Mobility Framework for the Specific Plan Area is illustrated in Figure 5-18 in Section 5.7 of the proposed Specific Plan, which illustrates the proposed bicycle infrastructure improvements and proposed micro-mobility hubs. The proposed bicycle infrastructure network would provide a continuous bicycle connection from local neighborhoods to the commercial and mixed-use zones within the Specific Plan Area.

The Specific Plan for shared-use micro-mobility infrastructure provides strategically located micro-mobility hubs that provide a safe alternative transportation means within the Specific Plan Area. Micro-mobility hubs are proposed at the following locations:

- ▶ Main Street / Serra Way,
- ▶ Main Street / Corning Avenue,
- ▶ Main Street / Machado Avenue,
- ▶ Main Street / Curtis Avenue,
- ▶ Main Street / Great Mall Parkway,
- ▶ N Abel Street / Calaveras Boulevard,
- ▶ N Abel Street / O'Toole Elms Park,
- ▶ Calaveras Boulevard / Serra Way,
- ▶ S Abbott Avenue / Junipero Avenue, and
- ▶ Thompson Street / Machado Avenue.

Parking

The proposed Specific Plan aims to provide enough parking spaces in centralized areas without encouraging or incentivizing vehicular travel or providing unused or underutilized parking spaces. The proposed Specific Plan aims to provide sufficient parking in the four focus area districts, while reducing the demand for additional parking and providing a system to provide access to walking, biking, or transit. All development in the Specific Plan Area would be required to conform to the parking standards identified in Section 5.8.2 and the parking ratios set forth in Table 3-9 of the Specific Plan.

Public parking locations are proposed at the following locations:

- ▶ At the southeast corner of South Abbott Avenue and north of Junipero Avenue (within Serra Center).
- ▶ To the south of Serra Way between South Main Street and South Abel Street.
- ▶ To the south of Calaveras Boulevard between South Main Street and South Abel Street.
- ▶ To the east of South Main Street adjacent to the railroad tracks.

PUBLIC REALM

The Public Realm chapter (Chapter 6) of the proposed Specific Plan addresses the network of parks, open space, and public spaces that would provide a sense of place for the Specific Plan Area. Quality public open spaces are an essential part of the urban fabric, particularly in higher-density urban neighborhoods where private outdoor spaces may be more limited. The Specific Plan Area proposes a variety of parks and shared public spaces that would act as focal points to activate districts and neighborhoods and meet the diverse needs of the community for recreation, social gathering spaces, and neighborhood connections. Parks and open space are envisioned to include neighborhood parks, urban parks, linear parks and paseos, as well as smaller privately owned pocket parks, plazas, and urban alleys/greenways, as described in Chapter 6 of the Specific Plan.

The City's General Plan establishes an overall goal of 3.5 acres of parkland per 1,000 residents in the Specific Plan Area. To achieve this, the proposed Specific Plan identifies new parks and open space to support build-out of the Plan Area as shown in Figure 6-2 in Section 6.3 of the proposed Specific Plan. Requirements would be met through a combination of public parks and plazas, privately-owned open space (up to the total allowed by the Zoning Ordinance), and park in-lieu fees.

The Specific Plan proposes new parks and plazas, illustrated in Figure 6-2, to support existing and future development in the Specific Plan Area and serve as district focal points for activity. The following parks and plazas are proposed:

1. **N. Main St. Park** - Implement a new neighborhood park north of the Library with an anchor civic gathering space, such as an amphitheater or farmer's market pavilion, a community museum, and flexible program spaces to host activities and community events.

2. **Crossroads Square** - Anchor the historic crossroads at the end of Serra Way and Main Street with a new civic plaza or "Crossroads Square."
3. **Carlo Park** - Create Carlo Park, as a new urban plaza and mobility hub located along Carlo Street, west of Main Street, including:
 - a. Conversion of unused City-owned right-of-way and vacant land.
 - b. Preservation of existing trees to the extent possible with the future plaza design.
 - c. Providing pedestrian amenities, such as seating, planters, and lighting.
4. **Serra Center** - Require the integration of new parks, plazas, and open spaces as part of the redevelopment of the Serra Center, including:
 - a. Creation of a new neighborhood park to provide open space supporting future residents or a linear park to serve as a community activity hub within the Crossroads District.
 - b. Recreational amenities serving the local neighborhood area, which may include:
 - ▶ Play spaces.
 - ▶ Pedestrian seating.
 - ▶ Pedestrian scale lighting.
 - ▶ Wayfinding signage.
 - ▶ Landscaping.
 - ▶ Fountains/drinking fountains.
 - ▶ Bicycle racks.
5. **Tom Evatt Park** - Expand and activate Tom Evatt Park along the Hetch Hetchy right-of-way as a linear open space, including:
 - a. New open space at the areas identified as the Tom Evatt Park West Expansion and Tom Evatt Park East Expansion.
 - b. Community trail connections to neighborhoods east of S. Main Street and south of Curtis Avenue.
 - c. Recreational amenities serving the local neighborhood area, such as:
 - ▶ Benches.
 - ▶ Distinctive paving.
 - ▶ Bicycle racks.
 - ▶ Directional/wayfinding signage.
 - d. Coordinate all expanded Tom Evatt Park spaces and amenities with the requirements within the Hetch Hetchy right-of-way easement.
6. **South Railyards Park** - Integrate new urban parks, plazas, and open spaces in conjunction with future development of the South Railyards, north of the Parc Metro community that incorporates inspiration from the rail themed historic use of the site, including in the development of South Railyards Park and the Tom Evatt Park East Expansion.

INFRASTRUCTURE AND PUBLIC SERVICES

The Infrastructure and Public Services chapter (Chapter 7) of the proposed Specific Plan outlines the infrastructure needed to support public services within the Specific Plan Area. It sets forth policies and improvement projects for enhancing and expanding public facilities, including the following:

- ▶ storm drainage,
- ▶ flooding,
- ▶ water supply and distribution system,
- ▶ sewer,
- ▶ solid waste,
- ▶ energy and technology,
- ▶ fire protection and emergency response,
- ▶ police services,
- ▶ schools, and
- ▶ libraries, and childcare.

2.4.4 Development Incentives

The Specific Plan would establish a bonus system to allow for additional floor area and/or residential density for qualified projects beyond the base development potential under the Specific Plan identified in Table 2-5. The purpose of bonuses is to incentivize the provision of certain project attributes, such as providing sustainable design features and/or open space, furthering economic development, and supporting the rehabilitation of existing buildings. Bonuses would only be available within the Specific Plan focus areas, as identified in Table 2-6. The following describes the available bonuses, while Table 2-6 identifies the specific incentives available. The provision of development bonuses would be subject to review and demonstration of the achievement of the criteria in Table 2-6. Development bonuses shall not exceed the maximum allowances described below:

- ▶ Maximum FAR or Density Bonus Increase of 50 percent in the Crossroads District and 40 percent within the Main Street and Library Districts and parcels directly fronting Calaveras Boulevard in the Gateway District.; and
- ▶ Maximum Height Increase of 2 stories in the Crossroads District and for parcels directly fronting Calaveras Boulevard in the Gateway District. Maximum Height Increase of 1 Story in the Main Street and Library Districts.

Maximum density, intensity, and/or bonuses may not be achievable on all sites, as superseding development regulations or site constraints may reduce development potential. Prior to issuance of a planning permit for a development project receiving a development bonus, the project developer would be required to sign a community benefit agreement, committing to the provision of the agreed upon project attributes in exchange for the development bonus. If the developer does not fulfill the obligations specified in the agreement, the developer would be subject to a financial penalty equal in cost to the value of the project attribute at the time that the occupancy is granted.

Table 2-6 Available Incentives

Green Roof or Eco-Roof	
Option 1: 30% of Total Roof Footprint	10% density bonus or FAR increase.
Option 2: 31-60% of Total Roof Footprint	15% density bonus or FAR increase.
Option 3: Over 60% of Total Roof Footprint	20% density bonus or FAR increase.
Economic Development	
Space for Small Businesses, Non-Profits, and Arts Organizations or Business Expansion	Temporarily reduce or defer application and impact fees for development and remove parking minimums within the Crossroads, Main Street, and Library Districts
Business Retention	Temporarily reduce or defer application and impact fees and allow 20% FAR increase
Retail Ready Ground Floor Commercial Space	A one-story height increase, subject to the standards in Sections 3.6 and 4.3.2 of the Specific Plan
Lot Consolidation	
Lot Consolidation	20% density bonus or FAR increase.

District Public Parking	
District Parking Lot or Garage Spaces	10% density bonus or FAR for every 20 public parking spaces; up to the allowed district maximum bonus
Publicly Accessible Open Space	
Option 1: Additional 50 square foot per unit	10% density bonus or FAR increase.
Option 2: Additional 100 square foot per unit	15% density bonus or FAR increase.
Option 3: Additional 150 square foot per unit	20% density bonus or FAR increase.
Promote the City's History	
Through Preservation, Storefront Façade Improvements, or Interpretation	Eligible for City Storefront Improvement Program Grants, Mills Act Program.

Source: City of Milpitas 2024.

The extent of this additional development potential that may occur would be based on economic conditions at an individual project basis and cannot be determined at this time. The growth potential and associated environmental impacts are addressed in Chapter 6, “Other CEQA Sections.”

2.5 PROPOSED AMENDMENTS

The proposed Specific Plan would require amendments to the City’s General Plan and Zoning Ordinance (ZO). A summary of the proposed amendments to these documents is provided below.

2.5.1 City of Milpitas General Plan Amendments

The City’s General Plan would be amended to update the residential buildout for the Specific Plan and land use/density descriptions. An amendment would also be required as changes to the boundaries and land use and development standards of the adopted Midtown Plan Area are proposed. The Specific Plan proposes a new project area boundary that removes the portion of the Midtown Specific Plan Area south of the Great Mall Parkway and adds area in the northwestern portion of the Specific Plan Area.

2.5.2 City of Milpitas Zoning Ordinance Amendments

The Specific Plan would function as zoning for the Specific Plan Area. There would be new zoning designations established for certain areas to clarify site-specific land use and buildout expectations. Potential amendments to the City’s Zoning Ordinance would be needed to include various text amendments for changes in development standards associated with the proposed project.

2.6 ANTICIPATED ACTIONS

City actions would include the following:

- ▶ Certification of the Gateway-Main Street Specific Plan EIR
- ▶ Adoption of the Gateway-Main Street Specific Plan and associated amendments to the General Plan to reflect the Gateway-Main Street Specific Plan
- ▶ Milpitas Zoning Code and Zoning Map Amendments

3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

APPROACH TO THE ENVIRONMENTAL ANALYSIS

Pursuant to CEQA and the State CEQA Guidelines, a lead agency shall focus the EIR’s discussion on significant environmental effects and may limit discussion on other effects to brief explanations about why they are not significant (PRC Section 21002.1, State CEQA Guidelines Section 15128). Potentially significant impacts were identified based on review of comments received as part of the public scoping process (see Appendix A) and additional research and analysis of relevant project data during preparation of this Draft SEIR.

Sections 3.1 through 3.12 of this Draft SEIR present a discussion of regulatory background, existing conditions, environmental impacts associated with construction and operation of the project, mitigation measures to reduce the level of impact, and residual level of significance (i.e., after application of mitigation, including impacts that would remain significant and unavoidable after application of all feasible mitigation measures). Issues evaluated in these sections consist of the environmental topics identified for review in the notice of preparation (NOP) prepared for the project (see Appendix A of this Draft SEIR). Chapter 4 of this Draft SEIR, “Cumulative Impacts,” presents an analysis of the project’s impacts considered together with those of other past, present, and probable future projects producing related impacts, as required by Section 15130 of the State CEQA Guidelines. Chapter 5, “Alternatives,” presents a reasonable range of alternatives and evaluates the environmental effects of those alternatives relative to those of the proposed project, as required by Section 15126.6 of the State CEQA Guidelines. Chapter 6, “Other CEQA Sections,” includes an analysis of the project’s growth inducing impacts, as required by Section 21100(b)(5) of CEQA.

The remainder of this chapter addresses the following resource topics:

- ▶ Section 3.1, “Aesthetics”;
- ▶ Section 3.2, “Air Quality”;
- ▶ Section 3.3, “Archaeological, Historical, and Tribal Cultural Resources”;
- ▶ Section 3.4, “Biological Resources”;
- ▶ Section 3.5, “Energy”;
- ▶ Section 3.6, “Greenhouse Gas Emissions and Climate Change”;
- ▶ Section 3.7, “Land Use and Planning”;
- ▶ Section 3.8, “Noise and Vibration”;
- ▶ Section 3.9, “Population and Housing”;
- ▶ Section 3.10, “Public Services and Recreation”;
- ▶ Section 3.11, “Transportation”; and
- ▶ Section 3.12, “Utilities and Service Systems.”

As described in Section 1.3, Effects Found Not to Be Significant, of this Draft SEIR, it was determined the project would result in no impact to agriculture and forestry resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, or wildfire. Accordingly, these resources are not addressed further in this Draft SEIR.

Chapter 3 of this Draft SEIR also summarizes previous analyses and the previously adopted mitigation measures from the certified EIR prepared for the City of Milpitas General Plan 2040. In certain instances, new mitigation measures are proposed to replace previously adopted and implemented mitigation, because of changes in applicable regulations (including CEQA) and standards of review. The General Plan Update EIR is available at: <https://www.milpitas.gov/DocumentCenter/View/1344/Draft-EIR-final-edits-PDF?bidId=>.

FORMAT OF THE ENVIRONMENTAL ANALYSIS

Each section begins with descriptions of the regulatory and environmental settings as they pertain to a particular issue, references setting from the General Plan Update EIR that remains applicable, and updates settings where appropriate. The environmental setting provides a point of reference for assessing the environmental impacts of the

proposed Specific Plan and alternatives (Chapter 5). The setting description in each section is followed by an impacts and mitigation discussion. The impacts and mitigation portion of each section includes impact statements, which are prefaced by a number in bold-faced type. An explanation of each impact and analysis of its significance follow each impact statement. All mitigation measures pertinent to each individual impact follow directly after the impact statement. The degree to which the identified mitigation measure(s) would reduce the impact is also described. Each impact discussion also includes a summary of the relevant impact analysis and conclusion provided in the General Plan Update EIR and determines whether the proposed Specific Plan would result in a new significant effect or more severe impact than what was identified in the General Plan Update EIR pursuant to State CEQA Guidelines Section 15162.

Regulatory Setting

This subsection presents information on the laws, regulations, plans, and policies that relate to the issue area being discussed. Regulations originating from the federal, state, and local levels are each discussed as appropriate.

Environmental Setting

According to Section 15125 of the State CEQA Guidelines, an EIR must include a description of the existing physical environmental conditions in the vicinity of the project to provide the “baseline condition” against which project-related impacts are compared. The baseline condition is typically the physical condition that exists when the Notice of Preparation (NOP) is published. The NOP for the proposed project was published on July 15, 2024. Therefore, this SEIR assesses the impacts of the project in comparison to conditions that exist in the Specific Plan Area. This includes the planned development potential and standards set forth in the proposed Specific Plan. Environmental setting described in the 2021 General Plan Update EIR that remains applicable is referenced and any updates to environmental setting are described.

IMPACTS AND MITIGATION MEASURES

This section analyzes environmental impacts of the proposed Specific Plan at a programmatic level. Mitigation measures are recommended to reduce potentially significant or significant impacts. Each impact discussion also includes a summary of the relevant impact analysis and conclusion provided in the General Plan Update EIR and determines whether the Specific Plan would result in a new significant effect or more severe impact than what was identified in the General Plan Update EIR pursuant to State CEQA Guidelines 15162. Information included in this section is described in more detail below.

Methodology

This subsection identifies the methodology used to analyze potential environmental impacts.

Thresholds of Significance

The State CEQA Guidelines define a significant effect on the environment as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant” (State CEQA Guidelines Section 15382). Definitions of significance vary with the physical conditions affected and the setting in which the change occurs. The State CEQA Guidelines set forth physical impacts that trigger the requirement to make “mandatory findings of significance” (State CEQA Guidelines, Section 15065). The thresholds of significance are based on the checklist presented in Appendix G of the most recently adopted State CEQA Guidelines (December 28, 2018),

best available data, applicable regulatory standards, and local practice/standards. The level of each impact is determined by analyzing the effects of the proposed Specific Plan to the defined baseline conditions and comparing it to the applicable significance threshold.

Issues Not Discussed Further

This section identifies any topic in the technical issue area that would not be affected by the Specific Plan.

Environmental Impacts and Mitigation Measures

This subsection presents thresholds of significance and discusses significant and potentially significant effects of the Specific Plan on the existing environment, including the environment beyond the project boundaries, in accordance with State CEQA Guidelines Section 15126.2. The methodology for impact analysis is described, including technical studies upon which the analyses rely. The thresholds of significance are defined and thresholds for which the project would have no impact are disclosed and dismissed from further evaluation. Project impacts and mitigation measures are numbered sequentially in each subsection (Impact 3.2-1, Impact 3.2-2, Impact 3.2-3, etc.). A summary impact statement precedes a more detailed discussion of each environmental impact. The discussion includes the analysis, rationale, and substantial evidence on which conclusions are based. The determination of level of significance of the impact is presented in bold text. A “less-than-significant” impact is one that would not result in a substantial adverse change in the physical environment. A “potentially significant” impact or “significant” impact is one that would result in a substantial adverse change in the physical environment; both are treated the same under CEQA in terms of procedural requirements and the need to identify feasible mitigation. Mitigation measures are identified, as feasible, to avoid, minimize, rectify, reduce, or compensate for significant or potentially significant impacts, in accordance with the State CEQA Guidelines Section 15126.4. Unless otherwise noted, the mitigation measures presented are recommended in the SEIR for consideration by the State to adopt as conditions of approval.

Where an existing law, regulation, or permit specifies mandatory and prescriptive actions about how to fulfill the regulatory requirement as part of the project definition, leaving little discretion in its implementation, and would avoid an impact or maintain it at a less-than-significant level, the environmental protection afforded by the regulation is considered before determining impact significance. Where existing laws or regulations specify a mandatory permit process for future projects, performance standards without prescriptive actions to accomplish them, or other requirements that allow substantial discretion in how they are accomplished, or have a substantial compensatory component, the level of significance is determined before applying the influence of the regulatory requirements. In this circumstance, the impact would be potentially significant or significant, and the regulatory requirements would be included as a mitigation measure.

This subsection also describes whether mitigation measures would reduce project impacts to less- than-significant levels. Significant-and-unavoidable impacts are identified as appropriate in accordance with State CEQA Guidelines Section 15126.2(b). Significant-and-unavoidable impacts are also summarized in Chapter 6, “Other CEQA Sections.”

References

The full references associated with the references cited in Sections 3.1 through 3.12 are presented in Chapter 8, “References,” organized by chapter or section number.

This page is intentionally left blank.

3.1 AESTHETICS

This section provides a description of existing visual conditions, meaning the physical features that make up the visible landscape, near the Specific Plan Area and an assessment of changes to those conditions that would occur from implementation of the proposed Gateway-Main Street Specific Plan (Specific Plan), referred to as the project. The effects of the project on the visual environment are generally defined in terms of the project's physical characteristics and potential visibility, the extent to which the project's presence would change the perceived visual character and quality of the environment, and the expected level of sensitivity that the viewing public may have where the project would alter existing views. The "Analysis Methodology" discussion below provides further detail on the approach used in this evaluation.

No comment letters were received in response to the Notice of Preparation that pertained to aesthetics (see Appendix A).

3.1.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws related to aesthetics, light, and glare are applicable to the Specific Plan.

STATE

California Scenic Highway Program

California's Scenic Highway Program (Streets and Highways Code, Section 260 et seq) was created by the Legislature in 1963 to preserve and protect scenic highway corridors from change that would diminish the aesthetic value of lands adjacent to highways. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been so designated.

According to the California Department of Transportation (Caltrans) list of designated scenic highways under the California Scenic Highway Program, there are no scenic highway segments within the City of Milpitas that are designated scenic. The nearest eligible state scenic highway near the Specific Plan Area is a segment of Interstate 680 (I-680) within Alameda County, located approximately 1.5 miles north of the Specific Plan Area. The Specific Plan Area is not visible from this portion of I-680 (Caltrans 2024).

LOCAL

Milpitas General Plan 2040

The City of Milpitas General Plan 2040 (City of Milpitas 2021) includes 11 elements. There are two elements (Community Design and Land Use) that contain policies relevant to aesthetics and applicable to the project, as listed below.

Community Design

- **Policy CD 1-1:** Require development projects to:
 - A. Preserve positive characteristics and unique features of the site; and
 - B. Incorporate a context-sensitive design approach that considers the scale and existing and desired character of adjacent uses and the surrounding neighborhood or district.
- **Policy CD 3-1:** Strengthen the positive qualities of the City's neighborhoods, districts, and centers.

- ▶ **Policy CD 3-2:** Support the development and preservation of unique neighborhoods, districts, and centers that exhibit a special sense of place and quality of design.
- ▶ **Policy CD 3-3:** Ensure that new development and redevelopment reinforces desirable elements of its neighborhood, district, or center, including architectural style, scale, and setback patterns.
- ▶ **Policy CD 3-4:** Strengthen the identity of individual neighborhoods, districts, and centers through the use of entry monuments, flags, street signs, themed streets, natural features, landscaping, and lighting.
- ▶ **Policy CD 3-5:** Ensure that new residential development and substantial additions are designed to maintain and support the existing character and development pattern of the surrounding neighborhood, especially in historic neighborhoods and neighborhoods with consistent design characteristics.
- ▶ **Policy CD 3-6:** Encourage the rehabilitation of older residential neighborhoods, districts, and centers to prevent blight and maintain the city's character.
- ▶ **Policy CD 3-7:** Create, regulate, and enforce attractive front yards in residential neighborhoods that are open to the street.
- ▶ **Policy CD 3-8:** Ensure that new residential developments in and adjacent to the city's districts are designed to blend with existing building forms. Considerations for residential developments in and around Downtown should include the following:
 - A. Ensure that development projects with more than 2 units consist of detached units with one and two-story building elements, when located in a predominantly single-family residential neighborhood.
 - B. Ensure residential unit entries face the public street.
 - C. Ensure that new development is designed to blend in with the existing building patterns of the neighborhood. For example, if the majority of the garages on the street are at the rear of the site, the new building should be designed to accommodate a rear garage.
 - D. Ensure that properties designated for non-residential uses, such as offices or properties surrounding the Civic Center, retain the residential character and scale of development characteristic of the surrounding residential neighborhood. The development is to provide sufficient, safe pedestrian and bicycle access into and throughout the site, on-site parking, human-scaled lighting and landscape screening to minimize the commercial appearance of the use.
- ▶ **Policy CD 3-9:** For commercial, multi-family, mixed-use, and employment-generating projects, encourage site designs and development patterns that connect adjoining sites and function as a single center.
- ▶ **Policy CD 3-10:** Design multi-family residential, mixed use, commercial, and employment-generating development in neighborhoods, districts, and centers to:
 - A. Include open space and/or recreational amenities to provide visual relief from development, form pedestrian and bicyclist linkages to adjacent uses and other portions of the neighborhood, district, or center, and serve as buffers between uses, where necessary;
 - B. Locate building access points along sidewalks, pedestrian areas, and bicycle routes, and include amenities that encourage pedestrian activity;
 - C. Create a human-scale ground-floor environment that includes public open areas that separate pedestrian space from auto traffic, or where these intersect, give special regard to pedestrian safety; and
 - D. Provide comfortable pedestrian amenities, such as quality seating areas, lighting, and wide, shaded paths, along with specialized and engaging design features, such as interesting fountains or public art to draw and maintain people's attention.

Land Use

- ▶ **Policy LU 5-1:** Require new development and redevelopment to be compatible, complementary and, where appropriate, well integrated with existing residential areas. Integrate new largescale development projects into the fabric of the existing community rather than allowing projects to be insular and self contained, walled off, or physically divided from surrounding uses. Improve connectivity between neighborhoods and services with new development. Tie circulation systems and open spaces into existing streets and open spaces. Reduce unnecessary barriers and improve connections between neighborhoods and services by retrofitting existing development over time as area improvements or redevelopment occurs.
- ▶ **Policy LU 5-2:** Prohibit incompatible uses and inappropriate development in and near residential neighborhoods. As feasible, promote gradual transitions from high density development to surrounding low density neighborhoods in both building forms and land use
- ▶ **Policy LU 5-3:** Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance as applied through the zoning district for all properties within the City
- ▶ **Policy LU 5-7:** In considering land use change requests, consider factors such as compatibility with the residential surroundings, privacy, noise, and changes in traffic levels on residential streets.

Milpitas Streetscape Master Plan

The Milpitas Streetscape Master Plan contains guidelines and recommendations for the varied streetscape conditions that exist or can be foreseen in the future and is based on the understanding that attractive streetscapes are a benefit to the community – economically, environmentally, visually and psychologically.

Milpitas Municipal Code

Chapter 10: Zoning

Section XI-10-45.15-3 of the City's Municipal Code states that outdoor light sources shall be shielded so as not to be directly visible from off-site. This section does not pertain to motion-induced/activated or motion-sensor security-type lights. Section XI-10-54.17 requires that exterior lighting associated with development shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and shall be directed downward and away from adjoining properties and public rights-of-way.

City of Milpitas Residential and Mixed-Use Objective Design Standards

On November 1, 2022, the City adopted the Milpitas Residential and Mixed-Use Objective Design Standards (objective design standards), which established city-wide regulations on building design for multi-family residential or mixed-use projects. The objective design standards are intended to help preserve the city's neighborhoods by balancing the form and design of existing development with new construction techniques; encourage human-scaled buildings that adhere to existing zoning regulations and promote high-quality site and building design; and emphasize a pedestrian-oriented environment where buildings and public realm design are cohesive and complementary of a diverse range of uses. The objective design standards are applied based on the specific characteristics of each project to ensure appropriate site and building design.

3.1.2 Environmental Setting

VISUAL CHARACTER OF THE SPECIFIC PLAN AREA

As noted in Chapter 2, "Project Description," the Specific Plan Area is located within the western portion of the City of Milpitas, west of the Union Pacific Railroad (UPRR) line. It encompasses Calaveras Boulevard, Main Street, and the former Midtown Milpitas area bordered by I-880 to the west, the UPRR tracks to the east, and Great Mall Parkway to the south. Two heavy rail lines, the UPRR freight line and Bay Area Rapid Transit (BART) commuter rail lines, traverse the Specific Plan Area on the east. The visual character of the Specific Plan Area is varied; existing development

consists of a mix of recreational, residential, commercial, industrial, and institutional land uses. In addition, some portions of the Specific Plan Area are in the process of being redeveloped and are transitioning from the previous industrial uses to residential and recreational uses.

Topography within the Specific Plan Area is predominantly flat, although areas to the east (outside of the Specific Plan Area) and further to the west (outside of city limits) include gently sloping hillsides. The Mission Hills and Monument Peak (elevation 2,594 feet) form a distinctive scenic backdrop to the City and are important to community identity and character.

The visual character of the Specific Plan Area is marked by a contrast between new, dense residential development (primarily along South Abel Street) with Elmwood Correctional Facility along the Specific Plan Area's southern boundary, and commercial/industrial uses located primarily along the eastern and western boundaries of the Specific Plan Area. The majority of existing development is low- to mid- rise development, with multi-family residential development located within the central portion of the Specific Plan Area being among the highest (i.e., four floors). Several parks are located within the Specific Plan Area, including Tom Evatt Park and Parc Metro East, but the majority of open space consists of landscaped areas and undeveloped parcels. Long distance views of and within the Specific Plan Area are precluded by existing landscaping and trees located along existing roadways and within medians. There are no unique visual resources or compelling vistas; therefore, no scenic vistas are associated with the Specific Plan Area.

To the south and north of the Specific Plan Area, land use development patterns transition to more single-family residential, while to the east and west, commercial/industrial development is more prominent. Some higher density development, including a 12-floor hotel, are located to the west.

LIGHT AND GLARE CONDITIONS

Existing sources of light and glare are uniformly present in the Specific Plan Area vicinity. Existing sources of light include street lights along roadways; lights in parking lots, along walkways, and on the exteriors of buildings; lights associated with the light rail system; and interior lights in buildings. The existing correctional facility does not provide high-mast light standards that would otherwise be considered a substantial light source.

Sky glow is the effect created by light reflecting into the night sky. Sky glow is of particular concern in areas surrounding observatories, where darker night sky conditions are necessary, but is also of concern in more rural or natural areas where a darker night sky is either the norm or is important to wildlife. Due to the urban nature of the Specific Plan Area, a number of existing light sources affect residential areas and illuminate the night sky.

Natural and artificial light reflects off various surfaces and can create localized occurrences of daytime and nighttime glare. Buildings and structures made with glass, metal, and polished exterior roofing materials exist throughout the Specific Plan Area; however, there are no reported occurrences of excessive daytime or nighttime glare in the Specific Plan Area.

3.1.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

The analysis of aesthetics is a qualitative analysis that compares the existing built and natural environment to the future built and natural environment and addresses the visual changes that would result from implementation of the proposed Specific Plan. General aesthetic conditions, as well as views to and from the Specific Plan Area, were compared to those that would be expected to occur in the future under the proposed Specific Plan. In addition, the changes proposed to the Specific Plan Area were evaluated in the context of the adopted Milpitas General Plan 2040 policies.

In order to assess the aesthetic characteristics of future development under the proposed Specific Plan, the analysis examines the new, changed, or eliminated development standards included in the proposed Specific Plan. The ultimate designs of future specific development projects under the Specific Plan would be proposed on a project-by-project basis, and specific project architectural and engineering design would be reviewed through the City's site plan and design review permit process.

THRESHOLDS OF SIGNIFICANCE

An impact on aesthetics, light, and glare is considered significant if implementation of the Specific Plan would do any of the following:

- ▶ have a substantial adverse effect on a scenic vista;
- ▶ damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- ▶ conflict with applicable zoning and other regulations governing scenic quality; and/or
- ▶ create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

ISSUES NOT DISCUSSED FURTHER

Scenic Highways

As described above in regulatory setting, there are no designated or eligible Caltrans Designated Scenic Highways within or near the Specific Plan Area. Therefore, implementation of the Specific Plan would not damage scenic resources in the vicinity of a scenic highway. For these reasons, this topic is not addressed further in this SEIR.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.1-1: Have a Substantial Adverse Effect on a Scenic Vista

The General Plan Update EIR (Impact 3.1-1) determined that impacts related to scenic vistas as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. Similarly, implementation of the proposed Specific Plan would increase the level and potential height of development within the Specific Plan Area. However, long distance views of and through the Specific Plan Area are largely precluded by existing development landscaping, and no expansive areas of open space would be removed as a result of project implementation. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

The City of Milpitas, including the Specific Plan Area, contains numerous areas and viewsheds with relatively high localized scenic value, however there are no officially designated scenic vista points within the Specific Plan Area or the broader city. As noted above, existing topography and landscaping, in addition to existing development, largely preclude long distance views of or through the Specific Plan Area.

Development under the Specific Plan would allow for greater/higher development within the Specific Plan Area, which could result in changes to the skyline. However, these changes would not be dissimilar to other development in the area and broader region and typical of urban/developed areas. Additionally, implementation of General Plan Policies LU 5-1, LU 5-3, CD 3-1, CD 3-2, CD 3-3, and CD 3-4 through implementation of the proposed Specific Plan Objective Design Standards would require consideration of existing neighborhoods and land use types to ensure that existing character and aesthetics are maintained. Implementation of the Specific Plan would also provide for greater open space opportunities within the Specific Plan Area, which may include scenic views, although most would likely be local scenic views, similar to existing conditions. The proposed Specific Plan would allow for additional residential development beyond what is allowed under the General Plan through increases in density and implementation

through an incentive program. This would also include alterations in nonresidential development potential through mixed-use development. Within the Specific Plan Area, rezoning would be required to clarify locations of the different types of allowable land uses. The allowable land uses, maximum building heights, residential densities, and nonresidential floor area ratios (FARs) would also change within the proposed Specific Plan Area. The proposed Specific Plan includes regulations for development, including density, intensity, height, and setbacks. Further, implementation of the Specific Plan would allow increased residential density within the Specific Plan Area that would be subject to the Objective Design Standards included in Chapter 4 of the proposed Specific Plan. The Objective Design Standards provide criteria for site planning, urban form, and building design in the Specific Plan Area. The Building Design and Architecture section of the proposed Objective Design Standards address the overall building form and massing, as well as primary building architectural features, including building entries, windows, roofs, materials, and colors.

Consistency with the policies and actions contained in the General Plan, as well as that of the Specific Plan itself, would ensure that new residential and non-residential development within the Specific Plan Area would be visually compatible with nearby open space resources and existing communities. As a result, no substantial adverse effects on scenic vistas are anticipated as a result of implementation of the Specific Plan. No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.1-2: Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality in an Urbanized Area

The General Plan Update EIR (Impact 3.1-3) determined that impacts related to conflicts with zoning or other regulations governing scenic quality as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. Implementation of the proposed Specific Plan would result in the construction and operation of development within the Specific Plan Area and could result in alteration of views, primarily due to potential development of high-rise residential structures. However, the proposed Specific Plan Objective Design Standards would implement and be consistent with General Plan policies regarding urban design. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

As noted above, the Specific Plan Area is located predominantly on flat terrain and is surrounded by primarily low- and mid-rise developments with some high-rise development located to the west. Within the Specific Plan Area, including along the majority of I-880 and railroad right-of-way, views are limited largely by existing development and landscaping, and long-distance views are precluded. Future development would be subject to design standards identified in the Objective Design Standards included in Chapter 4 of the proposed Specific Plan. Section 4.2 of the proposed Specific Plan identifies standards for site planning, urban form, and building design including the overall building form and massing, as well as primary building architectural features, including building entries, windows, roofs, materials, and colors, organized. The proposed Specific Plan Objective Design Standards would implement and be consistent with General Plan policies CD 1-1, CD 3-1 through CD 3-10, and LU 5-1 through LU 5-3. Through implementation of the proposed Specific Plan Objective Design Standards and adherence to the City's design review process, the existing views and character throughout the City, including within the Specific Plan Area, would be maintained. As a result, development within the Specific Plan Area is expected to be consistent with and complementary to existing development and is not anticipated to result in substantial changes in long-distance and scenic views from within or across the Specific Plan Area. As a result, impacts would be less than significant within the Specific Plan Area.

Additionally, subsequent development under the proposed Specific Plan would be both consistent with and complimentary of existing land uses in the Specific Plan Area (e.g., Terra Serena Luna, located along South Abel Street). Further, individual projects within the Specific Plan Area would be required to adhere to local zoning and land

use requirement as well as the proposed Specific Plan Objective Design Standards, including maintenance of existing views and implementation of screening measures (e.g., landscaping and other design features, primarily along the base of the structures).

Therefore, future development under the Specific Plan is not anticipated to adversely affect existing scenic quality in the already developed Specific Plan Area. No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.1-3: Light and Glare Impacts

The Milpitas General Plan Update EIR (Impact 3.1-4) determined that impacts related to new sources of nighttime lighting and daytime glare as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. The proposed Specific Plan would increase nighttime lighting within the Specific Plan Area as a result of new light sources attributed to proposed residential and mixed-use development. The proposed Specific Plan would be subject to the Milpitas General Plan 2040 policies and City lighting standards in the Municipal Code that address lighting and glare. As a result, no new significant or substantially more severe impact would occur compared to the Milpitas General Plan Update EIR, and this impact would remain **less than significant**.

Existing sources of light within the Specific Plan Area include street lights along roadways; lights in parking lots, along walkways, and on the exteriors of buildings; lights associated with the light rail system; and interior lights in buildings. Because implementation of the Specific Plan would involve an intensification of uses within the Specific Plan Area, nighttime lighting would likely increase within the Specific Plan Area. Most of the new light sources would be attributed to proposed residential and mixed-use development and the associated evening activity of residents and guests. Near commercial development within the Specific Plan Area, there could be light in the evening hours adjacent to residential uses; however, the project would be subject to the General Plan policies that address lighting and glare, as well as consistency with adjacent uses (including Policies CD 1-1, 3-1, 3-4 and 3-8, as listed above). New development can result in increases in ambient nighttime lighting that can affect nighttime views of the sky. Implementation of the Specific Plan would result in additional higher density multi-family residential development and mixed-use commercial development, which would increase ambient light in the Specific Plan Area. However, the Specific Plan Area and surrounding area is already developed and subject to nighttime ambient light, and the increase in such light would not significantly alter nighttime views of the sky (ability to see the stars), because such views are already limited in city settings. Further, future development would be subject to lighting standards identified in the Objective Design Standards included in Chapter 4 of the proposed Specific Plan. Section 4.3.5 of the proposed Specific Plan identifies standards to reduce light pollution and glare.

Daytime glare could be produced by an increase in surface area of residential and mixed-use structures that would result from implementation of the Specific Plan. However, development within the Specific Plan Area would be required to adhere to City policies that are designed to minimize glare. Policy CD 3-1 would ensure that new development projects utilize appropriate building materials, such as window glazing, that do not result in significant increases in unusual glare.

Additionally, lighting, including adverse effects of glare and light trespass or spillover light are considerations addressed by the City through the site plan and design review process. All future development in the Specific Plan Area would be subject to this review process and lighting standards identified in the Objective Design Standards included in Chapter 4 of the proposed Specific Plan, ensuring that the effects of glare and spillover light would be addressed. No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and impacts related light and glare as a result of implementation of the Specific Plan be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

This page is intentionally left blank.

3.2 AIR QUALITY

This section includes a discussion of existing air quality conditions, a summary of applicable regulations, and an analysis of potential construction and operational air quality impacts caused by development of the proposed Specific Plan. Mitigation is developed as necessary to reduce significant air quality impacts to the extent feasible.

No comment letters were received in response to the Notice of Preparation that pertained to air quality (see Appendix A).

3.2.1 Regulatory Setting

Air quality in the Specific Plan area is regulated through the efforts of various federal, State, regional, and local government agencies. These agencies work jointly, as well as individually, to improve air quality through legislation, planning, policy-making, education, and a variety of programs. The agencies responsible for improving the air quality within the air basins are discussed below.

FEDERAL

U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) has been charged with implementing national air quality programs. EPA's air quality mandates draw primarily from the federal Clean Air Act (CAA), which was enacted in 1970. The most recent major amendments were made by Congress in 1990. EPA's air quality efforts address both criteria air pollutants (CAPs) and hazardous air pollutants (HAPs). EPA regulations concerning CAPs and HAPs are presented in greater detail below.

Criteria Air Pollutants

The CAA required EPA to establish national ambient air quality standards (NAAQS) for six common air pollutants found all over the U.S. referred to as criteria air pollutants (CAPs). EPA has established primary and secondary NAAQS for the following criteria air pollutants: ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), respirable particulate matter with aerodynamic diameter of 10 micrometers or less (PM₁₀) and fine particulate matter with aerodynamic diameter of 2.5 micrometers or less (PM_{2.5}), and lead. The NAAQS are shown in Table 3.2-1. The primary standards protect public health, and the secondary standards protect public welfare. The CAA also required each state to prepare a state implementation plan (SIP) for attaining and maintaining the NAAQS. The federal Clean Air Act Amendments of 1990 (CAAA) added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. California's SIP is modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins as reported by their jurisdictional agencies. EPA is responsible for reviewing all SIPs to determine whether they conform to the mandates of the CAA and its amendments, and whether implementation will achieve air quality goals. If EPA determines a SIP to be inadequate, EPA may prepare a federal implementation plan that imposes additional control measures. If an approvable SIP is not submitted or implemented within the mandated time frame, sanctions may be applied to transportation funding and stationary air pollution sources in the air basin.

Table 3.2-1 National and California Ambient Air Quality Standards

Pollutant	Averaging Time	California (CAAQS) ^{a,b}	National (NAAQS) ^c Primary ^{b,d}	National (NAAQS) ^c Secondary ^{b,e}
Ozone	1-hour	0.09 ppm (180 µg/m ³)	— ^e	Same as primary standard
	8-hour	0.070 ppm (137 µg/m ³)	0.070 ppm (147 µg/m ³)	
Carbon monoxide (CO)	1-hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)	Same as primary standard
	8-hour	9 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)	
Nitrogen dioxide (NO ₂)	Annual arithmetic mean	0.030 ppm (57 µg/m ³)	53 ppb (100 µg/m ³)	Same as primary standard
	1-hour	0.18 ppm (339 µg/m ³)	100 ppb (188 µg/m ³)	—
Sulfur dioxide (SO ₂)	24-hour	0.04 ppm (105 µg/m ³)	—	—
	3-hour	—	—	0.5 ppm (1300 µg/m ³)
	1-hour	0.25 ppm (655 µg/m ³)	75 ppb (196 µg/m ³)	—
Respirable particulate matter (PM ₁₀)	Annual arithmetic mean	20 µg/m ³	—	Same as primary standard
	24-hour	50 µg/m ³	150 µg/m ³	
Fine particulate matter (PM _{2.5})	Annual arithmetic mean	12 µg/m ³	9.0 µg/m ³	15.0 µg/m ³
	24-hour	—	35 µg/m ³	Same as primary standard
Lead ^f	Calendar quarter	—	1.5 µg/m ³	Same as primary standard
	30-Day average	1.5 µg/m ³	—	—
	Rolling 3-Month Average	—	0.15 µg/m ³	Same as primary standard
Hydrogen sulfide	1-hour	0.03 ppm (42 µg/m ³)	No National standards	
Sulfates	24-hour	25 µg/m ³		
Vinyl chloride ^f	24-hour	0.01 ppm (26 µg/m ³)		
Visibility-reducing particulate matter	8-hour	Extinction of 0.23 per km		

Notes: µg/m³ = micrograms per cubic meter; km = kilometers; ppb = parts per billion; ppm = parts per million.

- A California standards for ozone, carbon monoxide, SO₂ (1- and 24-hour), NO₂, particulate matter, and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- B Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based on a reference temperature of 25 degrees Celsius (°C) and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- C National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic means) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over three years, is equal to or less than the standard. The PM₁₀ 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m³ is equal to or less than one. The PM_{2.5} 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. Contact the U.S. Environmental Protection Agency for further clarification and current federal policies.
- D National primary standards: The levels of air quality necessary, with an adequate margin of safety to protect public health.
- E National secondary standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- F The California Air Resources Board has identified lead and vinyl chloride as toxic air contaminants with no threshold of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

Source: CARB 2016, EPA 2024.

Hazardous Air Pollutants and Toxic Air Contaminants

Toxic air contaminants (TAC), or, in federal parlance, hazardous air pollutants (HAPs), are a defined set of airborne pollutants that may pose a present or potential hazard to human health. A TAC is defined under California law as an air pollutant that may cause or contribute to an increase in mortality or in serious illness, or that may pose a hazard to human health. A substance that is listed as a HAP pursuant to subsection (b) of Section 112 of the CAA (42 United States Code Section 7412[b]) is considered a TAC. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations.

A wide range of sources, from industrial plants to motor vehicles, emit TACs. The health effects associated with TACs are quite diverse and generally are assessed locally, rather than regionally. TACs can cause long-term health effects, such as cancer, birth defects, neurological damage, asthma, bronchitis, and genetic damage, or short-term acute effects, such as eye watering, respiratory irritation (a cough), runny nose, throat pain, and headaches.

For evaluation purposes, TACs are separated into carcinogens and noncarcinogens based on the nature of the physiological effects associated with exposure to the pollutant. Carcinogens are assumed to have no safe threshold below which health impacts would not occur. This contrasts with criteria air pollutants, for which acceptable levels of exposure can be determined and for which ambient standards have been established (Table 3.2-1). Cancer risk from TACs is expressed as excess cancer cases per one million exposed individuals, typically over a lifetime of exposure.

EPA and, in California, the California Air Resources Board (CARB) regulate HAPs and TACs, respectively, through statutes (i.e., 42 United States Code Section 7412[b]) and regulations that generally require the use of the maximum achievable control technology or best available control technology for toxics to limit emissions.

STATE

CARB is the agency responsible for coordination and oversight of State and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA). The CCAA, which was adopted in 1988, required CARB to establish California ambient air quality standards (CAAQS) (Table 3.2-1).

Criteria Air Pollutants

CARB has established CAAQS for sulfates, hydrogen sulfide, vinyl chloride, visibility-reducing particulate matter, and the above-mentioned criteria air pollutants. In most cases, the CAAQS are more stringent than the NAAQS. Differences in the standards are generally explained by the health effects studies considered during the standard-setting process and the interpretation of the studies. In addition, the CAAQS incorporate a margin of safety to protect sensitive individuals.

The CCAA requires that all local air districts in the State endeavor to attain and maintain the CAAQS by the earliest date practical. It specifies that local air districts should focus particular attention on reducing the emissions from transportation and areawide emission sources, and it provides air districts with the authority to regulate indirect emission sources.

CARB regulates emission of criteria air pollutants through several programs, regulations, and plans. The 2022 State SIP Strategy (2022 SIP) serves as compilation document of all actions taken by CARB and local air districts to further the attainment of the NAAQS. Pertinent regulations to the proposed Specific Plan included in the 2022 SIP include, but are not limited to, the Advanced Clean Cars II Program, Advanced Clean Fleets, and Zero-Emissions Trucks Measure, which all serve to electrify the transportation sector through sales requirements for benchmark years (CARB 2022).

Toxic Air Contaminants

TACs in California are regulated primarily through the Tanner Air Toxics Act (Assembly Bill [AB] 1807, Chapter 1047, Statutes of 1983) and the Air Toxics Hot Spots Information and Assessment Act of 1987 (AB 2588, Chapter 1252, Statutes of 1987). AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. Research, public participation, and scientific peer review are required before CARB can designate a substance as a TAC. To date, CARB has identified more than 21 TACs and adopted EPA's list of HAPs as TACs. Most recently, particulate matter (PM) exhaust from diesel engines (diesel PM) was added to CARB's list of TACs.

After a TAC is identified, CARB then adopts an airborne toxics control measure for sources that emit that particular TAC. If a safe threshold exists for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If no safe threshold exists, the measure must incorporate best available control technology for toxics to minimize emissions.

The Hot Spots Act requires that existing facilities that emit toxic substances above a specified level prepare an inventory of toxic emissions, prepare a risk assessment if emissions are significant, notify the public of significant risk levels, and prepare and implement risk reduction measures.

AB 617 of 2017 (California Health and Safety Code Section 39607.1) aims to help protect air quality and public health in communities around stationary sources of pollution including facilities subject to the State's cap-and-trade program for GHG emissions. AB 617 imposes a State-mandated local program to address non-vehicular sources (e.g., refineries, manufacturing facilities) of criteria air pollutants and TACs. AB 617 requires CARB to identify high-pollutant areas and directs air districts to focus air quality improvement efforts through adoption of community emission reduction programs within these identified areas. Currently, air districts review individual sources and impose emissions limits on emitters based on best available control technology, pollutant type, and proximity to nearby existing land uses. AB 617 addresses the cumulative and additive nature of air pollutant health effects by requiring community-wide air quality assessment and emission reduction planning.

CARB has adopted diesel exhaust control measures and more stringent emissions standards for various transportation-related mobile sources of emissions, including transit buses, and off-road diesel equipment (e.g., tractors, generators). Over time, the replacement of older vehicles will result in a vehicle fleet that produces substantially lower levels of TACs than under current conditions. Mobile-source emissions of TACs (e.g., benzene, 1-3-butadiene, diesel PM) have been reduced significantly over the last decade and will be reduced further in California through a progression of regulatory measures (e.g., Low Emission Vehicle/Clean Fuels and Phase II reformulated gasoline regulations) and control technologies. With implementation of CARB's Risk Reduction Plan and other regulatory programs, it is estimated that emissions of diesel PM will be less than half of those in 2010 by 2035 (CARB 2023). Adopted regulations are also expected to continue to reduce formaldehyde emissions emitted by cars and light-duty trucks. As emissions are reduced, it is expected that risks associated with exposure to the emissions will also be reduced.

LOCAL

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) maintains and manages air quality conditions in the San Francisco Bay Area Air Basin (SFBAAB), including Santa Clara County, through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of BAAQMD includes the preparation of plans and programs for the attainment of the NAAQS and CAAQS, adoption and enforcement of rules and regulations, and issuance of permits for stationary sources. BAAQMD also inspects stationary sources, responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements other programs and regulations required by the CAA and CCAA.

Projects located in the SFBAAB are subject to BAAQMD's rules and regulations. The following rules and regulations are applicable to the proposed Specific Plan:

- ▶ **Regulation 2, Rule 1, General Permit Requirements.** This rule includes criteria for issuance or denial of permits, exemptions, and appeals against decisions of the Air Pollution Control Officer and BAAQMD actions on applications.
- ▶ **Regulation 2, Rule 2, New Source Review.** Applies to new or modified sources and contains requirements for Best Available Control Technology and emission offsets. Rule 2 implements federal New Source Review and Prevention of Significant Deterioration requirements.
- ▶ **Regulation 6, Rule 1, General Requirements.** This rule limits the quantity of particulate matter in the atmosphere by controlling emission rates, concentration, visible emissions, and opacity.

- ▶ **Regulation 6, Rule 3, Wood-burning Devices.** This rule further reduces fine particulate emissions from wood-burning activities when wildfire smoke impacts the Bay Area. Amendments to Rule 6-3 would allow the Air District to call a Spare the Air Alert year-round to notify the public when particulate matter is expected to exceed unhealthy levels. When a Spare the Air Alert is in effect, a Mandatory Burn Ban would prohibit the use of wood-burning devices, outdoor wood-burning devices, and recreational fires to protect the health of Bay Area residents. The Air District proposes to extend the wood-burning prohibition to ensure that high PM_{2.5} concentrations, such as those that occur during wildfire events, are not further exacerbated by wood-burning activities.
- ▶ **Regulation 6, Rule 6, Prohibition of Trackout.** This rule limits the quantity of particulate matter in the atmosphere through control of trackout of solid materials onto paved public roads outside the boundaries of Large Bulk Material Sites, Large Construction Sites, and Large Disturbed Surface sites including landfills. This Rule does not apply to Bulk Material Sites, Construction Sites and Disturbed Surface Sites less than 1 acre.
- ▶ **Regulation 7, Odorous Substances.** Regulation 7 places general limitations on odorous substances and specific emission limitations on certain odorous compounds. A person or facility must meet all limitations of this regulation, but meeting such limitations shall not exempt such person or facility from any other requirements of BAAQMD, state, or national law. The limitations of this regulation are not applicable until BAAQMD receives odor complaints from 10 or more complainants within a 90-day period, alleging that a person or facility has caused odors perceived at or beyond the property line of such person or facility and deemed to be objectionable by the complainants in the normal course of their work, travel, or residence. When the limitations of this regulation become effective, as a result of citizen complaints described above, the limits remain effective until such time as no citizen complaints have been received by BAAQMD for 1 year. The limits of this regulation become applicable again if BAAQMD receives odor complaints from five or more complainants within a 90-day period. BAAQMD staff investigate and track all odor complaints it receives, make attempts to visit the site and identify the source of the objectionable odor, and assist the owner or facility in finding a way to reduce the odor.
- ▶ **Regulation 8, Rule 3, Architectural Coatings.** Limits the quantity of volatile organic compounds in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within BAAQMD.
- ▶ **Regulation 14, Rule 3, Bay Area Commuter Benefits Program.** This rule serves as the regional commute benefits ordinance authorized by California Government Code section 65081. The purpose of this rule is to improve air quality, reduce emissions of greenhouse gases and other air pollutants, and decrease traffic congestion in the San Francisco Bay Area by encouraging employees to commute to work by transit and other alternative commute modes.

The CCAA requires that all local air districts in the state endeavor to achieve and maintain the CAAQS in their region by the earliest practical date. It specifies that local air districts should focus attention on reducing the emissions from transportation and areawide emission sources and provides districts with the authority to regulate indirect sources. To achieve the CAAQS, BAAQMD prepares and updates air quality plans on a regular basis. The air quality plans published by BAAQMD and other local air districts in the state are incorporated into California's SIP strategy and meet CAA requirements.

For state air quality planning purposes, the SFBAAB is classified as a serious nonattainment area with respect to the 1-hour ozone standard. The "serious" classification triggers various plan submittal requirements and transportation performance standards. One such requirement is that BAAQMD update its Clean Air Plan every 3 years to reflect progress in meeting the NAAQS and CAAQS and to incorporate new information regarding the feasibility of control measures and new emission inventory data. BAAQMD's record of progress in implementing previous measures must also be reviewed. BAAQMD prepared these plans in cooperation with the Metropolitan Transportation Commission and the Association of Bay Area Governments. On April 19, 2017, BAAQMD adopted the most recent revision to the Clean Air Plan, titled the *2017 Clean Air Plan: Spare the Air, Cool the Climate* (BAAQMD 2017). This plan serves to:

- ▶ define a vision for transitioning the region to a postcarbon economy needed to achieve 2030 and 2050 greenhouse gas reduction targets;

- ▶ decrease emissions of air pollutants most harmful to Bay Area residents, such as particulate matter, ozone, and TACs;
- ▶ reduce emissions of methane and other potent climate pollutants; and
- ▶ decrease emissions of carbon dioxide by reducing fossil fuel combustion.

Although offensive odors rarely cause any physical harm, they can be unpleasant, leading to considerable stress among the public and often generating citizen complaints to local governments and BAAQMD. BAAQMD's Regulation 7 ("Odorous Substances"), discussed above, regulates odors.

BAAQMD 2022 CEQA Guidance

Chapter 7 of the 2022 BAAQMD CEQA Guidelines contain development strategies for 20-year, or longer, time horizons. This chapter provides guidance on methods to evaluate air quality and climate change impacts of long-range plans prepared within the SFBAAB pursuant to CEQA. Regional plans are assessed differently than local long-range plans because of their unique characteristics and because they do not establish land use designations. This document describes how to analyze and apply the plan-level air quality thresholds to determine if a local long-range plan has a less-than-significant impact for criteria air pollutants and precursors, local TACs, and odors. The thresholds established by the guidance can be found in the "Thresholds of Significance" section below.

Milpitas General Plan

The Land Use (LU), Circulation (CIR) Community Design (CD), and Conservation and Sustainability (CON), Chapters of the 2040 Milpitas General Plan contain policies that address air quality (Milpitas 2021).

- ▶ **Policy LU 3-1:** Support regional efforts that promote higher densities near major transit and travel facilities, and reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit. Support local and regional land use decisions that promote safe access to and the use of alternatives to auto transit.
- ▶ **Policy LU 3-2:** Continue to utilize planning tools (including specific plans and overlay districts) that promote transit-oriented and mixed-use development objectives near the Milpitas Transit Center.
- ▶ **Policy LU 4-2:** Emphasize efforts to reduce regional vehicle miles traveled by supporting land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit.
- ▶ **Policy LU 4-3:** Support conveniently located neighborhood-serving commercial centers that provide desired services to local neighborhoods workers and visitors, reduce automobile dependency, and contribute positively to the surrounding neighborhoods.
- ▶ **Policy LU 4-4:** Encourage new development to facilitate pedestrian, bicycle and transit access through techniques such as minimizing building separation from public sidewalks; providing safe, direct, accessible, convenient, and pleasant pedestrian connections; including secure and convenient bike storage; and orienting building entrances to transit service.
- ▶ **Policy LU 5-1:** Require new development and redevelopment to be compatible, complementary and, where appropriate, well integrated with existing residential areas. Integrate new largescale development projects into the fabric of the existing community rather than allowing projects to be insular and self-contained, walled off, or physically divided from surrounding uses. Improve connectivity between neighborhoods and services with new development. Tie circulation systems and open spaces into existing streets and open spaces. Reduce unnecessary barriers and improve connections between neighborhoods and services by retrofitting existing development over time as area improvements or redevelopment occurs.
- ▶ **Policy LU 6-6:** Encourage redevelopment and intensification of mixed-use areas by allowing stand-alone vertical mixed-use, or integrated horizontal mixed-use projects in mixed use areas, consistent with the Land Use Map and policies and actions included in this element.

- ▶ **Policy CIR 2-1:** Promote multimodal transportation options by developing an interconnected system of streets, roads, bridges, and highways that provides continuous, efficient, safe and convenient travel for all users regardless of mode, age or ability and encourage users to walk, ride a bicycle, or use transit for shorter, local trips.
- ▶ **Policy CIR 3-1:** Coordinate with VTA and BART to design and implement capital improvements that support safety and access to rail stations and bus stops.
- ▶ **Policy CIR 3-4:** Ensure that all transit-supportive infrastructure, sidewalks, and bike lanes are adequately maintained to provide high-quality facilities for users.
- ▶ **Policy CIR 4-1:** Encourage a shift to active transportation modes by expanding and enhancing current pedestrian and bicycle facilities to accommodate pedestrians and bicyclists of all ages and abilities and encourage all users to reduce vehicle trips and utilize active transportation options with an increase in density of pedestrian and bicycle-supportive infrastructure.
- ▶ **Policy CIR 4-2:** Link and expand City pedestrian and bicycle circulation facilities to existing and planned local and regional networks, with an emphasis on expanding infrastructure options near transit.
- ▶ **Policy CIR 4-3:** Encourage walking, biking and transit use by prioritizing and implementing “first-mile/last mile” improvements, wayfinding and educational efforts in the vicinity of the Great Mall transit center, light rail stations, the BART station, and heavily used bus stops.
- ▶ **Policy CIR 4-5:** Support building bridges or under-crossings across creek channels, railroad lines and roadways in a manner that will enhance safety, improve network connectivity, and facilitate bicycling and walking between high density residential developments, retail centers, civic buildings, and recreational centers.
- ▶ **Policy CIR 4-6:** Eliminate gaps in the pedestrian and bicycle network, especially between neighborhoods, trails that access schools, and areas with higher health disparities.
 - **Action CIR-4a:** Prioritize, fund, and implement a comprehensive system of sidewalks, bikeways, and off-street trails that connects all parts of the City as identified in the Bikeway and Pedestrian Master Plan and Trails Master Plan and in accordance with the City of Milpitas Municipal Code.
- ▶ **Policy CIR 5-1:** Develop, implement, and monitor vehicle trip reduction requirements for large development projects – including all land use types – to minimize the impact of new development on traffic congestion and to reduce vehicle emissions.
- ▶ **Policy CIR 5-3:** Encourage existing employers to adopt strategies to implement programs to reduce employee vehicle trips, including purchasing passes through VTA's annual transit pass program; providing facilities such as secure bike parking, lockers, changing rooms, and showers; telework, and flexible work schedules.
- ▶ **Policy CIR 5-4:** Encourage developers to provide enhanced TDM programs and alternative transportation infrastructure that exceeds minimum requirements in exchange for reduced parking requirements, with a focus on priority development areas and locations in proximity to high-capacity transit.
- ▶ **Policy CIR 5-5:** Cooperate with other private entities and public agencies to promote local and regional transit serving Milpitas.
- ▶ **Policy CIR 6-1:** Develop guidelines for the inclusion of green infrastructure in the design of transportation improvements.
- ▶ **Policy CIR 6-2:** Support development of healthier communities through the use of lower- or non-polluting modes of transportation to reduce GHG vehicle emissions and local air pollution levels.
- ▶ **Policy CIR 6-3:** Encourage walking and bicycling as strategies to promote public health and reduce the long-term transportation costs of owning and maintaining a vehicle.
- ▶ **Policy CIR 6-4:** Prioritize transportation improvements in part based on consideration of benefits to disadvantaged communities.

- **Action CIR-6a:** Design sidewalks and pedestrian pathways using environmental design best practices principles or other techniques to provide safe and comfortable facilities for pedestrians at all times of day and night.
- ▶ **Policy CD 6-1:** Support a complete streets approach to designing new streets and retrofitting existing streets by encouraging streets to provide stimulating settings; improve safe walkability, bicycling, and transit integration; strengthen connectivity; and enhance community identity through improvements to the public right-of-way such as sidewalks, street trees, parkways, curbs, human-scaled street lighting, and street furniture.
- ▶ **Policy CD 6-3:** Consider the street type of all adjacent streets in the development review process to ensure that the design of the site, buildings, and public way respond to the multi-modal priorities for the area.
 - **Action CD-6e:** As part of the new design guidelines for commercial and mixed-use development, as called for in Action CD-2d, include design guidelines for non-residential uses within 200 feet of Interstate Highways 680 and 880. The guidelines should address the following concepts.
 - A. New office and commercial land use shall provide attractive landscaping, lighting, and signage adjacent to all buildings oriented to Interstate Highways 680 and 880.
 - B. Encourage buildings that include attractive focal elements, such as a tower or articulated roofline in each non-residential development adjacent to SR 680 and SR 880 to serve as visual landmarks.
 - C. New non-residential buildings oriented to Interstate Highways 680 and 880 shall provide an attractive facade similar in articulation, and using the same materials and colors, as the primary facade of the building.
 - D. Truck loading and refuse collection areas adjacent to Interstate Highways 680 and 880 shall be screened from view.
 - E. The landscaping for development projects adjacent to Interstate Highways 680 and 880 will reflect the natural character of the region in the selection of trees and groundcover.
- ▶ **Policy CD 11-8:** Encourage low-impact development, including but not limited to, bioretention cells/rain gardens, cisterns and rain barrels, green roofs, pervious concrete/porous pavement, bioswales, and media filters.
 - **Action CD-11a:** As part of the development review process, ensure that projects incorporate sustainable elements, such as passive solar design, energy-efficient features, water conservation measures, street trees, electric vehicle charging stations, and low impact development features to the extent feasible.
- ▶ **Policy CON 1-2:** Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen).
- ▶ **Policy CON 1-3:** Support innovative green building best management practices including, but not limited to, LEED certification, and encourage project applicants to exceed the most current “green” development standards in the California Code of Regulations (CCR), Title 24, as feasible.
 - **Action CON-1e** Continue to review all new public and private development projects to ensure compliance with the California Code of Regulations (CCR), Title 24 standards as well as the energy efficiency standards established by California Green Building Standards Code (CALGreen), the General Plan, and the Milpitas Municipal Code Chapter 20 Green Building Regulations.
 - **Action CON-1f** Continue to require all development project applications for new buildings to include a completed LEED or CALGreen Mandatory Measures Checklist.
- ▶ **Policy CON 7-1:** Ensure that land use and transportation plans support air quality goals through a logical development pattern that focuses growth in and around existing urbanized areas, locates new housing near places of employment, encourages alternative modes of transportation, supports efficient parking strategies, reduces vehicle miles traveled, and requires projects to mitigate significant air quality impacts.

- ▶ **Policy CON 7-2:** Minimize exposure of the public to toxic or harmful air emissions and odors through requiring an adequate buffer or setback distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors, including but not limited to industrial, manufacturing, and processing facilities, high-volume roadways, and industrial rail lines. New sensitive receptors, such as residences (including residential care and assisted living facilities for the elderly), childcare centers, schools, playgrounds, churches, and medical facilities shall be located away from existing point sources of air pollution such that excessive levels of exposure do not result in unacceptable health risks. Compliance shall be verified through the preparation of a Health Risk Assessment when deemed necessary by the Planning Director.
- ▶ **Policy CON 7-3:** Require projects which generate high levels of air pollutants, such as heavy industrial, manufacturing facilities and hazardous waste handling operations, to incorporate air quality mitigations in their design to reduce impacts to the greatest extent feasible.
- ▶ **Policy CON 7-4:** Require projects to adhere to the requirements of the Bay Area Air Quality Management District (BAAQMD).
- ▶ **Policy CON 7-5:** Use the City's development review process and the California Environmental Quality Act (CEQA) to evaluate and mitigate the local and cumulative effects of new development on air quality.
- ▶ **Policy CON 7-7:** Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source.
- ▶ **Policy CON 7-8:** Consider the health risks associated with Toxic Air Contaminants (TACs) when reviewing development applications.
- ▶ **Policy CON 7-10:** Implement policies and action from the Land Use and Circulation Elements to provide mixed-use developments, locate high-density uses near transit facilities, provide neighborhood-serving retail uses convenient to residential neighborhoods, and other Transportation Demand Management (TDM) programs that would reduce vehicle trips and vehicle miles traveled, thus reducing air-pollutant emissions.
- ▶ **Policy CON 7-11:** Encourage improvements and design features that reduce vehicle delay such as bus turnouts, and synchronized traffic signals for new development to reduce excessive vehicle emissions caused by idling.
 - **Action CON-7c:** Require site-specific air quality Health Risk Assessments (HRAs) for developments that would place sensitive receptors closer than 500 feet from the edge of a regional roadway facility (including I-680, I-880, and SR-237), or for development projects that would place significant point sources of air pollution such as gas station and dry cleaning facilities, or other industrial facilities that emit toxic air contaminants TACs within 500 feet of a sensitive receptor.
 - **Action CON-7e:** Require dust control measures, including those included in the Santa Clara Valley Non-point Source Pollution Control Program, and BAAQMD's Best Management Practices for fugitive dust control during construction.
 - **Action CON-7f:** Use the BAAQMD "Air Quality Guidelines", as amended, or replaced, in identifying thresholds, evaluating the potential project and cumulative impacts, and determining appropriate mitigation measures.
 - Review development, infrastructure, and planning projects for consistency with BAAQMD requirements during the CEQA review process. Require project applicants to prepare air quality analyses to address BAAQMD, and General Plan requirements, which includes analysis and identification of:
 - Air pollutant emissions associated with the project during construction, project operation, and cumulative conditions;
 - Potential exposure of sensitive receptors to toxic air contaminants;
 - Significant air quality impacts associated with the project for construction, project operation, and cumulative conditions; and

- Mitigation measures to reduce significant impacts to less than significant or the maximum extent feasible where impacts cannot be mitigated to less than significant.
- **Action CON-7h:** Prior to the entitlement of a project that may be an air pollution point source, such as a manufacturing facility, the developer shall provide documentation that the use is located and appropriately separated from residential areas and sensitive receptors (e.g., homes, schools, and hospitals).
- **Action CON-7i:** Require construction activity plans, and grading and drainage plans to include and/or provide for dust management to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Project applicants, or their assigned agents/contractors, shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project grading and construction.

3.2.2 Environmental Setting

The 605-acre Specific Plan Area is located within the San Francisco Bay Area Air Basin (SFBAAB). The SFAB includes all of Marin, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, Sonoma, and San Francisco Counties. The ambient concentrations of air pollutant emissions are determined by the amount of emissions released by the sources of air pollutants and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, existing air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the amount of emissions released by existing air pollutant sources, as discussed separately below.

CLIMATE, METEOROLOGY, AND TOPOGRAPHY

The Mediterranean climate type of the SFBAAB is characterized by hot, dry summers and cool, rainy winters. During the summer, daily temperatures range from 49.9 degrees Fahrenheit (°F) to more than 81.8°F. The inland location and surrounding mountains shelter the area from much of the ocean breezes that keep the coastal regions moderate in temperature. Most precipitation in the area results from air masses that move in from the Pacific Ocean, usually from the west or northwest, during the winter months. More than half the total annual precipitation falls during the winter rainy season (November through February); the average winter temperature is a moderate 50°F. Also characteristic of SFBAAB winters are periods of dense and persistent low-level fog, which are most prevalent between storms. The prevailing winds are moderate in speed and vary from moisture-laden breezes from the south to dry land flows from the north.

The mountains surrounding the SFBAAB create a barrier to airflow, which leads to the entrapment of air pollutants when meteorological conditions are unfavorable for transport and dilution. The highest frequency of poor air movement occurs in the fall and winter when high-pressure cells are often present over the SFBAAB. The lack of surface wind during these periods, combined with the reduced vertical flow caused by a decline in surface heating, reduces the influx of air and leads to the concentration of air pollutants under stable meteorological conditions. Surface concentrations of air pollutant emissions are highest when these conditions occur in combination with agricultural burning activities or with temperature inversions, which hamper dispersion by creating a ceiling over the area and trapping air pollutants near the ground.

May through October is ozone season in the SFBAAB. This period is characterized by warmer months with high ozone concentrations. In addition, longer daylight hours provide a plentiful amount of sunlight to fuel photochemical reactions between reactive organic gases (ROG) and oxides of nitrogen (NO_x), which result in ozone formation.

The local meteorology of the proposed Specific Plan Area and surrounding area is represented by measurements recorded at the Western Regional Climate Center Kentfield, California station. The normal annual precipitation is approximately 47.4 inches. January temperatures range from a normal minimum of 38.6°F to a normal maximum of 55.6°F. July temperatures range from a normal minimum of 50.2°F to a normal maximum of 83.4°F (WRCC 2016). The prevailing wind direction is from the north (WRCC 2002).

CRITERIA AIR POLLUTANTS

Concentrations of criteria air pollutants are used to indicate the quality of the ambient air. A brief description of key criteria air pollutants in the SFBAAB is provided below. Emission source types and health effects are summarized in Table 3.2-2. Santa Clara County's attainment status for the CAAQS and the NAAQS are shown in Table 3.2-3.

Table 3.2-2 Sources and Health Effects of Criteria Air Pollutants

Pollutant	Sources	Acute ¹ Health Effects	Chronic ² Health Effects
Ozone	Secondary pollutant resulting from reaction of ROG and NO _x in presence of sunlight. ROG emissions result from incomplete combustion and evaporation of chemical solvents and fuels; NO _x results from the combustion of fuels	increased respiration and pulmonary resistance; cough, pain, shortness of breath, lung inflammation	permeability of respiratory epithelia, possibility of permanent lung impairment
Carbon monoxide (CO)	Incomplete combustion of fuels; motor vehicle exhaust	headache, dizziness, fatigue, nausea, vomiting, death	permanent heart and brain damage
Nitrogen dioxide (NO ₂)	combustion devices (e.g., boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines)	coughing, difficulty breathing, vomiting, headache, eye irritation, chemical pneumonitis or pulmonary edema; breathing abnormalities, cough, cyanosis, chest pain, rapid heartbeat, death	chronic bronchitis, decreased lung function
Sulfur dioxide (SO ₂)	coal and oil combustion, steel mills, refineries, and pulp and paper mills	Irritation of upper respiratory tract, increased asthma symptoms	Insufficient evidence linking SO ₂ exposure to chronic health impacts
Respirable particulate matter (PM ₁₀), Fine particulate matter (PM _{2.5})	fugitive dust, soot, smoke, mobile and stationary sources, construction, fires and natural windblown dust, and formation in the atmosphere by condensation and/or transformation of SO ₂ and ROG	breathing and respiratory symptoms, aggravation of existing respiratory and cardiovascular diseases, premature death	alterations to the immune system, carcinogenesis
Lead	metal processing	reproductive/ developmental effects (fetuses and children)	numerous effects including neurological, endocrine, and cardiovascular effects

Notes: NO_x = oxides of nitrogen; ROG = reactive organic gases.

¹ "Acute" refers to effects of short-term exposures to criteria air pollutants, usually at fairly high concentrations.

² "Chronic" refers to effects of long-term exposures to criteria air pollutants, usually at lower, ambient concentrations.

Sources: EPA 2023a.

Ozone

Ground-level ozone is not emitted directly into the air but is created by chemical reactions between ROG and NO_x. This happens when pollutants emitted by cars, power plants, industrial boilers, refineries, chemical plants, and other sources react chemically in the presence of sunlight. Ozone at ground level is a harmful air pollutant because of its effects on people and the environment and is the main ingredient in smog (EPA 2023a).

Acute health effects of ozone exposure include increased respiratory and pulmonary resistance, cough, pain, shortness of breath, and lung inflammation. Chronic health effects include permeability of respiratory epithelia and possibility of permanent lung impairment (EPA 2023a). Emissions of the ozone precursors ROG and NO_x have decreased over the past two decades because of more stringent motor vehicle standards and cleaner burning fuels (CARB 2013).

Nitrogen Dioxide

NO₂ is a brownish, highly reactive gas that is present in all urban environments. The major human-made sources of NO₂ are combustion devices, such as boilers, gas turbines, and mobile and stationary reciprocating internal combustion engines. Combustion devices emit primarily nitric oxide (NO), which reacts through oxidation in the

atmosphere to form NO₂. The combined emissions of NO and NO₂ are referred to as NO_x and are reported as equivalent NO₂. Because NO₂ is formed and depleted by reactions associated with photochemical smog (ozone), the NO₂ concentration in a particular geographical area may not be representative of the local sources of NO_x emissions (EPA 2023a).

Acute health effects of exposure to NO_x includes coughing, difficulty breathing, vomiting, headache, eye irritation, chemical pneumonitis, or pulmonary edema, breathing abnormalities, cough, cyanosis, chest pain, rapid heartbeat, and death. Chronic health effects include chronic bronchitis and decreased lung function (EPA 2023a).

Table 3.2-3 Attainment Status Designations for Santa Clara County

Pollutant	National Ambient Air Quality Standard	California Ambient Air Quality Standard
Ozone	Attainment (1-hour) ¹	(No State Standard for 1-hour)
	Nonattainment (8-hour) ³ Classification=Severe	Nonattainment (8-hour) Classification=Marginal
	Nonattainment (8-hour) ⁴ Classification=Severe	
Respirable particulate matter (PM ₁₀)	Attainment (24-hour)	Nonattainment (24-hour) Classification - Moderate
		Nonattainment (Annual)
Fine particulate matter (PM _{2.5})	Nonattainment (24-hour)	(No State Standard for 24-Hour)
	Attainment (Annual)	Attainment (Annual)
Carbon monoxide (CO)	Attainment (1-hour)	Attainment (1-hour)
	Attainment (8-hour)	Attainment (8-hour)
Nitrogen dioxide (NO ₂)	Unclassified/Attainment (1-hour)	Attainment (1-hour)
	Unclassified/Attainment (Annual)	Attainment (Annual)
Sulfur dioxide (SO ₂) ⁵	(Attainment Pending) (1-Hour)	Attainment (1-hour)
		Attainment (24-hour)
Lead (Particulate)	Attainment (3-month rolling avg.)	Attainment (30-day average)
Hydrogen Sulfide	No Federal Standard	Unclassified (1-hour)
Sulfates		Attainment (24-hour)
Visibly Reducing Particles		Unclassified (8-hour)
Vinyl Chloride		Unclassified (24-hour)

Notes:

¹ Air Quality meets federal 1-hour Ozone standard (77 FR 64036). EPA revoked this standard, but some associated requirements still apply. BAAQMD attained the standard in 2009. BAAQMD has requested EPA recognize attainment to fulfill the requirements.

² Per Health and Safety Code (HSC) § 40921.5(c), the classification is based on 1989 – 1991 data, and therefore does not change.

³ 1997 Standard.

⁴ 2008 Standard.

⁵ 2010 Standard.

Source: EPA 2023b.

Particulate Matter

PM₁₀ is emitted directly into the air, and includes fugitive dust, soot, and smoke from mobile and stationary sources, construction operations, fires and natural windblown dust, and particulate matter formed in the atmosphere by reaction of gaseous precursors (CARB 2013). PM_{2.5} includes a subgroup of smaller particles that have an aerodynamic diameter of 2.5 micrometers or less. PM₁₀ emissions in the SVAB are dominated by emissions from area sources, primarily fugitive dust from vehicle travel on unpaved and paved roads, farming operations, construction and demolition, and particles from residential fuel combustion. Direct emissions of PM₁₀ are projected to remain relatively constant through 2035. Direct emissions of PM_{2.5} have steadily declined in the SVAB between 2000 and 2010 and are projected to increase slightly through 2035. Emissions of PM_{2.5} in the SVAB are dominated by the same sources as emissions of PM₁₀ (CARB 2013).

Acute health effects of exposure to PM₁₀ include breathing and respiratory symptoms, aggravation of existing respiratory and cardiovascular diseases including asthma and chronic obstructive pulmonary disease, and premature death. Chronic health effects include alternations to the immune system and carcinogenesis (EPA 2023a). For PM_{2.5}, short-term exposures (up to 24-hours duration) have been associated with premature mortality, increased hospital admissions for heart or lung causes, acute and chronic bronchitis, asthma attacks, emergency room visits, respiratory symptoms, and restricted activity days. These adverse health effects have been reported primarily in infants, children, and older adults with preexisting heart or lung diseases. Long-term (months to years) exposure to PM_{2.5} has been linked to premature death, particularly in people who have chronic heart or lung diseases, and reduced lung function growth in children.

TOXIC AIR CONTAMINANTS

According to the *California Almanac of Emissions and Air Quality* (CARB 2013), the majority of the estimated health risks from TACs can be attributed to relatively few compounds, the most important being diesel PM. Diesel PM differs from other TACs in that it is not a single substance, but rather a complex mixture of hundreds of substances. Although diesel PM is emitted by diesel-fueled internal combustion engines, the composition of the emissions varies depending on engine type, operating conditions, fuel composition, lubricating oil, and whether an emissions control system is being used. Unlike the other TACs, no ambient monitoring data are available for diesel PM because no routine measurement method currently exists. However, CARB has made preliminary concentration estimates based on a PM exposure method. This method uses the CARB emissions inventory's PM₁₀ database, ambient PM₁₀ monitoring data, and the results from several studies to estimate concentrations of diesel PM. In addition to diesel PM, the TACs for which data are available that pose the greatest existing ambient risk in California are benzene, 1,3-butadiene, acetaldehyde, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, and perchloroethylene.

Diesel PM poses the greatest health risk among these 10 TACs mentioned. Based on receptor modeling techniques, CARB estimated the average cancer risk associated with diesel PM concentrations in the SFBAAB to be 360 excess cancer cases per million people in the year 2000. Overall, levels of most TACs, except para-dichlorobenzene and formaldehyde, have decreased since 1990 (CARB 2013).

ODORS

Odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache).

The ability to detect odors varies considerably among the population and overall is quite subjective. Some individuals can smell very minute quantities of specific substances; others may not have the same sensitivity but may have sensitivities to odors of other substances. In addition, people may have different reactions to the same odor; an odor that is offensive to one person may be perfectly acceptable to another (e.g., a cooking-related odor from a fast food restaurant). It is important to also note that an unfamiliar odor is more easily detected and is more likely to cause complaints than a familiar one. This is because of the phenomenon known as odor fatigue, in which a person can become desensitized to almost any odor and recognition only occurs with an alteration in the intensity. Odor sources of concern include wastewater treatment plants, sanitary landfills, composting facilities, recycling facilities, petroleum refineries, chemical manufacturing plants, painting operations, rendering plants, and food packaging plants (BAAQMD 2022).

SENSITIVE RECEPTORS

Sensitive receptors are generally considered to include those land uses where exposure to pollutants could result in health-related risks to sensitive individuals, such as children or the elderly. Residential dwellings, schools, hospitals, playgrounds, and similar facilities are of primary concern because of the presence of individuals particularly sensitive

to pollutants and/or the potential for increased and prolonged exposure of individuals to pollutants. Because the proposed project is a specific plan document, there are no specific sensitive locations identified with respect to the proposed Specific Plan. As a conservative estimate of impacts, sensitive receptors are anticipated to be located directly adjacent to new development.

3.2.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

Regional and local criteria air pollutant emissions and associated impacts, as well as impacts from TACs, CO concentrations, and odors were assessed in accordance with BAAQMD-recommended methodologies. The proposed Specific Plan's emissions are compared to BAAQMD-adopted thresholds. Because of the unknown variability of the future development, including specific construction schedules, under the proposed Specific Plan, air quality emissions from future, short-term construction activities are unable to be quantified. Therefore, short-term construction emissions were not quantified and evaluated qualitatively. The proposed Specific Plan was evaluated and compared to the General Plan Update EIR. This change includes a decrease in non-residential SF and additional residential units. Construction impacts were evaluated qualitatively, similar to the methods used in the General Plan Update EIR.

Operational emissions of criteria air pollutants and precursors were calculated using the California Emissions Estimator Model (CalEEMod) Version 2022.1.1.28 computer program, as recommended by BAAQMD (CAPCOA 2024). Modeling was based on project information (e.g., size, acreage, land uses, annual VMT, trip generation) where available; default values in CalEEMod such as water and wastewater usage are based on the project's location and land use type. Construction would begin as early as 2039. Land use types for both the adopted General Plan and proposed Specific Plan were modeled with the change in land use types, acreages, number of dwelling units, VMT, and trip generation that were provided. Both scenarios were modeled with the differences in each project and compared. Specific model assumptions and inputs for these calculations can be found in Appendix B.

THRESHOLDS OF SIGNIFICANCE

Per Chapter 7 of the BAAQMD's CEQA guidance, a plan's impact to air quality is considered a significant impact if the proposed Specific Plan would not do any of the following:

Criteria Air Pollutants

- ▶ A plans' impact to air quality is considered a significant impact if the plan would not be consistent with current air quality plan control measures, and
- ▶ A plans' impact to air quality is considered a significant impact if the plan would not increase VMT or vehicle trip increase less than or equal to projected population increase.

Local Risks and Hazards

- ▶ A plans' impact to air quality is considered a significant impact if the plan identifies special overlay zones around existing and planned sources of TACs (including adopted Risk Reduction Plan areas), and
- ▶ A plans' impact to air quality is considered a significant impact if the plan identifies special overlay zones of at least 500 feet from all freeways and high-volume roadways.

Odors

- ▶ For plans to have a less-than-significant impact, a plan must identify the location of existing and planned odor sources in the plan area. The plan must also include policies to reduce potential odor impacts in the plan area.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.3-1: Conflict With or Obstruct Implementation of the Applicable Air Quality Plan, or Result in a Cumulatively Considerable Net Increase of Criteria Pollutants

The General Plan Update EIR (Impact 3.3-1) concluded that implementation of the General Plan would be consistent with all federal and state guidelines including the 2017 Clean Air Plan. It was concluded in the General Plan Update EIR that population would increase while VMT per service population would decrease, and thus implementation of the General Plan would have a less-than-significant impact. The proposed Specific Plan would be consistent with the General Plan policies and BAAQMD’s 2017 Clean Air Plan because the proposed Specific Plan would increase service population and decrease VMT, thus it would continue to be consistent with the 2017 Clean Air Plan and General Plan policies. Thus, this impact would remain as **less than significant** as stated in the General Plan Update EIR.

Plan Consistency

Implementation of the General Plan was concluded to be a less-than-significant impact in the General Plan Update EIR because implementation would be consistent with all federal and state guidelines and the 2017 Clean Air Plan as the General Plan would increase service population, decrease VMT, enhance job-generating uses within the city and comply with all General Plan policies and actions associated with reducing criteria pollutant emissions. The General Plan Update EIR concluded that since implementation of the General Plan would reduce VMT per service population by 3 percent, while increasing jobs and service population within the general plan area by 60.1 percent, the General Plan would further the fundamental goals of the BAAQMD in reducing emissions of criteria pollutants.

Implementation of the proposed Specific Plan would allow for additional residential development beyond what is allowed under the General Plan through increases in density and implementation through an incentive program within the Specific Plan Area and would also decrease VMT and VMT per service population. Based on Table 2-4 in Chapter 2, “Project Description,” it is estimated compared to the adopted General Plan that the proposed Specific Plan at buildout could result in a service population (residents and jobs) increase from 20,466 to 21,925 (7 percent increase) as compared to the General Plan at buildout. Additionally, the proposed Specific Plan would reduce the annual VMT in the Specific Plan Area from 250,360,800 to 195,800,600, a reduction of 21.8 percent and 54,560,200 annual VMT (Fehr & Peers 2024), as shown in Table 3.2-4. This would align with the 2017 Clean Air Plan and be consistent with General Plan Policies LU 3-1 through LU 3-3, LU-4.2 through LU 4-4, LU 5-1, LU 6-6, CIR 2-1, CIR 3-1 through CIR 3-4, CIR 4-1 through CIR 4-6, CIR-5-1 through CIR 5-5, and CIR 6-9, all of which pertain to population, land use developments, and traffic and VMT reduction. Thus, this impact would not be more significant than the impact identified in the General Plan Update EIR.

Table 3.2-4 Specific Plan VMT and Service Population Changes

Plan	VMT (Annual)	Service Population	Annual VMT per population
Adopted General Plan	250,360,800	20,466	12,233
Proposed Specific Plan	195,800,600	21,925	8,930
Change	-54,560,200	+1,459	-3,303
Percent Change	-21.8%	+7.1%	-27.0%

Source: Fehr & Peers 2024.

Construction

Construction activities associated with future development under the proposed Specific Plan would result in short-term temporary increases in criteria air pollutants and ozone precursors as a result of off and on road vehicle exhaust and dust emissions associated with earthwork and vehicular travel on paved and unpaved surfaces.

Due to the programmatic nature of the Specific Plan, site-specific construction details (e.g., schedule, development size and land use type) are not available; thus, construction emissions were not quantified. Compared to the land use development anticipated under the General Plan, the proposed Specific Plan anticipates development of more residential land uses and less non-residential land uses in the same period of time (i.e., 2025 to 2040). However,

construction equipment fleets continue to become cleaner as older equipment is replaced with newer cleaner and higher tiered equipment. Therefore, exhaust emissions from heavy-duty equipment are not anticipated to substantially increase even considering the slight increase in anticipated development. In addition, it is important to note that BAAQMD's construction thresholds for individual projects are developed based on average daily emissions; thus, for average daily emissions to substantially increase compared to those anticipated in the General Plan Update EIR, the rate of development per year would need to substantially increase for a meaningful increase in emissions to occur. Nothing has changed since the time the General Plan Update EIR has been prepared that would affect the anticipated rate of development over the next 15 years. Moreover, similar to the General Plan, the proposed Specific Plan would be consistent with General Plan policies CON 1-1, 1-4 through 1-6, CON 1-8, 7-2 through 7-7 which all pertain to air quality construction impacts and would require future land use development to incorporate and adhere to dust control measures in accordance with BAAQMD's Best Management Practices for fugitive dust control during construction, and would require a CEQA review consistent with the BAAQMD requirements for each project within the proposed Specific Plan. Thus, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Operations

Implementation of the proposed Specific Plan would result in additional development of dwelling units and residential sf and a decrease in non-residential development to allow for increased residential density. The proposed Specific Plan also aims to integrate a mix of land uses throughout Main Street and the surrounding districts to create a walkable downtown supported by commercial retail and office uses, civic and cultural anchors, and infill residential and neighborhood service nodes, as stated in Chapter 2, "Project Description." Land uses within the Specific Plan Area from the General Plan and the proposed Specific Plan were modeled with their corresponding annual VMT and trip generation rates and emissions were compared on an emissions per capita basis. Total operational emissions are identified in Tables 3.2-5 and 3.2-6.

Table 3.2-5 Adopted General Plan Estimated Operational Emissions (Average Daily)

Emissions Source	ROG (lb/day)	NOx (lb/day)	PM ₁₀ Exhaust (lb/day)	PM _{2.5} Exhaust (lb/day)
Mobile	94.2	93.8	1.6	1.5
Area	188.0	2.5	0.3	0.2
Energy	2.3	41.1	3.2	3.2
Total Emissions	284.5	137.4	5.0	4.9
Emissions per Service Population	0.0139	0.0067	0.0002	0.0002

Notes: ROG = reactive organic gases; NOx = oxides of nitrogen; PM_{2.5} = fine particulate matter; PM₁₀ = respirable particulate matter; lb/day = pounds per day; BAAQMD = Bay Area Air Quality Management District.

Source: Modeled by Ascent 2024.

Table 3.2-6 Proposed Gateway-Main Street Specific Plan Estimated Operational Emissions (Average Daily)

Emissions Source	ROG (lb/day)	NOx (lb/day)	PM ₁₀ Exhaust (lb/day)	PM _{2.5} Exhaust (lb/day)
Mobile	118.0	87.7	1.3	1.2
Area	184.0	3.0	0.2	0.2
Energy	1.8	31.4	2.5	2.5
Total Emissions	303.8	122.1	4.0	3.9
Emissions per Service Population	0.0139	0.0056	0.0002	0.0002

Notes: ROG = reactive organic gases; NOx = oxides of nitrogen; PM_{2.5} = fine particulate matter; PM₁₀ = respirable particulate matter; lb/day = pounds per day; BAAQMD = Bay Area Air Quality Management District.

Source: Modeled by Ascent 2024.

As shown in Tables 3.2-5 and 3.2-6, the proposed Specific Plan would emit less NO_x, PM₁₀, and PM_{2.5} as a result of the increased residential densities and decreased non-residential development associated with the proposed Specific Plan compared to the General Plan. However, ROG emissions are estimated to increase due to the 18,964 or 50.2 percent (37,759 to 56,964) increase in daily trips.

Additionally, estimated operational emissions per service population would decrease or stay the same for each criteria pollutant as well. This would align with General Plan policies CD 6-1, CD 6-3, CD 11-2, CD 11-5, CD 11-8 through CD 11-11, CON 1-1 through CON 1-13, and CON 7-1 through CON 7-13 as stated above in Section 3.2.1, "Regulatory Settings." CD 6-1 and CD 6-3 both promote walkable communities and would result in less VMT and ADT. CD 11-2, CD 11-5, and CD 11-8 through CD 11-11 all promote a more energy efficient operations through the encouraging passive solar design, the use of building material that conserve energy and material resources, encourage low-impact development, the use of green roofs to reduce the heat island effect, encourage development to use sustainable design approaches, and continuing to apply the CAP to increase the energy efficiency of development. CON 1-1 through CON 1-13 would ensure that new development is consistent with the objectives and targets identified in the CAP, ensure all future development complies with the energy efficiency requirements in the CALGreen Code, support green building best management practices such as LEED certification and Titles 24 standards, require development to consider the lifecycle cost when identifying opportunities for the replacement and retrofitting of energy efficient technologies, reduce the city's energy demand by pursuing the use of alternative energy and fuel-efficient vehicles and construction equipment, support the production of alternative and renewable energy, encourage energy efficiency and conservation through public awareness and educational opportunities, encourage site planning and building energy conservation through by taking advantage of shade, prevailing winds, landscapes, building orientations, and building material choices, encouraging the distribution of energy resources such as solar and fuel cells, considering incentive programs such as reduces fees and expedited permits for projects that exceed mandatory energy requirements and the City's energy objectives, expand renewable energy installations, and support the use of electrical appliances and energy storage options that reduce the use of and reliance on natural gas. CON 7-1 through 7-13 would increase energy efficiency in the Specific Plan Area by creating a more compact community with reduced VMT and trip lengths, minimizing exposure of the public to toxic and harmful emissions by requiring an adequate buffer between residential and other sensitive land uses and land uses that typically generate air pollutants and TACs, requiring air quality mitigation measures in their design to reduce impacts if the project generates high levels of air pollutants, require projects to adhere to the requirements of the BAAQMD, enforce standards in the CAA, prioritize mixed-use developments near transit facilities, encourage reduced idling, and infrastructure improvements to safe walking and bicycling to reduce VMT and vehicle trips, and implement energy policies that reduce air pollution and greenhouse gases by increasing energy efficiency, conservation and the use of renewable resources. Thus, this impact would not be more significant than the impact identified in the General Plan Update EIR.

The proposed Specific Plan would further reduce VMT and VMT per service population while also increasing service population and jobs in the Specific Plan Area, therefore, the proposed Specific Plan would be consistent with the 2017 Clean Air Plan and the relevant General Plan policies. Additionally, the proposed Specific Plan would continue to decrease operational emissions per capita, proving to be consistent with the 2017 Clean Air Plan and the relevant General Plan policies. Thus, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-2: Expose Sensitive Receptors to Substantial TAC Concentrations

The General Plan Update EIR (Impact 3.3-2) concluded that the General Plan would comply with the applicable policies and programs in the General Plan as well as applicable BAAQMD rules and regulations, that would minimize the potential exposure of sensitive receptors to substantial concentrations of TACs and PM_{2.5} within the City. Therefore, this impact was concluded to be less than significant. The proposed Specific Plan would decrease non-residential SF within the Specific Plan Area and would not add additional TAC or PM_{2.5} emission sources that were not identified in the General Plan Update EIR. Thus, this impact would remain **less than significant**.

The General Plan Update EIR concluded that since the General Plan would include policies and programs that would minimize exposure to TAC and PM_{2.5} concentrations within the City, the impact is less than significant. For example, Policy CON 7-2 requires adequate buffer or setback distances between sensitive land uses and potential sources of toxic or harmful air emissions. Policy CON 7-3 requires projects that generate high levels of pollutants to incorporate air quality mitigations into their design. Action CO-7c requires site-specific air quality Health Risk Assessments (HRAs) for developments that would place sensitive receptors closer than 500 feet from the edge of a regional roadway facility (including I-680, I-880, and SR-237), or for development projects that would place significant stationary sources of air pollution such as gas stations and dry cleaning facilities, or other industrial facilities that emit TACs within 500 feet of a sensitive receptor. Additionally, the General Plan Update EIR stated that all new sources of TAC emissions within the City would be required to obtain an air permit from BAAQMD that includes analysis of any TAC or PM_{2.5} emissions generated from the new source and the potential health impacts to the nearest sensitive receptor.

Health risks associated with TACs are most pronounced in the areas adjacent to freeway segments. Under the Community Air Risk Evaluation (CARE) program, the BAAQMD has designated certain areas as “Impacted Communities” if the following occur: the areas (1) are close to or within areas of high TAC emissions; (2) have sensitive populations, defined as youth and seniors, with significant TAC exposures; and (3) have significant poverty. The General Plan Update EIR concluded that the city is not mapped by the BAAQMD as an Impacted Community under the CARE program. The CARE program has not changed mapping done by BAAQMD that would classify the Specific Plan Area as an Impacted Community.

Similar to the General Plan, the proposed Specific Plan would continue to require individual projects to undergo project-specific environmental review to determine health impacts from the construction and operation of future development. This would ensure future development under the proposed Specific Plan would be consistent with General Plan Policy CON 7-2, CON 7-3, and CON 7-7, which requires adequate buffer or setback distances between sensitive land uses and potential sources of toxic or harmful air emissions, requires projects that generate high levels of pollutants to incorporate air quality mitigations into their design, and would require future development under the proposed Specific Plan to comply with regional, state, and federal standards and programs for all airborne pollutants and odors. In the event that future individual projects may result in exposure to TACs, these future projects would be required to implement mitigation measures to reduce the impact to a less than significant level, consistent with BAAQMD requirements. The proposed Specific Plan would not introduce any new TAC or PM_{2.5} emission sources but would continue to require all new sources of TAC emissions within the City would be required to obtain an air permit from BAAQMD that includes analysis of any TAC or PM_{2.5} emissions created from the new source and the potential health impacts to the nearest sensitive receptor. Thus, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-3: Result in Other Emissions (Such as Those Leading to Odors) Adversely Affecting a Substantial Number of People

The General Plan Update EIR (Impact 3.3-3) concluded that the General Plan would not propose any land uses within the vicinity of this or any other potential source of objectionable odors. Individual projects that have the potential to generate significant objectionable odors would be required to undergo individual CEQA review. Additionally, the General Plan Update EIR stated that the General Plan would incorporate General Plan policies and actions that would further minimize the potential for other emissions (such as odors) to adversely affect a substantial number of people, and therefore a less-than-significant impact was concluded. The proposed Specific Plan would reduce the non-residential SF in the Specific Plan Area and would not introduce any new or substantial odor sources as identified in the General Plan Update EIR. Thus, this impact would remain **less than significant**.

Odorous emissions generated by heavy-duty diesel equipment and the laying of fresh asphalt during future anticipated construction activities would be intermittent and temporary and would dissipate rapidly from the source with an increase in distance. While construction of the proposed Specific Plan would be implemented over approximately 16 years, these types of odor-generating activities would not occur in a single location, or within proximity to off-site receptors, for an extended period. The type and level of construction activity would be typical of new development on a large site, and associated odor sources would not remain in any one part of the Specific Plan Area throughout all construction phases.

Regarding operational odor sources, the General Plan Update EIR identified potential odor sources known to exist in the city as the Newby Island Landfill & Composting operation, the Santa Clara / San Jose Regional Wastewater Facility, the Zanker Landfill & Composting Facility, and the Zanker Organic Digester Facility (ZWED). The General Plan Update EIR concluded that implementation of the General Plan would not propose any land uses within the vicinity of these sources or include new potential sources of objectionable odors. Individual projects that have the potential to generate significant objectionable odors would be required to undergo individual CEQA review. Similarly, the proposed Specific Plan would not propose sensitive land uses within the vicinity of existing major odor sources or anticipate new major odor-generating land uses.

General Plan Policies CON 7-2 and CON 7-7 would address potential odors, which would continue to apply within the Specific Plan Area. Policy CON 7-2 requires appropriate buffers and setbacks between sensitive land uses and odor sources and Policy CON 7-7 requires that all development comply with applicable regional, state, and federal standards pertaining to the control of odors. For the proposed Specific Plan, applicable standards include BAAQMD's adopted rules and regulations pertaining to odors, specifically Regulation 7 which authorizes the air district to respond to and address citizen complaints pertaining to odors.

Considering the temporary nature of odor sources during construction of future development, this source is not typically considered a long-term nuisance generating substantial increases in odor complaints, and the proposed Specific Plan does not introduce any more substantial or unique construction activities compared to the General Plan Update EIR. Further, the proposed Specific Plan does not anticipate new major odor sources and proposed changes to land uses, compared to those previously anticipated in the General Plan Update EIR, consist of similar land uses (but more dense residential replacing non-residential uses), and odor exposure is not anticipated to increase. Further, all BAAQMD rules and regulations pertaining to odors, as required by the General Plan policies, would continue to be required, further reducing the potential for odor exposure. For these reasons, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

This page is intentionally left blank.

3.3 BIOLOGICAL RESOURCES

This section addresses common and sensitive biological resources that could be affected by implementation of the Specific Plan. The analysis includes a description of the existing environmental conditions, the methods used for assessment, the potential impacts associated with implementing the Specific Plan, and mitigation measures proposed to reduce significant and potentially significant impacts. This section also includes a brief overview of the federal, State, and local laws and regulations pertaining to the protection of biological resources in the City of Milpitas.

During public review of the Notice of Preparation for the EIR, comments were received from CDFW regarding impacts on aquatic resources, migratory birds and raptors, bats, and special-status species including western burrowing owl and Crotch's bumble bee (see Appendix A).

3.3.1 Regulatory Setting

FEDERAL

Federal Endangered Species Act

Pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. Section 1531 et seq.), the US Fish and Wildlife Service (USFWS) regulates the taking of species listed in the ESA as threatened or endangered. In general, persons subject to ESA (including private parties) are prohibited from "taking" endangered or threatened fish and wildlife species on private property, and from "taking" endangered or threatened plants in areas under federal jurisdiction or in violation of state law. Under Section 9 of the ESA, the definition of "take" is to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." USFWS has also interpreted the definition of "harm" to include significant habitat modification that could result in take.

Section 10 of the ESA applies if a non-federal agency is the lead agency for an action that results in take and no other federal agencies are involved in permitting the action. Section 7 of the ESA applies if a federal discretionary action is required (e.g., a federal agency must issue a permit), in which case the involved federal agency consults with USFWS.

Section 404 of the Clean Water Act

Section 404 of the federal Clean Water Act (CWA) requires a project applicant to obtain a permit before engaging in any activity that involves any discharge of dredged or fill material into waters of the United States, including wetlands. Fill material is material placed in waters of the United States where the material has the effect of replacing any portion of a water of the United States with dry land or changing the bottom elevation of any portion of a water of the United States. Waters of the United States include navigable waters of the United States; interstate waters; all other waters where the use, degradation, or destruction of the waters could affect interstate or foreign commerce; tributaries to any of these waters that are relatively permanent standing or continuously flowing bodies of water; and wetlands adjacent to and with a continuous surface connection to these waters. Wetlands are defined as those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Potentially jurisdictional wetlands must meet three wetland delineation criteria: hydrophytic vegetation, hydric soil types, and wetland hydrology. Wetlands that meet the delineation criteria may be jurisdictional under Section 404 of the CWA pending US Army Corps of Engineers (USACE) verification.

Section 401 Water Quality Certification

Under Section 401 of the CWA, an applicant for a Section 404 permit must obtain a certificate from the appropriate state agency stating that the intended dredging or filling activity is consistent with the state's water quality standards and criteria. In California, the authority to grant water quality certification is delegated by the State Water Resources Control Board (SWRCB) to the regional water quality control boards (RWQCBs).

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA), first enacted in 1918, provides for protection of international migratory birds and authorizes the Secretary of the Interior to regulate the taking of migratory birds. The MBTA provides that it will be unlawful, except as permitted by regulations, to pursue, take, or kill any migratory bird, or any part, nest, or egg of any such bird. Under the MBTA, “take” is defined as “to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities.” A take does not include habitat destruction or alteration, as long as there is not a direct taking of birds, nests, eggs, or parts thereof. The current list of species protected by the MBTA can be found in Title 50 of the Code of Federal Regulations (CFR), Section 10.13 (50 CFR 10.13). The list includes nearly all birds native to the United States.

STATE

Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act (Porter-Cologne Act), waters of the state fall under the jurisdiction of the appropriate RWQCB. RWQCBs must prepare and periodically update water quality control plans (basin plans). Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control point and nonpoint sources of pollution to achieve and maintain these standards. The RWQCB's jurisdiction includes federally protected waters, as well as areas that meet the definition of “waters of the state.” “Waters of the state” is defined as any surface water or groundwater, including saline waters, within the boundaries of the state. The RWQCB has the discretion to take jurisdiction over areas not federally protected under Section 401 of the CWA provided they meet the definition of waters of the state. Actions that affect waters of the state, including wetlands, must meet the RWQCB's waste discharge requirements.

California Endangered Species Act

Pursuant to the California Endangered Species Act (CESA), a permit from CDFW is required for projects that could result in the “take” of a plant or animal species that is listed by the state as threatened or endangered. Under CESA, “take” is defined as an activity that would directly or indirectly kill an individual of a species, but does not include “harm” or “harass,” as does the federal definition. As a result, the threshold for take is higher under CESA than under the federal ESA. Authorization for take of state-listed species can be obtained through a California Fish and Game Code Section 2081 incidental take permit.

California Fish and Game Code Sections 3503 and 3503.5—Protection of Bird Nests

Section 3503 of the Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 of the California Fish and Game Code states that it is unlawful to take, possess, or destroy any raptors (i.e., species in the orders *Falconiformes* and *Strigiformes*), including their nests or eggs. Typical violations include destruction of active nests because of tree removal or disturbance caused by project construction or other activities that cause the adults to abandon the nest, resulting in loss of eggs and/or young.

Fully Protected Species under the California Fish and Game Code

Protection of fully protected species is described in Sections 3511, 4700, 5050, and 5515 of the California Fish and Game Code. These statutes prohibit take or possession of fully protected species and do not provide for authorization of incidental take except for scientific research purposes or for relocation to protect livestock.

California Fish and Game Code Section 1602—Streambed Alteration

All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California that supports wildlife resources are subject to regulation by CDFW under Section 1602 of the California Fish and Game Code. Under Section 1602, it is unlawful for any person, governmental agency, or public utility to do the following without first notifying CDFW:

- ▶ substantially divert or obstruct the natural flow of, or substantially change or use any material from, the bed, channel, or bank of any river, stream, or lake, or

- ▶ deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

The regulatory definition of a stream is a body of water that flows at least periodically or intermittently through a bed or channel that has banks and supports fish or other aquatic life. This definition includes watercourses with a surface or subsurface flow that supports or has supported riparian vegetation. CDFW's jurisdiction within altered or artificial waterways is based on the value of those waterways to fish and wildlife. A CDFW streambed alteration agreement must be obtained for any action that would result in an impact on a river, stream, or lake.

LOCAL

The City of Milpitas General Plan 2040

The City of Milpitas General Plan 2040 (General Plan) Environmental Conservation and Sustainability Element (City of Milpitas 2021) includes the following policies that may apply to biological resources applicable to implementation of the Specific Plan:

- ▶ **Policy CON 3-1:** Preserve and enhance biological communities that contribute to Milpitas' and the region's biodiversity including, but not limited to, wetlands, riparian areas, and aquatic habitat.
- ▶ **Policy CON 3-2:** Preserve and enhance the aesthetic and habitat value of riparian corridors including, but not limited to Coyote, Wrigley Ford and Penitencia Creeks.
- ▶ **Policy CON 3-3:** Limit the disturbance of natural water bodies and drainage systems in Milpitas by conserving natural open space areas, protecting channels, and minimizing the impacts and pollutants from stormwater and urban runoff.
- ▶ **Policy CON 3-4:** Focus conservation efforts on areas that contain suitable habitat for endangered, threatened, migratory, or special-status species and that can be managed with minimal interference with nearby urban land uses.
- ▶ **Policy CON 3-5:** Work with the Santa Clara Valley Water District to preserve wetlands, riparian corridors, and buffer zones in Milpitas by continuing to require that new development follow the "Guidelines and Standards for Land Use Near Streams" to protect streams and riparian habitats. Encourage the use of Green Stormwater Infrastructure such as water quality wetlands, bioretention swales, watershed-scale retrofits, and other low-impact development techniques, etc., consistent with the City's Green Stormwater Infrastructure Plan and where such measures are likely to be effective and technically and economically feasible.
- ▶ **Policy CON 3-6:** Work cooperatively with local, state, and federal agencies to comply with regulations, reduce pollutants in runoff, and protect and enhance water resources in the Santa Clara Basin through implementation of the Santa Clara Valley Urban Runoff Prevention Program (SCVURPPP).
- ▶ **Policy CON 3-7:** Build upon existing streetscapes and develop an urban forest along the City's major corridors and in residential neighborhoods to provide avian habitat, sequester carbon emissions, foster pedestrian activity, and provide shade.
- ▶ **Action CON-3b:** Where sensitive biological habitats have been identified on or immediately adjacent to a project site, the project shall include appropriate mitigation measures identified by a qualified biologist, which may include, but are not limited to the following:
 - Pre-construction surveys for species listed under the State or Federal Endangered Species Acts, or species identified as special-status by the resource agencies, shall be conducted by a qualified biologist;
 - Construction barrier fencing shall be installed around sensitive resources and areas identified for avoidance or protection, and to reduce potential soil compaction in sensitive areas; and
 - Pre-construction training of contractors and sub-contractors shall be conducted by a qualified biologist to identify and avoid protected species and habitat.

- ▶ **Action CON-3c:** Cooperate with State, federal and local agencies to ensure that development does not cause significant adverse impacts to existing riparian corridors; this includes continued compliance with the “Guidelines and Standards for Land Use Near Streams” from the Santa Clara Valley Water District and Title XI, Chapter 15 (Floodplain Management Regulations) of the Milpitas Municipal Code.
- ▶ **Action CON-3d:** Continue to require new development and infrastructure projects to incorporate the standards and requirements contained in the Green Stormwater Infrastructure Handbook, Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Stormwater Handbook and comply with Title XI, Chapter 16 (Stormwater and Urban Runoff Pollution Control) of the Milpitas Municipal Code to ensure that Low Impact Development (LID) measures are incorporated into site designs to reduce pollutants from non-point sources, incorporate “green” stormwater infrastructure, and encourage greater use of permeable paving surfaces.
- ▶ **Action CON-3e:** Continue to implement a comprehensive municipal stormwater pollution-prevention program in compliance with requirements of the Santa Clara Valley Urban Runoff Prevention Program (SCVURPPP) and the Municipal Regional Stormwater Permit as issued by the San Francisco Bay Regional Water Quality Control Board.
- ▶ **Action CON-3f:** Work with the Santa Clara Valley Water District to restrict future fencing, piping and channelization of creeks when flood control and public safety can be achieved through measures that preserve the natural environmental and habitat of riparian corridors; in addition, evaluate opportunities to revert some existing concrete-lined channels to more natural alternatives such as levees.
- ▶ **Action CON-3g:** Encourage the Santa Clara Valley Water District, County Parks Department, developers and private property owners to plant and maintain native trees and plants and replace invasive, non-native species with native ones along creek corridors.
- ▶ **Action CON-3h:** Continue to work collaboratively with the Santa Clara Valley Water District to institute on-going programs to remove invasive plant species and harmful insects from sensitive habitat areas, primarily by means other than application of herbicides and pesticides.
- ▶ **Action CON-3j:** Coordinate with the California Department of Fish and Wildlife, Santa Clara County, the Santa Clara Valley Water District, and local watershed protection groups to identify potentially impacted aquatic habitat within Milpitas and to develop riparian management guidelines to be implemented by development, recreation, and other projects adjacent to creeks, streams, and other waterways. Efforts should result in standards to reduce impacts between urban development and riparian corridors, including lighting restrictions, pollution controls, noise reduction, and other measures deemed appropriate to preserve and enhance the biological function of habitat.

Tree Maintenance and Protection Ordinance of the City of Milpitas

City Ordinance 201.5 in Milpitas outlines the regulations and responsibilities for tree maintenance and removal of street trees, heritage trees, and protected trees.

Street Trees: The city plants Approved Street Trees in public rights-of-way and tree planting easements. The Public Works Director selects suitable trees from the Approved Street Tree List. Residents or property owners are responsible for watering and protecting street trees located in these easements.

Heritage Trees: These are trees of significant size, age, form, or historical importance. It is illegal to prune or remove a Heritage Tree without a permit from the Public Works Department.

Protected Trees: Trees on residential, commercial, industrial, and vacant lots are protected by law if they meet certain size requirements:

- ▶ Residential trees with a circumference of 56 inches or more.
- ▶ Commercial/industrial and vacant lot trees with a circumference of 37 inches or more. A permit is required to remove or prune these trees.

3.3.2 Environmental Setting

LAND COVER

Urban habitat comprises most of the Specific Plan Area, with limited natural habitat occurring in small fragments throughout the area (Figure 3.3-1) (EDAW 2001). Natural terrestrial habitats include arroyo willow (*Salix lasiolepis*) alliance along Wrigley Ford Creek, Goodding's willow - red willow (*Salix goodingii-Salix laevigata*) alliance along the eastern edge of the Specific Plan Area, shrub fragments along Thompson Street, and small patches of annual and perennial grassland and nonnative forest occurring throughout. Portions of Penitencia Creek and Wrigley Ford Creek occur in the Specific Plan Area (Figure 3.3-2). The dominant species along Wrigley Ford Creek is arroyo willow, and nonnative vegetation is prevalent along Penitencia Creek (Figure 3.3-1). Descriptions of these creeks are provided in the Midtown Specific Plan Draft Environmental Impact Report (Midtown SP EIR) (see Chapter 3.7.1 "Existing Setting") (EDAW 2001).

COMMON WILDLIFE

Wildlife diversity is expected to be low due to the urbanized nature of the Specific Plan Area (EDAW 2001). A list of common species found or expected to utilize the developed and undeveloped habitat in the Specific Plan Area are described in the Midtown SP EIR (See Chapter 3.7.1 "Existing Setting") (EDAW 2001).

SENSITIVE BIOLOGICAL RESOURCES

Special-Status Species

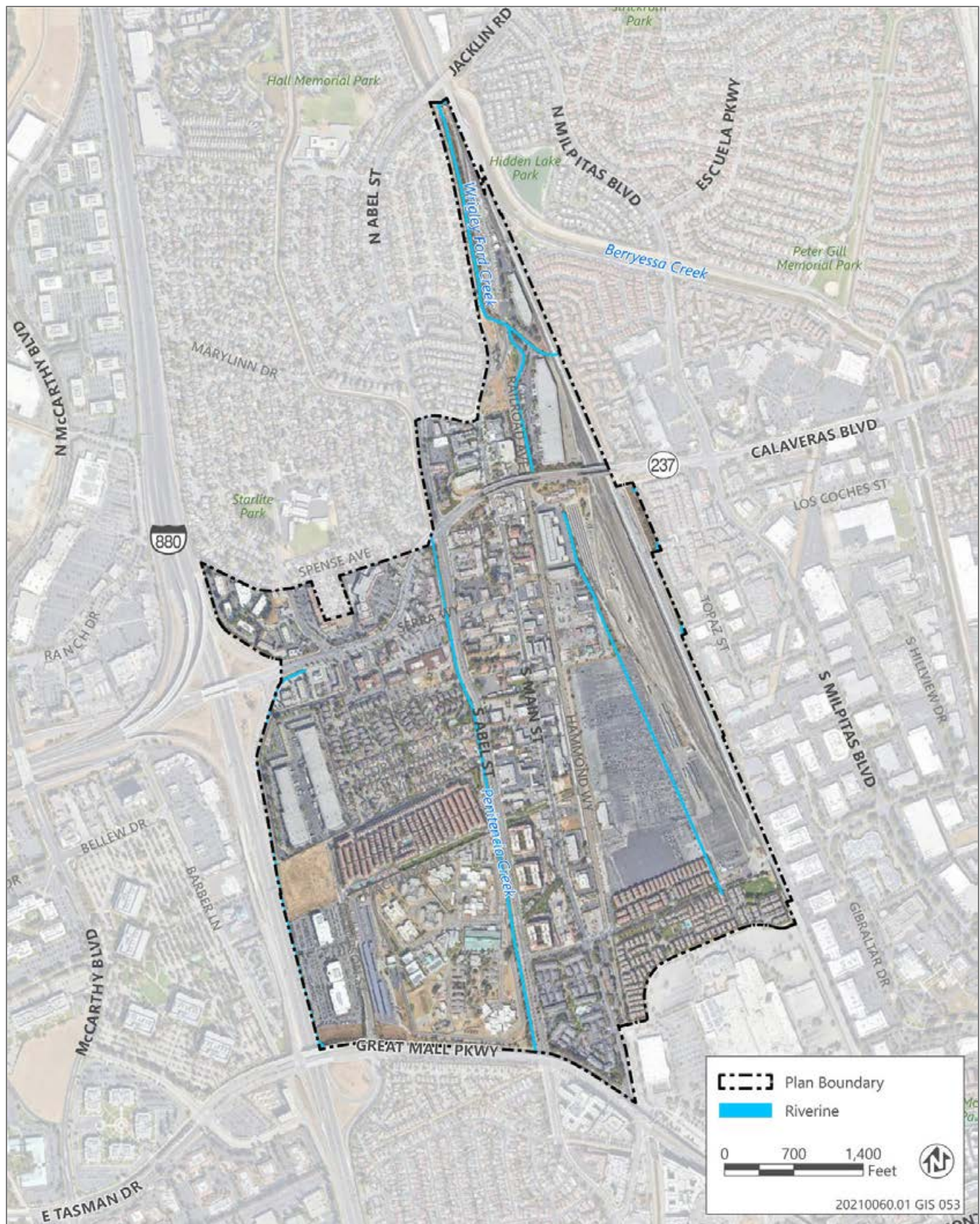
Special-status species are defined as species that are legally protected under CESA (California Fish and Game Code, Section 2050 et seq.), the federal ESA, or other regulations, or that are otherwise considered sensitive by federal, state, or local resource agencies. Special-status species are species, subspecies, or varieties that fall into one or more of the following categories, regardless of their legal or protection status:

- ▶ officially listed by California or the federal government as endangered, threatened, or rare;
- ▶ a candidate for state or federal listing as endangered, threatened, or rare;
- ▶ taxa (i.e., taxonomic category or group) that meet the criteria for listing, even if not currently included on any list, as described in California Code of Regulations (CCR) Section 15380 of the State CEQA Guidelines;
- ▶ species identified by CDFW as Species of Special Concern;
- ▶ species listed as Fully Protected under the California Fish and Game Code;
- ▶ species that are considered locally significant, that is, a species that is not rare from a statewide perspective but is rare or unique in a local context such as within a county or region (State CEQA Guidelines Section 15125 [c]) or is so designated in local or regional plans, policies, or ordinances (State CEQA Guidelines, Appendix G); and
- ▶ taxa considered by the CDFW to be "rare, threatened, or endangered in California" and assigned a California Rare Plant Rank (CRPR). The CDFW system includes three rarity and endangerment ranks for categorizing plant species of concern, summarized as follows:
 - CRPR 1A Plants presumed to be extinct in California;
 - CRPR 1B Plants that are rare, threatened, or endangered in California and elsewhere; and
 - CRPR 2 Plants that are rare, threatened, or endangered in California but more common elsewhere.



Source: Data downloaded from the 2020 Santa Cruz and Santa Clara county fine scale vegetation map; adapted by Ascent in 2024.

Figure 3.3-1 Land Cover



Source: Data downloaded from USFWS in 2024; adapted by Ascent in 2024.

Figure 3.3-2 Aquatic Resources

The term “California species of special concern” is applied by CDFW to animals not listed under ESA or CESA, but that are considered to be declining at a rate that could result in listing, or that historically occurred in low numbers and known threats to their persistence currently exist. CDFW's fully protected status was California's first attempt to identify and protect animals that were rare or facing extinction. Most species listed as fully protected were eventually listed as threatened or endangered under CESA; however, some species remain listed as fully protected but do not have simultaneous listing under CESA.

Table 3.3-1 provides a list of special-status species potentially occurring in the Specific Plan Area vicinity. Special-status plant and wildlife species that could occur within or adjacent to the Specific Plan Area are evaluated in this SEIR and are discussed in further detail below.

Table 3.3-1 Special-Status Plant Species Known to Occur in the Vicinity of the Specific Plan Area and Their Potential for Occurrence in the Specific Plan Area

Species	Listing Status ¹ Federal	Listing Status ¹ State	CRPR	Habitat	Potential for Occurrence ²
Alkali milk-vetch <i>Astragalus tener</i> var. <i>tener</i>	—	—	1B.2	Low ground, alkali flats, and flooded lands; in annual grassland or in playas or vernal pools. 0–550 ft in elevation. Blooms March–June. Annual.	May occur. The Specific Plan Area contains grassland habitat and seasonal wetland habitat that may be suitable for this species.
Brittlescale <i>Atriplex depressa</i>	—	—	1B.2	Chenopod scrub, meadows, seeps, playas, valley and foothill grassland, and vernal pools. Usually in alkali scalds or alkaline clay in meadows or annual grassland; rarely associated with riparian, marshes, or vernal pools. 5–1,065 ft in elevation. Blooms April–October. Annual.	May occur. The Specific Plan Area contains grassland and seasonal wetland habitat that may be suitable for this species.
Lesser saltscale <i>Atriplex minuscule</i>	—	—	1B.1	Chenopod scrub, alkali playas, valley and foothill grassland. In alkali sink and grassland in sandy, alkaline soils. 0–740 ft in elevation. Blooms May–October. Annual.	May occur. The Specific Plan Area contains grassland habitat that may be suitable for this species.
Big-scale balsamroot <i>Balsamorhiza macrolepis</i>	—	—	1B.2	Chaparral, valley and foothill grassland, cismontane woodland. Sometimes on serpentine. 115–4,805 ft in elevation. Blooms March–June. Perennial.	Not expected to occur. The Specific Plan Area does not contain chaparral, woodland, or undisturbed grassland suitable for this species.
Congdon's tarplant <i>Centromadia parryi</i> ssp. <i>congdonii</i>	—	—	1B.1	Valley and foothill grassland. Alkaline soils, sometimes described as heavy white clay. 0–800 ft in elevation. Blooms May–October. Annual.	Known to occur. There is an occurrence from 2008 along the eastern boundary of the Specific Plan Area, between Topaz Street and the railroad.
Point Reyes salty bird's-beak <i>Chloropyron maritimum</i> ssp. <i>palustre</i>	—	—	1B.2	In coastal salt marsh with <i>Salicornia</i> , <i>Distichlis</i> , <i>Jaumea</i> , <i>Spartina</i> , etc. 0–375 ft in elevation. Blooms June–October. Annual.	Not expected to occur. The Specific Plan Area does not contain coastal salt marsh habitat suitable for this species.
Robust spineflower <i>Chorizanthe robusta</i> var. <i>robusta</i>	FE	—	1B.1	Cismontane woodland, coastal dunes, coastal scrub, chaparral. Sandy terraces and bluffs or in loose sand. 30–805 ft in elevation. Blooms April–September. Annual.	Not expected to occur. The Specific Plan Area does not contain sandy terraces or bluffs with loose sand substrate suitable for this species.
Mt. Hamilton thistle <i>Cirsium fontinale</i> var. <i>campylon</i>	—	—	1B.2	Ultramafic. Cismontane woodland, chaparral, valley and foothill grassland. In seasonal and perennial drainages on serpentine. 330–2,920 ft in elevation. Blooms April–October. Perennial.	Not expected to occur. The Specific Plan Area is outside of the elevational range of this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	CRPR	Habitat	Potential for Occurrence ²
San Francisco collinsia <i>Collinsia multicolor</i>	—	—	1B.2	Closed-cone coniferous forest, coastal scrub. On decomposed shale (mudstone) mixed with humus; sometimes on serpentine. 100–820 ft in elevation. Blooms March–May. Annual.	Not expected to occur. The Specific Plan Area does not contain closed-cone coniferous forest or coastal scrub habitat suitable for this species.
Hospital Canyon larkspur <i>Delphinium californicum</i> <i>ssp. interius</i>	—	—	1B.2	Cismontane woodland, chaparral, coastal scrub. In wet, boggy meadows, openings in chaparral and in canyons. 640–3,595 ft in elevation. Blooms April–June. Perennial.	Not expected to occur. The Specific Plan Area does not contain closed-cone coniferous forest or coastal scrub habitat suitable for this species.
Western leatherwood <i>Dirca occidentalis</i>	—	—	1B.2	Broadleaved upland forest, chaparral, closed-cone coniferous forest, cismontane woodland, north coast coniferous forest, riparian forest, riparian woodland. On brushy slopes, mesic sites; mostly in mixed evergreen and foothill woodland communities. 80–1,395 ft in elevation. Blooms January–March. Perennial.	Not expected to occur. The Specific Plan Area is outside of the geographical range of this species, and the Specific Plan Area does not contain brushy slope habitat suitable for this species.
Santa Clara Valley dudleya <i>Dudleya abramsii</i> <i>ssp. setchellii</i>	FE	—	1B.1	Ultramafic. Valley and foothill grassland, cismontane woodland. On rocky serpentine outcrops. 195–1,495 ft in elevation. Blooms April–October. Perennial.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species and does not contain serpentine substrate suitable for this species.
Hoover's button-celery <i>Eryngium aristulatum</i> <i>var. hooveri</i>	—	—	1B.1	Alkaline depressions, vernal pools, and other wet places near the coast. 5–165 ft in elevation. Blooms July. Annual/Perennial.	May occur. The Specific Plan Area contains a vernal wet depression near Elmwood Correctional Facility that may be marginally suitable for this species.
San Joaquin spearscale <i>Extriplex joaquinana</i>	—	—	1B.2	Chenopod scrub, alkali meadow, playas, valley and foothill grassland. In seasonal alkali wetlands or alkali sink scrub with <i>Distichlis spicata</i> , <i>Frankenia</i> , etc. 5–2,740 ft in elevation. Blooms April–October. Annual.	May occur. The Specific Plan Area contains grassland and wetland habitat potentially suitable for this species.
Fragrant fritillary <i>Fritillaria liliacea</i>	—	—	1B.2	Coastal scrub, valley and foothill grassland, coastal prairie, cismontane woodland. Often on serpentine; various soils reported though usually on clay. 10–1,310 ft in elevation. Blooms February–April. Geophyte.	Not expected to occur. The Specific Plan Area does not contain coastal scrub, coastal prairie, or undisturbed grassland habitat with serpentine substrate suitable for this species.
Loma Prieta hoita <i>Hoita strobilina</i>	—	—	1B.1	Ultramafic. Chaparral, cismontane woodland, riparian woodland. Serpentine; mesic sites. 195–3,200 ft in elevation. Blooms May–July. Perennial.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species and does not contain serpentine substrate suitable for this species.
Contra Costa goldfields <i>Lasthenia conjugens</i>	FE	—	1B.1	Valley and foothill grassland, vernal pools, alkaline playas, cismontane woodland. Swales and low depressions, in open grassy areas. 5–1,475 ft in elevation. Blooms March–June. Annual.	Not expected to occur. The Specific Plan Area does not contain alkali playa or vernal pool habitat suitable for this species.
Mmooth lessingia <i>Lessingia micradenia</i> <i>var. glabrata</i>	—	—	1B.2	Ultramafic. Chaparral, cismontane woodland. Serpentine; often on roadsides. 395–1,380 ft in elevation. Blooms July–November. Annual.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species and does not contain serpentine substrate suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	CRPR	Habitat	Potential for Occurrence ²
Arcuate bush-mallow <i>Malacothamnus arcuatus</i>	—	—	1B.2	Chaparral, cismontane woodland. Gravelly alluvium. 5–2,410 ft in elevation. Blooms April–September. Perennial.	Not expected to occur. The Specific Plan Area does not contain chaparral or woodland habitat with gravelly alluvium substrate suitable for this species.
Hall's bush-mallow <i>Malacothamnus hallii</i>	—	—	1B.2	Chaparral, coastal scrub. Some populations on serpentine. 35–2,395 ft in elevation. Blooms May–September. Perennial.	Not expected to occur. The Specific Plan Area does not contain chaparral or coastal scrub habitat suitable for this species.
Woodland woollythreads <i>Monolopia gracilens</i>	—	—	1B.2	Chaparral, valley and foothill grassland, cismontane woodland, broadleafed upland forest, north coast coniferous forest. Grassy sites, in openings; sandy to rocky soils. Often seen on serpentine after burns but may have only weak affinity to serpentine. 330–3,935 ft in elevation. Blooms March–July. Annual.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species.
Prostrate vernal pool navarretia <i>Navarretia prostrata</i>	—	—	1B.2	Alkaline soils in wet grassland or coastal scrub, or in vernal pools. Mesic, alkaline sites. 10–4,050 ft in elevation. Blooms April–July. Annual.	May occur. The Specific Plan Area contains wet grassland habitat potentially suitable for this species.
Hairless popcornflower <i>Plagiobothrys glaber</i>	—	—	1A	Coastal salt marsh, alkaline grasslands, and vernal pools. 15–590 ft in elevation. Blooms March–May. Annual.	Not expected to occur. This species is presumed extirpated in California, and it is unlikely to occur in a highly urbanized environment such as the Specific Plan Area.
California alkali grass <i>Puccinellia simplex</i>	—	—	1B.2	Meadows and seeps, vernal pools, sinks, flats and lake margins within chenopod scrub and valley and foothill grasslands. Alkaline, vernal mesic. 5–3,000 ft in elevation. Blooms March–May. Annual.	May occur. The Specific Plan Area contains vernal wet depressions and grassland habitat potentially suitable for this species.
Chaparral harebell <i>Ravenella exigua</i>	—	—	1B.2	Chaparral. On rocky, usually serpentinite, substrate. 900–4,100 ft in elevation. Blooms May–June. Annual.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species.
Chaparral ragwort <i>Senecio aphanactis</i>	—	—	2B.2	Chaparral, cismontane woodland, coastal scrub. Drying alkaline flats. 65–2,805 ft in elevation. Blooms January–April. Annual.	Not expected to occur. The Specific Plan Area does not contain chaparral, woodland, or coastal scrub habitat suitable for this species.
Long-styled sand-spurrey <i>Spergularia macrotheca</i> var. <i>longistyla</i>	—	—	1B.2	Marshes and swamps, meadows and seeps, vernal pools, and alkaline grasslands. Can tolerate disturbed habitat. Alkaline. 0–835 ft in elevation. Blooms February–May. Perennial.	May occur. The Specific Plan Area contains grassland and wetland habitat that may be suitable for this species.
Metcalf Canyon jewelflower <i>Streptanthus albidus</i> ssp. <i>albidus</i>	FE	—	1B.1	Ultramafic. Valley and foothill grassland. Relatively open areas in dry grassy meadows on serpentine soils; also on serpentine balds. 150–2,625 ft in elevation. Blooms April–July. Annual.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species and does not contain serpentine substrate suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	CRPR	Habitat	Potential for Occurrence ²
Most beautiful jewelflower <i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	—	—	1B.2	Ultramafic. Chaparral, valley and foothill grassland, cismontane woodland. Serpentine outcrops, on ridges and slopes. 310–3,280 ft in elevation. Blooms April–September. Annual.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species.
Northern slender pondweed <i>Stuckenia filiformis</i> ssp. <i>alpina</i>	—	—	2B.2	Marshes, swamps, and shallow, clear water of lakes and drainage channels. 985–7,055 ft in elevation. Blooms May–July. Geophyte.	Not expected to occur. The Specific Plan Area is out of the elevational range of this species.
California seablite <i>Suaeda californica</i>	FE	—	1B.1	Margins of coastal salt marshes. 0–15 ft in elevation. Blooms July–October. Perennial.	Not expected to occur. The Specific Plan Area does not contain coastal marsh or swamp habitat suitable for this species.
Saline clover <i>Trifolium hydrophilum</i>	—	—	1B.2	Marshes and swamps, valley and foothill grassland, vernal pools. Mesic, alkaline sites. 0–985 ft in elevation. Blooms April–June. Annual.	May occur. The Specific Plan Area contains wetland and grassland habitat potentially suitable for this species.

Notes: CRPR = California Rare Plant Rank; CEQA = California Environmental Quality Act; ESA = Endangered Species Act

¹ Legal Status Definitions

Federal:

FE Federally Listed as Endangered (legally protected by ESA)

California Rare Plant Ranks (CRPR):

- 1A Plant species that are presumed extirpated or extinct because they have not been seen or collected in the wild in California for many years. A plant is extinct if it no longer occurs anywhere. A plant that is extirpated from California has been eliminated from California but may still occur elsewhere in its range.
- 1B Plant species considered rare or endangered in California and elsewhere (protected under CEQA, but not legally protected under ESA or CESA).
- 2B Plant species considered rare or endangered in California but more common elsewhere (protected under CEQA, but not legally protected under ESA or CESA).

CRPR Threat Ranks:

- 0.1 Seriously threatened in California (over 80% of occurrences threatened; high degree and immediacy of threat)
- 0.2 Moderately threatened in California (20-80% occurrences threatened; moderate degree and immediacy of threat)

² Potential for Occurrence Definitions

Not expected to occur: Species is unlikely to be present because of poor habitat quality, lack of suitable habitat features, or restricted current distribution of the species.

May occur: Suitable habitat is available and there have been nearby recorded occurrences of the species.

Known to occur: The species has been observed within the treatment areas.

Sources: CNDDB 2024; CNPS 2024.

Table 3.3-2 Special-Status Wildlife Species Known to Occur in the Vicinity of the Specific Plan Area and Their Potential for Occurrence in the Specific Plan Area

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
Amphibians and Reptiles				
California tiger salamander - central California DPS <i>Ambystoma californiense</i> pop. 1	FT	ST	Lives in vacant or mammal-occupied burrows throughout most of the year; in grassland, savanna, or open woodland habitats. Need underground refuges, especially ground squirrel burrows, and standing bodies of fresh water such as ponds, vernal pools and other ephemeral or sometimes permanent water bodies for breeding.	Not expected to occur. Due to urban development, most California tiger salamander populations within the Santa Clara Valley floor have been extirpated (CNDDDB 2024). The remaining populations occur along the valley floor's edges, in the surrounding foothills, and in some undeveloped areas south of San Jose (CNDDDB 2024). The Specific Plan Area is located in the middle of the valley floor and is surrounded by dense urbanization. Penitencia and Wrigley Ford creeks are largely channelized and often concrete-lined, therefore they do not offer high-quality breeding habitat. In addition, the areas surrounding these creeks lack sufficient upland habitat as it is surrounded by urban uses along its borders. The seasonal wetland near Elmwood Correctional Facility is in a highly urbanized environment and is surrounded by development and busy roads on all sides, so it is unlikely to provide habitat suitable for this species.
Santa Cruz black salamander <i>Aneides niger</i>	—	SSC	Mixed deciduous and coniferous woodlands and coastal grasslands in San Mateo, Santa Cruz, and Santa Clara counties. Adults found under rocks, talus, and damp woody debris.	Not expected to occur. The Specific Plan Area is out of the known geographical range of this species and lacks woodland and coastal grassland habitat suitable for this species.
Northern California legless lizard <i>Anniella pulchra</i>	—	SSC	Chaparral. Coastal dunes. Coastal scrub. Sandy or loose loamy soils under sparse vegetation. Soil moisture is essential. Prefers soils with a high moisture content.	Not expected to occur. The Specific Plan Area does not contain chaparral, coastal dune, or coastal scrub habitat suitable for this species.
California giant salamander <i>Dicamptodon ensatus</i>	—	SSC	Meadow and seep, north coast coniferous forest, and riparian forest. Known from wet coastal forests near streams and seeps from Mendocino County south to Monterey County and east to Napa County. Aquatic larvae found in cold, clear streams, occasionally in lakes and ponds. Adults known from wet forests under rocks and logs near streams and lakes.	Not expected to occur. The Specific Plan Area is out of the known geographical range of this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
Northwestern pond turtle <i>Actinemys marmorata</i>	FP	SSC	Ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation, below 6,000 ft elevation. Needs basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.	May occur. Penitencia Creek may provide aquatic and basking habitat suitable for northwestern pond turtle. There is very little natural habitat (i.e. sandy banks or grassy open fields) along Penitencia Creek and the high levels of disturbance associated with developed land use along the creek make it unsuitable for egg-laying.
Alameda whipsnake <i>Masticophis lateralis euryxanthus</i>	FT	ST	Chaparral, cismontane woodland, coastal scrub, valley and foothill grassland. Typically found in chaparral and scrub habitats but will also use adjacent grassland, oak savanna and woodland habitats. Mostly south-facing slopes and ravines, with rock outcrops, deep crevices or abundant rodent burrows, where shrubs form a vegetative mosaic with oak trees and grasses.	Not expected to occur. The Specific Plan Area is out of the known geographical range of this species and lacks chaparral and scrub habitat suitable for this species.
California red-legged frog <i>Rana draytonii</i>	FT	SSC	Artificial flowing waters, artificial standing waters, freshwater marsh, marsh & swamp, riparian forest, riparian scrub, riparian woodland, Sacramento/San Joaquin flowing waters, Sacramento/San Joaquin standing waters, south coast flowing waters. Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation. Requires 11-20 weeks of permanent water for larval development. Must have access to estivation habitat.	May occur. Wrigley Ford Creek may provide aquatic habitat suitable for red-legged frog and the dense riparian corridor along the creek may provide upland habitat.
Foothill yellow-legged frog (Central Coast DPS) <i>Rana boylei</i> pop. 4	FT	SE	San Francisco Peninsula and Diablo Range south of San Francisco Bay Estuary, and south through the Santa Cruz and Gabilan Mountains east of the Salinas River in the southern inner Coast Ranges. Partly shaded shallow streams and riffles with a rocky substrate in a variety of habitats. Needs at least some cobble-sized substrate for egg-laying and at least 15 weeks to attain metamorphosis.	Not expected to occur. All occurrences of foothill yellow-legged frog in Santa Clara Valley have been extirpated due to urbanization (CNDDDB 2024). All known occurrences are restricted to the surrounding foothills and mountains (CNDDDB 2024).
Birds				
Tricolored blackbird <i>Agelaius tricolor</i> (nesting colonies)	—	ST SSC	Freshwater marsh, marsh and swamp, swamp, wetland. Highly colonial species, most numerous in Central Valley and vicinity. Largely endemic to California. Requires open water, protected nesting substrate, and foraging area with insect prey within a few kilometers of the colony.	May occur. Tricolored blackbirds may fly through the Specific Plan Area or temporarily use the thin strip of riparian vegetation along Penitencia Creek and Wrigley Ford Creek, however, they are unlikely to nest in these areas due to the small size of the riparian corridor and high levels of disturbance from surrounding developed land uses. In addition, the Specific Plan Area does not contain foraging habitat (i.e. extensive wetlands or agricultural fields) suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
Golden eagle <i>Aquila chrysaetos</i> (nesting and wintering)	—	FP	Broadleaved upland forest, cismontane woodland, coastal prairie, Great Basin grassland, Great Basin scrub, lower montane coniferous forest, pinyon and juniper woodlands, upper montane coniferous forest, and valley and foothill grassland. Rolling foothills, mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.	Not expected to occur. The Specific Plan Area is surrounded by dense urban development and lacks cliff-walled canyons or large trees in open areas for nesting, as well as open space with grassland, woodland, coastal prairie, scrub, or forest habitat for foraging.
Burrowing owl <i>Athene cunicularia</i> (burrow sites)	—	SSC SC	Coastal prairie, coastal scrub, Great Basin grassland, Great Basin scrub, Mojavean desert scrub, Sonoran desert scrub, and valley and foothill grassland. Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. Can also be found in vacant lots, road medians and airports. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	May occur. There are historical observations of burrowing owl in the Specific Plan Area from 1998 and 2006 (CNDDDB 2024). The 1998 occurrence has since been turned into a residential neighborhood and is now considered extirpated (CNDDDB 2024). The 2006 occurrence, found in the vicinity of the Elmwood Correctional Facility, may be extirpated because most of the grasslands in the mapped occurrence area have been developed. However, small fragments of grassland habitat still exist in the area that could support this species. Both occurrences were surrounded by urban development and were found in low quality habitats such as sewer drainages and small areas of ruderal, disced grassland. Other grassland habitat within the Specific Plan Area may provide habitat marginally suitable for this species.
Swainson's hawk <i>Buteo swainsoni</i> (nesting)	—	ST	Great Basin grassland, riparian forest, riparian woodland, valley and foothill grassland. Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	Not expected to occur. There are very few observations of Swainson's hawk in the urbanized areas of the Santa Clara Valley, and all observations are either considered extirpated or note that Swainson's Hawk was only flying overhead towards other areas (CNDDDB 2024; eBird 2024). In addition, the Specific Plan Area does not contain large open grasslands or agricultural areas suitable for foraging. Consequently, Swainson's hawk is unlikely to nest in the Specific Plan Area due to lack of high-quality foraging habitat and the high levels of human disturbance.
Western snowy plover <i>Charadrius nivosus nivosus</i> (nesting)	FT	SSC	Sandy beaches, salt pond levees and shores of large alkali lakes. Needs sandy, gravelly or friable soils for nesting.	Not expected to occur. The Specific Plan Area does not contain beach or shore habitat with sandy substrate suitable for this species.
Northern harrier <i>Circus hudsonius</i> (nesting)	—	SSC	Coastal salt and freshwater marsh. Nest and forage in grasslands, from salt grass in desert sink to mountain cienagas. Nests on ground in shrubby vegetation, usually at marsh edge; nest built of a large mound of sticks in wet areas.	Not expected to occur. The Specific Plan Area does not contain marsh habitat suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
Western yellow-billed cuckoo <i>Coccyzus americanus occidentalis</i> (nesting)	FT	SE	Riparian forest. Riparian forest nester, along the broad, lower flood-bottoms of larger river systems. Nests in riparian jungles of willow, often mixed with cottonwoods, with lower story of blackberry, nettles, or wild grape.	Not expected to occur. Western yellow-billed cuckoo generally requires large areas of riparian woodland that contain habitat for nesting and foraging in incontiguous or nearly contiguous patches that are greater than 325 ft in width and 200 acres or more in extent (USFS 2014). The fragmented riparian habitat along the creeks in the Specific Plan Area have a very narrow width (95 ft or less), and are surrounded by urban development; they do not provide the size of habitat necessary for western yellow-billed cuckoo. There is a historical observation of western yellow-billed cuckoo from 1899 in the general vicinity of the Specific Plan Area, however, it is considered extirpated due to urban development (CNDDB 2024).
Yellow rail <i>Coturnicops noveboracensis</i> (nesting and wintering)	—	SSC	Freshwater marsh, wet meadow and seep. Summer resident in eastern Sierra Nevada in Mono County.	Not expected to occur. The Specific Plan Area does not contain marsh or wet meadow habitat suitable for this species.
White-tailed kite <i>Elanus leucurus</i> (nesting)	—	FP	Cismontane woodland, marsh and swamp, riparian woodland, valley and foothill grassland, and wetlands. Rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	May occur. White-tailed kites are frequently observed in the urban areas of the Santa Clara Valley, including the vicinity of Milpitas (eBird 2024). Although white-tailed kite is more likely to use less urbanized areas with higher quality foraging habitat outside of the Specific Plan Area, it is possible that they may use the small fragments of grassland or riparian habitat within the Specific Plan Area for foraging and nearby tall trees for nesting.
Saltmarsh common yellowthroat <i>Geothlypis trichas sinuosa</i> (year-round)	—	SSC	Marsh and swamp. Resident of the San Francisco Bay region, in fresh and salt water marshes. Requires thick, continuous cover down to water surface for foraging; tall grasses, tule patches, willows for nesting.	Not expected to occur. The Specific Plan Area does not contain marsh or swamp habitat suitable for this species.
California black rail <i>Laterallus jamaicensis coturniculus</i> (nesting)	—	ST FP	Brackish marsh, freshwater marsh, marsh and swamp, salt marsh, wetland. Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays. Needs water depths of about 1 inch that do not fluctuate during the year and dense vegetation for nesting habitat.	Not expected to occur. The Specific Plan Area does not contain marsh or swamp habitat suitable for this species.
Alameda song sparrow <i>Melospiza melodia pusillula</i> (year-round)	—	SSC	Salt marsh. Resident of salt marshes bordering south arm of San Francisco Bay. Inhabits pickleweed (<i>Salicornia</i> spp.) marshes; nests low in <i>Grindelia</i> bushes (high enough to escape high tides) and in pickleweed.	Not expected to occur. The Specific Plan Area does not contain salt marsh habitat suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
California Ridgway's rail <i>Rallus obsoletus obsoletus</i> (year-round)	FE	SE FP	Brackish marsh, marsh and swamp, salt marsh, wetlands. Salt-water and brackish marshes traversed by tidal sloughs in the vicinity of San Francisco Bay. Associated with abundant growths of pickleweed, but feeds away from cover on invertebrates from mud-bottomed sloughs.	Not expected to occur. The Specific Plan Area does not contain brackish or salt marsh habitat suitable for this species.
Bank swallow <i>Riparia riparia</i> (nesting)	—	ST	Riparian scrub, riparian woodland. Colonial nester; nests primarily in riparian and other lowland habitats west of the desert. Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	Not expected to occur. Creeks within the Specific Plan Area do not contain tall, vertical, unvegetated banks suitable for nesting.
Black skimmer <i>Rynchops niger</i> (nesting colony)	—	SSC	Alkali playa, sand shore. Nests on gravel bars, low islets, and sandy beaches, in unvegetated sites. Nesting colonies usually less than 200 pairs.	Not expected to occur. The Specific Plan Area does not contain alkali playa or sandy shore habitat suitable for this species.
California least tern <i>Sternula antillarum browni</i> (nesting colony)	FE	SE FP	Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches, alkali flats, landfills, or paved areas.	Not expected to occur. The Specific Plan Area is outside of the known geographical range of this species and does not contain shore habitat suitable for this species.

Fish

Green sturgeon - southern DPS <i>Acipenser medirostris</i> pop. 1	FT	—	Aquatic, estuary, marine bay, Sacramento/San Joaquin flowing waters Spawning site fidelity. Spawns in the Sacramento, Feather and Yuba Rivers. Presence in upper Stanislaus and San Joaquin Rivers may indicate spawning. Non-spawning adults occupy marine/estuarine waters. Delta Estuary is important for rearing juveniles. Spawning occurs primarily in cool (11–15 C) sections of mainstem rivers in deep pools (25–30 feet) with substrate containing small to medium sized sand, gravel, cobble, or boulder.	Not expected to occur. Penitencia and Wrigley Ford Creek do not provide habitat suitable for green sturgeon because they are channelized and often shallow and concrete-lined, and may contain multiple fish passage constraints such as culverts, roads and bridges (CDFW 2024b). In addition, green sturgeon is not known from any river or creek in Santa Clara County or surrounding areas (CNDDDB 2024).
Steelhead - central California coast DPS <i>Oncorhynchus mykiss irideus</i> pop. 8	FT	—	Sacramento/San Joaquin flowing waters. From Russian River, south to Soquel Creek and to, but not including, Pajaro River. Also San Francisco and San Pablo Bay basins.	Not expected to occur. Penitencia and Wrigley Ford Creek are channelized and often shallow and concrete-lined and may contain multiple fish passage constraints such as culverts, roads and bridges (CDFW 2024b). In addition, Steelhead is only known from the Guadalupe River in Santa Clara County, which does not have a connection to Penitencia or Wrigley Ford creeks (CNDDDB 2024).
Longfin smelt <i>Spirinchus thaleichthys</i>	FC	ST SSC	Estuary. Euryhaline, nektonic and anadromous. Found in open waters of estuaries, mostly in middle or bottom of water column. Prefer salinities of 15-30 ppt, but can be found in completely freshwater to almost pure seawater.	Not expected to occur. The Specific Plan Area does not contain estuary habitat suitable for longfin smelt. In addition, longfin smelt is only known from the San Francisco Bay and not from any tributaries in Santa Clara County or surrounding counties (CNDDDB 2024).

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
Invertebrates				
Crotch's bumble bee <i>Bombus crotchii</i>	—	SC	Found primarily in California: mediterranean, Pacific coast, western desert, Great Valley, and adjacent foothills through most of southwestern California. Habitat includes open grassland and scrub. Nests underground.	May occur. Small patches of grassland habitat within the Specific Plan Area may provide nesting and foraging habitat for Crotch's bumble bee, and forested areas may provide overwintering habitat. There have been observations of Crotch's bumble bee in the last couple years in the Santa Clara Valley, including urbanized areas in San Jose (Xerces Society et al. 2024).
Western bumble bee <i>Bombus occidentalis</i>	—	SC	Once common throughout much of its range, in California, this species is currently largely restricted to high elevation sites in the Sierra Nevada and the northern California coast. Habitat includes open grassy areas, chaparral, scrub, and meadows. Requires suitable nesting sites for the colonies, availability of nectar and pollen from floral resources throughout the duration of the colony period (spring, summer, and fall), and suitable overwintering sites for the queens.	Not expected to occur. The Specific Plan Area is outside of the current known range of western bumble bee (CDFW 2023).
Monarch <i>Danaus plexippus</i>	FC	—	Closed-cone coniferous forest. Winter roost sites extend along the coast from northern Mendocino to Baja California, Mexico. Roosts located in wind-protected tree groves (eucalyptus, Monterey pine, cypress), with nectar and water sources nearby.	May occur. The Specific Plan Area is near the overwintering range for monarch, and floral resources within the Specific Plan Area may provide foraging habitat. However, the Specific Plan Area is unlikely to provide overwintering habitat, as overwintering sites are generally within 1.5 miles of the coast (Leong et al. 2004, cited in Pelton et al. 2016), and no overwintering sites have been recorded in Santa Clara County (Xerces Society 2024).
Bay checkerspot butterfly <i>Euphydryas editha bayensis</i>	FT	—	Coastal dunes, ultramafic, valley and foothill grassland. Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay. <i>Plantago erecta</i> is the primary host plant; <i>Orthocarpus densiflorus</i> and <i>O. purpurascens</i> are the secondary host plants.	Not expected to occur. The Specific Plan Area does not contain serpentine grassland suitable for this species.
Vernal pool tadpole shrimp <i>Lepidurus packardii</i>	FE	—	Valley and foothill grassland, vernal pool, wetland. Inhabits vernal pools and swales in the Sacramento Valley containing clear to highly turbid water. Pools commonly found in grass bottomed swales of unplowed grasslands. Some pools are mud-bottomed and highly turbid.	Not expected to occur. The Specific Plan Area does not contain vernal pool habitat suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
Mammals				
Pallid bat <i>Antrozous pallidus</i>	—	SSC	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Tree roosting has also been documented in large conifer snags, inside basal hollows of redwoods and giant sequoias, and bole cavities in oaks. May occasionally utilize buildings and bridges for roosting. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.	May occur. Pallid bats may forage in grasslands within and in the vicinity of the Specific Plan Area. Roosting habitat may be present in buildings, bridges and tree cavities in the Specific Plan Area.
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	—	SSC	Throughout California in a wide variety of habitats. Most common in mesic sites. Requires large cavities for roosting, which may include abandoned buildings and mines, caves, and basal cavities of trees. Roosts in the open, hanging from walls and ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.	Not expected to occur. The Specific Plan Area is within a highly urbanized setting and is unlikely to provide roosting habitat suitable for Townsend's big-eared bat due to regular human disturbance.
Western Red Bat <i>Lasiurus blossevillii</i>	—	SSC	Cismontane woodland, lower montane coniferous forest, riparian forest, riparian woodland. Roosts primarily in trees, 2–40 feet above ground, from sea level up through mixed conifer forests. Prefers habitat edges and mosaics with trees that are protected from above and open below with open areas for foraging.	May occur. Riparian habitat along Wrigley Ford and Penitencia creeks may provide roosting habitat for this species.
San Francisco dusky-footed woodrat <i>Neotoma fuscipes annectens</i>	—	SSC	Chaparral, redwood. Forest habitats of moderate canopy and moderate to dense understory. Constructs nests of shredded grass, leaves and other material. May be limited by availability of nest-building materials.	Not expected to occur. The Specific Plan Area does not contain chaparral or redwood habitat suitable for this species.
Salt-marsh harvest mouse <i>Reithrodontomys raviventris</i>	FE	SE FP	Marsh and swamp, wetland. Only in the saline emergent wetlands of San Francisco Bay and its tributaries. Pickleweed is primary habitat, but may occur in other marsh vegetation types and in adjacent upland areas. Does not burrow, build loosely organized nests. Requires higher areas for flood escape.	Not expected to occur. Salt-marsh harvest mouse is only known from the saline emergent wetlands directly surrounding the San Francisco Bay (CNDDDB 2024), and the Specific Plan Area does not contain marsh or swamp habitat suitable for this species.
Salt-marsh wandering shrew <i>Sorex vagrans halicoetes</i>	—	SSC	Marsh and swamp, wetland. Salt marshes of the south arm of San Francisco Bay. Medium high marsh 6-8 feet above sea level where abundant driftwood is scattered among pickleweed (<i>Salicornia</i> spp.).	Not expected to occur. Salt-marsh wandering shrew is only known from the salt marshes directly surrounding the San Francisco Bay (CNDDDB 2024), and the Specific Plan Area does not contain marsh or swamp habitat suitable for this species.

Species	Listing Status ¹ Federal	Listing Status ¹ State	Habitat	Potential for Occurrence ²
American badger <i>Taxidea taxus</i>	—	SSC	Alkali marsh, alkali playa, alpine, alpine dwarf scrub, bog a fen, brackish marsh, broadleaved upland forest, chaparral, chenopod scrub, cismontane woodland, closed-cone coniferous forest, coastal bluff scrub, coastal dunes, coastal prairie. Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils and open, uncultivated ground. Preys on burrowing rodents. Digs burrows.	Not expected to occur. The Specific Plan Area does not contain open, uncultivated ground suitable for this species.

Notes: CNDDDB = California Natural Diversity Database; CEQA = California Environmental Quality Act; DPS = Distinct Population Segment

¹ Legal Status Definitions

Federal:

FE Federally Listed as Endangered (legally protected)

FT Federally Listed as Threatened (legally protected)

FP Proposed for Listing under the federal Endangered Species Act

FC Candidate for Listing under the federal Endangered Species Act

State:

FP Fully Protected (legally protected)

SSC Species of Special Concern (no formal protection other than CEQA consideration)

SE State Listed as Endangered (legally protected)

ST State Listed as Threatened (legally protected)

SC State Candidate for listing (legally protected)

² Potential for Occurrence Definitions

Not expected to occur: Species is unlikely to be present because of poor habitat quality, lack of suitable habitat features, or restricted current distribution of the species.

May occur: Suitable habitat is available; however, there are little to no other indicators that the species might be present.

Sources: CDFW 2023; CDFW 2024b; CNDDDB 2024; eBird 2024; Leong et al. 2004, cited in Pelton e. al. 2016; Xerces Society 2024; Xerces Society et al. 2024.

Sensitive Natural Communities and Habitats

Sensitive habitats include those that are of special concern to resource agencies or are afforded specific consideration through CEQA or other federal or state laws. Sensitive natural habitats may be of special concern to regulatory agencies and conservation organizations for a variety of reasons, including their locally or regionally declining status, or because they provide important habitat to common and special-status species. Sensitive natural communities are those native plant communities defined by CDFW as having limited distribution statewide or within a county or region and that are often vulnerable to environmental effects of projects (CDFW 2018). Goodding's willow - red willow riparian woodland and forest, which has a state rarity rank of S3, is present within the Specific Plan Area along the eastern perimeter (Figure 3.3-1). A state rarity rank of S3 means that this community is rare and threatened in California.

Wildlife Movement Corridors

A wildlife movement corridor is generally a topographical/landscape feature or movement zone that connects two or more natural habitat areas. Wildlife corridors link areas of wildlife habitat that are separated by variation in vegetation, rugged terrain, human disturbance and habitat fragmentation, or other biophysical factors. Movement corridors may provide favorable locations for wildlife to travel between different habitat areas, such as foraging sites, breeding sites, cover areas, and preferred summer and winter range locations. They may also function as dispersal corridors, allowing animals to move between various locations in their range. Therefore, wildlife movement and

migration corridors are considered an important ecological resource by CDFW and other agencies and are protected by many local governments in California.

Some of the important areas for habitat connectivity in California were mapped as Essential Connectivity Areas (ECAs) for the California Essential Habitat Connectivity Project, which was commissioned by the California Department of Transportation and CDFW with the purpose of making transportation and land use planning more efficient and less costly, while helping reduce dangerous wildlife-vehicle collisions (Spencer et al. 2010). The ECAs were not developed to define areas subject to specific regulations by CDFW or other agencies. The Specific Plan Area is not located in any ECA modeled by the California Essential Habitat Connectivity Project (CDFW 2024a). The Specific Plan Area contains very little natural habitat and is surrounded by major freeways and urban development that likely limits wildlife movement within these areas. The Specific Plan Area does not currently function as a critical habitat linkage or as a movement corridor for wildlife species.

Wildlife Nursery Sites

Nursery sites are locations where fish or wildlife concentrate for hatching and/or raising young, such as nesting rookeries for birds (e.g., herons, egrets), spawning areas for native fish, fawning areas for mule deer (*Odocoileus hemionus*), and maternal roosts for bats. As described above, the Specific Plan Area contains very little natural habitat and is surrounded by urban development, and most of the area likely does not contain significant wildlife nursery sites. However, maternal bat roosts may be present in large trees and buildings in the Specific Plan Area.

Aquatic Habitat

Portions of Penitencia Creek and Wrigley Ford Creek exist in the Specific Plan Area (Figure 3.3-2). Wrigley Ford Creek goes by different names, such as Penitencia Creek Lower, depending on the source. For the purposes of this SEIR, it will be referred to as Lower Wrigley Ford Creek. These creeks are channelized but have not been entirely lined with concrete, so the creeks support areas of wetland and riparian vegetation such as cattail (*Typha* spp.), water primrose (*Ludwigia peploides*), and willows (*Salix* spp.) (EDAW 2001). There is limited vegetation in Penitencia Creek and the southern portion of the creek runs through a concrete channel, whereas Lower Wrigley Ford Creek has more heavily vegetated areas, particularly in the northern portion of the of the specific plan area (EDAW 2001).

The Midtown SP EIR identifies two wetland areas in the Specific Plan Area near the Elmwood Correctional facility. One area is located near the intersection of Thompson Street and Great Mall Parkway and contains seasonal ponding in grassland habitat with a few shrubs and trees surrounding it. The second area is north of Machado Avenue; however, the area has since been developed with residential uses. Other wetlands may be present in the Specific Plan Area that have not been identified, such as areas along the edges of Penitencia and Wrigley Ford Creek, or small wetland features (e.g., seeps) that are not easily identified due to their small size and subtle nature.

3.3.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

The biological resources information and impact analysis presented in this section is based on a review of biological resource databases, scientific studies, and aerial photographs of the Specific Plan Area and region. Information sources reviewed include:

- ▶ The California Department of Fish and Wildlife's (CDFW's) California Natural Diversity Database (CNDDDB) records search of the following USGS 7.5-minute quadrangles: Milpitas, Mountain View, Calaveras Reservoir, Newark, Niles, La Costa, San Jose East, San Jose West, and Cupertino (CNDDDB 2024);
- ▶ California Native Plant Society's (CNPS's) online Inventory of Rare and Endangered Plants of California for the nine USGS 7.5-minute quadrangles listed above (CNPS 2024);
- ▶ The USFWS Information for Planning and Consultation (IPaC) species list for the Specific Plan Area (USFWS 2024a);
- ▶ Biogeographic Information and Observation System (BIOS) Habitat Connectivity Viewer (CDFW 2024a);

- ▶ eBird (eBird 2024);
- ▶ Santa Cruz and Santa Clara Fine Scale Vegetation Map (Tukman Geospatial and Aerial Information Systems 2023);
- ▶ National Wetlands Inventory (USFWS 2024b);
- ▶ Environmental Impact Report for the City of Milpitas General Plan (De Novo Planning Group 2020); and
- ▶ Environmental Impact Report for the Midtown Specific Plan (Midtown SP EIR) (EDAW 2001).

THRESHOLDS OF SIGNIFICANCE

An impact on biological resources is considered significant if implementation of the proposed Specific Plan would do any of the following:

- ▶ 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 CDFW or USFWS;
- ▶ have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by CDFW or USFWS;
- ▶ 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;
- ▶ 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;
- ▶ conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and/or
- ▶ conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

ISSUES NOT DISCUSSED FURTHER

Wildlife Movement Corridors

As described in Section 3.3.2, "Environmental Setting," the Specific Plan Area does not contain any portion of a modeled ECA or natural landscape block. The Specific Plan Area contains little natural habitat and is surrounded by urban development that limits wildlife movement within the region surrounding the project area. Furthermore, the Specific Plan Area is adjacent to I-880 to the west and I-680 to the east, which are a significant barrier to wildlife movement. The Specific Plan Area does not currently function as a critical habitat linkage or as a significant movement corridor for wildlife species therefore, this element will not be discussed further.

Conflict with the Provisions of an Adopted Habitat Conservation Plan

The Specific Plan Area is within the Expanded Study Area for burrowing owl conservation in the Santa Clara Valley Habitat Plan (SCVHP). The geographical area of the primary SCVHP Study Area was determined inefficient to adequately mitigate and contribute to the recovery of western burrowing owl due to its small size, which limited conservation opportunities that would increase the local population. Therefore, the expanded study area, which is an additional 48,464 acres outside of the primary SCVHP Study Area and includes the City of Milpitas, was included to help meet these goals. However, projects or actions initiated by other jurisdictions not listed as Permittees in the SCVHP are excluded from this coverage. The City of Milpitas is not listed as a Permittee under the SCVHP, and the Specific Plan would include conservation measures for western burrowing owl consistent with the SCVHP's conservation strategies for this species. Therefore, there would be no conflict with the SCVHP and this issue is not evaluated further.

New Specific Plan Area Boundary

As described above, the Specific Plan proposes a new Specific Plan Area boundary (Figure 2-3) which includes additional areas that currently have other designations in the General Plan Land Use Element (see Section 2, “Project Description,”). These additional areas are primarily composed of residential and commercial zones, with small fragments of parks and open space at Parc Metro West and Parc Metro East. Changes to land use are only proposed for the residential elements to increase residential density, and the parks and open space are to remain as-is. Areas where changes to residential density are proposed are currently developed with some small strips of landscaped trees along busy roads. These areas do not contain habitat for special-status species, riparian habitat, or other sensitive natural communities, therefore, changes to existing zoning and land use in these areas are not expected to adversely affect these sensitive biological resources. Native birds without special status protected by the federal MBTA and California Fish and Game Code may potentially use trees in this area for nesting. However, impacts on nesting native birds were discussed for the General Plan and in Impact 3.3-2 below. Therefore, there will be no new substantial impact on biological resources because of the new project boundary, and this element will not be discussed further.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.3-1: Substantially Affect Special-Status Plant Species Either Directly or Through Habitat Modifications

General Plan Update EIR Impact 3.4-1 identified less-than-significant impacts on special-status plant species through compliance with existing state and federal regulations and General Plan Update actions and policies. Implementation of the proposed Specific Plan would result in future development that may result in loss of or disturbance to Congdon's tarplant, alkali milk-vetch, brittlescale, lesser saltscale, Hoover's button-celery, San Joaquin spearscale, prostrate vernal pool navarretia, California alkali grass, long-styled sand-spurrey, and saline clover if present in or near a project area. Adherence to General Plan Action CON-3b would provide protection for special-status plants through pre-construction surveys, implementation of mitigation measures identified by a qualified biologist such as avoidance and protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

The Specific Plan Area contains habitat potentially suitable for nine special-status plant species: alkali milk-vetch, brittlescale, lesser saltscale, Hoover's button-celery, San Joaquin spearscale, prostrate vernal pool navarretia, California alkali grass, long-styled sand-spurrey, and saline clover. These species are typically found in wetland habitats in grasslands, often on alkaline soils (Table 3.3-1). While the Specific Plan Area is largely developed, as described above, a seasonally ponded wetland occurs near the Elmwood Correctional Facility that is surrounded by grassland that may provide habitat marginally suitable for these species. This wetland area, as well as the majority of the Specific Plan Area, contains Urbanland-Newpark soil complex, which Newpark soil series are known to support salt tolerant native plants (Web Soil Survey 2024; USDA 2015). It is also possible that other wetland areas exist in the Specific Plan Area that have not been identified through a formal wetland delineation. A tenth species, Congdon's tarplant, is known to occur along the eastern boundary of the Specific Plan Area along the eastern side of the railroad, in an area zoned as Heavy Industrial. The Specific Plan allows for the continuation of existing manufacturing, warehousing, and industrial activities under the current Heavy Industrial land use designation. While the proposed Specific Plan does not directly authorize any development or infrastructure projects in the area occupied by Congdon's tarplant, development of future projects in that area may directly remove Congdon's tarplant or habitat that supports this species. Other future projects developed in grassland or wetland areas have potential to affect these ten special-status species, if present. Individual plants may be directly removed or damaged, including being broken, crushed, or buried from vehicle and equipment operation, vegetation trimming and removal, soil excavation and compaction, and grading associated with new construction activities. Damaged plants may experience altered growth and development, or reduced or eliminated seed-set and reproduction, and mortality of individuals could occur.

General Plan Action CON-3b would require pre-construction surveys to be conducted for special-status plants prior to implementation of future projects under the Specific Plan. If special-status species are identified on or immediately adjacent to a project site, Action CON-3b of the General Plan requires that projects shall include appropriate mitigation measures identified by a qualified biologist, such as avoidance and protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. As a result, no substantial adverse effects on special-status plant species would occur as a result of implementation of the Specific Plan. No new significant or substantially more severe impacts on special-status plants would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Impact 3.3-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications

General Plan Update EIR Impact 3.4-1 identified less-than-significant impacts on special-status wildlife species through compliance with existing state and federal regulations and General Plan Update actions and policies. Implementation of the Specific Plan may result in future development that could result in disturbance, injury, or mortality of several special-status wildlife species, if present; reduced breeding productivity of these species; and loss of species habitat. Adherence to General Plan Action CON-3b would provide protection for special-status wildlife by requiring pre-construction surveys, implementing mitigation measures identified by a qualified biologist such as avoidance and protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. As a result, no new significant or substantially more severe impacts on special-status wildlife would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Nine special-status wildlife species have potential to occur in the Specific Plan Area: northwestern pond turtle, California red-legged frog, tricolored blackbird, white-tailed kite, burrowing owl, Crotch's bumble bee, monarch, pallid bat, and western red bat (Table 3.3-1). Additionally, native birds without special status but protected by the California Fish and Game Code and the federal MBTA may also nest in the Specific Plan Area.

Impacts on tricolored blackbirds were analyzed in the General Plan Update EIR. Since the implementation of the General Plan Update, tricolored blackbirds have been listed as threatened under CESA. Tricolored blackbirds may pass through the Specific Plan Area or make temporary use of the narrow riparian vegetation along Penitencia Creek and Wrigley Ford Creek. However, it is unlikely that the species would nest in these areas due to the limited size of the riparian habitat and the high levels of disturbance from nearby urban development. Additionally, the Specific Plan Area lacks foraging habitat, such as extensive wetlands or agricultural fields, which are essential for this species. Future development implemented under the Specific Plan would not result in the loss of foraging or nesting habitat for tricolored blackbird. As a result, significant impacts on tricolored blackbirds are not anticipated, and this species is not discussed further.

Where sensitive biological habitats have been identified on or immediately adjacent to a project site, Action CON-3b of the General Plan requires that projects include appropriate mitigation measures identified by a qualified biologist, such as preconstruction surveys for special-status species, protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat.

Northwestern Pond Turtle

Northwestern pond turtle forages in ponds, marshes, slow-moving streams, and sloughs where there is open water. The species nests in nearby uplands with low, sparse vegetation, such as grassland. Portions of Penitencia Creek within the Specific Plan Area may provide aquatic habitat suitable for northwestern pond turtle. Upland bank habitat along Penitencia Creek may provide basking habitat. However, there is very little natural habitat (i.e., sandy banks or grassy open fields) along Penitencia Creek, and the high levels of disturbance associated with developed land use along the creek make it unsuitable for egg-laying. Therefore, any future development under the Specific Plan along Penitencia Creek are not expected to interfere with breeding habitat or reproductive success for northwestern pond turtle.

The Specific Plan proposes trail developments for the pedestrian trail system along Penitencia Creek. Although the implementation of the proposed Specific Plan does not directly permit any development or infrastructure projects

within Penitencia Creek or its banks, potential future construction and maintenance activities near the creek, including the proposed pedestrian trails, could lead to aquatic or basking habitat loss from habitat conversion or disturbance due to vegetation removal, sedimentation, and water pollution.

General Plan Policies CON 3-1, CON 3-2, CON 3-3, and CON 3-5, and Actions CON 3-b, CON-3c, CON-3d, CON-3e, CON-3f, CON-3g, and CON-3h pertain to the protection of riparian habitat and water quality and would therefore help protect northwestern pond turtle and its habitat. The policies focus on preserving and enhancing biological communities, particularly riparian corridors, by minimizing disturbances to water bodies and protecting these areas from pollutants and urban runoff. Action CON-3b ensures that projects near sensitive habitats include mitigation measures, such as pre-construction surveys and protection barriers, to prevent damage. Action CON-3c strengthens compliance with guidelines to avoid adverse impacts on riparian corridors by encouraging collaboration with the SCVWD and adherence to guidelines in the Santa Clara Valley Water Resources Protection Collaborative *Guidelines and Standards for Land Use Near Streams* (SCVWRPC 2006). These guidelines emphasize the importance of maintaining riparian corridors and preventing the removal of native vegetation, outline measures to reduce surface runoff, manage erosion, and stabilize streambanks, and require jurisdictions to develop a riparian buffer of at least 40 to 150 feet from top of bank, depending on the site's specific biotic and geomorphic conditions, to protect sensitive habitats and prevent disturbances from development activities. Actions CON-3d and CON-3e focus on incorporating low-impact development (LID) measures and implementing stormwater pollution prevention programs to reduce pollution and runoff impacts. Additionally, Action CON-3f aims to preserve the natural state of creeks, while Actions CON-3g and CON-3h encourage the use of native plants and removal of invasive species, further enhancing riparian habitats. These measures would minimize impacts on northwestern pond turtle habitat by protecting vegetation used as basking sites and cover and protecting water quality. Therefore, implementation of the Specific Plan is not expected to result in a significant loss of overall aquatic habitat for northwestern pond turtle.

Construction of the pedestrian trail system or other future development activities under the Specific Plan near or within Penitencia Creek could result in northwestern pond turtles being crushed and killed, if present. Additionally, noise and vibration from future construction may disturb northwestern pond turtle and could result in injury. Impacts on northwestern pond turtle were analyzed in the General Plan Update EIR and were determined to be less than significant because Action CON-3b of the General Plan requires that projects include appropriate mitigation measures identified by a qualified biologist, such as pre-construction surveys, protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Subsequent development projects under the proposed Specific Plan would be required to comply with the policies and actions of the General Plan Update and adopted state and federal regulations for the protection of special-status wildlife habitat, which would prevent injury to and disturbance and loss of northwestern pond turtle. As a result, no new significant or substantially more severe impacts on northwestern pond turtles would occur compared to the General Plan Update EIR and impacts on northwestern pond turtle would remain **less than significant**.

California Red-Legged Frog

Habitat suitable for California red-legged frog is typically characterized by an aquatic breeding area (e.g., pools within streams and creeks, ponds, marshes, stock ponds) within a matrix of riparian and upland dispersal habitat (USFWS 2002). Adult and juvenile California red-legged frogs are known to travel through upland habitat (e.g., riparian, woodland, grassland) to move between breeding and nonbreeding sites (e.g., other ponds, deep pools in streams, moist and cool riparian understory, burrows) for access to refugia and foraging habitat, or to disperse to new breeding locations. Wrigley Ford Creek in the northern section of the Specific Plan Area may provide aquatic breeding habitat for California red-legged frog, and the riparian vegetation along the creek may provide upland habitat.

As described above for northwestern pond turtle, Policies CON 3-1, CON 3-2, CON 3-3, and CON 3-5, and Actions CON 3-b, CON-3c, CON-3d, CON-3e, CON-3f, CON-3g, and CON-3h from the General Plan pertain to the protection of riparian habitat and water quality and would therefore help protect California red-legged frogs and associated habitat. These policies and actions would minimize impacts on California red-legged frog by preventing sedimentation and water pollution, and preserving riparian vegetation used as upland habitat. Therefore, implementation of the Specific Plan is not expected to result in a significant loss of overall habitat for California red-legged frog and impacts would not be substantial.

If future development under the Specific Plan occurs in the riparian corridor of Wrigley Ford Creek, ground disturbance or vegetation removal may directly harm, crush, or kill individuals if they are using these areas for migration or dispersal. Impacts on California red-legged frog were analyzed in the General Plan Update EIR and were determined to be less than significant because Action CON-3b of the General Plan requires that projects include appropriate mitigation measures identified by a qualified biologist, such as preconstruction surveys, protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Subsequent development projects under the proposed Specific plan would be required to comply with the policies and actions of the General Plan Update and adopted state and federal regulations for the protection of special-status wildlife and habitat, which would prevent injury to and disturbance and loss of California red-legged frog. As a result, no new significant or substantially more severe impacts would occur compared to the General Plan Update EIR and impacts on California red-legged frog would remain **less than significant**.

Special-Status Birds, Raptors, and Common Nesting Birds

White-tailed kite, other raptors, and common birds have potential to nest and forage in the Specific Plan Area. White-tailed kites are common in urban areas throughout the Santa Clara Valley, including near the Specific Plan Area (eBird 2024). While white-tailed kites and other raptors are more likely to frequent less urbanized areas with higher-quality foraging habitat outside the Specific Plan Area, they may still utilize small patches of grassland or riparian habitat within the plan area for foraging, and nearby tall trees for nesting. Common birds can also utilize buildings, grasslands, and native and landscaped trees or shrubs for nesting.

Any future potential projects developed under the Specific Plan that include tree removal, vegetation clearing, ground disturbance, staging, or heavy equipment operation may result in direct loss of special-status or common birds and active nests, if present in or adjacent to the project area. Additionally, operation of heavy equipment, construction activities, and an increase in human presence associated with potential new development could generate noise or visual stimuli that could result in disturbance of nearby nesting birds, which may result in nest abandonment and potential loss of eggs or chicks. Further, buildings constructed in the Specific Plan Area as part of future development could pose a collision risk for birds. Most of these impacts on special-status birds were analyzed in the General Plan Update EIR and were determined to be less than significant because Action CON-3b of the General Plan requires that projects include appropriate mitigation measures identified by a qualified biologist, such as pre-construction surveys, protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Subsequent development projects under the proposed Specific Plan would be required to comply with the policies and actions of the General Plan Update and adopted state and federal regulations for the protection of special-status wildlife and habitat, which would prevent injury to and disturbance and loss of special-status birds. While bird collisions with buildings were not analyzed in the General Plan Update EIR, the Specific Plan incorporates measures aimed at reducing this risk, including preventing the use of mirrored or reflective glass on any exterior building facade, as well as restricting the use of freestanding transparent glass panels as shading devices, signage, or other architectural elements (see section 4.2.4 “Windows and Glazing”). As a result of General Plan actions and Objective Design Standards included in the Specific Plan, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR and impacts on special-status birds would remain **less than significant**.

Burrowing Owl

The Specific Plan Area contains small fragments of grassland habitat potentially suitable for burrowing owl foraging and nesting. There is a historical record of a burrowing owl colony within the Specific Plan Area from 2006, near the Elmwood Correctional Facility (CNDDb 2024). It is possible this occurrence may be extirpated due to the subsequent development of most of the grasslands in the area. However, small fragments of grassland habitat remain in this area, which could still support this species. The occurrence was found in sub-optimal habitat consisting of sewer drainages and small patches of ruderal, disked grassland, surrounded by urban development. Other grassland areas within the Specific Plan Area may also provide habitat that is marginally suitable for this species.

Future potential development proposed under the Specific Plan Update that involves conversion of grassland habitat into urban uses can result in habitat loss for burrowing owl. Any future development that includes vegetation

clearing, heavy equipment or other ground disturbing activities may result in direct loss of active burrows associated with burrowing owls, if present in the area. Additionally, operation of heavy equipment and other construction activities could generate noise or visual stimuli that could result in disturbance of nearby nesting burrowing owl, which may result in nest abandonment and potential loss of eggs or chicks.

Impacts on burrowing owl were analyzed in the General Plan Update EIR and were determined to be less than significant because Action CON-3b of the General Plan requires that projects include appropriate mitigation measures identified by a qualified biologist, such as pre-construction surveys, protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Since the adoption of the General Plan EIR, the California Fish and Game Commission designated burrowing owl as a candidate for listing under CESA. However, Action CON-3b would still apply. Subsequent development projects would be required to comply with the policies and actions of the General Plan Update and adopted state regulations for the protection of special-status wildlife and habitat, which would prevent injury to and disturbance and loss of burrowing owl. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR and impacts on burrowing owl would remain **less than significant**.

Crotch's Bumble Bee

Crotch's bumble bee has recently undergone a decline in abundance and distribution and is no longer present across much of its historic range. In California, the Crotch's bumble bee's range includes the Mediterranean region (ecoregion encompassing the greater Central Valley, Sierra foothills, and central Coast Ranges of California south to Mexico), Pacific Coast, Great Valley, and adjacent foothills through most of southwestern California (CDFW 2023). The Specific Plan Area is within this range.

Although all life history characteristics of Crotch's bumble bees are not well understood, bumble bees have three basic habitat requirements: suitable nesting sites for the colonies, availability of nectar and pollen from floral resources throughout the duration of the colony period (spring, summer, and fall), and suitable overwintering sites for queens. Bumble bees in general can fly up to about six miles from the nest while foraging; however, most foraging activity is likely conducted much closer to the nest (Williams et al. 2014).

Known native floral resources for Crotch's bumble bee include milkweed (*Asclepias* spp.), lupine (*Lupinus* spp.), poppy (*Eschscholzia* spp.), vetch (*Vicia* spp.) and *Centaurea* spp. (Xerces Society 2023). Bumble bees are typically generalist foragers and are known to use other native and nonnative floral resources, such as clover (*Trifolium* spp.) (Williams et al. 2014). These floral species, as well as other native and nonnative floral resources, are known to occur in the Specific Plan Area (iNaturalist 2024).

In California, Crotch's bumble bees typically inhabit open grassland and scrub habitats (Xerces Society 2018). Crotch's bumble bees nest underground and likely use, at least in part, old rodent burrows (Williams et al. 2014; Xerces Society 2018). Some bumble bees favor nest sites near woody transitional habitats and nest in holes or crevices in leaf litter, beneath woody debris, at the base of a tree, in herbaceous plant debris, or near grass clumps (Lanternman et al. 2019). Overwintering likely occurs primarily in woodlands (USFWS 2021). Overwintering queens may prefer shaded areas near trees in areas without dense vegetation and north-facing slopes (Liczner and Colla 2019; Williams et al. 2019). Bumble bees in California have been documented overwintering under 1–2 inches of duff, between leaf or needle litter and mineral soil (Williams et al. 2014).

Developed land is the dominant land cover in the Specific Plan Area, which makes it unlikely to support a high concentration of Crotch's bumble bee colonies, if the species is present; however, small fragments of grassland and forested habitat in the Specific Plan Area may provide habitat for the species. Grassland habitat in the Specific Plan Area is dominated by nonnative grasses and forbs and may include flowering plants that could be used by bumble bees for foraging. Future development under the proposed Specific Plan that remove open and vegetated areas for development, such as new trail developments for the pedestrian trail system along Penitencia and Wrigley Ford creeks, may temporarily remove potential foraging habitat or permanently convert foraging habitat for Crotch's bumble bee. However, the Specific Plan proposes to introduce more native plantings along Penitencia Creek, and a minimum of 20 percent of the open space in common outdoor open spaces shall be planted with native plantings, trees, ground cover, or shrubs. The recommended planting palette for landscaped areas within the Specific Plan Area include species known

to be used by Crotch's bumble bee, such as *Salvia* spp. and *Buddleja davidii* (see The Specific Plan, Table 6-2, page 139). Any removal of foraging habitat would likely be temporary, and new, native vegetation would be introduced through revegetation and landscaping efforts. Therefore, implementation of the Specific Plan is not expected to result in a significant loss of foraging habitat for Crotch's bumble bee and impacts would not be substantial.

Grassland within the Specific Plan Area may also provide habitat suitable for nesting, and nonnative forested areas may provide habitat for overwintering Crotch's bumble bees. Vegetation removal, equipment laydown, vehicle and equipment operation, and other ground-disturbing activities in these areas from potential future development under the Specific Plan could result in direct mortality of Crotch's bumble bees while they are foraging or within nesting colonies or overwintering sites (e.g., in underground rodent holes, loose soil, leaf litter, log or tree cavities, surface vegetation). The population status of Crotch's bumble bee is poorly understood, and loss of a colony as a result of future development could have a substantial effect on the population.

Impacts on Crotch's bumble bee were analyzed in the General Plan Update EIR and were determined to be less than significant because Action CON-3b of the General Plan requires that projects include appropriate mitigation measures identified by a qualified biologist, such as pre-construction surveys, protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Subsequent development projects under the proposed Specific Plan would be required to comply with the policies and actions of the General Plan Update and adopted state regulations for the protection of special-status wildlife and habitat, which would prevent injury to and disturbance and loss of Crotch's bumble bees. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR and impacts on Crotch's bumble bee would remain **less than significant**.

Monarch

Impacts on monarch were analyzed in the General Plan Update EIR; however, the EIR did not disclose that monarch was petitioned to be listed under the ESA in 2014 and remains a candidate for listing under ESA. The Specific Plan Area is outside of the monarch overwintering range; however, it is within the breeding and foraging range of the species. Monarchs require milkweed (*Asclepias* spp.) as a structure for egg laying and a food source for caterpillars, and floral resources for foraging adults. There are no documented occurrences of monarchs in the Specific Plan Area and the nearest documented sighting of a monarch is approximately 0.5 mile west of the Specific Plan Area along Coyote Creek, and the closest documented breeding monarch is over 4 miles west in Sunnyvale (Western Monarch Milkweed Mapper 2024).

Milkweed and other floral resources suitable for monarch foraging may be present in the Specific Plan Area in grasslands, landscaped areas, and other open space areas. Vegetation removal, equipment laydown, vehicle and equipment operation, and other ground-disturbing activities from future potential development could crush or bury floral resources during construction, temporarily removing potential foraging and breeding habitat. Habitat conversion to urban use from the construction of trails (i.e., the proposed pedestrian trail system) or other potential future development could permanently remove floral resources that could be used by monarch for foraging or egg laying. However, the Specific Plan Area is dominated by developed land cover types and it is unlikely that it supports a high concentration of floral resources for foraging or breeding monarchs. In addition, the Specific Plan proposes to introduce more native plantings along Penitencia Creek, and a minimum of 20 percent of the open space in common outdoor open spaces shall be planted with native plantings, trees, ground cover, and/or shrubs. Therefore, any removal of vegetation associated with foraging would likely be temporary, and new, native vegetation suitable for foraging would be introduced. Therefore, implementation of the Specific Plan is not expected to result in a significant loss of overall foraging habitat for monarch.

Milkweed species are not included on the planting list so permanent loss of milkweed plants could reduce breeding habitat for monarch. In addition, potential direct loss of individual monarch butterfly eggs and caterpillars may occur if they are present on milkweed plants in potential development areas during construction. While future development associated with implementation of the Specific Plan could result in loss of individual monarchs and loss of breeding habitat for the species, the Specific Plan Area is not expected to support large numbers of monarch butterflies due to the lack of documented occurrences nearby and the disturbed nature of the Specific Plan Area. As a result,

implementation of the Specific Plan is not expected to substantially reduce the number of monarchs, restrict the range of the species, or cause the population to drop below self-sustaining levels. Further, the Specific Plan Area is relatively small compared to natural habitat areas surrounding the Specific Plan Area, and future development under the Specific Plan is not expected to result in a significant loss of foraging or breeding habitat for the local and statewide populations of monarchs. Therefore, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR and impacts on monarch would remain **less than significant**.

Special-Status Bats

Pallid bats may roost in tree cavities or within buildings and structures in the Specific Plan Area, especially in buildings with stucco, or abandoned or infrequently used buildings, and structures such as under bridges. Western red bat may roost in trees within the riparian areas along Wrigley Ford and Penitencia creeks. Future tree removal, construction of new buildings or infrastructure, or changes to existing buildings or infrastructure under the Specific Plan could adversely affect potential bat roosting sites, especially if they involve the removal of larger trees, or removal or alteration of buildings or bridges. These activities could also result in increased noise and human disturbance to roosts, which could affect the reproductive success of pallid and western red bat.

Impacts on pallid bat were analyzed in the General Plan Update EIR and were determined to be less than significant because Action CON-3b of the General Plan requires that projects include appropriate mitigation measures identified by a qualified biologist, such as preconstruction surveys, protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Western red bat was not analyzed in the General Plan Update EIR, however, Action CON-3b would still apply to this species because it is a CDFW Species of Special Concern. In addition, pursuant to CON 2-3 of the General Plan, removal of large, mature trees that provide wildlife habitat will be avoided through appropriate project design and building siting. If complete avoidance is not feasible, replacement trees will be prioritized for on-site locations rather than off-site, and will typically be of a similar species, providing comparable habitat functionality, where suitable site conditions allow. Subsequent development projects under the proposed Specific Plan would be required to comply with the policies and actions of the General Plan Update and adopted state regulations for the protection of special-status wildlife and habitat, which would prevent injury to and disturbance and loss of special-status bats. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR and impacts on special-status bats would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-3: Substantially Affect any Riparian Habitat or Other Sensitive Natural Community Identified in Local or Regional Plans, Policies, or Regulations or by CDFW or USFWS

General Plan Update EIR Impact 3.4-2 identified less than significant impacts on riparian habitat and sensitive natural communities through compliance with existing local, state and federal regulations and General Plan Update actions and policies. Implementation of future development under the Specific Plan could result in the degradation or loss of riparian habitat, other sensitive natural communities, or the reduction in the function of these habitats, if present. Adherence to General Plan Action CON-3b would provide protection for riparian habitat and sensitive natural communities by requiring protective barriers for any sensitive habitats identified, reducing soil compaction, and providing pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Further protections under Policies CON 3-1, CON 3-2, CON 3-3, and CON 3-5 and Actions CON-3c, CON-3d, CON-3e, CON-3f, CON-3g, and CON-3h from the General Plan would minimize impacts on riparian habitat and sensitive natural communities. As a result, no new significant or substantially more severe impacts on these resources would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Sensitive natural communities are identified at the alliance level using the Manual of California Vegetation (Sawyer et al. 2009). Sensitive natural communities are defined by unique assemblages of vegetation that may include, or even be dominated by, relatively common species, but it is the assemblage of species that is rare. Goodding's willow - red willow riparian woodland and forest, which is considered a sensitive natural community, is present within the Specific

Plan Area along the eastern perimeter near the known occurrence of Congdon's tarplant (Figure 3.3-1). Additionally, other plant communities in the grassland sections of the Specific Plan Area may qualify as sensitive natural communities, if the species assemblage, percent cover, and patch size are sufficient to meet membership rules and sensitive natural community requirements. Riparian habitat is also present within the Specific Plan Area along Wrigley Ford Creek and portions of Penitencia Creek (Figure 3.3-1). The dominant species along Wrigley Ford Creek is arroyo willow, and nonnative vegetation is prevalent along Penitencia Creek (Figure 3.3-1).

Future development under the Specific Plan that would occur in riparian habitat or any sensitive natural community, such as trail developments for the pedestrian trail system along Penitencia Creek, may include ground disturbance, vegetation removal, or land development. These activities could result in degradation (e.g., reduction of vegetation cover, trampling, alteration of root structure) or removal of sensitive natural communities or riparian habitat or reduction in the function of these habitats, if they are present within or adjacent to a particular project site.

Impacts on riparian habitat and sensitive natural communities were analyzed in the General Plan Update EIR and were determined to be less than significant because, as described above in Impact 3.3-2, Policies CON 3-1, CON 3-2, CON 3-3, and CON 3-5 and Actions CON 3-b, CON-3c, CON-3d, CON-3e, CON-3f, CON-3g, and CON-3h from the General Plan and the Specific Plan's proposed Objective Design Standards would protect riparian habitats and sensitive natural communities, such as the riparian habitat along Lower Wrigley Ford and Penitencia creeks in the Specific Plan Area. The policies focus on preserving and enhancing biological communities, particularly riparian corridors, by minimizing disturbances to water bodies and protecting these areas from pollutants and urban runoff. Action CON-3b ensures that projects near sensitive habitats include mitigation measures, such as protection barriers, to prevent damage. The Actions promote compliance with riparian protection by collaborating with SCVWD and following SCVWRPC guidelines to maintain riparian corridors, manage erosion, and establish riparian buffers; implementing low-impact development and stormwater programs to reduce runoff and pollution; preserving the natural state of creeks; and promoting the use of native plants and removing invasive species to enhance riparian habitats. Additionally, Objective Design Standards in Section 4.1.3 "Special Conditions and Adjacencies" in the proposed Specific Plan would ensure that development, such as creek crossings, shall be required to obtain applicable permits from SCVWD, and would require building and side yard setbacks adjacent to creeks and drainage channels. Subsequent development projects under the proposed Specific Plan would be required to comply with these policies and actions of the General Plan Update, Specific Plan design standards, and adopted local, state, and federal regulations for the protection of sensitive habitats, which would reduce impacts on riparian habitat and sensitive natural communities. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR and impacts on riparian habitat and sensitive natural communities would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-4: Interfere With or Impede the Use of Wildlife Nurseries

General Plan Update EIR Impact 3.4-4 identified less-than-significant impacts on wildlife nurseries through compliance with existing federal, state, and local regulations and General Plan Update actions and policies. Construction of new buildings or infrastructure, or changes to existing buildings or infrastructure under the Specific Plan could adversely affect potential bat maternity roosts, especially if they involve the removal of large or riparian trees, older buildings, or bridges. Adherence to General Plan Action CON-3b would provide protection for bat roosts, and CON 2-3 would minimize impacts on bat roosts by requiring future development to avoid removing large, mature trees that provide wildlife habitat, and, if avoidance is not feasible, replacement trees would be prioritized on-site and chosen to provide similar habitat benefits. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

As described in Impact 3.3-2, trees and buildings located in and adjacent to the Specific Plan Area may provide roosting habitat potentially suitable for common and special-status bat species. Construction of new buildings or infrastructure, or changes to existing buildings or infrastructure under the Specific Plan could adversely affect potential bat roosting sites, especially if they involve the removal of large or riparian trees, older buildings, or bridges.

Future development implemented under the Specific Plan would adhere to the policies and actions in the General Plan Update. Action CON 2-3 of the General Plan would minimize impacts on bat roosts by preventing the removal of large, mature trees that provide wildlife habitat through appropriate project design and building siting. If complete avoidance is not feasible, replacement trees would be prioritized for on-site locations rather than off-site, and would typically be of a similar species, providing comparable habitat functionality, where suitable site conditions allow and in adherence with the Specific Plan's proposed Objective Design Standards for Open Space, identified in Section 3.9.2 "Common Outdoor Open Space". This design standard includes replacement requirements required by the City of Milpitas Tree Removal Checklist and Application and ensures that a minimum of 20 percent of open space area shall be planted with native trees. Where sensitive biological habitats have been identified, Action CON-3b requires that projects include appropriate mitigation measures identified by a qualified biologist, such as avoidance and protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. As a result, no substantial adverse effects on bat maternity roosts are expected as a result of implementation of the Specific Plan. No new significant or substantially more severe impacts on wildlife nursery sites (i.e., bat roosts) would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-5: Have A Substantial Adverse Effect on State or Federally Protected Wetlands and Waters

General Plan Update EIR Impact 3.4-3 identified less-than-significant impacts on wetlands through compliance with existing federal, state, and local regulations and General Plan Update actions and policies. Future development implemented under the Specific Plan may include ground disturbance, vegetation removal, and land development, which could result in adverse effects to water quality, or in fill or discharge into wetlands, Penitencia Creek, and Wrigley Ford Creek if present within or adjacent to the development. Implementation of existing federal, state, and local regulations and General Plan actions and policies would reduce significant impacts on state and federally protected wetlands as a result of ground disturbance, vegetation removal, and construction because they would require a biological resources evaluation to identify sensitive habitats, avoidance of wetlands and riparian areas, and implementation of appropriate mitigation to preserve and enhance these habitats as required by local, state, and federal law. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

As described above, one potential wetland feature is present in the Specific Plan Area that may meet the state and federal definition of wetlands (See Section 3.3.2, "Environmental Setting"). It is also possible that other wetlands exist that have yet to be identified due to their small size or subtle nature, such as small seeps or wetlands abutting creek margins. In addition, two aquatic features, Penitencia Creek and Wrigley Ford Creek, are present in the Specific Plan Area that meet the definition of waters of the United States because they are connected to the San Francisco Bay. Future projects developed under the Specific Plan may include ground disturbance, vegetation removal, and land development, and could result in fill or discharge to wetlands or waters. These impacts were identified in Impact 3.4.3 of the General Plan Update EIR.

In addition, construction-related erosion and sediments could enter nearby aquatic features in close proximity to work areas or staging areas, which could result in adverse effects to water quality, of wetlands, Penitencia Creek, and Wrigley Ford Creek. However, as discussed in Section 1.3.4, current regulatory requirements that govern water quality and enforce the Basin Plan are designed to prevent water quality degradation. These regulatory requirements include obtaining approval from the Regional Water Quality Control Boards for NPDES permits, other discharge permits, Water Quality Management Plans, and Storm Water Pollution Prevention Plans; as well as implementing Best Management Practices. Adhering to mandatory federal and state regulations as discussed below, along with compliance with the existing regulations under the Santa Clara Valley Urban Runoff Pollution Prevention Program,

General Plan policies, the Specific Plan's proposed Objective Design Standards, and the Milpitas Municipal Code, would ensure that impacts on drainage patterns, erosion, and water quality remain less than significant.

Policies CON 3-1, CON 3-2, CON 3-3, CON 3-5, and CON 3-7 and Actions CON-3c, CON-3d, CON-3f, and CON-3j of the General Plan minimize impacts on aquatic habitat in the Specific Plan Area. The policies directly target the preservation and enhancement of wetlands and riparian corridors along creeks, limiting disturbances to natural water bodies, conserving open space and protecting creek channels from urban runoff and pollutants, and requiring collaboration with the SCVWD to enforce land-use guidelines near streams and encourage the use of Green Stormwater Infrastructure to prevent runoff from harming creeks. Action CON-3c requires cooperation with state, local, and federal agencies to comply with their regulations, such as through implementation of the Specific Plan's proposed Objective Design Standard 7.1.2 "Recommended Stormwater Infrastructure Improvements", which would ensure future development fulfills the most current requirements set forth by the San Francisco Bay Regional Water Quality Control Board Municipal Stormwater Permit, known as MRP 3.0. Cooperation and compliance with state, local, and federal agencies and their regulations also includes the requirement of a biological resources evaluation to identify sensitive habitats, avoidance of wetlands and riparian areas, and implementation of appropriate mitigation to preserve and enhance these habitats as required by local, state, and federal law. This may include CDFW imposing mitigation for habitat impacts as part of its authority in issuing Streambed Alteration Agreements under Section 1600 of the Fish and Game Code, or USFWS imposing mitigation for projects requesting permits to fill federally regulated wetlands under Section 404 of the CWA. Action CON-3d mandates that new developments incorporate LID measures to prevent creek pollution. Action CON-3f restricts future piping and channelization of creeks, favoring natural flood control methods. Action CON-3j promotes collaboration to establish riparian management guidelines to protect creeks from urban impacts.

Future development implemented under the Specific Plan would adhere to the policies and actions in the General Plan Update and comply with federal, state, and local regulations to protect state and federally protected wetlands and waters. The policies and actions described above are specifically aimed at safeguarding wetlands and waters of the United States from potential adverse effects of future development. Although development could adversely affect protected water features, implementing the policies and actions outlined in the General Plan, along with federal and state regulations, would minimize these impacts. As a result, no substantial adverse effects on state and federally protected wetlands and waters are expected as a result of implementation of the Specific Plan. No new significant or substantially more severe impacts on these resources would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.3-6: Conflict with Local Policies and Ordinances

General Plan Update EIR Impact 3.4-5 related to a conflict with local policies and ordinances was identified as less than significant because the General Plan Update, as a foundational policy document, inherently aligns with the local policies and ordinances that are established from it. Future development implemented under the Specific Plan could result in the removal of trees, which would conflict with the City Milpitas Tree Protection Regulations (Municipal Code Title X, Chapter 2). City of Milpitas ordinance codes and policies are developed to reflect and support the goals of the General Plan Update. Future development under the Specific Plan would comply with Objective Design Standards related to removal of trees, and the measures outlined in the General Plan Update, therefore, they will inherently comply with local ordinance codes and policies, including City of Milpitas Tree Protection Regulations. In addition, projects would adhere to General Plan Action CON-2b, which aims to strengthen City of Milpitas Tree Protection Regulations by establishing stricter criteria for tree removal, detailed tree replacement requirements, enhanced penalties for unpermitted removals, and additional protections for high-value trees. It also proposes expanding the list of protected tree species and setting construction guidelines to minimize impacts on significant trees. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Applicable local policies and ordinances in the Specific Plan Area include the General Plan and City of Milpitas Ordinance Code (see Section 3.3.1, "Regulatory Setting"). The General Plan includes policies intended to protect aquatic resources, riparian areas, sensitive habitats, and rare, threatened, and endangered species and their habitats. City of Milpitas Tree Protection Regulations includes natural resources regulations that apply to street trees, heritage trees, and protected trees.

Riparian areas and sensitive habitats are present in the Specific Plan Area, and special-status species occur or have potential to occur. As discussed above for Impacts 3.3-1, 3.3-2, and 3.3-3, although future development under the Specific Plan may affect special-status plants, special-status wildlife, riparian areas and sensitive habitat, mitigation measures would be implemented to reduce impacts. In addition, the implementation of these measures would avoid any conflict with the General Plan policies protecting these resources. Therefore, there would be no conflict with General Plan policies as a result of implementation of the Specific Plan.

City of Milpitas Ordinance codes and policies are developed to reflect and support the goals of the General Plan. Development under the Specific Plan would comply with the measures outlined in the General Plan, therefore, they will inherently comply with local ordinance codes and policies, including the City of Milpitas Tree Protection Regulations. While the Specific Plan does not directly authorize individual projects, any future projects under it would align with these regulations through their compliance with the General Plan. In addition, projects would adhere to General Plan Action CON-2b, which aims to strengthen the City of Milpitas Tree Protection Regulations by establishing stricter criteria for tree removal, detailed tree replacement requirements, enhanced penalties for unpermitted removals, and additional protections for high-value trees. It also proposes expanding the list of protected tree species and setting construction guidelines to minimize impacts on significant trees. In addition, the Specific Plan proposed Objective Design Standards detail protections to minimize tree removals. For example, Design Standard 3.9.2 "Common Outdoor Open Space" includes replacement requirements required by the City of Milpitas Tree Removal Checklist and Application and Design Standards identified in Section 4.3.4 "Landscape Design" of the Specific Plan describes specific requirements for protection and replacement of mature trees, such as setbacks to protect tree root and canopy growth. As a result, no conflicts with local ordinances are expected as a result of the implementation of the Specific Plan. No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

3.4 CULTURAL AND TRIBAL CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts of the project on known and unknown cultural resources. Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include pre-historic resources, historic-period resources, and “tribal cultural resources” (the latter as defined by Assembly Bill [AB] 52, Statutes of 2014, in Public Resources Code [PRC] Section 21074).

Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-period physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical (or built-environment) resources include standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts), or landscapes. A cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places and objects, with cultural value to a tribe.

One comment letter regarding cultural resources was received in response to the Notice of Preparation (see Appendix A). The letter was from the Native American Heritage Commission and it laid out the requirements under CEQA, AB52, and SB18 as well as recommended that consultation occur with California Native American tribes.

3.4.1 Regulatory Setting

FEDERAL

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation’s master inventory of known historic properties. It is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

The formal criteria (36 CFR 60.4) for determining NRHP eligibility are as follows:

1. The property is at least 50 years old (however, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
2. It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
3. It possesses at least one of the following characteristics:

Criterion A Is associated with events that have made a significant contribution to the broad patterns of history (events).

Criterion B Is associated with the lives of persons significant in the past (persons).

Criterion C Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture).

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

For a property to retain and convey historic integrity, it must possess most of the seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Location is the place where the historic property was constructed or the place where a historic event occurred. Integrity of location refers to whether the property has

been moved since its construction. Design is the combination of elements that create the form, plan, space, structure, and style of a property. Setting is the physical environment of a historic property that illustrates the character of the place. Materials are the physical elements that were combined or deposited during a particular period and in a particular pattern or configuration to form a historic property. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. Feeling is a property's expression of the aesthetic or historic sense of a particular period. This intangible quality is evoked by physical features that reflect a sense of a past time and place. Association is the direct link between the important historic event or person and a historic property. Continuation of historic use and occupation help maintain integrity of association.

Listing in the NRHP does not entail specific protection or assistance for a property, but it does guarantee consideration in planning for federal or federally assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. In addition, project effects on properties listed in the NRHP must be evaluated under CEQA.

The National Register Bulletin series was developed to assist evaluators in the application of NRHP criteria. For example, National Register Bulletin #36 provides guidance in the evaluation of archaeological site significance. If a property cannot be placed within a particular theme or time period, and thereby lacks "focus," it will be unlikely to possess characteristics that would make it eligible for listing in the NRHP.

STATE

California Register of Historical Resources

All properties in California that are listed in or formally determined eligible for listing in the NRHP are also listed in the California Register of Historical Resources (CRHR). The CRHR is a listing of State of California resources that are significant in the context of California's history. It is a Statewide program with a scope and with criteria for inclusion similar to those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

California Historical Landmarks—buildings, structures, sites, or places that have been determined to have statewide historical significance—are also automatically listed in the CRHR. California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance. Points of Historical Interest designated after December 1997 and recommended by the State Historical Resources Commission are also listed in the CRHR.

A historical resource must be significant at the local, state, or national level under one or more of the criteria defined in CCR Title 15, Chapter 11.5, Section 4850 to be included in the CRHR. The CRHR criteria are tied to CEQA because any resource that meets the criteria listed below is considered a significant historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for listing in the NRHP are automatically listed in the CRHR.

The CRHR uses four evaluation criteria:

- Criterion 1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or to the cultural heritage of California or the United States.
- Criterion 2. Is associated with the lives of persons important to local, California, or national history.
- Criterion 3. Embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; or possesses high artistic values.
- Criterion 4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Similar to the NRHP, a historical resource must meet one of the above criteria and retain integrity to be listed in the CRHR. The CRHR uses the same seven aspects of integrity used by the NRHP.

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on “historical resources,” “unique archaeological resources,” and “tribal cultural resources.” Pursuant to PRC Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Section 21083.2 requires agencies to determine whether projects would have effects on unique archaeological resources. PRC Section 21084.2 establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.”

Historical Resources

“Historical resource” is a term with a defined statutory meaning (PRC Section 21084.1; State CEQA Guidelines Sections 15064.5[a] and [b]). Under State CEQA Guidelines Section 15064.5(a), historical resources include the following:

- 1) A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the CRHR is considered a historical resource (PRC Section 5024.1).
- 2) A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g), will 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 that 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 a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the CRHR (PRC Section 5024.1).
- 4) The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1[k]), or not identified in a historical resources survey (meeting the criteria in PRC Section 5024.1[g]) does not preclude a lead agency from determining that the resource may be a historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

Unique Archaeological Resources

CEQA also requires lead agencies to consider whether projects would affect unique archaeological resources. PRC Section 21083.2(g) states that “unique archaeological resource” means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria:

1. Contains information needed to answer important scientific research questions, and there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Tribal Cultural Resources

CEQA also requires lead agencies to consider whether projects would affect tribal cultural resources. PRC Section 21074 states:

- a) “Tribal cultural resources” are either of the following:
 - 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

- 2) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Public Resources Code Section 21080.3

AB 52, signed by the California Governor in September of 2014, established a new class of resources under CEQA: "tribal cultural resources," defined in PRC Section 21074. Pursuant to PRC Sections 21080.3.1, 21080.3.2, and 21082.3, lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation before the release of an EIR, negative declaration, or mitigated negative declaration. CEQA Sections 21080.3.1 and 21080.3.2 state that within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects in the lead agency's jurisdiction. If it wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification. The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, provisions under PRC Section 21084.3 (b) describe mitigation measures that may avoid or minimize the significant adverse impacts. Examples include:

- (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (A) Protecting the cultural character and integrity of the resource
 - (B) Protecting the traditional use of the resource
 - (C) Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

Public Resources Code Section 21083.2

Treatment options under PRC Section 21083.2(b) to mitigate impacts to archaeological resources include activities that preserve such resources in place in an undisturbed state. PRC Section 21083.2 states:

- (a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue

of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.

- (b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:
 - (1) Planning construction to avoid archaeological sites.
 - (2) Deeding archaeological sites into permanent conservation easements.
 - (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
 - (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.
- (c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision.
- (d) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project.
- (e) In no event shall the amount paid by a project applicant for mitigation measures required pursuant to subdivision (c) exceed the following amounts:
 - (1) An amount equal to one-half of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a commercial or industrial project.
 - (2) An amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a housing project consisting of a single unit.
 - (3) If a housing project consists of more than a single unit, an amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of the project for the first unit plus the sum of the following:
 - (A) Two hundred dollars (\$200) per unit for any of the next 99 units.
 - (B) One hundred fifty dollars (\$150) per unit for any of the next 400 units.
 - (C) One hundred dollars (\$100) per unit in excess of 500 units.
- (f) Unless special or unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after final approval necessary to implement the physical development of the project or, if a phased project, in connection with the phased portion to which the specific mitigation measures are applicable. However, the project applicant may extend that period if he or she so elects. Nothing in this section shall nullify protections for Indian cemeteries under any other provision of law.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act (PRC Section 5097.9) applies to both State and private lands. The act requires, upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are those of a Native American, the coroner must notify the Native American Heritage Commission (NAHC), which notifies and has the authority to designate the most likely descendant (MLD) of the deceased. The act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

Health and Safety Code, Sections 7050.5

Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If they are determined to be those of a Native American, the coroner must contact NAHC.

Public Resources Code, Section 5097

PRC Section 5097 specifies the procedures to be followed if human remains are unexpectedly discovered on nonfederal land. The disposition of Native American burials falls within the jurisdiction of NAHC. Section 5097.5 of the code states:

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.

CITY OF MILPITAS GENERAL PLAN 2040

Conservation and Sustainability Element

The City of Milpitas General Plan (City of Milpitas 2021) includes a Conservation and Sustainability Element which includes sections Cultural and Historical Resources and Architectural Resources.

- ▶ **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.
 - **Action CON-4a:** Require a cultural and archaeological survey prior to approval of any project which would require excavation in an area that is sensitive for cultural or archaeological resources. If significant cultural or archaeological resources, including historic and prehistoric resources, are identified, appropriate measures shall be implemented, such as documentation and conservation, to reduce adverse impacts to the resource.
 - **Action CON-4b:** Require all development, infrastructure, and other ground-disturbing projects to comply with the following conditions in the event of an inadvertent discovery of cultural resources or human remains:
 - If construction or grading activities result in the discovery of significant historic or prehistoric archaeological artifacts or unique paleontological resources, all work within 100 feet of the discovery shall cease, the Planning Department shall be notified, the resources shall be examined by a qualified archaeologist, paleontologist, or historian for appropriate protection and preservation measures; and work may only resume when appropriate protections are in place and have been approved by the Planning Department.
 - If human remains are discovered during any ground disturbing activity, work shall stop until the Planning Department and the County Coroner have been contacted; if the human remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) and the most likely descendants have been consulted; and work may only resume when appropriate measures have been taken and approved by the Planning Department.
- ▶ **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.

- ▶ **Policy CON 5-2:** Evaluate the condition of historical buildings, the costs of rehabilitation, and the feasibility of preservation or conservation alternatives when considering the demolition or movement of historic structures; when possible, encourage the adaptive re-use of the historic structure.
- ▶ **Policy CON 5-3:** Provide readily available public information on the Mills Act and encourage people to renovate historic homes in disrepair using property tax savings available through the Mills Act.
 - **Action CON-5a:** Periodically update the City's Cultural Resources Register with new sites or buildings that are of local, State or federal significance.
 - **Action CON-5b:** Require recordation of the designation of a Milpitas Cultural Resources Register property on the property title.
 - **Action CON-5c:** Create incentives to promote historic preservation, maintenance and adaptive reuse by property owners, such as, expedited permits, lower permit fees, Mills Act Contracts for tax benefits, tax credits, and zero or low interest loans for income-qualified residents.
 - **Action CON-5d:** Continue to implement the City's Conceptual Historic Resources Master Plan and periodically review and modify the Plan as necessary in order to ensure that it continues to meet the City's historic preservation goals.
 - **Action CON-5e:** Develop an annual work plan in coordination with the City Council, the Parks, Recreation and Cultural Resources Commission, and the Milpitas Historical Society to further preservation goals.
 - **Action CON-5f:** Continue to provide educational resources and public outreach efforts that inform citizens of ways to become involved with local historical preservation efforts including:
 - School age programs, adult lectures, on-line exhibits;
 - Partnerships with other cultural and historical institutions to promote local awareness and appreciation of Milpitas' rich history; and
 - Collaboration among community groups, educational institutions, the Milpitas Library and the Milpitas Historical Society.
 - **Action CON-5g:** Use amenities such as signs and historical lighting in key public access areas. Consider incorporating public art to reflect historical elements.
 - **Action CON-5h:** Leverage public and private resources to further preservation goals.
 - **Action CON-5i:** Consider creation of a City Council policy establishing criteria and standards for new Mills Act contracts.

CULTURAL RESOURCES PRESERVATION PROGRAM, CITY OF MILPITAS ZONING ORDINANCE

The Cultural Resources Preservation Program is identified in Chapter 4 of the City's Zoning, Planning, and Annexation Code and applies to all cultural resources in the City of Milpitas. Chapter 4 seeks to balance the needs of the community for preservation and the needs of the community for development by:

- a. The creation of a Parks, Recreation and Cultural Resources Commission;
- b. A hearing procedure allowing the inventory of and classification of community cultural resources;
- c. A permit procedure to allow guidance to owners in the preservation of valuable cultural assets;

- d. To provide provision for a reasonable time during which cultural assets (that might otherwise be lost) can be acquired for preservation by interested individuals or organizations;
- e. Utilizing statutes and ordinances heretofore or hereafter enacted providing for the preservation of cultural assets;
- f. The recognition of the right of a landowner to develop property on which cultural assets are located if there are no practical preservation alternatives available.

The program empowers the Cultural Resources Commission to identify potential cultural resources and to recommend designation of official cultural resources for consideration by the City Council. The program makes it unlawful for a person to alter a locally-designated cultural resource or cultural resource site without obtaining a permit from the City. The Commission is tasked with reviewing these permit application packets and making recommendations to the City Council to either grant the permit as-is, grant it with conditions, or deny it.

Milpitas Historical Sites Inventory

The City of Milpitas maintains a list of significant historical sites within the city boundaries called the Milpitas Historical Sites Inventory, previously known as the Register of Cultural Resources. The following are located within the Specific Plan area (City of Milpitas 2024):

- ▶ Milpitas Grammar School/Senior Center – 160 North Main Street,
- ▶ DeVries Home/Dr. Renselaer Smith House – 163 North Main Street,
- ▶ 27 S. Main Street – craftsman residence,
- ▶ Venturini House/Pashote House – 99 South Main Street,
- ▶ Cracolice Store/Pashote Bros. Store – 111-129 South Main Street,
- ▶ Kozy Kitchen/Pashote Bros. Meat Market – 114 South Main Street,
- ▶ Campbell's Corner/Smith's Corner – 167 South Main Street,
- ▶ 225 Bothelo Road – craftsman residence,
- ▶ Torres House – 155 Sinnott Lane,
- ▶ Harker Home/Silveria Home – 121 Sinnott Lane,
- ▶ 87 Sinnott Lane – craftsman residence,
- ▶ 69 Sinnott Lane – craftsman residence,
- ▶ Deniz Home/Crabb Home – 236 South Main Street,
- ▶ 250 South Main Street - craftsman residence,
- ▶ Caudillo House/Silveria House – 280 South Main Street,
- ▶ Evatt Home/Dr. Al Curlin Home and Office - 290 South Main Street,
- ▶ St. Johns Church Chapel – 279 South Main Street,
- ▶ Milpitas Beauty Salon/Rose Home – 429 South Main Street,
- ▶ Pimental Home/Almeida Home – 437 South Main Street,
- ▶ Davis Apartments/Dophna Home – 449 South Main Street,
- ▶ Elm Alee – a double row of 33 elmwood trees – Main Street to Abel Avenue, and
- ▶ Milpitas Historical Commercial District.

CONCEPTUAL HISTORIC RESOURCES MASTER PLAN FOR THE CITY OF MILPITAS

In 2011, the City of Milpitas and Architectural Resources Group completed a Conceptual Historic Resources Master Plan for the city. The purpose of the document was to “outline appropriate preservation efforts that reflect a balance of public fiscal commitment, private property rights, historic resource priorities, and cultural and educational purposes” (City of Milpitas and ARG 2011).

3.4.2 Environmental Setting

REGIONAL PRECONTACT HISTORY

Precontact history of the southern San Francisco Bay area is complex due to the dramatic increase in human populations from middle to late Holocene times. Cultural chronology is quite variable spatially but is generally framed within a tripartite sequence that is commonly used in central California—Early (5,500–2,500 before present [BP]), Middle (2,500–1,000 BP), and Late (1,000–500 BP). These temporal periods are preceded by early to middle Holocene occupation (9,000–5,500 BP), open characterized as the Millingstone Period (Milliken et al. 2007).

Millingstone Period (9,000–5,500 BP)

The Millingstone Period is characterized by small groups who travelled widely and practiced broad spectrum foraging of easily acquired plant and animal resources. Artifacts common to this time period are handstones and millingstones. Flaked stone implements, such as projectile points, are much less common than grinding and battering tools. Common foods are thought to have included a variety of small seeds, shellfish, and small mammals.

Early Period (5,500–2,500 BP)

The Early Period ranges encompasses an era where people are thought to still have practiced wide-ranging residential mobility but placed a greater emphasis on hunting larger game. Large pinnipeds, such as northern fur seal, are common to coastal archaeological sites during this time. Several styles of large projectile points correspond to this general time frame, which also marks the initial use of mortar and pestle technology.

Middle Period (2,500–1,000 BP)

The Middle Period appears to represent a time when people were somewhat more residentially stable and practiced more logistical (short-term) mobility. By this time, people apparently went on extended resource acquisition forays for the purpose of bringing subsistence or trade items back to residential base camps. Large, terrestrial mammals were hunted more often during this time and grinding implements became more common.

Late Period (1,000–500 BP)

The Late Period is characterized by increased sociopolitical complexity and settlement centralization. Large village sites in the northern Santa Clara Valley are often found in the valley center along perennial streams. There is continued prevalence of mortar and pestle technology, thought to signify a greater reliance on acorn than in earlier times. Other labor-intensive foods were also used with greater frequency during this latest time period. For example, sea otter and harbor seal were exploited more heavily. These animals are thought to be more labor-intensive to capture compared to other pinnipeds and large mammals, which were more commonly hunted in earlier times. Bow and arrow technology is also believed to have been adopted by aboriginal hunters during this latest precolonial interval (Milliken et al. 2007).

CALIFORNIA NATIVE AMERICAN TRIBES

Aboriginal inhabitants of Santa Clara Valley have been classified by anthropologists as Costanoan. This is a Spanish word that translates to *costanos*, or coastal dweller. The term Costanoan, as applied by anthropologists, does not imply the existence of a politically unified entity, but rather, it refers to different groups of people who shared similar cultural traits and belonged to the same linguistic family, the Utian family. There are two sub-groups associated with

the Utian, the Miwokan and Costanoan. There are eight branches of the Costanoan family, and each branch has their own separate language. These eight languages consisted of the Tamien (Santa Clara), Karkin, Chochenyo (East Bay), Ramaytush (San Francisco), Awaswas (Santa Cruz), Mutsun (San Juan Bautista and the Pajaro River drainage), Rumsen (Carmel and the lower Salinas River), and Chalon (Soledad, farther up the Salinas River).

It is difficult to find an exact point time at which the following cultural descriptions of the Costanoan apply. This is due to the skewed information gathered by ethnographers that were interested in recording precontact culture as a stagnant culture, and not the continuous growth of Costanoan culture during and after European contact (Levy 1978).

The Costanoan people practiced a hunting, fishing and collecting economy focusing on the collection of seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay. They traded with neighboring groups including the Yokuts to the east and exported salt, shells, and cinnabar among other items. The Costanoan obtained and sustained a surplus of plant and animal foods by carefully managing the land. Control burns of extensive areas of land was carried out each fall to promote the growth of seed-bearing annuals. Acorns were probably the most important plant food source for the Costanoan. Some of the animals eaten by the Costanoan included black-tailed deer, antelope, elk, grizzly bear, Roosevelt elk, sea lion, and whale. There were small animals eaten as well such as jackrabbit, raccoon, skunk, dog, tree squirrel, mole, and cottontail. The Costanoan also consumed a variety of bird and fish species (Levy 1978).

Effects of Spanish-Mexican Contact

The natives of Santa Clara County were disrupted with the arrival of the Europeans. This disruption had two main components. The first component brought lethal diseases for which the natives had no resistance against. The diseases brought by the Spaniards often swept through the Native American populations faster than Spanish settlement. As a result, Native American settlements were at times deserted or depopulated before the first Spaniards visited them. The second component involved the establishment of missions. Native Americans were brought into the missions for purposes of indoctrination, baptism, and labor. Native Americans of different languages and dialects were kept in forced proximity to other missions and each other. Consequently, disease was spread more rapidly and took a heavy toll in the Native American population (Hester 1974).

KNOWN ETHNOGRAPHIC VILLAGES AND ANCESTRAL HERITAGE CEMETERIES

Two Costanoan village sites are within the Milpitas city limits, one of which is located in the Specific Plan Area. It is a large shellmound site that was discovered in 1949 and dates to the 18th century (City of Milpitas 1994).

In consultation with the Muwekma Ohlone tribe the city has been notified that there are three ancestral heritage cemetery sites within or near the project site, which makes the Specific Plan Area potentially highly sensitive (Muwekma Ohlone 2024).

CONTEMPORARY NATIVE AMERICAN SETTING

Tamien Nation

The Tamien Nation Tribal citizens have direct lineages to precontact villages of the Greater Santa Clara Valley. Some of these villages include the San Juan Bautista Rancheria, Santa Clara Rancheria, San Antonio Rancheria, San Francisco Solano Rancheria, and Ritocsi village. The Tamien Nation's vision is to obtain lands within their aboriginal territory so they could live their lives with prosperity, peace, and dignity. The Tamien Nation's mission is as follows:

- 1) To treat their citizens with equality, dignity, and respect,
- 2) To protect their Tribal cultural resources and environment,
- 3) To promote and preserve their culture, religion, and language,
- 4) To enhance the economic sustainability and quality of life for their citizens,
- 5) To promote their traditional values honoring their agreeing with the world,

6) And to reacquire their unceded traditional homelands to secure their worldview and way of life.

The Tamien Nation's relationship with the land is one of deep respect, reciprocity, and agreement. They continue to pass down thousands of years of intergenerational teachings to ensure the sustainability of their indigenous food sources. Hunting (*payta*), fishing (*huyni*), and harvesting (*ruta*) food sources is multifaceted as it manufactures and supports their culture, language, religion, and economy. The Tamien Nation also engages in language preservation by conducting a community-based language program that provides a safe space for their citizens to learn and engage with the larger Ohlone community. Another program they have is the cultural fire stewardship and prescribed burn program. Through this program, Tamien Nation citizens are trained to become certified qualified Type 2 Wildland Firefighters and mentor trainees for ultimate qualification as California Certified Prescribed Burn Boss to lead cultural prescribed burn projects.

The Tamien Nation hosts various community events throughout the year some of which involve community outreach. On April 23, 2022, they hosted a virtual event to teach the community about the history of whose aboriginal homeland is located at Alum Rock Park. Tamien Nation Chairwoman, Quirina Luna Geary, discussed topics such as programming, efforts to protect their sacred lands, and other aspects of their culture (Tamien 2023).

Muwekma Ohlone

The Muwekma Ohlone Tribe of the San Francisco Bay Area region is comprised of all of the known surviving American Lineages aboriginal to the San Francisco Bay region who trace their ancestry through the Missions Dolores, Santa Clara, and San José. Their aboriginal land includes several counties such as San Mateo, San Francisco, Alameda, Contra Costa, Santa Cruz, Solano, San Joaquin, portions of Napa, and most of Santa Clara. The Muwekma Ohlone participates in various aspects of their culture such as cultural resources by bridging their ancestral past and future. They also engage in language revitalization (Muwekma Ohlone 2023).

In the mid-19th century families established several rancherias in East Bay of the San Francisco Bay Area including: the Alisal in Pleasanton, El Molino in Niles, Del Mocho in Livermore, Sonol, and the Springs in San Leandro/San Lorenzo. In the early 20th century, the Muwekma Ohlone was federally recognized by the Indian Service Bureau identified as the Verona Band of Alameda County (Muwekma Ohlone 2024).

HISTORIC SETTING

Regional History

Initial Spanish contact with the local Native Americans probably began somewhat before the establishment of Mission Dolores in San Francisco in 1776 and Mission Santa Clara in San José in 1777. The missions' goals of "civilizing" the local Native American community was accomplished by using them to provide the labor for building, construction, and daily operations of the missions. At first, the missions' labor force was a medley of local Native Americans from the nearby area, but as they died off in alarming numbers from introduced diseases for which they had no resistance, groups from further afield were used. After secularization of the missions, vast areas of land were open for land grants. Also in 1777, California's first pueblo was founded in San José (EDAW 2001).

Milpitas

In 1769[,] the expedition of Gaspar de Portola passed through the Milpitas area, inaugurating the historic era. The Spanish presence in the South Bay region was initiated with the missions. Over the following half-century, the mission holdings were broken up by secularization, supplanted by private land grants such as the Rancho de Milpitas. The name Milpitas, meaning "little cornfields," was given to the area by these early Spanish settlers.

The area that was to become Milpitas was established as a stopover point by the late 1840s when the Higuera Adobe welcomed travelers on the immigrant trail between Sutter's Fort and San Jose, via Livermore Pass. In 1855, settlers in the Calaveras Valley petitioned for a county road across the flats to Alviso. The resulting intersection – where the Alviso Road crossed the Mission Road – encouraged the development of Milpitas. By the late 1850s, a stage line was operating between San Jose and Oakland, with stops at Milpitas, including on at the Higuera Adobe, operating as a hotel and stage depot. Soon businesses such as general stores, stables, saloons, hotels, blacksmiths, carriage shops,

and a post office catered to the needs of farming families. The first structures to be built in Milpitas were adobe houses located along the foothills east of town (now east of Piedmont and Evans Road) and along both sides of the Calaveras Road between Main Street and the foothills. During the 1850s to 1870s, many frame farmhouses were constructed.

Businesses that catered to travelers (saloons, restaurants, blacksmiths, service stations, and hotels) and those that supplied the local population (general stores, meat markets, and lumberyards) developed near the intersection of the Alviso-Milpitas Road (Calaveras Boulevard) and the San Jose-Oakland Road (Main Street). Clustered around this nucleus of commercial and service buildings were the homes of the merchants, railway employees, and working members of the community. In the latter part of the 19th century, Milpitas emerged as a marketing center for farmers. The Southern Pacific Railroad ran a line from Stockton to San Jose reaching Milpitas in 1869, which initiated new commercial enterprises and consolidation of Milpitas' position as an important shipping point of the rapidly growing valley. In the 1920s, construction of the San Jose branch of the Western Pacific Railroad gave the community access to a second rail line. As late as the early 1950s, orchards and farms dotted the Milpitas landscape.

The Ford Motor Company began constructing an assembly plant south of downtown in a strip between the two railroad tracks in 1953, and the town was incorporated in the following year. When incorporated in 1954, Milpitas covered 2.9 square miles and had a population of 825 people. Over the next two decades Milpitas' population grew at a rate of 38 percent each year, making it one of the fastest growing areas in Santa Clara County. During the City's rapid expansion, any of the older buildings in the Midtown planning area [now the Milpitas Gateway-Main Street Specific Plan], were demolished and replaced (EDAW, Inc. 2001).

RECORDS SEARCHES, SURVEYS, AND CONSULTATION

On September 12, 2024, a records search of the project site was conducted at the Northwest Information Center, at Sonoma State University. The following information was reviewed as part of the records search:

- ▶ NRHP and CRHR,
- ▶ California Office of Historic Preservation Historic Property Directory,
- ▶ California Inventory of Historic Resources,
- ▶ California State Historic Landmarks,
- ▶ California Points of Historical Interest, and
- ▶ Historic properties reference map.

Nine previously recorded cultural resources were identified within the project site; this includes five archaeological sites (four precontact and one historic-period) and four built-environment features.

Archaeological Sites

P-43-000057/CA-SCL-38

P-43-000057 consists of lithic scatter, burials, and habitation debris. The original site record for this site was prepared in 1952 with updates in 1984 and, 1985. The resource is described as an extensive habitation site with artifacts from the Late Horizon occupation and possible Middle Horizon. The boundary is unknown. Muwekma Ohlone Tribe refers to this site as the Yukisma Mound, an ancestral heritage cemetery site (Muwekma Ohlone 2024). The resource has not been evaluated for the NRHP or CRHP.

P-43-000139/CA-SCL-126

P-43-000139 consists of shells, pestle fragments, pitted stone, and burnt rock. In 1973 when the site was recorded it was described as a distinct mound. Additional information was recorded in 1984. The resource has not been evaluated for the NRHP or CRHP.

P-43-000624/CA-SCL-677

P-43-000624 consists of marine shell, fire cracked rock, and lithics deposit. The site was first recorded in 1989 with additional survey completed in 1995, 2014, and 2015. These subsequent efforts expanded the boundaries; discovered a human burial; and confirmed the presence of human bone, faunal bone, marine shell, and debitage. Muwekma Ohlone Tribe refers to this site as an ancestral heritage cemetery site (Muwekma Ohlone 2024).

P-43-001060/CA-SCL-678

P-43-001060 consists of burials, a chert flake, scapula saw, a mano, and other ground stone fragments. The site was recorded in 1989.

P-43-002275

P-43-002275 is a buried historic-period archaeological deposit that includes bottles, cans, boots, coal, and metal fragments. The site dates to the late 1950s to early 1960s.

Historic Features

P-43-002654/P-01-002190 – Western Pacific Railroad San Jose Branch – Warm Springs Yard to Santa Clara Street

P-43-002654/P-01-002190 is a rail line and its associated features. The segment in the specific plan area was part of the Western Pacific Railway Company until it was acquired by the Union Pacific Core. The Western Pacific Railway Company began operation in 1903 and remains in operation as a commuter and freight carrier.

In 2002, the segment from Santa Clara Street in San Jose to just north of Warm Springs Blvd in Fremont (San Jose Branch) was recorded. It was recommended ineligible for the NRHP and deemed not a historical resource for CEQA.

In 2013, the Union Pacific Railroad Trestle at Berryessa Creek was rerecorded and recommended ineligible for the NRHP.

P-43-003543

P-43-003543 is the Milpitas Grammar School at 160 North Main Street. The school was built in 1916 in the Neoclassical style. It was nominated in 1993 and is currently listed on the NRHP and therefore is automatically included in the CRHR.

P-43-003548

P-43-003548 is a correctional facility called the Elmwood Rehabilitation Center located at 701 S. Abel Street. It was originally called the Santa Clara County Almshouse. The facility was first established in 1884; however, the original alms house was torn down in 1938. The earliest remaining buildings likely date to the late 1930s or early 1940s. It was evaluated in 1984 and recommended ineligible, but it is unclear which buildings and structures were included in this evaluation.

P-43-003554

P-43-003554 is Fire Station #1 located at 25 W. Curtis Street. It was documented in 1995. No evaluation was provided by the Northwest Information Center at Sonoma State University (NWIC).

Tribal Cultural Resources

Native American Consultation

On August 9, 2024, in compliance with AB 52 requirements, the City of Milpitas sent notification letters to all tribal representatives identified by the NAHC. The City met with both the Muwekma Ohlone and Tamien Nation tribes. Consultation will continue through the SEIR review process.

The specific details of the consultations are confidential pursuant to California law; however, a summary of events related to communication between the tribes and the Board is provided below in Table 3.4-1.

Table 3.4-1 AB 52 Consultation

Native American Tribe and Contact	Date of Initial Response	City Follow-up Response	Comment
Amah Mutsun Tribal Band, Ed Ketchum, Vice-Chairperson	NA	NA	
Amah Mutsun Tribal Band, Valentin Lopez, Chairperson	NA	NA	
Amah Mutsun Tribal Band of Mission San Juan Bautista, Irene Zwielerlein, Chairperson	NA	NA	
Confederated Villages of Lisjan Nation, Deja Gould, Language Program Manager	NA	NA	
Confederated Villages of Lisjan Nation, Cheyenne Gould, Tribal Cultural Resource Manager	NA	NA	
Confederated Villages of Lisjan Nation, Corrina Gould, Chairperson	NA	NA	
Costanoan Rumsen Carmel Tribe, Carla Munoz, Tribal Council	NA	NA	
Costanoan Rumsen Carmel Tribe, Desiree Munoz, Tribal Liaison	NA	NA	
Indian Canyon Mutsun Band of Costanoan, Ann Marie Sayers, Chairperson	NA	NA	
Indian Canyon Mutsun Band of Costanoan, Kanyon Sayers-Roods, MLD Contact	NA	NA	
Muwekma Ohlone Tribe of the SF Bay Area, Richard Massiatt, Councilmember/MLD Tribal Rep.	August 29, 2024*	September 27, 2024	On October 2, 2024, the City held a virtual meeting. Muwekma requested the records search and reports for the project area, and suggested some mitigation measures
Muwekma Ohlone Tribe of the SF Bay Area, Charlene Nijmeh, Chairperson	August 29, 2024*		See above.
Northern Valley Yokut / Ohlone Tribe, Timothy Perez, Tribal Compliance Officer	NA	NA	
Northern Valley Yokut / Ohlone Tribe, Katherine Perez, Chairperson	NA	NA	
Tamien Nation, Johnathan Wasaka Costillas, THPO	NA	NA	
Tamien Nation, Lillian Camarena, Secretary	NA	NA	
Tamien Nation, Quirina Luna Geary, Chairperson	September 10, 2024		October 15, 2024 – requested to review the mitigation measures; suggested some mitigation measures
The Ohlone Indian Tribe, Vincent Medina, Cultural Leader	NA	NA	
The Ohlone Indian Tribe, Andrew Galvan, Chairperson	NA	NA	
The Ohlone Indian Tribe, Desiree Vigil, THPO	NA	NA	
Wuksachi Indian Tribe/Eshom Valley Band, Kenneth Woodrow, Chairperson	NA	NA	

Notes - *One letter sent from Charlene, Chairwoman; Richard Massiatt, Executive Director; Alan Leventhal, Tribal Archaeologist of the Muwekma Ohlone Tribe of the SF Bay Area.

Source: Data compiled by Ascent in 2024.

3.4.3 Impacts and Mitigation Measures

METHODOLOGY

The impact analysis for archaeological and historical resources is based on the results of the NWIC records search completed on September 12, 2024, and information provided by the tribes. The analysis for tribal cultural resources is based on the tribal consultation under AB 52. The analysis is also informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources. No site survey was conducted to verify the presence or condition of previously identified resources.

PRC Section 21083.2(g) defines a “unique archaeological resource” as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following CRHR-related criteria: (1) that it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; (2) that it has a special and particular quality, such as being the oldest of its type or the best available example of its type; or (3) that it is directly associated with a scientifically recognized important prehistoric or historic event or person. An impact on a resource that is not unique is not a significant environmental impact under CEQA (State CEQA Guidelines Section 15064.5[c][4]). If an archaeological resource qualifies as a resource under CRHR criteria, then the resource is treated as a unique archaeological resource for the purposes of CEQA.

PRC Section 21074 defines “tribal cultural resources” as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” that are listed or determined eligible for listing in the CRHR, listed in a local register of historical resources, or otherwise determined by the lead agency to be a tribal cultural resource.

For the purposes of the impact discussion, “historical resource” is used to describe built-environment historic-period resources. Archaeological resources (both prehistoric and historic-period), which may qualify as “historical resources” pursuant to CEQA, are analyzed separately from built-environment historical resources.

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the State CEQA Guidelines, the project would result in a significant impact on cultural resources if it would:

- ▶ cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC 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; or
- ▶ disturb any human remains, including those interred outside of formal cemeteries.

ISSUES NOT DISCUSSED FURTHER

All potential archaeological, historical, and tribal cultural resources issues identified in the significance criteria are evaluated below.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.4-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource

The General Plan Update EIR (Impact 3.5-1) determined that impacts related to historical resources, including the Gateway-Main Specific Plan, would be less than significant, requiring no mitigation. Implementing the Specific Plan would increase the maximum density of development which would increase development pressures and could result in more requests for the demolition of historical resources. This may cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines resulting in a **potentially significant** impact. As a result, a substantially more severe impact would occur compared to the General Plan Update EIR.

Historical (or architectural) resources include standing buildings (e.g., houses, barns, cabins) and intact structures (e.g., dams, bridges). Over the years, historical resources in Milpitas have been identified through historic building surveys and cultural resource studies. These surveys and studies have led to the identification of 21 historic buildings and sites as listed on the Milpitas Historical Sites Inventory within the Specific Plan Area.

The Specific Plan proposes updates to the adopted Milpitas Midtown Specific Plan (Midtown Plan) including changes to existing zoning and land use to allow for increased density. These zoning changes can increase the development pressure on those sites that would then be considered underdeveloped leading to the demolition of older buildings and structures.

An exhaustive survey and evaluation of historic age buildings in the specific plan area has not been conducted and projects could be proposed under the Specific Plan for many years during which time buildings and structures could become historic age (50 years old or older) and require evaluation. Activities proposed as a result of the Specific Plan could be in areas with known historical sites, or in areas where buildings and structures have not yet been evaluated for historical significance. Therefore, there is a potential that some of these buildings could be historically significant. Damage to or destruction of a building or structure that is a designated historic resource, eligible for listing as a historic resource, or a potential historic resource that has not yet been evaluated, could result in a substantial adverse change in its historical significance. By changing the zoning to allow greater density the development pressure could increase and result in more requests for the demolition of historical resources. As a result, substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would be **potentially significant**.

Mitigation Measures

Mitigation Measure 3.4-1a: Conduct Project-Specific Level Surveys

Prior to altering or otherwise affecting a building or structure 50 years old or older and has not been previously evaluated as a potential historic resource, the City shall require the project applicant to retain a qualified architectural historian to evaluate and record it on a California Department of Parks and Recreation DPR 523 form or equivalent documentation. Its significance shall be assessed by a qualified architectural historian and evaluated against NRHP, CRHR, and local criteria. The evaluation process shall include the development of appropriate historical background research as context for the assessment of the significance. For buildings or structures that do not meet significance and integrity criteria, no further mitigation is required.

Mitigation Measure 3.4-1b: Historical Resources Documentation

Prior to the alteration or demolition of any building or structure that qualifies as a historical resource, a qualified architectural historian, the project applicant, and the City shall consult to consider measures that would enable the project to avoid direct or indirect impacts to the building or structure. If the project cannot avoid modifications to a historic building or structure that would result in a substantial adverse change the City shall ensure that the project applicant have a qualified architectural historian thoroughly documents the building and associated landscaping and setting. If the historic building or structure is eligible or listed on the NRHP, documentation shall include still and video photography and a written documentary record of the building to the standards of the Historic American Building Survey or Historic American Engineering Record, including accurate scaled mapping, architectural

descriptions, and scaled architectural plans, if available. A copy of the record shall be deposited with the City, the Milpitas Historical Society, and the Milpitas Library. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.

Significance after Mitigation

Implementation of Mitigation Measures 3.4-1a and 3.4-1b would reduce potentially significant impacts on historic resources because actions would be taken to evaluate historic age buildings and record those that are determined to be historical resources under CEQA. These mitigation measures would be consistent with General Plan Policy CON 5-1 and CON-5-2. However, the State CEQA Guidelines (Section 15126.4[b][2]) note that in some circumstances, documentation of an historical resource will not mitigate the effects of demolition of that resource to a less-than-significant level because the historic resources would no longer exist. Therefore, because the potential for permanent loss of a historic resource or its integrity cannot be precluded, the Specific Plan's impact on historical resources would remain **significant and unavoidable**, which would be more severe compared to the General Plan Update EIR.

Impact 3.4-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources

The General Plan Update EIR (Impact 3.5-1) determined that impacts related to archaeological resources, including the Gateway-Main Specific Plan, would be less than significant, requiring no mitigation. However, additional information obtained since the General Plan Update EIR indicates that the area is highly sensitive for archaeological and tribal cultural resources. Project-related ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. As a result, a substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would be **potentially significant**.

The NWIC records search revealed five archaeological sites within the Specific Plan Area (P-43-000057, P-43-000139, P-43-000624, P-43-001060, and P-43-002275). P-43-000057, P-43-000139, P-43-000624, P-43-001060 are all precontact archaeological sites and P-43-002274 is a historic-era archaeological site. Some of these sites include human remains, which is specifically discussed under Impact 3.4-4 below.

None of these sites have been evaluated for information potential or possible eligibility for listing in the NRHP or CRHR. Therefore, none of the sites are considered "unique archaeological resources" for the purposes of CEQA. However, it is possible that these sites could be evaluated in the future and be determined eligible for listing in the CRHR. Additionally, ground disturbance activities may encounter previously undiscovered or unrecorded archaeological sites and materials.

Implementation of the Specific Plan would include the development of several different types of uses to support population in the area and would include various levels of ground disturbance. The proposed Specific Plan would allow for additional residential development beyond what is allowed under the General Plan through increases in density and implementation through an incentive program. As ground disturbance could damage or destroy previously undiscovered archaeological resources and development would be more likely to occur, this impact would be more severe compared to the General Plan Update EIR, and this impact would be **potentially significant**.

Mitigation Measures

Mitigation Measure 3.4-2a: Prepare and Implement Worker Training Program

A training program will be provided to all construction personnel active on a given project site prior to implementation of earth moving activities. A qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists shall prepare the program and provide the training to all construction personnel. The program will include relevant information regarding archaeological resources, including protocols for resource avoidance, applicable laws regulations, and the consequences of violating them. The program will also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance as well as the actions that need to be taken after a find is made.

Mitigation Measure 3.4-2b: Identify and Protect Unknown Archaeological Resources

During project-specific environmental review of development under the Specific Plan for any projects that include ground disturbance, the project applicant shall hire a qualified archaeologist to determine the potential for the project to result in significant impacts. At a minimum, the effort shall include the following steps:

- (i) Record's search – The qualified archaeologist shall request a record's search of the entire project area plus a one-half mile buffer from the Northwest Information Center at Sonoma State University.
- (ii) Surface survey exposed soil – The qualified archaeologist shall complete a pedestrian survey of any exposed soils on the project site.
- (iii) Reporting – The qualified archaeologist shall complete a report/memo that summarizes the results of the record search and pedestrian survey as well as provides recommendations for additional study and/or mitigation measures to protect and/or reduce significant impacts to archaeological resources, as needed. If indigenous materials are identified, the associated tribe(s) will be contacted by the City and will be given the opportunity to review the report and provide input for consideration.
- (iv) Preservation in place – The project applicant shall consult with the qualified archaeologist to consider means of avoiding or reducing ground disturbance within the archaeological site boundaries, including minor modifications of building footprint, landscape modification, the placement of protective fill (capping), the establishment of a preservation easement, or other means that will avoid or substantially preserve the resource in place. If avoidance or substantial preservation in place is not possible, the project applicant shall implement Mitigation Measure 3.4-2(e).

Mitigation Measure 3.4-2c: Identify and Protect Known Unique Archaeological Resources

During project-specific environmental review of development under the Specific Plan for any projects that include ground disturbance, the project applicant shall define each project's area of effect for archaeological resources. The project applicant shall determine the potential for the project to result in cultural resources impacts, based on the extent of ground disturbance and site modification anticipated for the project. The project applicant shall implement the following steps where it has been determined under Mitigation Measure 3.4-2b(iv) that avoidance or preservation in place is not feasible, a qualified archaeologist, in consultation with the City, and Native American tribe(s) as applicable, shall:

- 1) Retain a qualified archaeologist to conduct a subsurface investigation of the archaeological site, to ascertain whether buried archaeological materials are present and, if so, the extent of the deposit relative to the project's area of effects. The project applicant shall be responsible for facilitating access to the archaeological site if it is paved at the moment of testing. If an archaeological deposit is discovered, the archaeologist shall prepare a site record and a written report of the results of investigations and filed with the appropriate Information Center of the California Historical Resources Information System. The archaeological resource shall be evaluated by a qualified archaeologist, who shall determine whether it qualifies as a historical resource or a unique archaeological resource under the criteria of CEQA Guidelines § 15064.5.
- 2) If the resource does not meet the criteria of CEQA Guidelines § 15064.5, then it shall be noted in the environmental document and no further mitigation is required unless there is a discovery during construction. In the event of a discovery Mitigation Measure 3.4-2e below shall be implemented. However, the archaeological resource may be identified as a tribal cultural resource regardless even if it is determined that it is not a unique archaeological resource (See Mitigation Measures 3.4-3b and 3.4-3c below for further information).
- 3) If archaeological material within the project's area of effects is determined to qualify as a historical resource or a unique archaeological resource (as defined by CEQA), the project applicant shall consult with the qualified archaeologist to prepare a research design and archaeological data recovery plan for the recovery that will capture those categories of data for which the site is significant and implement the data recovery plan prior to or during development of the site. The archaeologist shall prepare a written report of the results of the data recovery and filed with the appropriate Information Center of the California Historical Resources Information System.

- 4) If, in the opinion of the qualified archaeologist and tribe(s) as applicable and in light of the data available, the significance of the site is such that data recovery cannot capture the values of the resource, the project applicant shall reconsider project plans in light of the high value of the resource, and implement more substantial modifications to the project that would allow the site to be preserved intact, such as project redesign, placement of fill, or project relocation or abandonment. If no such measures are feasible, the project applicant shall implement Mitigation Measure 3.4-2d.

Mitigation Measure 3.4-2d: Retain Archaeological Monitor

During project-specific environmental review of development under the Specific Plan, the project applicant shall retain an archaeological monitor for projects where an archaeological resource cannot be preserved or avoided. The archaeological monitor shall be retained prior to the commencement of any ground-disturbing activities (e.g., tree removals, boring, excavation, drilling, and trenching) for the future projects within 100 feet from all known archaeological resources that have been determined eligible or listed in the CRHR and NRHP, California Historical Landmarks, and any archaeological resources that have not been evaluated for its significance. A copy of the executed monitoring agreement shall be submitted to the project applicant and the City prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries. Monitor logs will identify and describe any discovered archaeological resource. Copies of monitor logs will be provided to the project applicant.

Mitigation Measure 3.4-2e: For All Ground-Disturbing Construction Activities, Halt Ground Disturbance Upon Discovery of Subsurface Archaeological Features

During project-specific environmental review under the Specific Plan, for projects where no archaeological materials have been identified as part of Mitigation Measures 3.4-2b and 3.4-2c, in the event that any precontact or historic era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the qualified archaeologist determines the archaeological material to be Native American in nature, the project applicant shall contact the appropriate Native American tribe for their input on the preferred treatment of the find. Mitigation Measure 3.4-2b(iv) or Mitigation Measure 3.4-2c and Mitigation Measure 3.4-2d shall be implemented.

Significance after Mitigation

Implementation of Mitigation Measures 3.4-2a through 3.4-2e would require a workers awareness training, it would reduce impacts to known and unknown archaeological resources because it would seek to protect in place, recover information, record, or otherwise treat the discovered resource appropriately, and require monitoring within 100 of known unique archaeological resources and unevaluated resources. These mitigation measures would be consistent with General Plan Policy CON 4-3 and CON 4-4 and Actions CON-4a and CON-4b. However, due to the sensitivity of the area some archaeological resources may not be able to be avoided during future projects, the Specific Plan's impact on archaeological resources would be more severe compared to the General Plan Update EIR, and this impact would be **significant and unavoidable**.

Impact 3.4-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

The General Plan Update EIR did not analyze impacts related to tribal cultural resources. AB 52 went into effect in 2014 and prior to that, tribal consultation was not required as part of the EIR process. However, additional information obtained through tribal consultation since the General Plan Update EIR was completed indicates that the area is highly sensitive for tribal cultural resources. Consultation with the Muwekma Ohlone Tribe of the SF Bay Area and Tamien Nation has not resulted in specific resources being identified as tribal cultural resources as described under PRC Section 21074. Therefore, the Specific Plan's impact on tribal cultural resources would be more severe compared to the General Plan Update EIR, and this impact would be **potentially significant**.

Although neither of the consulting tribes, the Muwekma Ohlone Tribe of the SF Bay Area and Tamien Nation, have specifically identified any of these archaeological sites as a tribal cultural resource as defined in PRC Section 21074, the tribe(s) have expressed great concern for these resources and have identified the Specific Plan Area as highly sensitive for tribal cultural resources.

California law recognizes the need to protect tribal cultural resources from inadvertent destruction and the procedures for the treatment of tribal cultural resources are contained in PRC Section 21080.3.2 and Section 21084.3 (a). Within 14 days of the City determining that it may undertake a project, the City must provide formal notification, in writing, to the California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project that have requested notification of proposed projects in the lead agency's jurisdiction. If any affiliated tribe wishes to engage in consultation on the project, the tribe must respond to the City within 30 days of receipt of the formal notification. The City would be required to begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

If the City determines that a subsequent project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, new provisions in the PRC describe measures that, if determined by the lead agency to be feasible, could be implemented to reduce potential effects of development on tribal cultural resources, although no specific resources were identified through AB 52 compliance for the Specific Plan. Compliance with PRC Section 21080.3.2 and Section 21084.3 (a) would provide an opportunity to avoid or minimize the disturbance of tribal cultural resources, and to appropriately treat any remains that are discovered.

Although the Specific Plan Area is largely developed and past construction activities have damaged or removed some subsurface elements, past investigations have demonstrated that there is the high potential for presence of subsurface resources, including artifacts, features, and human remains that contribute to the tribal cultural resource. Construction activities for future projects under the Specific Plan, including earth-moving, excavation, and use of heavy equipment that may cause ground compaction, may disturb or destroy any previously undisturbed and significant tribal cultural resources or deposits, which was not accounted for in the General Plan Update EIR. Therefore, the Specific Plan's impact on tribal cultural resources would be more severe compared to the General Plan Update EIR, and this impact would be **potentially significant**.

Mitigation Measures

Mitigation Measure 3.4-3a: Conduct Tribal Cultural Resources Awareness Training

During project-specific environmental review for development under the Specific Plan, the City shall coordinate with California Native American tribe(s) to prepare tribal cultural resource awareness and sensitivity training. All crew members and contractors shall be trained in the protection of tribal cultural resources and sensitive archaeological resources that the tribe(s) deems important. Workers will be trained to halt work if tribal cultural resources or sensitive archaeological resources are encountered and the construction method consists of physical disturbance of land surfaces (e.g., soil disturbance). The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and protocols, consistent, to the extent feasible, with Native American Tribal values. The tribe(s) shall determine the most appropriate method of training (e.g., in person, brochure, or archaeological consultant).

Mitigation Measure 3.4-3b: Identify and Protect Unknown Tribal Cultural Resources

During project-specific environmental review under the Specific Plan, if the City in consultation or coordination with the tribe(s) determines that a project activity may cause a substantial adverse change to a tribal cultural resource, and measures to protect the resource are not otherwise identified in the consultation process, the project applicant shall implement the following steps to identify and protect tribal cultural resources or archaeological resources significant to the tribe that may be present in the project's area of effects.

- 1) If a tribal cultural resource is identified, the project lead shall consult with the tribe(s) to consider means of avoiding or reducing ground disturbance within the resource boundaries, including minor modifications of building footprint, landscape modification, the placement of protective fill (e.g., capping), the establishment of a preservation easement, or other means that will avoid or substantially preserve the resource in place. Similar to Mitigation Measure 3.4-2b(iv).
- 2) If avoidance or substantial preservation in place of tribal cultural resources is not possible, the project lead shall implement Mitigation Measure 3.4-3(c).
- 3) For projects that require subsurface testing of archaeological sites that contain indigenous materials, the project applicant shall retain the Native American tribe(s) to monitor the subsurface testing of the project area that is required under Mitigation Measure 3.4-2c. The type of subsurface testing (e.g., ground-penetrating radar, core, forensic dogs, excavation) shall be coordinated with the consulting tribe(s).

Mitigation Measure 3.4-3c: Identify and Protect Known Tribal Cultural Resources

If the City determines that avoidance or preservation in place of a tribal cultural resource is not feasible and ground disturbance cannot be avoided, the project lead and Native American tribe(s) as applicable, shall develop a treatment plan. The treatment plan shall include, but not be limited to testing, excavation strategy, research design, resource significance assessment methods, a burial treatment agreement (if applicable), reporting requirements and health and safety procedures. The burial treatment agreement (if applicable) shall include a discussion of reburial options, locations, and potential easements, considering tribal preferences. This may be developed in conjunction with Mitigation Measure 3.4-2c.

Mitigation Measure 3.4-3d: Retain a Native American Monitor

Irrespective of pedestrian survey or subsurface testing findings, the project lead shall notify the appropriate Native American tribe(s) and retain a representative for tribal cultural resource monitoring prior to the commencement of any ground-disturbing activities within 100 feet from all known tribal and archaeological resources (containing indigenous materials) that have been determined eligible or listed in the CRHR and NRHP, as well as California Historical Landmarks, and any archaeological resources that have not been evaluated for its significance. The project applicant shall contact the tribal representatives a minimum of seven days prior to beginning earthwork or other ground disturbing activities; construction activities will proceed if no response is received 48 hours prior to ground disturbing activities. The tribal monitor shall only be present onsite during the construction phases that involve ground disturbing activities, including but not limited to tree removals, boring, excavation, drilling, and trenching. The tribal monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. The onsite monitoring shall end when the site grading and excavation activities are completed, or when the tribal representatives and monitor have indicated that the site has a low potential for impacting tribal cultural resources.

Mitigation Measure 3.4-3e: Implement Native American Response and Treatment Protocol

During project-specific environmental review under the Specific Plan, for projects where no archaeological materials have been identified as part of Mitigation Measures 3.4-3b and 3.4-3c, in the event that any tribal cultural resources and/or precontact subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted. The project applicant shall contact the appropriate Native American tribe(s) for their input on the preferred treatment of the find. Mitigation Measure 3.4-3b (1) or Mitigation Measure 3.4-3c and Mitigation Measure 3.4-3d shall be implemented. If artifacts are recovered from significant tribal cultural resources, the first option shall be to transfer the artifacts to an appropriate tribal representative. If possible, accommodations shall be made to reinter the artifacts at the project site or another mutually agreed upon (with the Native American representative) location within the Specific Plan Area. Only if no other options are available will recovered precontact archaeological material be housed at a qualified curation facility, if approved by the consulting tribe(s).

Significance after Mitigation

Implementation of Mitigation Measures 3.4-3a through 3.4-3e would reduce potentially significant impacts to tribal cultural resources because it would require: a tribal cultural resource awareness; steps to protect known and unknown tribal cultural resources; tribal monitoring; and stop work in case of a discovery. These mitigation measures would be consistent with General Plan Policy CON 4-3 and CON 4-4 and Actions CON-4a and CON-4b. However, because it some resources may not be able to be avoided during future projects, the Specific Plan's impact on tribal cultural resources would be more severe compared to the General Plan Update EIR, and this impact would be **significant and unavoidable**.

Impact 3.4-4: Disturb Human Remains

The General Plan Update EIR (Impact 3.5-2) determined that impacts related to the disturbance of human remains, including the Gateway-Main Specific Plan, would be less than significant. Based on documentary research, there is ample evidence that suggests that un-marked human interments are present within or in the immediate vicinity of the Specific Plan Area. While known burials can be avoided, ground-disturbing construction activities could uncover previously unknown human remains. Compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 would be required. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Based on documentary research, there is ample evidence that suggests that un-marked human interments are present within or in the immediate vicinity of the Specific Plan Area. While known burials can be avoided it is not certain that the extent of these locations is known. Also, the location of grave sites and Native American remains can occur outside of identified cemeteries or burial sites. Therefore, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the Specific Plan Area and could be uncovered by project-related construction activities.

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.

These statutes require that, if human remains are discovered, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the appropriate County coroner shall be notified immediately. If the remains are determined by the coroner to be Native American, NAHC shall be notified within 24 hours and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the NAHC-designated Most Likely Descendant, and the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 would provide an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered. Therefore, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

Mitigation Measures

No mitigation is required for this impact.

3.5 ENERGY

This section was prepared pursuant to CEQA Guidelines Section 15126 and Appendix F of the CEQA guidelines, which require that EIRs include a discussion of the potential energy impacts of projects. The analysis considers whether the proposed Gateway-Main Street Specific Plan (Specific Plan) would result in inefficient, wasteful, and unnecessary consumption of energy.

No comment letters were received in response to the Notice of Preparation that pertained to air quality (see Appendix A).

3.5.1 Regulatory Setting

Energy conservation is required by many federal, State, and local statutes and policies. At the federal level, energy standards apply to numerous products (e.g., the U.S. Environmental Protection Agency's [EPA] EnergyStar™ program) and transportation (e.g., fuel efficiency standards). At the State level, Title 24 of the California Code of Regulations sets forth energy standards for buildings. Further, the State provides rebates/tax credits for installation of renewable energy systems, and offers the Flex Your Power program, which promotes conservation in multiple areas. At the local level, individual cities and counties establish policies in their general plans and climate action plans (CAPs) related to the energy efficiency of new development and land use planning and to the use of renewable energy sources.

FEDERAL

Energy Policy and Conservation Act, and CAFE Standards

The Energy Policy and Conservation Act of 1975 established nationwide fuel economy standards to conserve oil. Pursuant to this Act, the National Highway Traffic and Safety Administration, part of the U.S. Department of Transportation (DOT), is responsible for revising existing fuel economy standards and establishing new vehicle economy standards.

The Corporate Average Fuel Economy (CAFE) program was established to determine vehicle manufacturer compliance with the government's fuel economy standards. Compliance with the CAFE standards is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the country. EPA calculates a CAFE value for each manufacturer based on the city and highway fuel economy test results and vehicle sales. The CAFE values are a weighted harmonic average of the EPA city and highway fuel economy test results. Based on information generated under the CAFE program, DOT is authorized to assess penalties for noncompliance. Under the Energy Independence and Security Act of 2007 (described below), the CAFE standards were revised for the first time in 30 years.

The CAFE Standards, which were first enacted by Congress in 1975, set fleet-wide averages that must be achieved by each automaker for its car and truck fleet. The purpose of the CAFE Standards is to reduce energy consumption by increasing the fuel economy of cars and light trucks. On April 1, 2022, Transportation Secretary Pete Buttigieg unveiled new CAFE standards for 2024–2026 model year passenger cars and light-duty trucks, requiring new vehicles sold in the US to average at least 40 miles per gallon.

Energy Policy Act of 1992 and 2005

The Energy Policy Act of 1992 (EPAct) was passed to reduce the country's dependence on foreign petroleum and improve air quality. EPAct includes several parts intended to build an inventory of alternative fuel vehicles (AFVs) in large, centrally-fueled fleets in metropolitan areas. EPAct requires certain federal, state, and local government and private fleets to purchase a percentage of light-duty AFVs capable of running on alternative fuels each year. In addition, financial incentives are also included in EPAct. Federal tax deductions are allowed for businesses and individuals to cover the incremental cost of AFVs. States are also required by the act to consider a variety of incentive programs to help promote AFVs. The Energy Policy Act of 2005 provides renewed and expanded tax credits for

electricity generated by qualified energy sources, such as landfill gas; provides bond financing, tax incentives, grants, and loan guarantees for clean renewable energy and rural community electrification; and establishes a federal purchase requirement for renewable energy.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 is designed to improve vehicle fuel economy and help reduce U.S. dependence on oil. It represents a major step forward in expanding the production of renewable fuels, reducing dependence on oil, and confronting global climate change. The Energy Independence and Security Act of 2007 increases the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022, which represents a nearly five-fold increase over 2007 levels; and reduces U.S. demand for oil by setting a national fuel economy standard of 35 miles per gallon by 2020—an increase in fuel economy standards of 40 percent.

By addressing renewable fuels and the CAFE standards, the Energy Independence and Security Act of 2007 builds upon progress made by the Energy Policy Act of 2005 in setting out a comprehensive national energy strategy for the 21st century.

STATE

CEQA Guidelines Appendix F

California Environmental Quality Act (CEQA) Guidelines Appendix F requires that EIRs include a discussion of the potential energy impacts of proposed projects. Furthermore, it provides a list of items that may be considered in the energy analysis, as described below in Section 3.5.3, “Impacts and Mitigation Measures,” under the “Thresholds of Significance” subheading.

Warren-Alquist Act

The 1975 Warren-Alquist Act established the California Energy Resources Conservation and Development Commission, commonly known as the California Energy Commission (CEC). The Act established State policy to reduce wasteful, uneconomical, and unnecessary uses of energy by employing a range of measures. The California Public Utilities Commission regulates privately owned utilities in the energy, rail, telecommunications, and water fields.

State of California Energy Action Plan

CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The previous plan was the 2003 *Energy Action Plan* (2008 update), which calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assisting public agencies and fleet operators in implementing incentive programs for zero-emission vehicles and addressing their infrastructure needs, as well as encouraging urban design that reduces vehicle miles traveled (VMT) and accommodates pedestrian and bicycle access.

The 2008 update has been supplemented by the 2019 California Energy Efficiency Action Plan, which includes three goals to drive energy efficiency: doubling energy efficiency savings by 2030, removing and reducing barriers to energy efficiency in low-income and disadvantaged communities, and reducing greenhouse gas (GHG) emissions from the buildings sector (CEC 2019).

Assembly Bill 2076: Reducing Dependence on Petroleum

Pursuant to AB 2076 (Chapter 936, Statutes of 2000), CEC and the California Air Resources Board (CARB) prepared and adopted a joint agency report in 2003, *Reducing California's Petroleum Dependence*. Included in this report are recommendations to increase the use of alternative fuels to 20 percent of on-road transportation fuel use by 2020 and 30 percent by 2030, significantly increase the efficiency of motor vehicles, and reduce per capita VMT (CEC and

CARB 2003). Further, in response to the CEC's 2003 and 2005 *Integrated Energy Policy Reports*, Governor Davis directed CEC to take the lead in developing a long-term plan to increase alternative fuel use.

A performance-based goal of AB 2076 was to reduce petroleum demand to 15 percent below 2003 demand by 2030.

Integrated Energy Policy Report

SB 1389 (Chapter 568, Statutes of 2002) required CEC to “conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The Energy Commission shall use these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the State's economy, and protect public health and safety” (PRC Section 25301[a]). This work culminated in preparation of the first Integrated Energy Policy Report (IEPR).

CEC adopts an IEPR every 2 years and an update every other year. The 2022 IEPR Update Report, which is the most recent IEPR, was adopted on November 9, 2022. The 2022 IEPR Update Report provides a summary of priority energy issues currently facing the State, outlining strategies and recommendations to further the State's goal of ensuring reliable, affordable, and environmentally responsible energy sources. Energy topics covered in the report include progress toward Statewide renewable energy targets and issues facing future renewable development; efforts to increase energy efficiency in existing and new buildings; progress by utilities in achieving energy efficiency targets and potential; improving coordination among the State's energy agencies; streamlining power plant licensing processes; results of preliminary forecasts of electricity, natural gas, and transportation fuel supply and demand; future energy infrastructure needs; the need for research and development efforts to Statewide energy policies; and issues facing California's nuclear power plants (CEC 2022).

Legislation Associated with Electricity Generation

The State has passed multiple pieces of legislation requiring the increasing use of renewable energy to produce electricity for consumers. California's Renewable Portfolio Standard (RPS) Program was established in 2002 (SB 1078) with the initial requirement to generate 20 percent of their electricity from renewable by 2017, 33 percent of their electricity from renewables by 2020 (SB X1-2 of 2011), 52 percent by 2027 (SB 100 of 2018), 60 percent by 2030 (also SB 100 of 2018), and 100 percent by 2045 (also SB 100 of 2018). More detail about these regulations is provided in Section 3.6, “Greenhouse Gas Emissions and Climate Change.”

Senate Bill 350: Clean Energy and Pollution Reduction Act of 2015

The Clean Energy and Pollution Reduction Act of 2015 (SB 350) requires doubling of the energy efficiency savings in electricity and natural gas for retail customers through energy efficiency and conservation by December 31, 2030.

Assembly Bill 1007: State Alternative Fuels Plan

AB 1007 (Chapter 371, Statutes of 2005) required CEC to prepare a state plan to increase the use of alternative fuels in California. CEC prepared the State Alternative Fuels Plan (SAF Plan) in partnership with CARB and in consultation with other State, federal, and local agencies. The SAF Plan presents strategies and actions California must take to increase the use of alternative non-petroleum fuels in a manner that minimizes the costs to California and maximizes the economic benefits of in-State production. The SAF Plan assessed various alternative fuels and developed fuel portfolios to meet California's goals to reduce petroleum consumption, increase alternative fuel use, reduce greenhouse gas (GHG) emissions, and increase in-State production of biofuels without causing a significant degradation of public health and environmental quality.

California Building Energy Efficiency Standards (Title 24, Part 6)

The energy consumption of new residential and nonresidential buildings in California is regulated by the California Energy Code. The code was established by CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy-efficiency standards for residential and nonresidential buildings. CEC updates the California Energy Code every 3 years, typically including more stringent design requirements for reduced energy consumption, which results in the generation of fewer GHG emissions.

The 2022 California Energy Code went into effect on January 1, 2023. The 2022 California Energy Code advances the on-site energy generation progress started in the 2019 California Energy Code by encouraging electric heat pump technology and use, establishing electric-ready requirements when natural gas is installed, expanding solar photovoltaic (PV) system and battery storage standards, and strengthening ventilation standards to improve indoor air quality. CEC estimates that the 2022 California Energy Code will save consumers \$1.5 billion and reduce GHGs by 10 million metric tons of carbon dioxide-equivalent over the next 30 years (CEC 2021).

California Green Building Standards (Title 24, Part 11)

The California Green Building Standards, also known as CALGreen, is a reach code (i.e., optional standards that exceed the requirements of mandatory codes) developed by CEC that provides green building standards for Statewide residential and nonresidential construction. The current version is the 2022 CALGreen Code, which took effect on January 1, 2023. As compared to the 2019 CALGreen Code, the 2022 CALGreen Code strengthened sections pertaining to electric vehicle (EV) and bicycle parking, water efficiency and conservation, and material conservation and resource efficiency, among other sections of the CALGreen Code. The CALGreen Code sets design requirements equivalent to or more stringent than those of the California Energy Code for energy efficiency, water efficiency, waste diversion, and indoor air quality. These codes are adopted by local agencies that enforce building codes and used as guidelines by State agencies for meeting the requirements of Executive Order B-18-12.

Legislation Associated with Greenhouse Gas Reduction

The State has passed legislation that aims to reduce GHG emissions. The legislation often has an added benefit of reducing energy consumption. SB 32 requires a Statewide GHG emission reduction of at least 40 percent below 1990 levels by no later than December 31, 2030. AB 1279 requires carbon neutrality and a Statewide GHG emission reduction of 85 percent below 1990 levels by 2045.

SB 375 aligns regional transportation planning efforts, regional GHG emission reduction targets, and land use and housing allocation. The Advanced Clean Cars (ACC) program, approved by CARB, combines the control of GHG emissions and criteria air pollutants and the increase in the number of zero-emission vehicles (ZEV) into a single package of standards. The program's zero-emission vehicle regulation requires battery, fuel cell, and/or plug-in hybrid electric vehicles to account for up to 15 percent of California's new vehicle sales by 2025. In August 2022, CARB adopted the ACC II program, which sets sales requirements to reach the goal of 100 percent ZEV sales in the State by 2035. Additionally, in April 2023, CARB adopted the Advanced Clean Fleets regulation, which sets a goal of achieving a fully zero-emission truck and bus fleet within the State by 2045. Implementation of the State's legislation associated with GHG reduction will have the co-benefit of reducing California's dependency on fossil fuel and making land use development and transportation systems more energy efficient.

More details about legislation associated with GHG reduction are provided in the regulatory setting of Section 3.6, "Greenhouse Gas Emissions and Climate Change."

LOCAL

Milpitas General Plan

The Community Design, Conservation and Sustainability, and Utilities and Community Services elements of the 2040 *Milpitas General Plan* contain policies that address energy usage (Milpitas 2021):

- ▶ **Policy CD 11-2:** Encourage passive solar design and energy-efficient concepts, including, but not limited to natural heating and/or cooling, sun and wind exposure and orientation, and other solar energy opportunities.
- ▶ **Policy CD 11-5:** Encourage the use of building materials that conserve energy and material resources.
- ▶ **Policy CD 11-11:** Continue to apply and expand the Climate Action Plan to increase the energy efficiency of development.

- **Action CD-11a:** As part of the development review process, ensure that projects incorporate sustainable elements, such as passive solar design, energy-efficient features, water conservation measures, street trees, electric vehicle charging stations, and low impact development features to the extent feasible.
- ▶ **Policy CON 1-1:** Ensure that new development is consistent with the energy objectives and targets identified by the City's Climate Action Plan (CAP).
- ▶ **Policy CON 1-2:** Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen).
- ▶ **Policy CON 1-3:** Support innovative green building best management practices including, but not limited to, LEED certification, and encourage project applicants to exceed the most current "green" development standards in the California Code of Regulations (CCR), Title 24, as feasible.
- ▶ **Policy CON 1-4:** Require large-scale industrial and manufacturing energy users to implement an energy conservation plan as part of the project review and approval process.
- ▶ **Policy CON 1-5:** Consider lifecycle costs when identifying opportunities for the replacement and retrofit of energy efficient technologies when upgrading or maintaining City facilities.
- ▶ **Policy CON 1-6:** Reduce the City's energy demand by pursuing the use of alternative energy and fuel-efficient City vehicles and equipment, and strive for a zero-emission City vehicle fleet to the extent feasible and practical.
- ▶ **Policy CON 1-9:** Encourage site planning and building techniques that promote energy conservation. Where feasible, encourage projects to take advantage of shade, prevailing winds, landscaping, sunscreens, building orientations, and material choices that reduce energy use.
 - **Action CON-1e:** Continue to review all new public and private development projects to ensure compliance with the California Code of Regulations (CCR), Title 24 standards as well as the energy efficiency standards established by California Green Building Standards Code (CALGreen), the General Plan, and the Milpitas Municipal Code Chapter 20 Green Building Regulations.
 - **Action CON-1f:** Continue to require all development project applications for new buildings to include a completed LEED or CALGreen Mandatory Measures Checklist.
- ▶ **Policy CON 7-13:** Implement energy policies and actions that have co-benefits of reduced air pollution and greenhouse gases by increasing energy efficiency, conservation, and the use of renewable resources.
- ▶ **Policy UCS 1-3:** Require all future development projects to analyze their infrastructure and service impacts and either demonstrate that the City's existing infrastructure, public services, and utilities can accommodate the increased demand for services, and that service levels for existing users will not be diminished or impaired, or make the necessary improvements to mitigate all potential impacts.
- ▶ **Policy UCS 6-1:** Work cooperatively with utility providers to ensure the provision of adequate electric power and natural gas services and facilities to serve the needs of existing and future residents and businesses.

Milpitas Climate Action Plan

The City of Milpitas updated its Climate Action Plan (CAP) in August 2022. The CAP builds upon previous versions of the City's CAPs to align with the reduction targets established in SB 32. The City's CAP sets a mitigation-only target of reducing the City's GHG emissions by 36 percent below 2019 levels by 2030 (reduction to 283,817 MTCO₂e in 2030), 79 percent below 2019 levels by 2040 (a reduction to 94,606 MTCO₂e in 2040), as well as a goal of carbon neutrality by 2045 (Milpitas 2022). The CAP Update meets the requirements under Section 15183.5 of the State CEQA Guidelines as a qualified plan for the reduction of GHG emissions for use in cumulative impact analysis pertaining to new development projects. CAP energy efficiency measures relevant to the proposed Specific Plan include:

- ▶ **BE-1.1:** Achieve 100 percent carbon-free electricity by 2030 in all existing and new development.
- ▶ **BE-1.2:** Facilitate innovative approaches to energy generation, distribution, and storage.

- ▶ **BE-1.3:** Strengthen community awareness of energy efficiency, energy conservation, electrification, and clean energy.
- ▶ **BE-2.1:** Adopt updated "reach" building codes with each building and energy code cycle to accelerate all-electric new development.
- ▶ **BE-2.2:** Facilitate all-electric development projects for industrial buildings.
- ▶ **BE-2.3:** Expand the City's Green Building Program.
- ▶ **BE-2.4:** Retrofit existing residential and nonresidential buildings and municipal facilities to improve energy efficiency and facilitate fuel switching.

3.5.2 Environmental Setting

PHYSICAL SETTING

Energy Facilities and Services in the Project Area

Electricity and natural gas are supplied to the County from Pacific Gas and Electric (PG&E). See Section 3.12, "Utilities and Service Systems," for more detailed information on electrical and natural gas infrastructure specifically serving the Specific Plan area. PG&E-delivered electricity generated from eligible renewable energy sources is anticipated to increase over the next three decades to comply with the SB 100 goals described in Section 3.5.1, "Regulatory Setting."

Energy Types and Sources

California relies on a regional power system composed of a diverse mix of natural gas, renewable, hydroelectric, and nuclear generation resources. One-third of energy commodities consumed in California is natural gas. In 2022, approximately 36 percent of natural gas consumed in the State was used to generate electricity. Large hydroelectric powered approximately 9 percent of electricity and renewable energy from solar, wind, small hydroelectric, geothermal, and biomass combustion totaled 36 percent (PG&E 2023). In 2022 PG&E provided its customers with 38 percent eligible renewable energy (i.e., biomass combustion, geothermal, small scale hydroelectric, solar, and wind); 49 percent from nuclear power; 8 percent, from large scale hydroelectric, and 5 natural gas (PG&E 2023). The contribution of in- and out-of-State power plants depends on the precipitation that occurred in the previous year, the corresponding amount of hydroelectric power that is available, and other factors.

The City is a member of Silicon Valley Clean Energy (SVCE), a local community-choice aggregator, that partners with PG&E and supplies carbon-free electricity to its members. The City supports the development and maintenance of electricity generation and storage at City-owned sites (i.e., on-site solar panels and battery storage at City facilities).

Alternative Fuels

A variety of alternative fuels are used to reduce demand for petroleum-based fuel. The use of these fuels is encouraged through various statewide regulations and plans (e.g., Low Carbon Fuel Standard, AB 32 Scoping Plan). Conventional gasoline and diesel may be replaced (depending on the capability of the vehicle) with many transportation fuels, including:

- ▶ biodiesel,
- ▶ electricity,
- ▶ ethanol (E-10 and E-85),
- ▶ hydrogen,
- ▶ natural gas (methane in the form of compressed and liquefied natural gas),
- ▶ propane,

- ▶ renewable diesel (including biomass-to-liquid),
- ▶ synthetic fuels, and
- ▶ gas-to-liquid and coal-to-liquid fuels.

California has a growing number of alternative fuel vehicles through the joint efforts of CEC, CARB, local air districts, federal government, transit agencies, utilities, and other public and private entities. As of October 2024, California contained nearly 18,000 alternative fueling stations (AFDC 2024).

A goal of the Milpitas CAP is to transition the City's fleet vehicles to fully electric vehicles and identify alternative fuel options for other vehicles and equipment (MVF-1.1.3). Additionally, the CAP states that over half of all GHG emissions in the city comes from the consumption of gasoline and diesel in internal combustion engines and thus the city supports increasing EV charging infrastructure, facilitating EV adoption, and other low-emission alternative fuels such as renewable diesel (TR-2).

ENERGY USE FOR TRANSPORTATION

In 2022, the transportation sector comprised the largest end-use sector of energy in the state, 42.6 percent, followed by the industrial sector totaling 22.5 percent, the residential sector at 17.6 percent, and the commercial sector at 17.4 percent (EIA 2024). On-road vehicles use about 85 percent of the petroleum consumed in California. CEC reported retail sales of 423 million and 45 million gallons of gasoline and diesel, respectively, in Santa Clara County in 2023 (the most recent data available) (CEC 2024).

In 2019 in Milpitas, the transportation sector also comprised the largest end-use sector of GHG emissions, 59 percent, followed by building energy at 32 percent, solid waste at 5 percent, off-road vehicles and equipment at 4 percent, with the remaining GHG emissions coming from wastewater treatment and the water supply (Milpitas 2022).

ENERGY USE AND CLIMATE CHANGE

Scientists and climatologists have produced evidence that the burning of fossil fuels by vehicles, power plants, industrial facilities, residences, and commercial facilities has led to an increase of the earth's temperature. For an analysis of greenhouse gas production and the project's impacts on climate change, refer to Section 3.6, "Greenhouse Gas Emissions and Climate Change."

3.5.3 Impacts and Mitigation Measures

METHODOLOGY

Levels of operation-related energy consumption associated with implementation of Specific Plan, are measured in megawatt-hours of electricity, therms of natural gas, gallons of gasoline, and gallons of diesel fuel. Energy consumption estimates were calculated using the California Emissions Estimator Model (CalEEMod) version 2022.1.1.28 computer program. Project-specific inputs were included in the modeling such as land use types, SF, and acreage, annual VMT and trip generation, etc. Where project-specific information was not known CalEEMod default values based on the proposed Specific Plan Area location and size were used. The proposed Specific Plan was evaluated and compared to the General Plan Update EIR (Milpitas 2020) with changes to the adopted Milpitas Midtown Specific Plan to the proposed Specific Plan. This change includes a decrease in non-residential SF and increase in residential SF development.

Efficiency of the two scenarios were determined by dividing the total energy consumption within the Specific Plan Area (buildout under the General Plan and buildout under the proposed Specific Plan) and divided by the service population provided in Fehr & Peers traffic impact analysis. Tables 3.5-1 and 3.5-2 summarize the building energy consumption and Tables 3.5-3 and 3.5-4 summarize the transportation energy consumption for the first year of operation during the buildout year of 2040.

THRESHOLDS OF SIGNIFICANCE

The following significance criteria area based on CEQA Guidelines Appendix F (energy), under which implementation of the proposed Specific Plan would have a potentially significant adverse impact if the project would:

- ▶ result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation;
- ▶ conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

ISSUES NOT DISCUSSED FURTHER

All the issues identified in the preceding list of thresholds are addressed in the following impact analysis.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.5-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy, During Plan Construction or Operation

The General Plan Update EIR (Impact 3.7-3) concluded that buildout of the General Plan would be in compliance with all applicable federal, state, and local regulations regulating energy usage and would not result in any significant adverse impacts related to project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for during buildout of the General Plan, including during construction, operations, maintenance, and/or removal. Because of this, the General Plan Update EIR concluded that the impact would be less-than-significant. Since the adoption of the General Plan Update EIR, building energy efficiency has improved, vehicles and offroad equipment have become cleaner and more efficient, and VMT will continue to decrease. The proposed Specific Plan would continue to be consistent with relevant federal, state, and local regulations and thus, implementation of the proposed Specific Plan would not consume energy in a wasteful, inefficient, or unnecessary manner during construction or operation of future development allowed under the proposed Specific Plan. This impact would remain **less than significant**.

The General Plan Update EIR concluded that buildout of the General Plan would be in compliance with all applicable federal, state, and local regulations regulating energy usage and would not result in any significant adverse impacts related to project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for during General Plan buildout, including during construction and operation.

Buildout of the proposed Specific Plan includes residential, commercial, office, industrial, mixed-use, open space, and other land uses and would contain more residential and less non-residential development under than identified in the General Plan Update EIR. The amount of energy used in the Specific Plan Area at buildout would directly correlate to the type and size of development, the energy consumption associated with unit appliances, outdoor lighting, and energy use associated with other buildings and activities. Other major sources of energy consumption include fuel used by vehicle trips generated during construction and operational activities, and fuel used by off-road and on-road construction vehicles during construction. The following discussion provides a breakdown of the energy uses in the Specific Plan Area upon buildout of the proposed Specific Plan.

Construction-Related Energy

Construction of future development under the proposed Specific Plan would generate on-road vehicle trips during construction activities from worker trips, vendors, hauling trips. The proposed Specific Plan would also use diesel fuel during construction activities through the use of typical off-road construction equipment. Since adoption of the General Plan Update EIR, construction equipment has become more fuel efficient and will continue to become more fuel efficient during buildout of the proposed Specific Plan. Additionally, the proposed Specific Plan would continue to be consistent with General Plan policies regarding construction energy usage such as Policies CD 11-5, CON 1-6, CON 1-9 which encourage the use of building materials that conserve energy and material resources, reduce the

City's energy demand by encouraging alternative energy and fuel-efficient vehicles and equipment, and encouraging site planning and building techniques that promote energy conservation. Because vehicles and equipment would continue to become more fuel efficient during build out of the proposed Specific Plan and the proposed Specific Plan would continue to be consistent with the relevant general plan policies, this impact will not create a more severe impact than that identified in the General Plan Update EIR.

Building Energy

At buildout of the proposed Specific Plan, electricity and natural gas consumption would be used primarily to power buildings (all types of buildings, including residential, commercial, office, industrial, public, etc.). Electricity would primarily come from the electricity utility provider (PG&E) or through SCVE, though potential on-site solar generation could generate energy. Electrical and natural gas usage were evaluated at buildout (2040) for both the General Plan and the proposed Specific Plan. Results can be found below in Tables 3.5-1 and 3.5-2.

Table 3.5-1 General Plan Annual Operation-Related Building Energy Consumption (2040)

Energy Sector	Energy Consumption	Units
Area Sources	70,920,025	KWh
Energy Sources	156,176,855	kBTU
Area Source Consumption per Service Population	3,465	KWh/SP
Energy Source Consumption per Service Population	7,631	kBTU/SP

Note: kWh = kilowatt hours, kBTU/year = British thermal units per year; SP = Service Population Service population = 20,466 (Fehr & Peers 2024).

Source: Calculations prepared by Ascent in 2024.

Table 3.5-2 Proposed Milpitas Gateway-Main Street Specific Plan Annual Operation-Related Building Energy Consumption (2040)

Energy Sector	Energy Consumption	Units
Area Sources	49,282,575	KWh
Energy Sources	119,870,521	kBTU
Area Source Consumption per Service Population	2,248	KWh/SP
Energy Source Consumption per Service Population	5,467	kBTU/SP

Note: kWh = kilowatt hours, kBTU/year = British thermal units per year; SP = Service Population Service population = 21,925 (Fehr & Peers 2024).

Source: Calculations prepared by Ascent in 2024.

As shown in Tables 3.5-1 and 3.5-2, operations of the proposed Specific Plan would reduce energy consumption and energy consumption per service population within the Specific Plan Area. The proposed Specific Plan would increase residential density throughout the Specific Plan Area while also decreasing the development and operations of non-residential land uses such as commercial, industrial, and manufacturing land uses. Because the proposed Specific Plan would reduce energy consumption and increase energy efficiency in the Specific Plan Area, the proposed Specific Plan would be consistent with General plan Policies CD 11-2, CD 11-11, CON 1-1 through CON 1-5, CON 1-9 and CON 7-13. Each of these policies pertain to making the City a more energy efficient city through renewable energy sources, building energy efficiency, building best management practices such as LEED certification and Title 24 standards, implementing energy efficiency practices and materials, support the use of alternative and renewable energy, and promoting green energy initiatives. The proposed Specific Plan would incorporate design standards such as selecting energy-efficient roofing materials that would reduce building heat gain and provide natural sunlight, using smart light fixtures in streetscapes that will dim or turn off when not in use to conserve energy, and complying with the California Green Building Standards Code to reduce energy consumption, increase energy efficiency in the Specific

Plan Area. Thus, the proposed Specific Plan would continue to be consistent with the relevant general plan policies, this impact would not be a more severe impact than that identified in the General Plan Update EIR.

Transportation Energy

Buildout of the proposed Specific Plan would generate fewer operational VMT and more vehicle trips throughout the Specific Plan Area than that previously associated with buildout of the General Plan. Based on the traffic impact assessment conducted by Fehr & Peers (Fehr & Peers 2024), implementation of the proposed Specific Plan would reduce VMT throughout the Specific Plan area from 685,920 to 536,440 daily VMT or 250,360,800 to 195,800,600 annual VMT, while increasing annual trips from 13,782,035 to 20,703,895. The increase in trips but decrease in VMT is due to the increased service population in the Specific Plan Area but decrease in the trip lengths. Tables 3.5-3 and 3.5-4 below show the transportation energy in the Specific Plan area associated with buildout of the General Plan and proposed Specific Plan.

Table 3.5-3 General Plan Annual Transportation Energy Consumption (2040)

Metric	Consumption	Units
VMT	250,360,800	Annual Miles
Trips Generated	13,782,035	Annual Trips
VMT per Service Population	12,233	Annual VMT/SP
Gallons of Gasoline	7,248,350	Gallons
Gallons of Diesel	1,871,142	Gallons
Gallons of Gasoline per Service Population	354.2	Gallons/SP
Gallons of Diesel per Service Population	91.4	Gallons/SP

Note: kWh = kilowatt hours, kBTU/year = British thermal units per year; SP = Service Population Service population = 20,466 (Fehr & Peers 2024).

Source: Fehr & Peers 2024. Calculations prepared by Ascent in 2024.

Table 3.5-4 Proposed Milpitas Gateway-Main Street Specific Plan Annual Transportation Energy Consumption (2040)

Metric	Consumption	Units
VMT	195,800,600	Annual Miles
Trips Generated	20,703,895	Annual Trips
VMT per Service Population	8,930	Annual VMT/SP
Gallons of Gasoline	5,668,744	Gallons
Gallons of Diesel	1,463,371	Gallons
Gallons of Gasoline per Service Population	258.6	Gallons/SP
Gallons of Diesel per Service Population	66.7	Gallons/SP

Note: kWh = kilowatt hours, kBTU/year = British thermal units per year; SP = Service Population Service population = 21,925 (Fehr & Peers 2024).

Source: Fehr & Peers 2024. Calculations prepared by Ascent in 2024.

As shown in Tables 3.5-3 and 3.5-4, implementation of the proposed Specific Plan would reduce VMT, VMT per service population, gasoline and diesel consumption, and gasoline and diesel consumption per service population. As a result, the proposed Specific Plan would not have a more severe impact than that identified in the General Plan Update EIR.

Summary

The General Plan Update EIR concluded that implementation of the General Plan would result in the wasteful, inefficient, or unnecessary consumption of energy during construction or operation of future development. The proposed Specific Plan would continue to be consistent with general plan policies, would decrease total energy

consumption and energy consumption per service population, decrease VMT, and VMT per service population throughout the Specific Plan Area, and decrease the total usage of gasoline and diesel fuel and gasoline and diesel fuel consumption per service population throughout the Specific Plan Area. Thus, this impact would not have a more severe impact than that identified in the General Plan Update EIR and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.5-2: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency

The General Plan Update EIR did not evaluate the General Plan for consistency with state or local plans for renewable energy or energy efficiency. For the proposed Specific Plan to have a less than significant impact, the proposed Specific Plan would not conflict with general plan policies, the Milpitas CAP, and Appendix D of the 2022 Scoping Plan. Each of these documents have various policies, strategies, measures, and standards the proposed Specific Plan would need to align with to expand renewable energy and energy efficiency in the Specific Plan area. Because the proposed Specific Plan would be consistent with each of these documents and it would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, this impact would be **less-than-significant**.

The proposed Specific Plan would need to align with general plan policies listed above in Section 3.5.1, "Regulatory Settings." Specifically, the proposed Specific Plan would need to be consistent with general plan policies CD 11-2, 11-5, and 11-11, CON 1-1 through 1-6, 1-9, and 7-13, and UCS 1-3 and 6-1. Policies CD 11-2, 11-5, and 11-11 encourage passive solar design and energy-efficient concepts, the use of building materials that conserve energy and material resources, and applying and expanding the Milpitas CAP to increase energy efficiency in the Specific Plan area. Policies CON 1-1 through 1-6 would ensure that future development under the proposed Specific Plan is consistent with the energy objectives and targets identified in the Milpitas CAP and with the standards of CALGreen code, support green building best management practices, require large-scale industrial and manufacturing energy users to implement an energy conservation plan as part of the project review and approval process, consider lifecycle costs when identifying opportunities for the replacement and retrofit of energy efficient technologies, pursue the use of alternative energy and fuel-efficient City vehicles and equipment to reduce energy demand within the Specific Plan Area. Policies CON 1-9 and 7-13 encourage site planning and building techniques that promote energy conservation, and implement energy policies and actions that have co-benefits of reduced air pollution and greenhouse gases by increasing energy efficiency, conservation, and the use of renewable resources. Policies USC 1-3 and 6-1 require all future development projects to analyze their infrastructure and service impacts and to work with utility providers to ensure the provision of adequate electric power and natural gas services and facilities to serve the needs of existing and future residents and businesses.

The proposed Specific Plan would be consistent with the City's CAP, which would result in reduced energy demand and GHG emissions. The CAP, although designed to reduce GHG emissions, also plays a role in improving energy efficiency and enhancing renewable energy resources and therefore serves as the renewable energy or energy efficiency plan applicable to the proposed Specific Plan. Specifically, the proposed Specific Plan would align with the following applicable measures:

- ▶ **BE-1.1:** Achieve 100 percent carbon-free electricity by 2030 in all existing and new development.
- ▶ **BE-1.2:** Facilitate innovative approaches to energy generation, distribution, and storage.
- ▶ **BE-1.3:** Strengthen community awareness of energy efficiency, energy conservation, electrification, and clean energy.
- ▶ **BE-2.1:** Adopt updated "reach" building codes with each building and energy code cycle to accelerate all-electric new development.
- ▶ **BE-2.2:** Facilitate all-electric development projects for industrial buildings.
- ▶ **BE-2.3:** Expand the City's Green Building Program.

- ▶ **BE-2.4:** Retrofit existing residential and nonresidential buildings and municipal facilities to improve energy efficiency and facilitate fuel switching.

The proposed Specific Plan would comply with the applicable CAP measures identified above and would reduce the overall energy demand and would contribute to the citywide energy reductions identified in the CAP. Additionally, these measures are generally consistent with the direction provided to local governments in Appendix D of the 2022 Scoping Plan, which directs projects to be promote renewable energy and energy efficiency. Therefore, the proposed Specific Plan would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. This impact would be **less than significant**.

3.6 GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

This section presents a summary of statutes, regulations, and plans applicable to greenhouse gas (GHG) emissions; a summary of climate change science and GHG sources in California; quantification of project-generated GHGs and discussion about their contribution to global climate change; and analysis of the project's resiliency to climate change-related risks.

No comment letters were received in response to the Notice of Preparation that pertained to GHGs (see Appendix A).

3.6.1 Regulatory Setting

FEDERAL

Supreme Court Ruling – Carbon Dioxide is an Air Pollutant

In *Massachusetts et al. v. Environmental Protection Agency et al.*, 549 U.S. 497 (2007), the Supreme Court of the United States ruled that carbon dioxide (CO₂) is an air pollutant as defined under the federal Clean Air Act and that the U.S. Environmental Protection Agency (EPA) has the authority to regulate GHG emissions.

In 2010, EPA started to address GHG emissions from stationary sources through its New Source Review permitting program, including operating permits for “major sources” issued under Title V of the federal Clean Air Act.

National Highway Traffic Safety Administration – Corporate Average Fuel Economy Standards

The National Highway Traffic Safety Administration regulates vehicle emissions through the Corporate Average Fuel Economy (CAFE) Standards. On April 1, 2022, the Secretary of Transportation unveiled new CAFE standards for 2024–2026 model year passenger cars and light-duty trucks. These new standards require new vehicles sold in the US to average at least 40 miles per gallon and apply to all states except those that enforce stricter standards.

STATE

Plans, policies, regulations, and laws established by the state agencies are generally presented in the order they were established.

Statewide GHG Emission Targets and Climate Change Scoping Plan

Reducing GHG emissions in California has been the focus of the State government for nearly two decades. GHG emission targets established by the State Legislature include reducing statewide GHG emissions to 1990 levels by 2020 (AB 32 of 2006) and reducing them to 40 percent below 1990 levels by 2030 (SB 32 of 2016). Executive Order (EO) S-3-05, signed by former Governor Arnold Schwarzenegger, calls for statewide GHG emissions to be reduced to 80 percent below 1990 levels by 2050. This target was superseded by AB 1279, which codifies a goal for carbon neutrality and the reduction of emissions by 85 percent below 1990 levels by 2045. These targets are in line with the scientifically established levels needed in the U.S. to limit the rise in global temperature to no more than 2 degrees Celsius, the warming threshold at which major climate disruptions, such as super droughts and rising sea levels, are projected; these targets also pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius (United Nations 2015).

On December 16, 2022, CARB adopted the *Final 2022 Scoping Plan for Achieving Carbon Neutrality* (2022 Scoping Plan), which traces the State's pathway to achieve its carbon neutrality and an 85 percent reduction in 1990 emissions goal by 2045 using a combined top-down, bottom-up approach under various scenarios. It identifies the reductions needed by each GHG emission sector (e.g., transportation [including off-road mobile source emissions], industry, electricity generation, agriculture, commercial and residential, pollutants with high global warming potential, and recycling and waste) to achieve these goals.

The state has also passed more detailed legislation addressing GHG emissions associated with transportation, electricity generation, and energy consumption, as summarized below.

Transportation-Related Standards and Regulations

As part of its Advanced Clean Cars program, CARB established more stringent GHG emission standards and fuel efficiency standards for fossil fuel-powered on-road vehicles than EPA has done. In addition, the program's zero-emission vehicle (ZEV) regulation requires battery, fuel cell, and plug-in hybrid electric vehicles (EVs) to account for up to 15 percent of California's new vehicle sales by 2025 (CARB 2018a). In August 2022, CARB adopted the Advanced Clean Cars (ACC) II program, which sets sales requirements for ZEVs to ultimately reach the goal of 100 percent ZEV sales in the state by 2035.

EO B-48-18, signed by former Governor Jerry Brown in January 2018, requires all State entities to work with the private sector to have at least 5 million ZEVs on the road by 2030, as well as 200 hydrogen-fueling stations and 250,000 EV-charging stations installed by 2025. It specifies that 10,000 of these charging stations must be direct-current fast chargers.

CARB adopted the Low Carbon Fuel Standard (LCFS) in 2007 to reduce the carbon intensity (CI) of California's transportation fuels. Low-CI fuels emit less CO₂ than other fossil fuel-based fuels such as gasoline and fossil diesel. The LCFS applies to fuels used by on-road motor vehicles and off-road vehicles, including construction equipment (Wade, pers. comm., 2017).

In addition to regulations that address tailpipe emissions and transportation fuels, the state Legislature has passed statutes to address the amount of driving by on-road vehicles. Since passage of SB 375 in 2008, CARB requires metropolitan planning organizations (MPOs) to develop and adopt sustainable communities strategies (SCSs) as a component of the federally-prepared regional transportation plans (RTPs) to show reductions in GHG emissions from passenger cars and light-duty trucks in their respective regions for 2020 and 2035 (CARB 2018b). These plans link land use and housing allocation to transportation planning and related mobile-source emissions. The Metropolitan Transportation Association/Association of Bay Area Governments (MTC/ABAG) serves as a combined entity fulfilling the MPO requirements for the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. The project site is in Marin County. Under the most recent targets of SB 375 (i.e., achieve a 10-percent and 19-percent below 2005 per capita reduction in automobile emissions by 2020 and 2035, respectively), MTC/ABAG completed and adopted its most recent RTP/SCS, Plan Bay Area 2050, in 2021 (MTC/ABAG 2021). CARB's technical evaluation of Plan Bay Area 2050 confirmed that the plan was sufficient to meet the reduction targets of SB 375 (CARB 2022).

Legislation Associated with Electricity Generation

The State has passed legislation requiring the increasing use of renewables to produce electricity for consumers. California utilities are required to generate 33 percent of their electricity from renewables by 2020 (SB X1-2 of 2011); 44 percent by 2024 (SB 100 of 2018); 52 percent by 2027 (also SB 100 of 2018); 60 percent by 2030 (also SB 100 of 2018); 90 percent by 2035 (SB 1020 of 2022); 95 percent by 2040 (also SB 1020 of 2022); and 100 percent by 2045 (also SB 100 of 2018). By 2035, 100 percent of electricity procured by state agencies shall be from renewables (also SB 1020 of 2022).

Building Energy Efficiency Standards (Title 24, Part 6)

The energy consumption of new residential and nonresidential buildings in California is regulated by the California Energy Code. The code was established by the California Energy Commission (CEC) in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy-efficiency standards for residential and nonresidential buildings. CEC updates the California Energy Code every 3 years, typically including more stringent design requirements for reduced energy consumption, which results in the generation of fewer GHG emissions.

The 2022 California Energy Code went into effect on January 1, 2023. The 2022 California Energy Code advances the onsite energy generation progress started in the 2019 California Energy Code by encouraging electric heat pump

technology and use, establishing electric-ready requirements when natural gas is installed, expanding solar photovoltaic (PV) system and battery storage standards, and strengthening ventilation standards to improve indoor air quality. CEC estimates that the 2022 California Energy Code will save consumers \$1.5 billion and reduce GHGs by 10 million metric tons of carbon dioxide equivalent (MMTCO₂e) over the next 30 years (CEC 2021).

California Green Building Standards (Title 24, Part 11)

The California Green Building Standards, also known as CALGreen, is a reach code (i.e., optional standards that exceed the requirements of mandatory codes) developed by CEC that provides green building standards for statewide residential and nonresidential construction. The current version is the 2022 CALGreen Code, which took effect on January 1, 2023. As compared to the 2019 CALGreen Code, the 2022 CALGreen Code strengthened sections pertaining to EV and bicycle parking, water efficiency and conservation, and material conservation and resource efficiency, among other sections of the CALGreen Code. The CALGreen Code sets design requirements equivalent to or more stringent than those of the California Energy Code for energy efficiency, water efficiency, waste diversion, and indoor air quality. These codes are adopted by local agencies that enforce building codes and used as guidelines by state agencies for meeting the requirements of EO B-18-12.

REGIONAL

Plan Bay Area 2050

Plan Bay Area 2050 prioritizes the preservation and improvement of land, air and water in Bay Area communities through strategies that conserve and better use current resources, mitigate the effects of climate change, adapt to hazardous climate events, or minimize the impacts of disastrous seismic episodes or events. Chapter 5, “Environment” contains near-, medium-, and long-term strategies to create a more resilient natural environment. Each strategy falls under the three themes of expanding access to parks and open spaces, reduce climate emissions from vehicles, and reducing hazard risks. Plan Bay Area 2050 proposes strategies to expand and modernize the Bay Area’s open spaces, to mitigate emissions and reduce future climate impacts at the employer level by expanding commute trip reduction programs at major employers, encourages Bay Area residents to drive less through transportation demand management initiatives, and puts forward strategic adaptation measures to address climate change and other natural hazards.

LOCAL

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) is the primary agency responsible for addressing air quality concerns in the San Francisco Bay Area. Its role is discussed further in Section 3.3, “Air Quality.” BAAQMD also recommends methods for analyzing project-related GHG emissions in CEQA analyses and recommends multiple GHG reduction measures for land use development projects. The BAAQMD’s *2022 CEQA Guidelines* (CEQA Guide) provides a qualitative approach to assessing a project’s cumulative contribution to climate change for CEQA analyses (BAAQMD 2022). The CEQA Guide is intended to be used to uniformly evaluate the significance of operation-related emissions from land use development projects. For land use development projects, BAAQMD recommends that, either as a project design feature or recommended mitigation, projects include the following measures:

- ▶ The elimination of on-site natural gas infrastructure to power appliances;
- ▶ The installation of EV charging stations meeting the Tier 2 requirements of the most recent version of Part 11 of the Title 24 California Building Code (CALGreen);
- ▶ No impacts from the unnecessary, wasteful, or inefficient use of energy resources; and
- ▶ Achievement of the vehicle miles traveled (VMT) reductions established by the Governor’s Office of Planning and Research for residential (15 percent below a regional average), commercial (15 percent below a regional average), and retail projects (no net increase from a regional average).

The CEQA Guide also provides guidance for assessing the significance of climate change impacts through a climate action plan (CAP) or greenhouse gas reduction plan (GHGRP) consistency analysis using a qualified CAP or GHGRP. (A “qualified CAP” is one prepared in compliance with CEQA Guidelines section 15183.5.) BAAQMD makes the direct connection between these two qualitative, performance-based options to a project’s ability to demonstrate that it is doing its “fair share” in assisting the state in meeting the long-term GHG reduction target of achieving carbon neutrality by 2045, as mandated by AB 1279.

Milpitas General Plan

The Circulation, Community Design, Conservation and Sustainability, and Safety chapters of the *2040 Milpitas General Plan* contain policies and goal that address climate change:

- ▶ **Policy CIR 5-1:** Develop, implement, and monitor vehicle trip reduction requirements for large development projects – including all land use types – to minimize the impact of new development on traffic congestion and to reduce vehicle emissions.
- ▶ **Policy CIR 6-2:** Support development of healthier communities through the use of lower- or non-polluting modes of transportation to reduce GHG vehicle emissions and local air pollution levels.
 - **Action CIR-6a:** Design sidewalks and pedestrian pathways using environmental design best practices principles or other techniques to provide safe and comfortable facilities for pedestrians at all times of day and night.
 - **Action CIR-6b:** Develop requirements for new commercial and multifamily residential development to provide electric vehicle charging infrastructure.
- ▶ **Policy CD 11-11:** Continue to apply and expand the Climate Action Plan to increase the energy efficiency of development.
 - **Action CD-11a:** As part of the development review process, ensure that projects incorporate sustainable elements, such as passive solar design, energy-efficient features, water conservation measures, street trees, electric vehicle charging stations, and low impact development features to the extent feasible.
- ▶ **Policy CON 1-1:** Ensure that new development is consistent with the energy objectives and targets identified by the City’s Climate Action Plan (CAP).
- ▶ **Policy CON 1-2:** Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen).
- ▶ **Policy CON 1-3:** 3 Support innovative green building best management practices including, but not limited to, LEED certification, and encourage project applicants to exceed the most current “green” development standards in the California Code of Regulations (CCR), Title 24, as feasible.
- ▶ **Policy CON 1-9:** Encourage site planning and building techniques that promote energy conservation. Where feasible, encourage projects to take advantage of shade, prevailing winds, landscaping, sunscreens, building orientations, and material choices that reduce energy use.
- ▶ **Policy CON 1-10:** Encourage distributed energy resources including solar, fuel cells etc. to provide environmental benefits, as well as energy security, and the support of the grid during peak energy use periods.
 - **Action CON-1e:** Continue to review all new public and private development projects to ensure compliance with the California Code of Regulations (CCR), Title 24 standards as well as the energy efficiency standards established by California Green Building Standards Code (CALGreen), the General Plan, and the Milpitas Municipal Code Chapter 20 Green Building Regulations.
 - **Action CON-1f:** Continue to require all development project applications for new buildings to include a completed LEED or CALGreen Mandatory Measures Checklist.
- ▶ **Policy CON 7-1:** Ensure that land use and transportation plans support air quality goals through a logical development pattern that focuses growth in and around existing urbanized areas, locates new housing near

places of employment, encourages alternative modes of transportation, supports efficient parking strategies, reduces vehicle miles traveled, and requires projects to mitigate significant air quality impacts.

- ▶ **Policy CON 7-13:** Implement energy policies and actions that have co-benefits of reduced air pollution and greenhouse gases by increasing energy efficiency, conservation, and the use of renewable resources.
- ▶ **Policy SA 6-1:** Consider climate change impacts and adaptive responses in long-term planning and current development decisions.
- ▶ **Policy SA 6-3:** Encourage and support private sector investment in climate adaptation through climate-resilient infrastructure such as onsite renewable energy, integrated stormwater management and water conservation.

Milpitas Climate Action Plan

The City of Milpitas updated its CAP in August 2022. The CAP builds upon previous versions of the City's CAPs to align with the reduction targets established in SB 32. The City's CAP sets a mitigation-only target of reducing the City's GHG emissions by 36 percent below 2019 levels by 2030 (reduction to 283,817 MTCO₂e in 2030), 79 percent below 2019 levels by 2040 (a reduction to 94,606 MTCO₂e in 2040), as well as a goal of carbon neutrality by 2045 (Milpitas 2022). The CAP Update meets the requirements under Section 15183.5 of the State CEQA Guidelines as a qualified plan for the reduction of GHG emissions for use in cumulative impact analysis pertaining to new development projects. CAP GHG reduction measures relevant to the proposed Specific Plan include:

- ▶ **Measure OT-1.2:** Reduce construction-related emissions.
- ▶ **Measure TR-1.1:** Reduce VMT from new development in compliance with SB743.
- ▶ **Measure TR-1.2:** Reduce VMT from existing development.
- ▶ **Measure TR-1-3:** Continue to implement and adopt policies that support high-density, mixed-use, and transit-oriented development and housing near jobs.
- ▶ **Measure MBL-2.2:** Increase energy efficiency.

3.6.2 Environmental Setting

THE PHYSICAL SCIENTIFIC BASIS OF GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Certain gases in the earth's atmosphere, classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space. A portion of the radiation is absorbed by the earth's surface, and a smaller portion of this radiation is reflected toward space. The absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. The earth has a much lower temperature than the sun; therefore, the earth emits lower frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

Prominent GHGs contributing to the greenhouse effect are CO₂, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Human-caused emissions of these GHGs in excess of natural ambient concentrations are found to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the earth's climate, known as global climate change or global warming. The Sixth Assessment Report contains IPCC's strongest warnings to date on the causes and impacts of climate change. Importantly, the report notes that, in terms of solutions, "We need transformational change operating on processes and behaviors at all levels: individual, communities, business, institutions, and governments. We must redefine our way of life and consumption" (IPCC 2021).

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern. Whereas most pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately 1 day), GHGs have long atmospheric lifetimes (1 year to several thousand years). GHGs persist in the atmosphere long enough to be dispersed around the globe. Although the lifetime of any GHG molecule depends on multiple variables and cannot be determined with any certainty, it is understood that more CO₂ is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, and other forms of sequestration. Of the total annual human-caused CO₂ emissions, approximately 55 percent are estimated to be sequestered through ocean and land uptake every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO₂ emissions remain stored in the atmosphere (IPCC 2013:467).

The quantity of GHGs in the atmosphere responsible for climate change is not precisely known, but it is enormous. No single project alone would measurably contribute to an incremental change in the global average temperature or to global or local climates or microclimates. From the standpoint of CEQA, GHG impacts relative to global climate change are inherently cumulative.

GREENHOUSE GAS EMISSION SOURCES

As discussed previously, GHG emissions are attributable in large part to human activities. The City conducted the most recent GHG inventory in the 2022 CAP update for GHG emission inventories for 2019 as a baseline and forecasted business-as-usual emissions for 2030, 2040, and 2045 (Milpitas 2021). Table 3.6-1 summarizes the GHG inventory for the Milpitas by MMTCO₂e.

As shown in Table 3.6-1, the on-road transportation sector comprises the greatest sources of GHGs in the City of Milpitas.

Emissions of CO₂ are byproducts of fossil fuel combustion. Methane, a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices, landfills, and forest fires. Nitrous oxide is also largely attributable to agricultural practices and soil management. CO₂ sinks, or reservoirs, include vegetation and the ocean, which absorb CO₂ through sequestration and dissolution (CO₂ dissolving into the water) and are two of the most common processes for removing CO₂ from the atmosphere.

Table 3.6-1 City of Milpitas Greenhouse Gas Emissions Inventory for 2015, 2019, and Building-as-Usual Forecast Years (MTCO₂e)

Emissions Sector	2019	2030	2040	2045
On-Road Transportation	259,627	236,310	218,898	221,388
Nonresidential Building Energy	98,319	93,467	82,288	77,177
Residential Building Energy	42,218	42,660	43,399	43,658
Solid Waste	23,566	25,026	27,215	28,074
Off-Road Vehicles and Equipment	15,554	21,139	22,984	23,421
Water Supply	694	421	153	0
Wastewater Treatment	1,578	1,612	1,692	1,713
Total	441,557	420,636	396,629	395,432
Percent Change from 2019	—	-5%	-10%	-10%

Notes: Totals may not equal the sum of the numbers because of independent rounding.

MTCO₂e = metric tons of carbon dioxide equivalent.

Source: Milpitas 2021.

EFFECTS OF CLIMATE CHANGE ON THE ENVIRONMENT

The global average temperature is expected to increase by 3 to 7°F by the end of the century, depending on future GHG emission scenarios (IPCC 2007). According to California's Fourth Climate Change Assessment, depending on future GHG emissions scenarios, average annual maximum daily temperatures in California are projected to increase between 3.6 and 5.8°F by 2050 and by 5.6 to 8.8°F by 2100 (OPR, CEC, and CNRA 2018).

Other environmental resources could be indirectly affected by the accumulation of GHG emissions and resulting rise in global average temperature. In recent years, California has been marked by extreme weather and its effects. Climate model projections for California demonstrate that impacts will vary throughout the state and show a tendency for the northern part of the state to become wetter while the southern portion of California to become drier (Pierce et al. 2018). According to California Natural Resources Agency's report, *Safeguarding California Plan: 2018 Update* (CNRA 2018), California experienced the driest four-year statewide precipitation on record from 2012 through 2015; the warmest years on average in 2014, 2015, and 2016; and the smallest and second smallest Sierra snowpack on record in 2015 and 2014 (CNRA 2018). Climate model projections included in California's Fourth Climate Change Assessment demonstrate that seasonal summer dryness in California may be prolonged due to earlier spring soil drying and would last longer into the fall and winter rainy season. Increases in temperature are also predicted to result in changes to California's snowpack. Based on climate model projections, the mean snow water equivalent, a common measurement which indicates the amount of water contained within snowpack, in California is anticipated to decline to two-thirds of its historic average by 2050 and between less than half and less than one-third of historic average by 2100, depending on future emissions scenarios (OPR, CEC, and CNRA 2018).

Climate model projections demonstrate that California will experience variation in precipitation patterns as well. The Northern Sierra Nevada range experienced its wettest year on record in 2016 (CNRA 2018). With a shifting climate, California has been more susceptible to the adverse effects of atmospheric rivers, which are large scale, high-precipitation events that deposit above-average levels of rainfall to California's coasts within a short duration. These events have the capacity to overwhelm existing stormwater systems leading to localized flooding impacts.

Climate change is also projected to result in tertiary impacts on energy infrastructure throughout California. Changes in temperature, precipitation patterns, extreme weather events, and sea-level rise have the potential to affect and decrease the efficiency of thermal power plants and substations, decrease the capacity of transmission lines, disrupt electrical demand, and threaten energy infrastructure with the increased risk of flooding (CNRA 2018).

According to California's Fourth Climate Change Assessment, climate change will create impacts on the state's transportation network that will have 'ripple effects,' including direct and indirect impacts on interdependent infrastructure networks as well as negative impacts on the economy. Without appropriate adaptations strategies for roadway materials (i.e., asphalt and pavement), researchers estimate that the median total cost to California for 2040-2070 will be between \$1 billion and \$1.25 billion (OPR, CEC, and CNRA 2018). The California Department of Transportation (Caltrans) owns and operates more than 51,000 miles along 265 highways, as well as three of the busiest passenger rail lines in the nation. Sea level rise, storm surge, and coastal erosion are imminent threats to highways, roads, bridge supports, airports, transit systems and rail lines near sea level and seaports. Shifting precipitation patterns, increased temperatures, wildfires, and increased frequency in extreme weather events also threaten transportation systems across the state. Temperature extremes and increased precipitation can increase the risk of road and railroad track failure, decreased transportation safety, and increased maintenance costs (CNRA 2018). Modeling for flood events in California demonstrates that approximately 370 miles of highways are susceptible to flooding in a 100-year storm event by the year 2100 (OPR, CEC, and CNRA 2018).

Water availability and changing temperatures affect the prevalence of pests, disease, and species, which will directly impact crop development, forest health, and livestock production. Other environmental concerns include decline in water quality, groundwater security, and soil health (CNRA 2018). Vulnerabilities of water resources also include risks to degradation of watersheds, alteration of ecosystems and loss of habitat, (OPR, CEC, and CNRA 2018).

California's Fourth Climate Change Assessment also identifies the impacts climate change will have on public health and social systems. Average temperature increases in California are estimated to have impacts on human mortality, with 6,700 to 11,300 additional annual deaths in 2050, depending on higher or lower emissions scenarios (Ostro et al.

2011). Studies have also shown that impacts from climate change can also have indirect impacts on public health, such as increased vector-borne diseases, and stress and mental trauma due to extreme events, economic disruptions, and residential displacement (Gould and Dervin 2012; McMichael and Lindgren 2011; US Global Change Research Program 2016).

With respect to the Specific Plan Area, by the end of the century, average daily maximum temperatures are projected to increase from 1.5–4.3 degrees Fahrenheit. Wildfire impacts are anticipated to increase moderately into the future in very high and high wildfire zones. Sea level rise is a particular concern to the Bay Area, where many homes, businesses, roads, utilities, and natural resources are at risk for flooding. Sea level has already risen 4-8 inches along the California Coast in the past century and is expected to rise another 1.41 meters by the end of the century. (Milpitas 2021).

3.6.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

GHG emissions from the proposed Specific Plan would be generated during future construction and operations associated with future development within the Specific Plan Area. Estimated levels of operation-related GHGs are presented below. Similar to the Milpitas 2040 General Plan Update EIR (Milpitas 2020), the proposed Specific Plan is evaluated for its consistency with adopted regulations, plans, and policies aimed at reducing GHG emissions, including the 2022 Scoping Plan, the City of Milpitas General Plan, CAP (updated after the adoption of the General Plan), and Plan Bay Area 2050.

The proposed Specific Plan was evaluated and compared to the General Plan Update EIR with changes to the adopted Milpitas Midtown Specific Plan to the proposed Specific Plan. This change includes a decrease in non-residential SF and an additional residential development beyond what is allowed under the General Plan through increases in density and implementation through an incentive program. Construction impacts were evaluated qualitatively, similar to the methods used in the General Plan Update EIR.

Operation-related emissions of GHGs were estimated for the following sources: area sources (e.g., landscape maintenance equipment), energy use (i.e., electricity and natural gas consumption), water use, solid waste generated, and mobile sources. Operation-related mobile-source GHG emissions for both the scenarios were modeled based on the estimated VMT associated with associated VMT and average daily trips (ADT). VMT estimates were derived from data generated during the traffic impact analysis conducted by Fehr & Peers for the cumulative and cumulative plus project scenarios within the Specific Plan Area. Mobile-source emissions were calculated using CalEEMod. Indirect emissions associated with electricity and natural gas consumption were estimated using GHG emissions factors for the Pacific Gas & Electric Company (PG&E). Levels of electricity and natural gas use for both scenarios was based on 2019 Title 24-adjusted consumption rates provided by CalEEMod for both scenario's land use types.

To determine whether the proposed Specific Plan would be more efficient than the General Plan, GHG emissions, energy usage, and VMT were modeled and divided by service population provided by the VMT Report prepared by Fehr & Peers (Appendix D).

Detailed model assumptions and inputs for these calculations are presented in Appendix B.

THRESHOLDS OF SIGNIFICANCE

The issue of global climate change is inherently a cumulative issue because the GHG emissions of individual projects cannot be shown to have any material effect on global climate. Thus, the proposed Specific Plan's impact on climate change is addressed only as a cumulative impact.

The 2022 BAAQMD CEQA Guidelines has adopted plan-level thresholds of significance to assist lead agencies with determining significance for long-range local and regional plans. Local long-range plans are discretionary, program-level planning activities, such as general plans and general plan elements, specific plans, area plans, community plans, congestion management plans, and annexations of lands and service areas.

Under Section 3 of the BAAQMD CEQA Guidelines, implementing a project would result in a cumulatively considerable contribution to climate change if it would:

- ▶ not meet the State's goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045, or;
- ▶ not be consistent with the local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

As noted above, the City's current CAP meets the requirements under Section 15183.5 of the State CEQA Guidelines as a qualified plan for the reduction of GHG emissions for use in cumulative impact analysis pertaining to new development projects.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.6-1: Generate GHG Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment

The General Plan Update EIR (Impact 3.7-1) concluded that implementation of the General Plan would reduce VMT per service population and would be consistent with the then 2013 Milpitas CAP and thus the General Plan Update EIR concluded the impact to be less than significant. Implementation of the proposed Specific Plan would further reduce VMT per service population and would reduce GHG emissions in the Specific Plan Area and would be subject to the updated CAP. Thus, the proposed Specific Plan would not result in a more severe impact than that identified in the General Plan Update EIR, would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and would meet the State's goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045. This impact would remain **less than significant**.

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. A project's GHG emissions are at a micro-scale relative to global emissions but could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. Implementation of the proposed Specific Plan would contribute to increases of GHG emissions that are associated with global climate change. Estimated GHG emissions attributable to future development under the Specific Plan would be primarily associated with increases of CO₂ and other GHG pollutants, such as methane (CH₄) and nitrous oxide (N₂O), from mobile sources and utility usage.

Future development that would occur as a result of implementation of the proposed Specific Plan would include activities that emit greenhouse gas emissions over the short and long term. A summary of short- and long-term emissions and the analysis for each are included below.

The major projected impacts of climate change in the Specific plan Area are expected to be more days of extreme heat over longer periods, as well as potential for flooding. According to the City's CAP, major sources of GHGs in the city include on-road transportation (59 percent), non-residential energy (22 percent), and residential building energy (10 percent). Short-term and long-term emissions typically associated with the construction and operation of future development under the proposed Specific Plan, are further described below.

Short Term Emissions

Short-term GHG emissions would occur during construction of future development from construction equipment and worker and haul trips to and from the proposed Specific Plan Area during construction. Chapter 7 of the 2022 BAAQMD CEQA Guidance does not recommend a threshold for evaluating construction GHG emissions.

However, similar to the General Plan, the proposed Specific Plan would align with the Milpitas CAP measures and General Plan policies to mitigate the impact from construction-generated GHG emissions. Specifically, the proposed

Specific Plan would be consistent with Milpitas CAP Measure OT-1.2 and General Plan Policy CON 7-13, which reduce construction-related emissions, by requiring projects to reduce idling of construction vehicles and equipment, prohibits the use of fossil fuel-powered generators at construction sites in all new discretionary projects, and require all construction projects to use renewable diesel in diesel-powered construction equipment. This CAP measure is consistent with the guidance provided by the BAAQMD in Section 8.2: Construction-Related GHG Impacts in the 2022 BAAQMD CEQA Guidelines.

Therefore, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR.

Long Term Emissions

Implementation of the proposed Specific Plan would directly generate GHG emissions from vehicle trips throughout the Specific Plan Area, through the use of on-site natural gas and electric to power residential uses from stoves, heaters, air conditioning units, etc., use of landscaping equipment, water usage and wastewater disposal, disposal of solid wastes, and the use of refrigerants. These sources combine to define the long-term greenhouse gas inventory for typical development projects.

The General Plan Update EIR concluded that the General Plan would reduce VMT per service population and would be consistent with the then 2013 Milpitas CAP and would result in a less than significant impact. Implementation of the proposed Specific Plan would lead to higher residential density, shorter commutes, and less VMT overall. Additionally, future development associated with implementation of the proposed Specific Plan would utilize green or low carbon building materials where feasible, including low carbon concrete; recycled or reclaimed materials that can reduce emissions associated with manufacturing new building material. Thus, implementation of the proposed Specific Plan would further reduce VMT per service population in the Specific Plan Area and would also reduce GHG emissions and GHG emissions per service population in the Specific Plan area, as shown below in Tables 3.6-2, 3.6-3, and 3.6-4.

Table 3.6-2 Project Generated VMT and Population

Project	Annual VMT	Service Population	VMT per Service Population
General Plan	250,360,800	20,466	12,233
Proposed Specific Plan	195,800,600	21,925	8,930
Change	-54,560,200	+1,459	-3,303
Percent Change	-21.8%	+7.1%	-27.0%

Source: Fehr & Peers 2024.

Table 3.6-3 General Plan Annual Operational GHG Emissions for Specific Plan Area

Emissions Sector	MTCO ₂ e
Mobile Source	68,317
Area Sources	292
Energy	14,937
Water Consumption and Wastewater Treatment	1,506
Solid Waste Disposal	1,948
Refrigerants	53
Total Operational GHG Emissions	87,053
Total Operational GHG Emissions Per Service Population	4.25

Notes: Totals may not add due to rounding.

MTCO₂e = metric tons of carbon dioxide equivalent.

Source: Modeled by Ascent Environmental in 2024.

Table 3.6-4 Proposed Gateway-Main Street Specific Plan Annual Operational GHG Emissions

Emissions Sector	MTCO₂e
Mobile Source	54,1963
Area Sources	358
Energy	10,983
Water Consumption and Wastewater Treatment	1,168
Solid Waste Disposal	1,895
Refrigerants	52
Total Operational GHG Emissions	68,618
Total Operational GHG Emissions Per Service Population	3.13

Notes: Totals may not add due to rounding.

MTCO₂e = metric tons of carbon dioxide equivalent.

Source: Modeled by Ascent Environmental in 2024.

As shown in Tables 3.6-2, 3.6-3, and 3.6-4, implementation of the proposed Specific Plan would increase population in the Specific Plan area and decrease VMT, VMT per service population, overall GHG emissions, and GHG emissions per service population. As shown above, the decrease in VMT within the Specific Plan Area would reduce mobile source GHG emissions and the increase in residential units and decrease in non-residential development would result in increased area source emissions, decreased energy emissions, decreased GHG emissions overall, and a more efficient development overall. Because implementation of the proposed Specific Plan would further reduce VMT per service population and decrease operational GHG emissions in the Specific Plan area, the proposed Specific Plan would not result in a more severe impact than that identified in the General Plan Update EIR.

Summary

Implementation of the proposed Specific Plan would result in short-term (construction) and long-term (operational) GHG emissions. However, the proposed Specific Plan would continue to align with policies in the Milpitas CAP and General Plan policies to decrease this impact. Additionally, the proposed Specific Plan would reduce VMT and VMT per service population and reduce GHG emissions throughout the Specific Plan area. Thus, this impact would not be a more severe impact than that identified in the General Plan Update EIR and would meet the State's goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045. Therefore, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.6-2: Consistent with Local Greenhouse Gas Reduction Strategies and Plans

The General Plan Update EIR (Impact 3.7-1) concluded that the General Plan would be consistent with the qualified local GHG reduction plan (the Milpitas 2013 CAP), CARB's 2022 Scoping Plan, ABAG's Plan Bay Area 2040, and with relevant general plan policies. Since the certification of the General Plan Update EIR, the Milpitas 2013 CAP was updated to the current Milpitas 2022 CAP and the Plan Bay Area 2040 was updated to the Plan Bay Area 2050. The proposed Specific Plan would be consistent and implement all applicable CAP GHG reduction strategies and would not create a more severe impact than that identified in the General Plan Update EIR. This impact would remain **less than significant**.

The General Plan Update EIR concluded that since the General Plan would reduce VMT per service population, that the project would be consistent with goals outlined in the Milpitas 2013 CAP, which was the qualified GHG reduction plan at the time. The General Plan Update EIR also identified that the General Plan would not conflict with the implementation of regional transportation-related GHG targets outlined in ABAG's Plan Bay Area 2040 because the land use modifications contained in the General Plan, and the corresponding reduction in vehicle miles traveled result

in lower emissions than those forecasted in the Plan Bay Area 2040. The General Plan Update EIR also concluded that the General Plan would not conflict with any of the other provisions of the Scoping Plan or applicable regulations related to GHG reductions.

Since certification of the General Plan Update EIR, the Milpitas 2013 CAP was updated to the current Milpitas 2022 CAP and the Plan Bay Area 2040 was updated to the Plan Bay Area 2050. The updated 2022 CAP outlined new goals to further reduce GHG emissions in Milpitas and now aims to reduce community GHG emissions by 36 percent by 2030 and 80 percent by 2040 from 2019 levels achieve carbon neutrality by 2045. The Plan Bay Area 2050 has been updated from the Plan Bay Area 2040 and refined its 35 strategies including GHG reduction strategies across the elements of transportation, housing, the economy, and the environment. The Plan Bay Area 2050 contains GHG reduction strategies as discussed above in the section “Regulatory Settings” that the proposed Specific Plan would incorporate to reduce GHG emissions.

As outlined under Impact 3.6-1, implementation of the proposed Specific Plan would reduce VMT, VMT per service population, and operational-generated GHG emissions throughout the Specific Plan Area. Therefore, the proposed Specific Plan would be consistent with the Milpitas 2022 CAP goal of reducing GHG emissions by 2030 and achieving carbon neutrality by 2045. Additionally, the proposed Specific Plan would be consistent with CAP measure TR 1.1 through 1.3 for transportation and land uses because the proposed Specific Plan would reduce VMT from future development in compliance with SB 743 and support the development of high-density and mixed-use development in the Specific Plan Area. The proposed Specific Plan would also be consistent with CAP measure MBL-2.2 because the proposed Specific Plan would increase energy efficiency in the Specific Plan Area by increasing density and population, decreasing VMT, and thus GHG emissions per service population, as shown in Tables 3.6-2, 3.6-3, and 3.6-4. Because the proposed Specific Plan is consistent with goals and measures outlined in the 2022 CAP, the proposed Specific Plan would also be consistent with the GHG reduction targets provided in the CARB’s 2022 Scoping Plan, which were developed by the CARB to ensure compliance with AB 32, SB 32, and consistent with Executive Order S-03-05. These laws established a statewide reduction in GHG emissions to 15 percent below 1990 levels by 2020 (under AB 32), 40 percent below 1990 levels by 2030 (under SB 32), and 80 percent below 1990 levels by 2050 (under AB 32 and consistent with Executive Order S-03-05).

Because the proposed Specific Plan would reduce VMT, VMT per service population, and plan-generated GHG emissions the proposed Specific Plan would be consistent with General Plan Policies CIR 5-1 and CIR 6-2 which all pertain to reducing VMT and mobile-generated GHG emissions. The proposed Specific Plan would also align with General Plan policies CD 11-11 and CON 1-1 because the proposed Specific Plan would continue to apply and expand the CAP to increase energy efficiency in the Specific Plan Area and ensure new developments are consistent with energy targets outlined in the CAP because the implementation of the CAP would increase density in the Specific Plan Area and decrease VMT, VMT per service population, and GHG emissions per service population. Thus, the proposed Specific Plan would align with the Milpitas 2022 CAP.

The proposed Specific Plan would also align with theme two of the environmental elements of the Plan Bay Area 2050. Theme two of the Plan Bay Area 2050 aims to reduce climate emissions from vehicles by encouraging individuals to drive less often through transportation demand initiatives. Because the proposed Specific Plan would increase density and shorten trip lengths throughout the Specific Plan area, the proposed Specific Plan would reduce VMT throughout the Specific Plan Area. Additionally, the proposed Specific Plan would incorporate VMT reduction Mitigation Measures 3.11-2a through 3.11-2f, as discussed in Section 3.11, “Transportation,” to further reduce VMT per employee, which would further reduce VMT in the Specific Plan area. Thus, the proposed Specific Plan would align with the Plan Bay Area 2050 goals and themes.

The proposed Specific Plan would further reduce GHG emissions than those identified in the General Plan Update EIR while also increasing population and decreasing VMT and VMT per service population. Overall, the proposed Specific Plan would increase efficiency throughout the proposed Specific Plan Area and thus would align with the local GHG reduction strategies and plans such as the Milpitas 2022 CAP, the General Plan policies, the 2022 Scoping Plan, and the Plan Bay Area 2050. Implementation of the proposed Specific Plan would not be a more severe impact than that identified in the General Plan Update EIR and would not conflict with the local GHG reduction strategies and plans. Thus, this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

3.7 LAND USE AND PLANNING

This section assesses the potential for environmental impacts related to land use changes associated with the adoption and implementation of the proposed Gateway-Main Street Specific Plan (Specific Plan or project). In order to evaluate the Specific Plan's potential to impact land use and planning, this section describes the existing land uses and zoning within the Specific Plan Area and provides a comparison of the land use changes proposed under the Specific Plan with applicable land use plans, policies, and ordinances.

Two comment letters were received in response to the Notice of Preparation that pertained to land use and planning (see Appendix A). Comments received related to land use and planning requested the land use policies established in the *California Transportation Plan* (CalSTA 2021), and by the San Francisco Public Utilities Commission (SFPUC) be included within the analysis of the Draft SEIR. Please refer to Section 3.11, "Transportation," for a discussion on the potential for conflicts with transportation policies with implementation of the Specific Plan.

3.7.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws related to land use are applicable to the project.

STATE

General Plans and Land Use Regulations

State planning law as established in California Government Code (CGC) Section 65300 requires every city and county in California to adopt a comprehensive, long-term general plan for the physical development of the jurisdiction and of any land outside its boundaries that, in the planning agency's judgment, bears relation to its planning (sphere of influence). State law gives cities and counties authority in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. State law requires that a general plan address a minimum of seven elements or topics (land use, circulation, housing, conservation, open space, noise, and safety), but allows some discretion on the arrangement and content. Additionally, each of the specific and applicable requirements in the state planning law should be examined to determine if there are environmental issues within the community that the general plan should address, such as hazards or flooding.

Cities and counties are also required to comply with the Subdivision Map Act (CGC Section 66410 et seq.). The Subdivision Map Act sets forth the conditions for approval of a subdivision map and requires enactment of subdivision ordinances by which local governments have direct control over the types of subdivision projects to be approved and the physical improvements to be installed.

California Government Code, Section 65450 et seq.

CGC Sections 65450–65457 govern the content and consistency of specific plans with the adopted general plan of the jurisdiction within which they are located. Specific plans shall include text and a diagram(s) that include the following in detail: (1) the distribution, location, and extent of the uses of land, including open space, within the area covered by the plan; (2) the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan; (3) standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable; and (4) a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the above-mentioned details.

State Density Bonus Law

The State Density Bonus Law was enacted in 1979 and was codified in CGC Section 65915. The law requires jurisdictions to provide applicants with a density bonus and incentives or concessions for the production of housing development in which affordable housing is also provided. Eligible projects include housing developments with a minimum of 10 percent housing for lower income households, five percent of the housing for very low-income households or senior citizen housing, and 10 percent of the total dwelling units provided as affordable housing in condominium projects.

Assembly Bill 2222

On September 27, 2014, former Governor Jerry Brown signed AB 2222, which amended sections of the State Density Bonus Law. AB 2222 requires that density bonus projects resulting in a loss of existing affordable and otherwise locally regulated (i.e., rent-stabilized) housing units replace those units one-for-one. It also extends the affordability period from 30 to 55 years and expands the use of equity sharing in for-sale units.

CEQA Streamlining for Infill Projects Senate Bill 226

The CEQA Streamlining for Infill Projects (SB 226) sets forth a streamlined review process for infill projects and includes performance standards that will be used to determine an infill project's eligibility for streamlined review. The purpose of SB 226 and updated State CEQA Guidelines Section 15183.3 is to streamline the environmental review process by "limiting the topics subject to review at the project level where the effects of infill development have been addressed in a planning level decision or by uniformly applicable development policies." Residential, commercial and retail, public office buildings, transit stations, and schools are eligible for this streamlining provided they meet the following requirements:

1. Are located in an urban area on a site that has been previously developed or adjoins existing qualified urban uses on at least 75 percent of the site's perimeter;
2. Satisfy the performance standards provided in Appendix M of the CEQA Guidelines; and
3. Are consistent with the General Plan's land use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy, with some exceptions.

In addition, State CEQA Guidelines Section 15182, may exempt certain residential, commercial, and mixed-use projects that are consistent with a specific plan from further CEQA review.

California Transportation Plan 2050

The California Transportation Plan (CTP) 2050 was adopted in February 2021 by the California State Transportation Agency and was prepared by the California Department of Transportation. The CTP 2050 is a policy framework that provides a common vision for the future of our transportation system, including land use goals and policies. The CTP 2050 is a roadmap for making effective, equitable, transparent, and transformational transportation decisions in California.

Senate Bill 375

The Sustainable Communities and Climate Protection Act of 2008, also known as SB 375 (2008) requires the Association of Bay Area Governments (ABAG) to adopt a sustainable communities strategy (SCS) or alternative planning strategy to address greenhouse gas (GHG) reduction targets from cars and light-duty trucks in the context of its regional transportation plan (RTP). SB 375 requires the SCS to show how GHG reduction targets could be achieved; and recommended the integration of transportation and residential land use as one of the most impactful strategies for reducing GHG emissions from vehicles. Higher-density infill development located near transit that emphasizes proximity and connectivity to public transit, employment and service centers, walkable areas, and amenities, can reduce vehicle GHG emissions by reducing vehicle trip number and length (assuming travelers are using some other form of non-vehicle mobility).

REGIONAL

Association of Bay Area Governments

ABAG is the Council of Governments or Metropolitan Planning Organization for the Bay Area, which encompasses Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties. ABAG is comprised of these nine counties and the 97 cities within these counties. ABAG is part regional planning agency and part local government service provider and helps local governments absorb growth and adapt to change while addressing sustainability, resilience and equity issues. ABAG has the authority to enact certain legislation on behalf of the Bay Area, including the State-mandated Regional Housing Needs Assessment and RTP/SCS.

Metropolitan Transportation Commission and Association of Bay Area Governments Regional Transportation Plan/Sustainable Communities Strategy

On October 21, 2021, the Metropolitan Transportation Commission and ABAG adopted the 2021 RTP/SCS (hereinafter referred to as Plan Bay Area 2050). Plan Bay Area 2050 provides the long-range regional framework for the Bay Area centered around affordable, connected, diverse, healthy, and vibrant communities for all residents through the planning horizon of 2050. Plan Bay Area 2050 connects the elements of housing, the economy, transportation and the environment through 35 strategies that will make the Bay Area more equitable for all residents and more resilient in the face of unexpected challenges. Refer to the analysis of the Specific Plan's consistency with the Plan Bay Area 2050 under Impact 3.7-4 for the goals and policies applicable to the Specific Plan.

San Francisco Public Utilities Commission

SFPUC has the land use authority of the easements, rights-of-way (ROWs), and parcels purchased by the SFPUC to support utility services. The SFPUC has established land management, use policies, and management plans for the lands under its jurisdiction, where any public or private development requesting to affect such land must undergo the SFPUD project review process. As there are SFPUC ROWs within the Specific Plan Area, any future development proposed within these areas would be subject to the SFPUC project review to ensure such development complies with all applicable land use policies adopted by the SFPUC.

LOCAL

City of Milpitas 2040 General Plan

The City of Milpitas' (City) General Plan (commonly referred to as the 2040 General Plan) was adopted in March 2021 and serves as the long-range blueprint for future planning and development efforts in order to achieve the City's vision through 2040 (City of Milpitas 2021a). The 2040 General Plan is comprised of 12 elements, consisting of land use; housing; circulation; community design; economic development; conservation and sustainability; utilities and community services; safety; noise; parks, recreation, and open space; community health and wellness; and implementation. Each of these elements contains goals, policies, and/or implementation actions to help guide the City's decision-making process to achieve the vision of the 2040 General Plan. Refer to the analysis of the Specific Plan's consistency with the 2040 General Plan analysis under Impact 3.7-4 for the goals and policies applicable to the proposed Specific Plan.

City of Milpitas Zoning Ordinance

Title 11, Zoning, Planning, and Annexation, of the Milpitas Municipal Code (MMC) (City of Milpitas 2024a) contains the City's adopted Zoning Ordinance. The Zoning Ordinance is the legal mechanism that implements the vision of the City's General Plan by classifying and regulating the uses of land and structures within the City consistent with the goal and policies and Land Use Map of the General Plan (City of Milpitas 2024b). Specifically, the Zoning Ordinance establishes regulations related to minimum lot size, building heights, setbacks, lot coverage, etc., for each zoning district as well as lists the allowable and prohibited uses of each district. The Zoning Ordinance also designates the permitting process that applies for approval of land uses in the zoning district.

At the time of preparation of this SEIR, the City is undergoing a comprehensive update to its Zoning Ordinance and has published a first round of draft amendments to the current Zoning Ordinance. The City anticipates adoption of the updated Zoning Ordinance will occur in Fall 2025. Since the updated Zoning Ordinance is still in draft form, this Draft SEIR relies on the adopted Zoning Ordinance contained in Title 11 of the MMC.

3.7.2 Environmental Setting

The Specific Plan Area is in the western portion of the city, west of the Union Pacific Railroad (UPRR) line. It encompasses Calaveras Boulevard, Main Street, and the former Midtown Milpitas area bordered by I-880 to the west, the UPRR tracks to the east, and Great Mall Parkway to the south (refer to Figure 2-2 in Chapter 2, “Project Description”). Two rail lines, the UPRR freight line and Bay Area Rapid Transit (BART) commuter rail lines, traverse the Specific Plan Area on the east. The Valley Transportation Authority operates light rail transit and interconnecting bus lines into the Specific Plan Area along the Great Mall Parkway.

Generally, existing land uses in the Specific Plan Area include a wide range of land uses, including single- and multi-family residential, retail, office, civic/institutional, park/open space, and industrial uses. Transportation and industrial uses between the two railroad lines occupy the largest portion of the Specific Plan Area, covering approximately 25 percent of the area. Residential and commercial uses account for approximately 21 and 17 percent of the Specific Plan Area, respectively. Public uses comprise about 20 percent of the Specific Plan Area, which is mostly accounted for by the Elmwood Correctional Facility. Preserved open space and parks account for roughly 3 percent of the Specific Plan Area. Under existing conditions, nearly 15 percent of the Specific Plan Area is currently vacant or underutilized land and is primarily occupied by parking¹ or storage. There are currently 2,403 residential units and 1,858,642 square feet of nonresidential uses in the Specific Plan Area.

As described in Chapter 2, “Project Description,” the boundaries of the Specific Plan Area would be amended with adoption of the Project and as a result, include areas under the land use authority of the General Plan in addition to the Milpitas Midtown Specific Plan (Midtown Plan) (Figure 3.7-1). A description of the land use designations and zoning specific to the General Plan and the Midtown Plan are provided below.

EXISTING GENERAL PLAN LAND USE AND ZONING

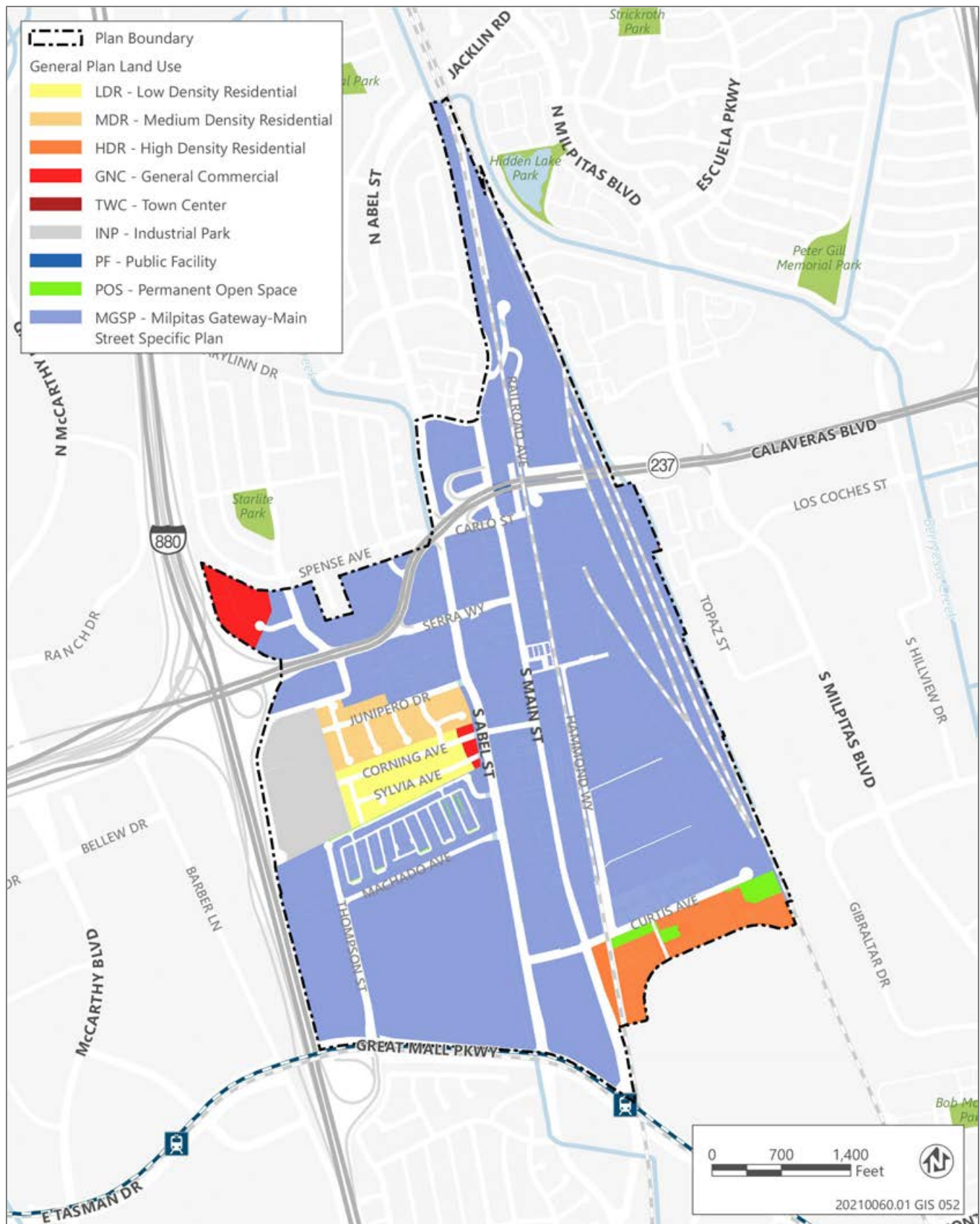
As shown in Figure 3.7-1, the General Plan designates residential (single and multi-family), commercial, town center, industrial park, and open space uses within the northwest quadrant and southeastern corner of the Specific Plan Area. The existing General Plan land use designations and zoning, including maximum density or floor area ratio (FAR), of these areas are summarized in Table 3.7-1.

Table 3.7-1 Existing General Plan Land Use and Zoning within the Proposed Specific Plan Area

General Plan Land Use Designation	Existing Zoning	Maximum Density or FAR
Residential		
LDR – Low Density Residential	R1	3-5 du/ac
MDR – Medium Density Residential	R2	6-15 du/ac
HDR – High Density Residential	R3	16-30 du/ac
Commercial/Industrial		
GNC – General Commercial	C2 – General Commercial	0.5 FAR
INP – Industrial Park	M2 – Heavy Industrial	1.0 FAR
Other		
POS – Permanent Open Space	POS – Parks and Open Space District	-

Source: City of Milpitas 2022.

¹ Note this figure does not include parking lots supporting commercial and other uses.



Source: Adapted by Ascent in 2024.

Figure 3.7-1 Existing General Plan Land Use

EXISTING MIDTOWN PLAN LAND USE AND ZONING

The adopted Midtown Plan land use designations and zoning are identified in Table 3.7-2 and are shown in Figure 3.7-2. In addition to the Midtown Plan land use designations and base zoning, the Midtown Plan includes two overlay zones, the Transit-Oriented Development (TOD) Overlay and the Gateway Office Overlay (OO). The TOD Overlay zone provides special development standards for multi-family residential in proximity to the Great Mall Station. The OO Overlay zone provides an increase in intensity, or FAR, to areas with an underlying commercial designation where “gateway” higher intensity office development was desired. The FAR increase applies to Class A office buildings only and is not applicable to retail or other office buildings. Areas where the overlays apply have already been built out and are proposed to be removed from the Specific Plan Area with project implementation.

Table 3.7-2 Existing Midtown Plan Land Use and Zoning within the Proposed Specific Plan Area

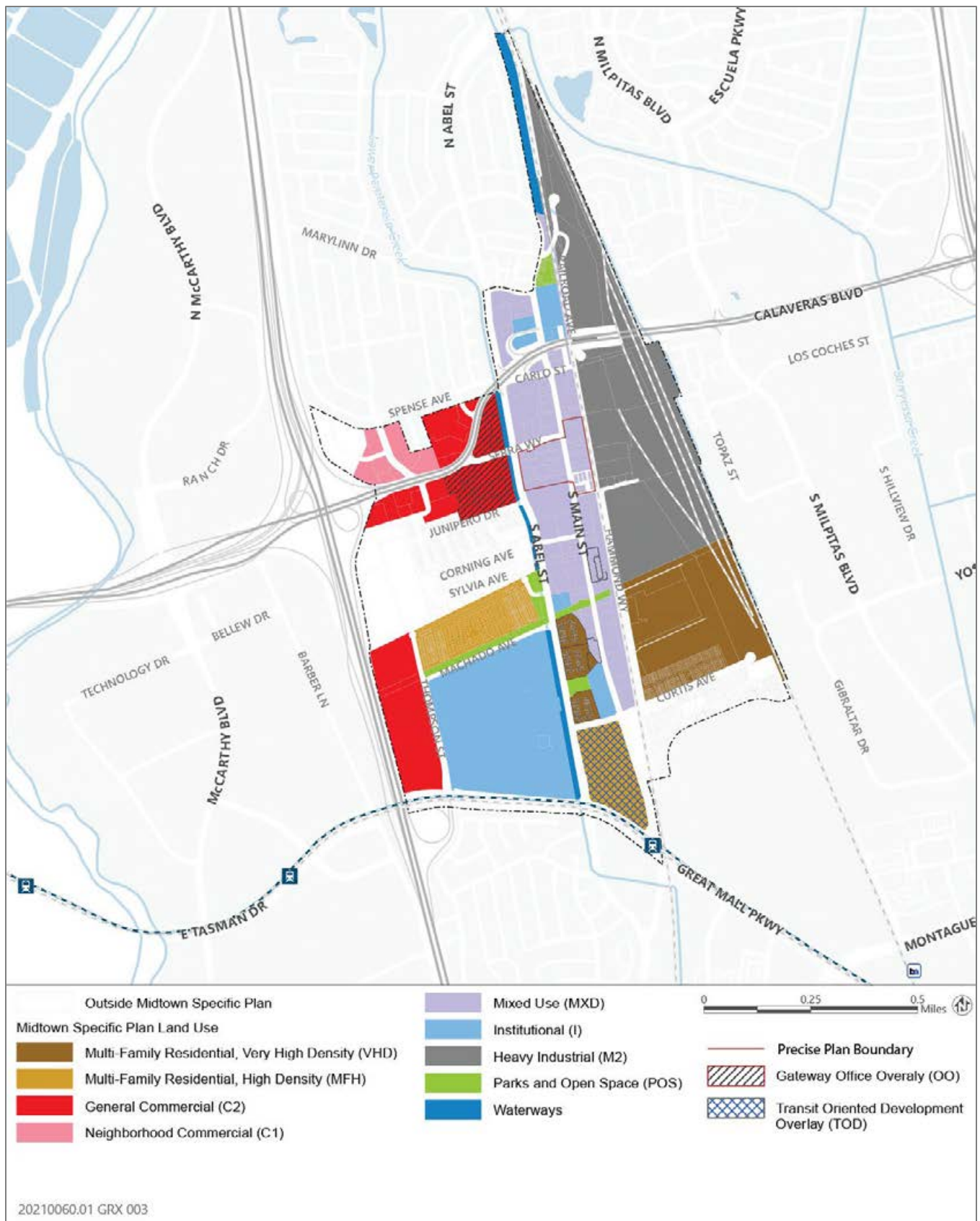
Specific Plan Land Use Designation	Zoning	Maximum Density or FAR
Low Density Residential (LDR)	Single-Family Residential (R1-6), One-, Two-Family Residential (R2)	R1: 1 du per lot or 3-15 du/ac R2: 7-11 du/ac
Multi-Family High Density (MFH)	Multi-Family High Density Residential (R3)	12-20 du/ac
Multi-Family Very High Density (VHD)	Multi-Family Very High Density Residential (R4)	31-40 du/ac
Retail Subcenter (C1)	Neighborhood Commercial (C1)	0.35 FAR
General Commercial (C2)	General Commercial (C2)	0.50 FAR
Mixed-Use (MXD)	Mixed Use (MXD)	21-30 du/ac; 0.75 FAR
Manufacturing and Warehouse (M2)	Heavy Industrial (M2)	0.40 FAR
Industrial Park (MP)	Industrial Park (MP)	0.50* FAR
Institutional (I)	Institutional (I)	—
Parks and Recreation	Parks and Open Space (POS)	—
Transit-Oriented Development (TOD) Overlay	Transit-Oriented Development (TOD) Overlay	41-60 du/ac; 0.50 FAR
Gateway Office Overlay (OO)	Gateway Office Overlay (OO)	1.50 FAR

Notes: du/ac = dwelling units per acre; FAR = floor area ratio

Source: City of Milpitas 2002, City of Milpitas 2022.

SURROUNDING LAND USES

Existing land uses that surround the proposed Specific Plan Area consist of low-, medium- and high-density residential, general commercial, public facilities, industrial park, manufacturing, town center, and permanent open space uses. Berryessa Creek and Arroyo De Los Coches run along the eastern boundary of the proposed Specific Plan Area while Penitencia Creek traverses the western portion. In addition, the Milpitas Metro Specific Plan area is adjacent to the proposed Specific Plan Area to the south.



Source: Adapted by Ascent in 2024.

Figure 3.7-2 Existing Midtown Plan Land Use

3.7.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

The land use analysis in this section evaluates the potential for the project to physically divide a community or to cause an inconsistency with applicable land use plans and policies or to introduce incompatible land uses relative to existing surrounding land uses, which could result in environmental impacts. It should be noted that a conflict between a project and an applicable land use plan or policy is not necessarily considered a significant environmental impact under CEQA unless the inconsistency would result in an adverse physical change to the environment that is a “significant environmental effect” as defined by State CEQA Guidelines Section 15382. An inconsistency between a proposed project and an applicable land use plan or policy is a legal determination that may or may not indicate the likelihood of a physical environmental impact. In some cases, an inconsistency may be evidence that an underlying physical impact is significant and adverse.

In order to determine whether the project conflicts with an applicable land use plan or policy, a consistency analysis with the applicable land use plans and policies is included under Impact 3.7-2. Under State Planning and Zoning law (Gov’t Code Sections 65000, et seq.) strict conformity with all aspects of a plan is not required. Generally, plans reflect a range of competing interests and agencies are given great deference to determine consistency with their own plans. A proposed project should be considered consistent with a general plan or elements of a general plan if it furthers one or more policies and does not obstruct other policies. Generally, given that land use plans reflect a range of competing interests, a project should be compatible with a plan’s overall goals and objectives but need not be in perfect conformity with every plan policy.

For the purpose of identifying significant environmental impacts related to land use, impacts can be either direct or indirect. Direct impacts are physical land use impacts that affect the environment, such as the construction of a new road, freeway, or railway which would result in the division or isolation of existing neighborhoods or communities or interference with land use plans that result in significant physical environmental effects, such as a direct conflict with a wildlife conservation plan. Land use compatibility is typically addressed based on direct physical environmental impacts – primarily noise and air quality but also aesthetics, traffic, hazards, water quality and other physical environmental issues (i.e., where one land use generates physical impacts that could significantly adversely affect another land use).

Indirect land use impacts are secondary effects resulting from land use policy implementation and are generally addressed in other topical sections of this SEIR. These issues are generally addressed through existing regulations and policies and are comprehensively addressed in each environmental issue area throughout this Draft SEIR. For example, indirect land use impacts would be increased traffic volumes due to the change in development capacity proposed in the Specific Plan. While these are indirect land use impacts, these impacts would be discussed as direct impacts in their associated sections of this Draft SEIR. The following land use impact analysis focuses only on direct land use impacts.

THRESHOLDS OF SIGNIFICANCE

A land-use impact is considered significant if implementation of the Specific Plan would do any of the following:

- ▶ physically divide an established community; and/or
- ▶ 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.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.7-1: Physically Divide an Established Community

The General Plan Update EIR (Impact 3.10-1) determined that impacts related to physically dividing an established community would be less than significant. Similarly, adoption and implementation of the proposed Specific Plan would not physically divide an established community as the Specific Plan aims to foster growth within targeted areas while preserving existing neighborhoods, establish unique districts with specific characteristics and development standards, improve connectivity through its mobility framework, and create complete streets that incorporate both the built and pedestrian environments. All future development under the proposed Specific Plan would be developed on established parcels within the City's current land use pattern. Future roadways are envisioned to be built to connect to existing roadways, such as Main Street, to improve transportation mobility and would not extend into new, undeveloped areas of the city that could physically divide or isolate other areas of the city. For these reasons, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

The General Plan Update EIR (Impact 3.10-1) determined that impacts related to physically dividing an established community would be less than significant as the 2040 General Plan establishes the City's vision for future growth and development. Specifically, the Milpitas 2040 General Plan Land Use Map designates sites for a range of developed uses as well as open space and does not include any new areas designated for urbanization or new roadways, infrastructure, or other features that would divide existing communities (City of Milpitas 2021b). In addition, the Milpitas 2040 General Plan also included goals and policies in the Land Use Element to ensure new development is compatible with existing development.

Similar to the Milpitas 2040 General Plan, the proposed Specific Plan includes a Land Use Framework, as detailed in Chapter 3, "Land Use and Zoning" of the Specific Plan, which designates both land use and zoning within the Specific Plan Area. While the proposed Specific Plan would amend the Midtown Plan boundary and includes new land use designations and zoning, these new designations would be applied to already established parcels within the City's land use pattern and would not include any new areas of the city or surrounding area. All future development would be located on demarcated parcels within the Specific Plan Area. Furthermore, the Specific Plan aims to foster growth within targeted areas while preserving existing neighborhoods, establish unique districts with specific characteristics and development standards, improve connectivity through its mobility framework, and create complete streets that incorporate both the built and pedestrian environments.

In addition, while the Specific Plan's Mobility Framework (Chapter 5 of the Specific Plan) supports the construction of new roadways and service alleys, the Specific Plan envisions these roadway and alleys to improve mobility throughout the Specific Plan Area. For example, new roadways and alleys are envisioned to connect with Main and Abel Streets in order to provide business and neighborhood access while improving the bike and pedestrian environments of these main streets. The Specific Plan also supports new streets with redevelopment of the Serra Center and other large neighborhood blocks to connect to existing roadways and support a more walkable neighborhood grid pattern. Therefore, while new roadway infrastructure could be developed under the proposed Specific Plan, the introduction of such infrastructure would not physically divide or obstruct any other parts of the Specific Plan Area or the city.

For these reasons, adoption and implementation of the proposed Specific Plan would not physically divide an established community. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.7-2: Conflict With any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect

The General Plan Update EIR (Impact 3.10-2) determined that impacts related to causing 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 would be less than significant. Similarly, adoption and implementation of the proposed Specific Plan would not cause a significant environmental impact due to an inconsistency with an applicable State, regional, or local plan, policy, or ordinance. For this reason, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

The General Plan Update EIR (Impact 3.10-2) determined that implementation of the Milpitas 2040 General Plan would not 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 as the Milpitas 2040 General Plan would not conflict with applicable State or City land use plans. As such, the General Plan Update EIR determined this impact to be less than significant.

In accordance with Section 15125(d) of the CEQA Guidelines, the following consistency analysis has been provided to discuss any potential land use inconsistencies between the proposed Specific Plan and applicable State, regional, and local land use plans and policies.

State Plans

The proposed Specific Plan was prepared in conformance with State laws and regulations associated with the preparation of specific plans, including requirements for environmental protection. Discussion of the proposed Specific Plan's consistency with State regulations, plans, and policies associated with specific environmental issues (e.g., air quality, GHG emissions, traffic, water quality, etc.) is provided in the relevant sections of this Draft SEIR. Since the State regulations, plans, and policies do not raise any direct land use issues, no further land use consistency analysis has been provided.

Plan Bay Area 2050

As discussed in Section 3.7.1, "Regulatory Setting," Plan Bay Area 2050 establishes the long-range regional framework for the Bay Area centered around affordable, connected, diverse, healthy, and vibrant communities for all residents through the planning horizon of 2050. The analysis of the proposed Specific Plan's consistency with the applicable Plan Bay Area 2050 strategies are summarized in Table 3.7-3 below.

Table 3.7-3 Project Consistency with the ABAG Plan Bay Area 2050

Plan Bay Area 2050 Strategy	Project Consistency
Housing Strategies	
H2. Preserve existing affordable housing. Acquire homes currently affordable to low and middle-income residents for preservation as permanently deed-restricted affordable housing.	Consistent. The Specific Plan includes a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller units, live-work, senior housing, and affordable housing throughout the Specific Plan Area. Future developments would be able to take advantage of an Affordable Housing Density Bonus as an incentive to provide more affordable housing within the Specific Plan Area. Furthermore, in accordance with the City's Inclusionary Housing Ordinance, the City requires future developments to pay an in-lieu affordable housing fees instead of providing affordable units within a project. The funds collected through the in-lieu fees may be a potential source of funding for some affordable housing initiatives within the Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this policy.

Plan Bay Area 2050 Strategy	Project Consistency
H3. Allow a greater mix of housing densities and types in Growth Geographies. Allow a variety of housing types at a range of densities to be built in Priority Development Areas, select Transit-Rich Areas and select High-Resource Areas	Consistent. The Specific Plan includes a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller units, live-work, senior housing, and affordable housing throughout the Specific Plan Area, especially within the four focus districts. The focus districts are located along main roadways, including Main and Abel Streets, where residents would be located close to transit and pedestrian transportation services. Therefore, the proposed Specific Plan is consistent with this policy.
H4. Build adequate affordable housing to ensure homes for all. Construct enough deed restricted affordable homes to fill the existing gap in housing for the unhoused community and to meet the needs of low-income households.	Consistent. The Specific Plan includes a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller units, live-work, senior housing, and affordable housing throughout the Specific Plan Area. Future developments would be able to take advantage of an Affordable Housing Density Bonus as an incentive to provide more affordable housing within the Specific Plan Area. Furthermore, in accordance with the City's Inclusionary Housing Ordinance, the City requires future developments to pay an in-lieu affordable housing fees instead of providing affordable units within a project. The funds collected through the in-lieu fees may be a potential source of funding for some affordable housing initiatives within the Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this policy.
H5. Integrate affordable housing into all major housing projects. Require a baseline of 10-20% of new market-rate housing developments of five units or more to be affordable to low-income households.	Partially Consistent. While future development could utilize the Affordable Housing Density Bonus as an incentive to provide more affordable housing within the Specific Plan Area, the Specific Plan does not require future development projects to include affordable housing. However, in accordance with the City's Affordable Housing Ordinance, all new residential development projects of ten units or more designed and intended for permanent occupancy are required to construct 15 percent of the total number of dwelling units within the development as affordable units. Future applicants may request to pay an in-lieu affordable housing fees in place of providing affordable units within a project, which requires City Council approval. The funds collected through the in-lieu fees may be a potential source of funding for some affordable housing initiatives within the Specific Plan Area. Therefore, the proposed Specific Plan is partially consistent with this policy.
H7. Provide targeted mortgage, rental and small business assistance to Equity Priority Communities. Provide assistance to low-income communities and communities of color to address the legacy of exclusion and predatory lending, while helping to grow locally owned businesses	Consistent. The Specific Plan includes various business retention and economic incentives to help move existing businesses into more economical locations as well as to make space available for new businesses, including small businesses, especially along Crossroads and Main Streets. Such incentives could include rent subsidies, locked-in rents for predetermined periods, and buildout allowances to help with interior design. Therefore, the proposed Specific Plan is consistent with this policy.
Transportation Strategies	
T8. Build a Complete Streets network. Enhance streets to promote walking, biking and other micro-mobility through sidewalk improvements, car-free slow streets, and 10,000 miles of bike lanes or multi-use paths.	Consistent. As discussed in Chapter 5 of the Specific Plan, the Mobility Framework includes a Complete Streets Approach that will facilitate mobility for all roadway users and create an inviting public realm environment. Complete streets support a variety of mobility options, including automobiles, trucks, transit, bikes, and pedestrians and are accessible to people of all ages and abilities while supporting local land uses. The Specific Plan would be consistent with the City's 2040 General Plan Circulation Element, which provides the

Plan Bay Area 2050 Strategy	Project Consistency
	framework for the City to provide a multimodal transportation system that allows residents, workers, and visitors to reach their destinations safely and efficiently. Therefore, the proposed Specific Plan is consistent with this policy.
T9. Advance regional Vision Zero policy through street design and reduced speeds. Reduce speed limits to between 20 and 35 miles per hour on local streets and 55 miles per hour on freeways, relying on design elements on local streets and automated speed enforcement on freeways.	Consistent. The Specific Plan establishes allowable speed limits per each district within the associated development standards as a means to reduce speeds through heavily pedestrian areas to increase safety and improve the pedestrian experience. Therefore, the proposed Specific Plan is consistent with this policy.
T10. Enhance local transit frequency, capacity and reliability. Improve the quality and availability of local bus and light rail service, with new bus rapid transit lines, South Bay light rail extensions, and frequency increases focused in lower-income communities.	Consistent. The Specific Plan includes a Public Transit Framework as part of its Mobility Chapter. The goal of the transit framework is to connect the Specific Plan Area to local and regional transit service directly and provide a comfortable, efficient, and safe experience for transit users. This goal is supported through various implementation actions that would help to increase existing transit services and stops within the Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this policy.
Environmental Strategies	
EN3. Fund energy upgrades to enable carbon neutrality in all existing commercial and public buildings. Support electrification and resilient power system upgrades in all public and commercial buildings	Consistent. The proposed Specific Plan encourages building design features that reduce energy consumption and increase renewable energy generation through a series of development incentives and objective design standards. In addition, development associated with the proposed Specific Plan would be required to comply with the California Green Building Standards Code, which includes green and sustainable building requirements to achieve energy efficiency. Therefore, the proposed Specific Plan is consistent with this policy.
EN4. Maintain urban growth boundaries. Using urban growth boundaries and other existing environmental protections, focus new development within the existing urban footprint or areas otherwise suitable for growth, as established by local jurisdictions	Consistent. The proposed Specific Plan would replace the currently adopted Midtown Specific Plan as a means to revitalize the Specific Plan Area, which was not fully utilized under the current plan. While the Specific Plan boundary would be amended under the project, the Specific Plan would not extend into non-urban areas and would continue to guide development within the urban area of the city. Therefore, the proposed Specific Plan is consistent with this policy.
EN6. Modernize and expand parks, trails and recreation facilities. Invest in quality parks, trails and open spaces that provide inclusive recreation opportunities for people of all backgrounds, abilities and ages to enjoy	Consistent. The Specific Plan supports the development of new public realm streetscape improvements, urban parks, plazas, special gathering places and connected open space. In addition, the Specific Plan includes standards aimed at creating more urban parks and green spaces that serve as community activity hubs and urban greening outside of dedicated park areas. Therefore, the proposed Specific Plan is consistent with this policy.

Source: ABAG 2021.

City of Milpitas 2040 General Plan

As discussed in Section 3.7.1, “Regulatory Setting,” the City’s 2040 General Plan serves as the long-range blueprint for future planning and development efforts in order to achieve the City’s vision through 2040. The analysis of the proposed Specific Plan’s consistency with the applicable 2040 General Plan land use policies are summarized in Table 3.7-4 below. The reader is referred to technical sections of this Draft SEIR for an analysis of consistency with General Plan policies that address environmental issues.

Table 3.7-4 Project Consistency with the City of Milpitas 2040 General Plan

General Plan Policy	Project Consistency
Land Use Element	
Goal LU-1: Accommodate a well-balanced mix of land uses that meets the diverse needs of Milpitas residents, businesses, and visitors with places to live, work, shop, be entertained and culturally enriched. ▶ <i>Policy LU 1-1:</i> Support a full spectrum of conveniently located residential, commercial, public, and quasi-public uses that support and enhance business development, regional transportation objectives and promote the livability of residential neighborhoods. ▶ <i>Policy LU 1-3:</i> Maintain a supply of developable lands sufficient to meet desired levels of housing, jobs, and economic needs over the planning period. ▶ <i>Policy LU 1-4:</i> Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offers residents of all income levels, age groups and special needs sufficient housing opportunities and choices for locating in Milpitas. ▶ <i>Policy LU 1-5:</i> Prohibit the conversion of designated Permanent Open Space lands to urban uses. This does not apply to the development or expansion of parks uses and amenities, which are considered open space uses. ▶ <i>Policy LU 1-8:</i> Maintain equitable land use patterns to ensure that all residents in neighborhoods have access to community amenities and transportation choices and have safe places to walk and bike.	Consistent. As described in Chapter 3, "Land Use and Zoning," of the Specific Plan, the land use framework of the plan is based on fostering targeted growth through redevelopment and infill within four focus areas (i.e., Main Street District, Crossroads District, Gateway District, and Abbott District); preserving and enhancing existing neighborhoods within the Specific Plan Area; and identifying Urban Reserve Areas (i.e., Elmwood Correctional Facility, North Railyards, and South Railyards), which would retain their current land use designation and zoning but would be subject to further study and coordination with the Specific Plan to ensure their orderly development and integration with the community at the time of redevelopment in the future. To support the proposed land use framework, the Specific Plan includes goals, strategies, and development standards to ensure high quality development specific to the unique characteristics envisioned for each district and area. The vision plan for the Specific Plan includes eight overarching strategies: 1) Redesign Main Street as a slow street and "shared street" with active, pedestrian-friendly spaces and outdoor dining; 2) Redevelop Serra Center and the Crossroads as a new center for the community, linking the Milpitas Gateway to Main Street; 3) Prioritize commercial activity and active building frontages along retail priority streets and activity streets, with an entertainment district focused along S. Main Street in the Crossroads District; 4) Enhance Calaveras Boulevard and Abel Street as multimodal complete street corridors, and incorporate a multi-use creek-side trail along Abel Street; 5) Create a connected network of new streets, paseos, alleys, and bike & pedestrian linkages to improve local access and walkability; 6) Develop a connected open space network with new urban parks and plazas as community activity hubs and district focal points; 7) Integrate streetscape, branding, and public art at plan area gateways, along activity streets, and in public spaces; and 8) Support district solutions including shared parking, mobility hubs, and coordinated infrastructure improvements. Based on these eight overarching strategies, the Specific Plan aims to foster a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller units, live-work, senior housing, and affordable housing throughout the Specific Plan Area, especially within the four focus districts. Improvements to the pedestrian environment would help to improve connectivity throughout the Specific Plan Area and increase interest in public spaces. In addition, the Specific Plan includes standards aimed at creating more urban park and green spaces that serve as community activity hubs and urban greening outside of dedicated park areas and supports the development of new public realm streetscape improvements, plazas, special gathering places and connected open space. Therefore, the proposed Specific Plan is consistent with this goal and policies.

General Plan Policy	Project Consistency
Goal LU-2: Promote land use objectives and development patterns in special planning areas consistent with adopted specific plans, overlay districts, and density bonus provisions. ▶ <i>Policy LU 2-1:</i> Utilize Specific Plans to guide development within Milpitas's special planning areas. Properties located within Specific Plan areas shall conform to the underlying Specific Plan's land uses, zoning, and development standards. ▶ <i>Policy LU 2-2:</i> Continue to utilize Overlay Zoning Districts as needed to supplement land use and zoning standards with additional allowances and regulations that reflect land use and policy objectives for a particular area. ▶ <i>Policy LU 2-3:</i> Allow densities and intensities which exceed the generally allowed ranges defined by the underlying land use for projects utilizing Density Bonus provisions (included within the Milpitas Affordable Housing Ordinance Title XII - HOUSING Chapter 1 - AFFORDABLE HOUSING ORDINANCE) including bonuses for senior housing, affordable housing, and for projects within designated overlay districts included in Milpitas Municipal Code Section 12 - Overlay Districts and Standards.	Consistent. The proposed Specific Plan would replace the currently adopted Midtown Specific Plan as a means to revitalize the Specific Plan Area, which was not fully utilized under the current plan. A goal of the proposed Specific Plan is to encourage the type of development the City envisions for this area by adopting new goals, strategies, and development standards in order to attract desired development and targeted growth. The Specific Plan includes the creation of new mixed-use zones to focus and intensify growth within targeted areas as well as establishes the new Urban Reserve Overlay (URO) that provides long-term policy guidance for the identified areas that that would be subject to future study when these uses are ready for redevelopment. In addition, while the Specific Plan does not require a mandated amount of affordable housing, future developments would be able to take advantage of an Affordable Housing Density Bonus as an incentive to provide more affordable housing within the Specific Plan Area. Furthermore, in accordance with the City's Inclusionary Housing Ordinance, the City requires future developments to pay an in-lieu affordable housing fees instead of providing affordable units within a project. The funds collected through the in-lieu fees may be a potential source of funding for some affordable housing initiatives within the Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this goal and policies.
<i>Policy LU 2-5:</i> Consistent with the Milpitas Municipal Code, the City should continue to utilize the following Overlay Districts in areas where special uses and development standards are desired. ▶ XI-10-12.06 - Transit Oriented Development (-TOD) Overlay District ▶ XI-10-12.02 - Gateway Office (-OO) Overlay District ▶ XI-10-12.07 - Recreation and Entertainment (-RE) Overlay District ▶ XI-10-12.03 - High Rise (-HR) Overlay District ▶ XI-10-12.04 - Mobile Home Park (-MHP) Overlay District ▶ XI-10-12.05 - Site and Architectural (-S) Overlay District ▶ XI-10-12.08 - Freeway Corridor (-FC) Overlay District	Partially Consistent. With adoption of the proposed Specific Plan, the TOD and OO overlays would be removed from the Zoning Ordinance as the Specific Plan introduces new zoning and URO overlay for the Specific Plan Area. However, the new zoning and URO overlay would accomplish a similar purpose as the current TOD and OO overlays as they would help to foster targeted growth in both the short- and long-term. In addition, once the Comprehensive Zoning Ordinance Update is adopted, the zoning mechanisms of the Specific Plan (if adopted) would be incorporated into the City's Zoning Ordinance and would serve as the zoning authority for the Specific Plan Area. Therefore, the intent of the new zoning and URO overlay would be consistent with this policy.
Goal LU-4: Coordinate and integrate land use and transportation objectives. ▶ <i>Policy LU 4-1:</i> Coordinate land use and development decisions with the capacity of the transportation system and plans for future transportation improvements. ▶ <i>Policy LU 4-2:</i> Emphasize efforts to reduce regional vehicle miles traveled by supporting land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit. ▶ <i>Policy LU 4-4:</i> Encourage new development to facilitate pedestrian, bicycle and transit access through techniques such as minimizing building separation from public sidewalks; providing safe, direct, accessible, convenient, and pleasant pedestrian connections; including secure and convenient bike storage; and orienting building entrances to transit service.	Consistent. As discussed in Chapter 5 of the Specific Plan, the Mobility Framework includes a Complete Streets Approach that will facilitate mobility for all roadway users and create an inviting public realm environment. Complete streets support a variety of mobility options, including automobiles, trucks, transit, bikes, and pedestrians and are accessible to people of all ages and abilities while supporting local land uses. The Specific Plan would be consistent with the City's 2040 General Plan Circulation Element, which provides the framework for the City to provide a multimodal transportation system that allows residents, workers, and visitors to reach their destinations safely and efficiently. In addition, the Specific Plan aims to foster growth in proximity to commercial, retail, and other resident-serving uses to promote walkability and reduced vehicle miles traveled (VMT) within the Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this goal and policies.

General Plan Policy	Project Consistency
Goal LU-5: Ensure that new development is compatible with existing development in order to maintain a high quality of life for residents, while supporting successful business operations. ► <i>Policy LU 5-1:</i> Require new development and redevelopment to be compatible, complementary and, where appropriate, well integrated with existing residential areas. Integrate new largescale development projects into the fabric of the existing community rather than allowing projects to be insular and self-contained, walled off, or physically divided from surrounding uses. Improve connectivity between neighborhoods and services with new development. Tie circulation systems and open spaces into existing streets and open spaces. Reduce unnecessary barriers and improve connections between neighborhoods and services by retrofitting existing development over time as area improvements or redevelopment occurs. ► <i>Policy LU 5-2:</i> Prohibit incompatible uses and inappropriate development in and near residential neighborhoods. As feasible, promote gradual transitions from high density development to surrounding low density neighborhoods in both building forms and land use. ► <i>Policy LU 5-3:</i> Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance as applied through the zoning district for all properties within the City. ► <i>Policy LU 5-5:</i> Require that new residential development be designed to protect residents from potential conflicts with adjacent land uses, and other features including rail corridors, high-voltage power lines and high-volume roadways. ► <i>Policy LU 5-7:</i> In considering land use change requests, consider factors such as compatibility with the residential surroundings, privacy, noise, and changes in traffic levels on residential streets.	Consistent. As described in Chapter 3, "Land Use and Zoning," of the Specific Plan, a component of the land use framework of the plan is to foster targeted growth through redevelopment and infill within four focus areas (i.e., Main Street District, Crossroads District, Gateway District, and Abbott District). To support this vision, the Specific Plan includes various goals, strategies, and development standards specific to each district to ensure high quality development that is consistent with the individual characteristics and purposes of each area. The proposed development standards would establish allowable heights, setbacks, design requirements, and uses as well as state prohibited uses. In addition, the Specific Plan also include development standards applicable to other areas of the Specific Plan Area, including the Library District Mixed-Use, streetscaping, open space/public gathering places, and lighting, to ensure development is consistent within each individual area as well as throughout the entire Specific Plan Area. Future development proposed within the Specific Plan Area would be required to comply with the land use and zoning of the Specific Plan as well as to adhere to the design requirements and development standards, which would ensure high quality, compatible development that would integrate with existing and surrounding land uses. Therefore, the proposed Specific Plan is consistent with this goal and policies.
Community Development Element	
Goal CD-1: Strengthen Milpitas' identity and sense of place by reinforcing the community's distinctive, high-quality community form, natural landscape, and character. ► <i>Policy CD 1-1:</i> Require development projects to: A. Preserve positive characteristics and unique features of the site; and B. Incorporate a context-sensitive design approach that considers the scale and existing and desired character of adjacent uses and the surrounding neighborhood or district. ► <i>Policy CD 1-2:</i> Encourage infill development projects to accommodate contemporary uses and design and planning approaches and requirements in manner that minimizes conflicts with the surrounding existing development. ► <i>Policy CD 1-3:</i> Emphasize, enhance, and expand the compact, cohesive, and walkable portions of the city. ► <i>Policy CD 1-4:</i> Recognize, enhance, celebrate and preserve, where possible, natural features and ecosystems, and protect cultural and historic resources. ► <i>Policy CD 1-5:</i> Maintain and enhance pedestrian and bicycle access and views to and from all local creek corridors.	Consistent. As discussed above, the Specific Plan would serve as the land use and zoning authority for the Specific Plan Area upon adoption, where all future development would be required to adhere to the development standards established within the plan. The new zoning and development standards have been developed to foster growth within targeted areas and preserve and enhance existing neighborhoods while also encouraging new development consistent with the City's vision for the Specific Plan Area. Implementation of the Specific Plan's eight overarching strategies along with the development standards would aid in transforming the Specific Plan Area into an attractive, pedestrian-friendly environment where residents could work and be entertained. In addition to high quality development, the Specific Plan supports improvements to the pedestrian environment to help improve connectivity throughout the Specific Plan Area and increase interest in public spaces. In addition, the Specific Plan includes goals and policies aimed at creating more urban park and green spaces that serve as community activity hubs and urban greening outside of dedicated park areas and supports the development of new public realm streetscape improvements, plazas, special gathering places and connected open space. Adoption and implementation of the

General Plan Policy	Project Consistency
► <i>Policy CD 1-6:</i> Emphasize landscaping as a fundamental design component, retaining mature landscaping when appropriate, to reinforce a sense of the natural environment and to maintain an established appearance. ► <i>Policy CD 1-8:</i> Support art installations in public and private development projects that support and enhance Milpitas' image. ► <i>Policy CD 1-9:</i> Ensure that all public structures, landscaping and other site improvements, and streets are adequately maintained. Goal CD-2: Ensure project designs reinforce a sense of place, display design excellence, and are cohesive and sensitive to the surrounding build environment and natural landscape.	Specific Plan would aid in establishing a distinguished character for the Specific Plan Area while also promoting individual characteristics for each district. Therefore, the proposed Specific Plan is consistent with these goals and policies.
Goal CD-3: Maintain and enhance the character and distinct identities of Milpitas' residential neighborhoods and commercial, mixed-use, and employment districts and centers. ► <i>Policy CD 3-1:</i> Strengthen the positive qualities of the City's neighborhoods, districts, and centers. ► <i>Policy CD 3-2:</i> Support the development and preservation of unique neighborhoods, districts, and centers that exhibit a special sense of place and quality of design. ► <i>Policy CD 3-3:</i> Ensure that new development and redevelopment reinforces desirable elements of its neighborhood, district, or center, including architectural style, scale, and setback patterns. ► <i>Policy CD 3-4:</i> Strengthen the identity of individual neighborhoods, districts, and centers through the use of entry monuments, flags, street signs, themed streets, natural features, landscaping, and lighting ► <i>Policy CD 3-5:</i> Ensure that new residential development and substantial additions are designed to maintain and support the existing character and development pattern of the surrounding neighborhood, especially in historic neighborhoods and neighborhoods with consistent design characteristics. ► <i>Policy CD 3-6:</i> Encourage the rehabilitation of older residential neighborhoods, districts, and centers to prevent blight and maintain the city's character.	Consistent. Under the Specific Plan, existing neighborhoods within the Specific Plan Area would be preserved and enhanced through neighborhood-specific development standards as well as creating transitional areas between neighborhoods and higher density mixed-use and commercial zones. A goal of the Specific Plan is to integrate the existing neighborhoods with targeted growth areas and commercial zones in a manner that feels natural and consistent throughout the Specific Plan. In addition, the envisioned commercial and retail opportunities would serve the existing neighborhoods by locating restaurants, grocery stores, and other resident-serving uses in proximity to the neighborhoods. Furthermore, the Specific Plan supports the creation of new roadways that connect to Main and Abel Streets as a means to improve connectivity between the neighborhoods and the focus districts. Adherence to the Specific Plan's development standards for neighborhoods would create pedestrian-friendly environments with streetscaping and improved connectivity while preserving the existing neighborhood characteristics. Therefore, the proposed Specific Plan is consistent with this goal and policies.
Goal CD-4: Enhance the existing character and strengthen the identity and unique qualities of Milpitas' districts. ► <i>Policy CD 4-1:</i> Provide special attention to development within or adjacent to Specific Plan areas or special districts. ► <i>Policy CD 4-2:</i> Incorporate identifiable and consistent design themes through architecture, landscaping, public realm improvements, historic references and signage within special districts. ► <i>Policy CD 4-3:</i> Support and seek surrounding land uses and development that correspond to or enrich special districts and Specific Plan areas. ► <i>Policy CD 4-4:</i> Strengthen the aesthetic, environmental and functional links between the city's Specific Plan areas and other surrounding neighborhoods and districts	Consistent. The proposed Specific Plan would replace the currently adopted Midtown Specific Plan as a means to revitalize the Specific Plan Area, which was not fully utilized under the current plan. While the Specific Plan boundary would be amended under the project, the amended Specific Plan Area would be established as a more centralized area focused on growth and redevelopment. The proposed Specific Plan would guide development within the Specific Plan Area in a manner that would achieve the City's vision for the area. To support this vision, the Specific Plan includes various goals, strategies, and development standards specific to each district to ensure high quality development that is consistent with the individual characteristics and purposes of each area. The proposed development standards would establish allowable heights, setbacks, design requirements, and uses as well as state prohibited uses. In addition, the Specific Plan also include development standards applicable to other areas of the Specific Plan Area, including the Library District Mixed-Use, streetscaping, open space/public gathering places, and lighting, to ensure development is

General Plan Policy	Project Consistency
	consistent within each individual area as well as throughout the entire Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this goal and policies.
Goal CD-6: Enhance the corridors, pathways, and edges that form physical boundaries and provide transitions and connections throughout the community. ▶ <i>Policy CD 6-1:</i> Support a complete streets approach to designing new streets and retrofitting existing streets by encouraging streets to provide stimulating settings; improve safe walkability, bicycling, and transit integration; strengthen connectivity; and enhance community identity through improvements to the public right-of-way such as sidewalks, street trees, parkways, curbs, human-scaled street lighting, and street furniture. ▶ <i>Policy CD 6-5:</i> 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. ▶ <i>Policy CD 6-6:</i> Require major arterial streets to feature a consistent landscape theme that includes primary street trees, groundcover, sidewalks, bike lanes, bus shelters where required, and lighting. ▶ <i>Policy CD 6-7:</i> Require the planting of street trees throughout the city to define and enhance walkability and the character of the street and adjacent development. ▶ <i>Policy CD 6-10:</i> Encourage enhancements to Abel Street, Calaveras Boulevard, (and others) that improve the corridors' aesthetics, safety, and mobility for all users, including pedestrians, bicyclists, and transit riders. Enhancements may include, but are not limited to, streetlights, street trees and landscaping, pedestrian amenities, bike racks, public art, bulb-outs and other traffic control devices, pedestrian refuge islands, and enhanced crosswalks. ▶ <i>Policy CD 6-13:</i> Increase neighborhood connectivity in new development by requiring access for pedestrians, bicyclists, and vehicles across natural barriers (e.g., creeks) and man-made barriers (e.g., cul-de-sacs, freeways, and railroad tracks).	Consistent. As discussed in Chapter 5 of the Specific Plan, the Mobility Framework includes a Complete Streets Approach that will facilitate mobility for all roadway users and create an inviting public realm environment. Complete streets support a variety of mobility options, including automobiles, trucks, transit, bikes, and pedestrians and are accessible to people of all ages and abilities while supporting local land uses. The Specific Plan would be consistent with the City's 2040 General Plan Circulation Element, which provides the framework for the City to provide a multimodal transportation system that allows residents, workers, and visitors to reach their destinations safely and efficiently. In addition, Chapter 6, "Public Realm" of the Specific Plan includes various frameworks for the public realm of the Specific Plan Area, including for parks and open space (e.g., Creekside Open Space Trail section), signage and wayfinding, public art, lighting, and streetscaping and landscaping. Implementation of these frameworks would aid in creating complete streets that are both pedestrian-friendly and serve as connections to the surrounding open space and natural features of the city. Therefore, the proposed Specific Plan is consistent with this goal and policies.
Goal CD-8: Enhance gateways and wayfinding and identity and construct landmarks for an improved sense of arrival place and orientation for residents and visitors throughout Milpitas. ▶ <i>Policy CD 8-2:</i> Identify entries to the city and special districts (California Circle, Civic Center, Midtown, McCarthy Ranch, Transit Area, and others) with special features. Install city identification signs including distinctive landscaping and lighting or other markers at community gateways to signify entry. Anchor gateway intersections with landmark buildings that incorporate distinctive architectural character and activate the area. Orient landmark buildings to face and frame the corners of intersections. ▶ <i>Policy CD 8-3:</i> Develop major gateway intersections such as I-880/Calaveras Boulevard, I-680/Calaveras Boulevard, and Montague Expressway/Great Mall Parkway with signage, distinctive lighting, and abundant landscaping, using tall trees and underplantings.	Consistent. As discussed above, Chapter 6, "Public Realm" of the Specific Plan includes various frameworks for the public realm of the Specific Plan Area, including for parks and open space (e.g., Creekside Open Space Trail section), signage and wayfinding, public art, lighting, and streetscaping and landscaping. Implementation of the development standards specific to wayfinding and signage would help to establish a strong sense of the boundaries of the Specific Plan Area as well as indications of the individual districts. Coupled with public art and murals and streetscaping, the Specific Plan envisions complete streets that create a sense of place and individuality while remaining consistent throughout the Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this goal and policies.

General Plan Policy	Project Consistency
► <i>Policy CD 8-4:</i> Develop wayfinding systems at local (neighborhoods and districts) and citywide levels. ► <i>Policy CD 8-5:</i> Construct landmarks to support wayfinding at key locations throughout the city, such as entries to Midtown, the Transit Area and other districts, historic neighborhoods, points of interest, significant buildings, public and civic spaces, and natural features	
Goal CD-9: Enhance the quality and character of Milpitas' Public Spaces to provide safe, comfortable, and enjoyable passive and active recreation opportunities for all users. ► <i>Policy CD 9-1:</i> Promote vibrant, publicly accessible spaces that encourage gathering and other active uses. Provide adequate shading through shade structures or trees and incorporate formal and informal seating to encourage both short-term and long-term use of public spaces. Place a variety of uses adjacent to public spaces at sufficient concentrations to encourage the use of the spaces throughout the day and night. ► <i>Policy CD 9-2:</i> Provide for community and neighborhood activity centers at appropriate locations that create recreational opportunities, encourage social interaction, and provide a sense of public space and centers for neighborhood gathering. ► <i>Policy CD 9-3:</i> Encourage the incorporation of publicly accessible spaces, such as plazas and pocket parks, into new and existing commercial, multi-family, and mixed-use developments to encourage social interaction. The spaces should be appropriately scaled and programmed and compliment the characteristics of the district and/or neighborhood and the surrounding development. ► <i>Policy CD 9-4:</i> Incorporate outdoor plazas or other common areas that provide space for special landscaping, public art, food service, outdoor retail sales, or seating areas for patrons in retail settings appropriate to such pedestrian activity. The plaza or other common area should be appropriately scaled to the retail use and shall be directly connected to the primary walkway. ► <i>Policy CD 9-9:</i> Create a high-quality, safe pedestrian experience in commercial and mixed use areas through the use of street trees, public art, street furniture, and public gathering spaces. Using signage, art, and unique uses, entice and encourage people to walk and explore the commercial cores of Milpitas. ► <i>Policy CD 9-10:</i> Support the conversion of on street parking spaces, located within and adjacent to commercial and mixed-use districts and activity centers, into parklets for outdoor and café seating, bicycle parking, and transit and rideshare stops. ► <i>Policy CD 9-11:</i> Reinforce the distinctive public spaces with design elements reflected in the streetscape, landmarks, public art, and natural amenities. ► <i>Policy CD 9-12:</i> Continue to require the inclusion of art in public projects and encourage its placement in private development projects to improve the quality of life in the city. Emphasize art that draws upon the local history and is placed at locations accessible to the public.	Consistent. The Specific Plan includes open space development standards to ensure adequate open space is provided with private development as well as supports the development of new public realm streetscape improvements, urban parks, plazas, special gathering places and connected open space. In addition, the Specific Plan includes goals and policies aimed at creating more urban park and green spaces that serve as community activity hubs and urban greening outside of dedicated park areas. In addition to public art and murals, streetscaping, and wayfinding and signage, the Specific Plan envisions complete streets that create a sense of place and individuality while remaining consistent throughout the Specific Plan Area. Therefore, the proposed Specific Plan is consistent with this goal and policies.

General Plan Policy	Project Consistency
Goal CD-10: Design Buildings, sites, and streets to enhance pedestrian and bicycle mobility ► <i>Policy CD 10-1:</i> Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity. ► <i>Policy CD 10-2:</i> Integrate comfortable and convenient pedestrian elements into building design, including, but not limited to walkways, plazas, and terraces and protect pedestrians from extreme climatic conditions. ► <i>Policy CD 10-4:</i> Design sidewalks to create a safe, comfortable pedestrian experience by making sidewalks sufficiently wide to support circulation and outdoor activities related to adjacent land uses, planting a continuous trees canopy, and placing sidewalk furniture on regular, frequent intervals that do not impede travel or accessibility. ► <i>Policy CD 10-5:</i> Install pedestrian and bicycle path connections between residential neighborhoods, commercial centers, schools, parks and other key community activity nodes, where feasible. Require these improvements to be made as part of new development projects. ► <i>Policy CD 10-12:</i> Ensure that new development provides visual and pedestrian and bicycle linkages with local creeks	Consistent. As discussed in Chapter 5 of the Specific Plan, the Mobility Framework includes a Complete Streets Approach that will facilitate mobility for all roadway users and create an inviting public realm environment. Complete streets support a variety of mobility options, including automobiles, trucks, transit, bikes, and pedestrians and are accessible to people of all ages and abilities while supporting local land uses. The Specific Plan would be consistent with the City's 2040 General Plan Circulation Element, which provides the framework for the City to provide a multimodal transportation system that allows residents, workers, and visitors to reach their destinations safely and efficiently. In addition, Chapter 6, "Public Realm" of the Specific Plan includes various frameworks for the public realm of the Specific Plan Area, including for parks and open space (e.g., Creekside Open Space Trail section), signage and wayfinding, public art, lighting, and streetscaping and landscaping. Implementation of these frameworks would aid in creating complete streets that are both pedestrian-friendly and increase connectivity throughout the Specific Plan Area and the city. Therefore, the proposed Specific Plan is consistent with this goal and policies.
Goal CD-11: Enhance Milpitas' commitment to sustainable design by minimizing negative environmental impacts and utilizing resources efficiently. ► <i>Policy CD 11-2:</i> Encourage passive solar design and energy-efficient concepts, including, but not limited to natural heating and/or cooling, sun and wind exposure and orientation, and other solar energy opportunities. ► <i>Policy CD 11-5:</i> Encourage the use of building materials that conserve energy and material resources.	Consistent. The proposed Specific Plan encourages building design features that reduce energy consumption and increase renewable energy generation through a series of development incentives and objective design standards. In addition, development associated with the proposed Specific Plan would be required to comply with the California Green Building Standards Code, which includes green and sustainable building requirements to achieve energy efficiency.
Conservation and Sustainability	
Goal CON-1: Ensure a sustainable future for the city of Milpitas by promoting a carbon free energy future that increases renewable resources, conservation, and efficiency throughout the city. ► <i>Policy CON 1-2:</i> Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen). ► <i>Policy CON 1-3:</i> Support innovative green building best management practices including, but not limited to, LEED certification, and encourage project applicants to exceed the most current "green" development standards in the California Code of Regulations (CCR), Title 24, as feasible. ► <i>Policy CON 1-9:</i> Encourage site planning and building techniques that promote energy conservation. Where feasible, encourage projects to take advantage of shade, prevailing winds, landscaping, sunscreens, building orientations, and material choices that reduce energy use.	Consistent. As discussed above, the proposed Specific Plan encourages building design features that reduce energy consumption and increase renewable energy generation through a series of development incentives and objective design standards. In addition, development associated with the proposed Specific Plan would be required to comply with the California Green Building Standards Code, which includes green and sustainable building requirements to achieve energy efficiency.

General Plan Policy	Project Consistency
Goal CON-2: Protect and enhance native trees and vegetation throughout the city. ► <i>Policy CON 2-4:</i> 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 ► <i>Policy CON 2-6:</i> Encourage the inclusion of additional shade trees, vegetated stormwater treatment and landscaping to reduce the “heat island effect” in development projects. ► <i>Policy CON 2-7:</i> Facilitate planting and retention of street trees in landscaped street medians and along City streets.	Consistent. The Specific Plan includes open space development standards, which include standards for the inclusion and protection of trees and vegetation throughout the Specific Plan Area. In addition, the Specific Plan also includes street landscaping standards, including recommended street trees and plant palettes, to ensure the appropriate types of trees and vegetation are chosen specific to the area. The street landscaping standards promote green landscaping and stormwater standards to promote environmentally friendly design and measures into the Specific Plan Area. The Specific Plan also supports the development of new public realm streetscape improvements, urban parks, plazas, special gathering places and connected open space/green spaces that serve as community activity hubs and urban greening outside of dedicated park areas. Therefore, the proposed Specific Plan is consistent with this goal and policies.
Community Health and Wellness	
Goal CHW-4: Protect the diversity, safety, and beauty of the City's neighborhoods. ► <i>Policy CHW 4-1:</i> Ensure that there is a diversity of housing types to accommodate all income levels and provide housing for very low and extremely low-income populations in areas with high accessibility to public transportation. ► <i>Policy CHW 4-3:</i> Prioritize the aesthetic quality of the public realm in all city neighborhoods, including neighborhood parks, trails, plazas, corridors and entry-points.	Consistent. Under the Specific Plan, existing neighborhoods within the Specific Plan Area would be preserved and enhanced through neighborhood-specific development standards as well as creating transitional areas between neighborhoods and higher density mixed-use and commercial zones. A goal of the Specific Plan is to integrate the existing neighborhoods with targeted growth areas and commercial zones in a manner that feels natural and consistent throughout the Specific Plan Area. In addition, the envisioned commercial and retail opportunities would serve the existing neighborhoods by locating transit and other resident-serving uses in proximity to the neighborhoods. Furthermore, the Specific Plan supports the creation of new roadways that connect to Main and Abel Streets as a means to improve connectivity between the neighborhoods and the focus districts. Adherence to the Specific Plan's development standards for neighborhoods would create pedestrian-friendly environments with streetscaping and improved connectivity while preserving the existing neighborhood characteristics. Therefore, the proposed Specific Plan is consistent with this goal and policies.

Source: City of Milpitas 2021a.

City of Milpitas Zoning Ordinance

Due to the nature of a specific plan, the proposed Specific Plan would serve as the land use and zoning authority for the Specific Plan Area upon adoption. At the time of project adoption, the General Plan Land Use Map and the City Zoning Map would be updated to include the proposed Specific Plan; however, no textual changes to the adopted Zoning Code would occur at the time of project adoption. As the City is currently in the process of preparing a comprehensive update to its Zoning Code, the textual changes to the Zoning Code for the proposed Specific Plan would be adopted as part of that process.

While some of the existing parcels within the Specific Plan Area would retain the development standards established in the adopted Zoning Ordinance (i.e., Urban Reserve Areas) with adoption of the Specific Plan, the Specific Plan would establish new development standards for the proposed focus districts and URO overlay. If the proposed Specific Plan is adopted prior to the adoption of the Comprehensive Zoning Ordinance Update, the project would be inconsistent with the currently adopted Zoning Ordinance for the Specific Plan Area. However, this inconsistency would not lead to an environmental impact as the Specific Plan would serve as the zoning authority for the Specific Plan Area in the interim until the Comprehensive Zoning Ordinance Update is adopted. Future development proposed during the interim period would still be required to comply with the development standards established in the proposed Specific Plan, which would in turn be consistent with the updated Zoning Ordinance upon adoption.

Furthermore, the City Zoning Map would be amended upon adoption of the proposed Specific Plan, which would reinforce the Specific Plan's zoning authority over the Specific Plan Area. Therefore, while the proposed Specific Plan would be inconsistent with the adopted Zoning Ordinance until the Comprehensive Zoning Ordinance Update is adopted, no environmental impacts would occur due to this inconsistency.

Conclusion

As discussed above the proposed Specific Plan would be generally consistent with the ABAG Plan Bay Area 2050 and Milpitas 2040 General Plan but would be inconsistent with the City's Zoning Ordinance until the Comprehensive Zoning Ordinance Update is adopted. While the proposed Specific Plan would be inconsistent with the adopted Zoning Ordinance until the Comprehensive Zoning Ordinance Update is adopted, no environmental impacts would occur due to this inconsistency. Therefore, adoption and implementation of the Specific Plan would not cause a significant environmental impact due to an inconsistency with an applicable State, regional, or local plan, policy, or ordinance. For this reason, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

This page is intentionally left blank.

3.8 NOISE AND VIBRATION

This section includes a summary of applicable regulations related to noise and vibration, a description of ambient-noise conditions, and an analysis of potential short-term construction and long-term operational-source noise impacts associated with the Gateway-Main Street Specific Plan (Specific Plan). Mitigation measures are recommended as necessary to reduce significant noise impacts. Additional data is provided in Appendix C, "Noise Modeling Calculations."

No comment letters were received in response to the Notice of Preparation that pertained to noise and vibration (see Appendix A).

3.8.1 Regulatory Setting

FEDERAL

Federal Transit Administration

To address the human response to ground vibration, the Federal Transit Administration (FTA) has set forth guidelines for maximum-acceptable vibration criteria for different types of land uses. These guidelines are presented in Table 3.8-1.

Table 3.8-1 Ground-Borne Vibration Impact Criteria for General Assessment

Land Use Category	Ground-Borne Vibration Impact Levels (VdB re 1 microinch/second)		
	Frequent Events ¹	Occasional Events ²	Infrequent Events ³
Category 1: Buildings where vibration would interfere with interior operations.	65 ⁴	65 ⁴	65 ⁴
Category 2: Residences and buildings where people normally sleep.	72	75	80
Category 3: Institutional land uses with primarily daytime uses.	75	78	83

Notes: VdB re 1 microinch/second = vibration decibels referenced to 1 microinch/second and based on the root mean square (RMS) velocity amplitude.

- ¹ "Frequent Events" is defined as more than 70 vibration events of the same source per day.
- ² "Occasional Events" is defined as between 30 and 70 vibration events of the same source per day.
- ³ "Infrequent Events" is defined as fewer than 30 vibration events of the same source per day.
- ⁴ This criterion is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration-sensitive manufacturing or research would require detailed evaluation to define acceptable vibration levels.

Source: FTA 2018.

STATE

California Department of Transportation

In 2013, Caltrans published the Transportation and Construction Vibration Manual (Caltrans 2020). The manual provides general guidance on vibration issues associated with construction and operation of projects in relation to human perception and structural damage. Table 3.8-2 presents recommendations for levels of vibration that could result in damage to structures exposed to continuous vibration.

Table 3.8-2 Caltrans Recommendations Regarding Levels of Vibration Exposure

PPV (in/sec)	Effect on Buildings
0.4–0.6	Architectural damage and possible minor structural damage
0.2	Risk of architectural damage to normal dwelling houses
0.1	Virtually no risk of architectural damage to normal buildings
0.08	Recommended upper limit of vibration to which ruins and ancient monuments should be subjected
0.006–0.019	Vibration unlikely to cause damage of any type

Notes: PPV = Peak Particle Velocity; in/sec = inches per second.

Source: Caltrans 2020.

LOCAL

Milpitas General Plan

The City of Milpitas General Plan 2040 includes 11 elements. The Noise Element contains policies relevant to noise and applicable to the Specific Plan, as listed below.

- **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 [presented as Table 3.8-3 and Table 3.8-4 in this SEIR, respectively] to ensure acceptable noise exposure levels for existing and future development.

Table 3.8-3 Land Use Compatibility for Community Noise Environment

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

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

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

Source: City of Milpitas 2021: N-9.

Table 3.8-4 Stationary (Non-Transportation) Noise Source Standards

Land Use Receiving the Noise	Hourly Noise-Level Descriptor	Exterior Noise-Level Standard (dBA)	
		Daytime (7 am to 10 pm)	Nighttime (10 pm – 7 am)
Residential	L_{eq}	55	45
	L_{max}	70	65

Notes:

- A. The residential standards apply to all properties that are zoned for residential use. The exterior noise level standard is to be applied at the property line of the receiving land use or at a designated outdoor activity area. For mixed-use projects, the exterior noise level standard may be waived in conjunction with Policy N 2-2 (at the discretion of the decision-making body) if the residential portion of the project does not include a designated activity area and mitigation of property line noise is not practical.
- B. Each of the noise levels specified above shall be lowered by 5 dBA for tonal noises characterized by a whine, screech, or hum, noises consisting primarily of speech or music, or recurring impulsive noises. In no case shall mitigation be required to a level that is less than existing ambient noise levels, as determined through measurements conducted during the same operational period as the subject noise source.
- C. In situations where the existing noise level exceeds the noise levels indicated in the above table, any new noise source must include mitigation that reduces the noise level of the noise source to the existing level plus 3 dB.

Source: City of Milpitas 2021: N-10.

- **Policy N 1-2:** Require new development to mitigate excessive noise to the standards indicated in Tables N-1 and N-2 [presented as Table 3.8-1 and Table 3.8-2 in this SEIR, respectively] 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 1-4:** Ensure that new development does not result in indoor noise levels exceeding 45 dBA L_{dn} for residential uses by requiring the implementation of construction techniques and noise reduction measures for all new residential development.
- **Policy N 1-5:** Require acoustical studies for new discretionary developments and transportation improvements that have the potential to affect existing noise-sensitive uses such as schools, hospitals, libraries, care facilities, and residential areas; and for projects that would introduce new noise-sensitive uses into an area where existing noise levels may exceed the thresholds identified in this element.
- **Policy N 1-6:** For projects that are required to prepare an acoustical study to analyze noise impacts, the following criteria shall be used to determine the significance of those impacts:
 - **STATIONARY AND NON-TRANSPORTATION NOISE SOURCES:**
 - A significant impact will occur if the project results in an exceedance of the noise level standards contained in this element. In instances where the ambient noise level is already above the standards contained in this element, a significant impact will occur if the project will result in an increase in ambient noise levels by more than 3 dB. This does not apply to temporary construction activities.
 - **TRANSPORTATION NOISE SOURCES:**
 - Where existing traffic noise levels are 60 dBA L_{dn} or less at the outdoor activity areas of noise-sensitive uses, a +5 dB L_{dn} increase in roadway noise levels will be considered significant;
 - Where existing traffic noise levels are greater than 60 dBA L_{dn} and up to 65 dBA L_{dn} at the outdoor activity areas of noise-sensitive uses, a +3 dB L_{dn} increase in roadway noise levels will be considered significant; and

- Where existing traffic noise levels are greater than 65 dBA L_{dn} at the outdoor activity areas of noise-sensitive uses, a + 1.5 dB L_{dn} increase in roadway noise levels will be considered significant.
- ▶ **Policy N 1-8:** Require construction activities to comply with standard best practices to reduce noise exposure to adjacent sensitive receptors (see Action N 1d).
- ▶ **Policy N 1-9:** Implement a range of traffic control measures, including but not limited to, light timing, asphalt alternatives (such as rubberized asphalt), and speed reduction measures to reduce roadway noise.
- ▶ **Policy N 1-12:** 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).
- ▶ **Policy N 1-14:** Temporary special events including, but not limited to, festivals, concerts, parades, sporting events, and other similar activities may be allowed to exceed the noise standards established in this element, at the discretion of the City on a case-by-case basis, through issuance of a special event permit (see Title XI, Chapter 10, Section 15 - Special Events of the Milpitas Municipal Code). In an effort to promote safe and comfortable noise levels throughout Milpitas, potential adverse noise impacts to communities adjacent to proposed special event locations will be considered as a part of the permit review process.
- **Action N-1a:** Require that new development projects are reviewed for compliance with the noise requirements established in this element, including the standards established in Tables N- 1 and N-2, prior to project approval.
- **Action N-1b:** Require acoustical studies for new development projects which have the potential to generate noise impacts which exceed the standards identified in this element. The studies shall include representative noise measurements, estimates of existing and projected noise levels, and mitigation measures necessary to ensure compliance with the noise standards included in this element. Studies shall be conducted by a qualified acoustical professional.
- **Action N-1c:** Require developers to prepare a construction management/noise mitigation plan that defines best management practices to reduce construction noise, and includes proposed truck routes (that comply with Section 12 V-100-12.05 - Truck Routes of the Milpitas Municipal Code) as part of the entitlement process.
- **Action N-1d:** During the environmental review process, determine if proposed construction will constitute a significant impact on nearby sensitive receptors and, if necessary, require mitigation measures in addition to the standard best practice controls. Suggested best practices for control of construction noise include:
 - Noise-generating construction activities, including truck traffic coming to and from the construction site for any purpose, shall be limited to between the hours of 7:00 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-1k Update Title V, Chapter 213 – (Noise Abatement) of the Milpitas Municipal Code as necessary to comply with noise standards and criteria set by this element.
- **Policy N 2-2:** The City may elect to allow new noise-sensitive land uses within activity centers (areas within the boundaries of an adopted Specific Plan)) that exceed the Land Use Compatibility Standards in Table N-1 [presented as Table 3.8-3 in this SEIR], and Stationary Noise Source Standards in Table N-2 [presented as Table 3.8-4 in this SEIR]. Noise mitigation, including an acoustical analysis, shall be required to reduce interior space noise levels to 45 dBA L_{dn} , or less, for sensitive receptors. Exterior noise levels shall be reduced to the extent feasible using building orientation, construction and design features; however ultimately, noise levels may exceed the noise standards identified in Table N-1 and N-2 [presented as Table 3.8-3 and Table 3.8-4 in this SEIR, respectively], but shall comply with standards identified in Table N-3 [presented in this report as Table 3.8-5 in this SEIR].
- **Policy N 2-3:** Consider groundborne vibration and noise nuisance associated with rail operations prior to approving the development of sensitive uses.
 - **Action N-2b:** Review new developments within 100 feet of the rail line to ensure that vibration experienced by residents and sensitive uses would not exceed the Federal Transit Administration guidelines.

Table 3.8-5 Stationary (Non-Transportation) Noise Source Standards (Commercial Mixed-Use and Transit-Oriented Areas)

Land Use Receiving the Noise	Hourly Noise-Level Descriptor	Exterior Noise-Level Standard (dB)		
		Daytime (7am to 10pm)	Late Night (10pm – 12am)	Nighttime (12am – 7am)
Residential (Sunday Night – Thursday Night)	L_{eq}	60	55	50
	L_{max}	70	65	65
Residential (Friday Night – Saturday Night)	L_{eq}	65	60	55
	L_{max}	75	70	65

Source: City of Milpitas 2021: N-11.

City of Milpitas Municipal Code

Section Code V-213-3.07 of the City of Milpitas Municipal Code contains construction noise regulations. No person shall engage or permit others to engage in construction of any building or related road or walkway, pool or landscape improvement or in the construction operations related thereto, including, delivery of construction materials, supplies, or improvements on or to a construction site except within the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends. No construction work shall be conducted or performed on the holidays indicated in Section V-213-2-2.07 of this Chapter. Section Code V-213-2.07 of the City of Milpitas Municipal Code defines "Holiday" as used in this Chapter means New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

3.8.2 Environmental Setting

ACOUSTIC FUNDAMENTALS

Prior to discussing the noise setting for the proposed Specific Plan, background information about sound, noise, vibration, and common noise descriptors is needed to provide context and a better understanding of the technical terms referenced throughout this section.

Sound, Noise, and Acoustics

Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a liquid or gaseous medium (e.g., air) to a human ear. Noise is defined as loud, unexpected, annoying, or unwanted sound.

In the science of acoustics, the fundamental model consists of a sound (or noise) source, a receiver, and the propagation path between the two. The loudness of the noise source and obstructions or atmospheric factors affecting the propagation path to the receiver determines the sound level and characteristics of the noise perceived by the receiver. The field of acoustics deals primarily with the propagation and control of sound.

Frequency

Continuous sound can be described by frequency (pitch) and amplitude (loudness). A low-frequency sound is perceived as low in pitch. Frequency is expressed in terms of cycles per second, or hertz (Hz) (e.g., a frequency of 250 cycles per second is referred to as 250 Hz). High frequencies are sometimes more conveniently expressed in kilohertz, or thousands of hertz. The audible frequency range for humans is generally between 20 Hz and 20,000 Hz.

Sound Pressure Levels and Decibels

The amplitude of pressure waves generated by a sound source determines the loudness of that source. Sound pressure amplitude is measured in micro-Pascals (mPa). One mPa is approximately one hundred billionth (0.0000000001) of normal atmospheric pressure. Sound pressure amplitudes for different kinds of noise environments can range from less than 100 to 100,000,000 mPa. Because of this large range of values, sound is rarely expressed in terms of mPa. Instead, a logarithmic scale is used to describe sound pressure level (SPL) in terms of decibels (dB).

Addition of Decibels

Because decibels are logarithmic units, SPLs cannot be added or subtracted through ordinary arithmetic. Under the decibel scale, a doubling of sound energy corresponds to a 3-dB increase. In other words, when two identical sources are each producing sound of the same loudness at the same time, the resulting sound level at a given distance would be 3 dB higher than if only one of the sound sources was producing sound under the same conditions. For example, if one idling truck generates an SPL of 70 dB, two trucks idling simultaneously would not produce 140 dB; rather, they would combine to produce 73 dB. Under the decibel scale, three sources of equal loudness together produce a sound level approximately 5 dB louder than one source.

A-Weighted Decibels

The decibel scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Although the intensity (energy per unit area) of the sound is a purely physical quantity, the loudness or human response is determined by the characteristics of the human ear.

Human hearing is limited in the range of audible frequencies as well as in the way it perceives the SPL in that range. In general, people are most sensitive to the frequency range of 1,000–8,000 Hz and perceive sounds within this range better than sounds of the same amplitude with frequencies outside of this range. To approximate the response of the human ear, sound levels of individual frequency bands are weighted, depending on the human sensitivity to those frequencies. Then, an “A-weighted” sound level (expressed in units of A-weighted decibels) can be computed based on this information.

The A-weighting network approximates the frequency response of the average young ear when listening to most ordinary sounds. When people make judgments of the relative loudness or annoyance of a sound, their judgment correlates well with the A-scale sound levels of those sounds. Thus, noise levels are typically reported in terms of A-weighted decibels. All sound levels discussed in this section are expressed in A-weighted decibels. Table 3.8-6 describes typical A-weighted noise levels for various noise sources.

Table 3.8-6 Typical A-Weighted Noise Levels

Common Outdoor Activities	Noise Level (dB)	Common Indoor Activities
	— 110 —	Rock band
Jet fly-over at 1,000 feet	— 100 —	
Gas lawn mower at 3 feet	— 90 —	
Diesel truck at 50 feet at 50 miles per hour	— 80 —	Food blender at 3 feet, Garbage disposal at 3 feet
Noisy urban area, daytime, Gas lawn mower at 100 feet	— 70 —	Vacuum cleaner at 10 feet, Normal speech at 3 feet
Commercial area, Heavy traffic at 300 feet	— 60 —	
Quiet urban daytime	— 50 —	Large business office, Dishwasher next room
Quiet urban nighttime	— 40 —	Theater, large conference room (background)
Quiet suburban nighttime	— 30 —	Library, Bedroom at night
Quiet rural nighttime	— 20 —	
	— 10 —	Broadcast/recording studio
Lowest threshold of human hearing	— 0 —	Lowest threshold of human hearing

Source: Caltrans 2013: Table 2-5.

Human Response to Changes in Noise Levels

The doubling of sound energy results in a 3-dB increase in the sound level. However, given a sound level change measured with precise instrumentation, the subjective human perception of a doubling of loudness will usually be different from what is measured.

Under controlled conditions in an acoustical laboratory, the trained, healthy human ear can discern 1-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 general, the healthy human ear is most sensitive to sounds between 1,000 and 5,000 Hz and perceives both higher and lower frequency sounds of the same magnitude with less intensity (Caltrans 2020:2-18). In typical noisy environments, changes in noise of 1–2 dB are generally not perceptible. However, it is widely accepted that people can begin to detect sound level increases of 3 dB in typical noisy environments. Further, a 5dB increase is generally perceived as a distinctly noticeable increase, and a 10-dB increase is generally perceived as a doubling of loudness (Caltrans 2020:2-10). Therefore, a doubling of sound energy (e.g., doubling the volume of traffic on a highway) that would result in a 3-dB increase in sound would generally be perceived as barely detectable.

Vibration

Vibration is the periodic oscillation of a medium or object with respect to a given reference point. Sources of vibration include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) and those introduced by human activity (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, (e.g., operating factory machinery) or transient in nature (e.g., explosions). Vibration levels can be depicted in terms of amplitude and frequency, relative to displacement, velocity, or acceleration.

Vibration amplitudes are commonly expressed in peak particle velocity (PPV) or root-mean-square (RMS) vibration velocity. PPV and RMS vibration velocity are normally described in inches per second (in/sec) or in millimeters per second. PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is typically used in the monitoring of transient and impact vibration and has been found to correlate well to the stresses experienced by buildings (FTA 2018:7-5, Caltrans 2020:6).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. It takes some time for the human body to respond to vibration signals. In a sense, the human body responds to average vibration amplitude. The RMS of a signal is the average of the squared amplitude of the signal, typically calculated over a 1-second period. As with airborne sound, the RMS velocity is often expressed in decibel notation as vibration decibels (VdB), which serves to compress the range of numbers required to describe vibration (FTA 2018:7-4; Caltrans 2013:7). This is based on a reference value of 1 micro inch per second.

The typical background vibration-velocity level in residential areas is approximately 50 VdB. Ground vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels (FTA 2018:7-8; Caltrans 2013:27).

Typical outdoor sources of perceptible ground vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the ground vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur to fragile buildings. Construction activities can generate sufficient ground vibrations to pose a risk to nearby structures. Constant or transient vibrations can weaken structures, crack facades, and disturb occupants (FTA 2018:7-5).

Vibrations generated by construction activity can be transient, random, or continuous. Transient construction vibrations are generated by blasting, impact pile driving, and wrecking balls. Continuous vibrations are generated by vibratory pile drivers, large pumps, and compressors. Random vibration can result from jackhammers, pavement breakers, and heavy construction equipment.

Table 3.8-7 summarizes the general human response to different ground vibration-velocity levels.

Table 3.8-7 Human Response to Different Levels of Ground Noise and Vibration

Vibration-Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception.
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.
85 VdB	Vibration acceptable only if there are an infrequent number of events per day.

Notes: VdB = vibration decibels referenced to 1 microinch/second and based on the root mean square (RMS) velocity amplitude.

Source: FTA 2018:120.

Common Noise Descriptors

Noise in our daily environment fluctuates over time. Various noise descriptors have been developed to describe time-varying noise levels. The following are the noise descriptors used throughout this section.

Equivalent Continuous Sound Level (L_{eq}): L_{eq} represents an average of the sound energy occurring over a specified period. In effect, L_{eq} is the steady-state sound level containing the same acoustical energy as the time-varying sound level that occurs during the same period (Caltrans 2020:2-48). For instance, the 1-hour equivalent sound level, also referred to as the hourly L_{eq} , is the energy average of sound levels occurring during a 1-hour period and is the basis for noise abatement criteria used by California Department of Transportation (Caltrans) and Federal Transit Administration (FTA) (Caltrans 2020:2-47; FTA 2018:2-19).

Maximum Sound Level (L_{max}): L_{max} is the highest instantaneous sound level measured during a specified period (Caltrans 2020:2-48; FTA 2018:2-16).

Day-Night Level (L_{dn}): L_{dn} is the energy average of A-weighted sound levels occurring over a 24-hour period, with a 10-dB “penalty” applied to sound levels occurring during nighttime hours between 10 p.m. and 7 a.m. (Caltrans 2020:2-48; FTA 2018:2-22).

Community Noise Equivalent Level (CNEL): CNEL is the energy average of the A-weighted sound levels occurring over a 24-hour period, with a 10-dB penalty applied to sound levels occurring during the nighttime hours between 10 p.m. and 7 a.m. and a 5-dB penalty applied to the sound levels occurring during evening hours between 7 p.m. and 10 p.m. (Caltrans 2020:2-48).

Sound Propagation

When sound propagates over a distance, it changes in level and frequency content. The manner in which a noise level decreases with distance depends on the following factors:

Geometric Spreading

Sound from a localized source (i.e., a point source) propagates uniformly outward in a spherical pattern. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Roads and highways consist of several localized noise sources on a defined path and hence can be treated as a line source, which approximates the effect of several point sources, thus propagating at a slower rate in comparison to a point source. Noise from a line source propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source.

Ground Absorption

The propagation path of noise from a source to a receiver is usually very close to the ground. Noise attenuation from ground absorption and reflective-wave canceling provides additional attenuation associated with geometric spreading. Traditionally, this additional attenuation has also been expressed in terms of attenuation per doubling of distance. This approximation is usually sufficiently accurate for distances of less than 200 feet. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receiver, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., those sites with an absorptive ground surface between the source and the receiver, such as soft dirt, grass, or scattered bushes and trees), additional ground-attenuation value of 1.5 dB per doubling of distance is normally assumed. When added to the attenuate rate associated with cylindrical spreading, the additional ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance. This would hold true for point sources, resulting in an overall drop-off rate of up to 7.5 dB per doubling of distance.

Atmospheric Effects

Receivers located downwind from a source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels, as wind can carry sound. Sound levels can be increased over large distances (e.g., more than 500 feet) from the source because of atmospheric temperature inversion (i.e., increasing temperature with elevation). Other factors such as air temperature, humidity, and turbulence can also affect sound attenuation.

Shielding by Natural or Human-Made Features

A large object or barrier in the path between a noise source and a receiver attenuate noise levels at the receiver. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Natural terrain features (e.g., hills and dense woods) and human-made features (e.g., buildings and walls) can substantially reduce noise levels. A barrier that breaks the line of sight between a source and a receiver will typically result in at least 5 dB of noise reduction (Caltrans 2020:2-41; FTA 2018:5-6, 6-25). Barriers higher than the line of sight provide increased noise reduction (FTA 2018:2-12). Vegetation between the source and receiver is rarely effective in reducing noise because it does not create a solid barrier unless there are multiple rows of vegetation (FTA 2006:2-11).

EXISTING NOISE ENVIRONMENT

Existing Noise- and Vibration-Sensitive Land Uses

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings and Anthony Spangler Elementary School located along North Abbott Avenue just north of the Specific Plan Area are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels, and because of the potential for nighttime noise to result in sleep disruption. These land use types are also considered vibration-sensitive land uses in addition to commercial and industrial buildings where vibration would interfere with operations within the building, including levels that may be well below those associated with human annoyance.

A community noise survey was conducted to document ambient noise levels at various locations throughout the City, four continuous 24-hour noise monitoring sites were conducted to record day-night statistical noise level trends in the General Plan Update EIR. Noise Monitoring Sites A, B, and C are located within the Specific Plan Area, and measured existing ambient noise levels ranging from 61 to 76 dBA L_{dn} .

Existing Noise Sources

Existing Roadway Noise Levels

The predominant noise source in the Specific Plan Area is vehicle traffic on the surrounding roadway network (e.g., Abel Street and SR 237 which transition into Calaveras Boulevard that travels through the Specific Plan Area connecting the two freeways, Interstate 680 and Interstate 880, and carries a significant amount of regional traffic. Base roadway noise conditions within the Specific Plan Area are quantified in Table 3.12-12 of the Milpitas General Plan, recreated in Table 3.8-8. It should be noted that the projected noise levels under the General Plan assumed implementation of the Midtown Specific Plan. For further details on existing traffic noise, Figure 3.12-1 and Figure 3.12-3 shows the extent of the noise contours on the Specific Plan Area.

Table 3.8-8 Base and Future Traffic Noise Conditions Identified in the General Plan Update EIR

Roadway	Segment	Noise Levels Base Conditions	(L_{dn} , dBA) General Plan Buildout
North Abel Str.	W. of N. Milpitas Blvd.	65.2	67.3
W. Calaveras Blvd.	W. of S. Abbott Ave.	68.1	70.1
W. Calaveras Blvd.	E. of S. Abbott Ave.	71.2	73.4
W. Calaveras Blvd.	W. of S. Abel St.	71.8	74.1
E. Calaveras Blvd.	W. of S. Milpitas Blvd.	65.3	67.9
E. Calaveras Blvd.	E. of S. Milpitas Blvd.	66.3	68.8
E. Calaveras Blvd.	E. Of S. Park Victoria Dr.	66.9	70.4

Source: Milpitas 2020. Table 3.12-12.

Rail Noise

Two rail lines, the Union Pacific Railroad (UPRR) freight line and Bay Area Rapid Transit (BART) commuter rail lines, traverse the Specific Plan Area on the east. The Valley Transportation Authority (VTA) operates light rail transit (LRT) and interconnecting bus lines into the Specific Plan Area along the Great Mall Parkway. The VTA line is adjacent to residential and industrial land uses that are within the Specific Plan Area. The UPRR and BART commuter lines border the eastern portion of the Specific Plan Area, traversing in a north-south orientation. This line is located adjacent to residential and industrial land uses within the Specific Plan Area. The General Plan Update EIR identifies UPRR freight line and BART commuter rail line generate noise levels of up to 76 dBA L_{dn} (with warning horns) and 55 dBA L_{dn} at 100 feet, respectively.

Airport Noise Levels

The closest airport, San Jose Mineta International Airport, is located approximately 4 miles southwest of the Specific Plan Area. San Jose Mineta International airport noise contours do not extend into the Specific Plan Area, per the adopted Airport Land Use Commission Plan (ALUCP). The distance from the Specific Plan Area, indicates that noise generation within the Specific Plan from the San Jose Mineta International Airport is minimal. In addition, the Specific Plan Area is not within the designated flight path of the San Jose Airport, per the adopted ACLUP.

Construction Noise Sources

The noise levels generated by construction activities are generally isolated to the vicinity of a construction site and occur during daytime hours in accordance with City regulations. Construction activities also occur for relatively short-term periods of a few weeks to several months and upon completion of construction activity, noise exposure ceases. Table 3.8-9 illustrates noise levels for common construction equipment and activities at 50 feet. According to the FTA, construction noise levels are highest for pile-driving activities and can reach as high as 107 dB (FTA 2018).

Table 3.8-9 Noise Ranges of Typical Construction Equipment

Construction Equipment	Noise Levels at dBA L _{eq} at 50 feet
Front Loader	72–86
Truck	82–95
Crane (movable)	75–88
Crane (derrick)	86–89
Vibrator	68–82
Saw	72–82
Pneumatic Impact Equipment	83–88
Pile Driving (peaks)	95–107
Jackhammer	81–98
Pump	68–72
Generator	71–83
Compressor	75–87
Concrete Mixer	75–88
Concrete Pump	81–85
Backhoe	73–95
Tractor	77–98
Scraper/Grader	80–93
Paver	85–88

Source: FTA 2018.

Existing Vibration Sources

Construction Vibration Sources

Vibration generated by construction activities are generally isolated to the vicinity of a construction site and occur during daytime hours in accordance with City regulations. Table 3.8-10 illustrates vibration levels for common construction equipment and activities at 50 feet. According to the FTA, construction vibration levels are highest for pile-driving activities and can reach as high as 0.734 (FTA 2018).

Table 3.8-10 Vibration Ranges of Typical Construction Equipment

Equipment	PPV at 25 ft, in/sec	Approximate LV at 25 ft
Pile Driver (impact - upper range)	1.518	112
Pile Driver (impact - typical)	0.644	104
Pile Driver (Sonic - upper range)	0.734	105
Pile Driver (Sonic - typical)	0.17	93
Clam Shovel	0.202	94
Hydromill (Slurry Wall)	0.008	66
Vibratory Roller	0.21	94
Hoe Ram	0.089	87
Large Bulldozer	0.089	87
Caisson Drilling	0.089	86
Loaded Trucks	0.076	79
Jackhammer	0.035	79
Small Bulldozer	0.003	58

Source: FTA 2018.

3.8.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

This impact analysis is based primarily on review of the analysis presented in the General Plan Update EIR associated with construction and operational noise and vibration impacts.

Construction Noise and Vibration

To assess potential short-term (construction-related) noise and vibration impacts, sensitive receptors and their relative exposure were identified. Construction noise and vibration levels associated with the implementation of the proposed Specific Plan were determined based on methodologies, reference emission levels, and usage factors from FTA's *Guide on Transit Noise and Vibration Impact Assessment* methodology (FTA 2018) and FHWA's *Roadway Construction Noise Model User's Guide* (FHWA 2004). Reference levels for noise and vibration emissions for specific equipment or activity types are well documented and the usage thereof common practice in the field of acoustics.

Operational Noise and Vibration

With respect to non-transportation noise sources (e.g., stationary) associated with implementation of the proposed Specific Plan, the assessment of long-term (operational-related) impacts was based on reconnaissance data, reference noise emission levels, and measured noise levels for activities and equipment associated with project operation (e.g., heating, ventilation and air conditioning [HVAC] units, delivery docks), and standard attenuation rates and modeling techniques.

To assess potential long-term (operation-related) noise impacts due to project-generated increases in traffic, noise levels were estimated in using calculations consistent with the Federal Highway Administration's Traffic Noise Model Version 2.5 (FHWA 2004) and average daily traffic volumes generated from the vehicle miles traveled analysis provided in Section 3.11, "Transportation," (Appendix D). The analysis is based on the reference noise emission levels for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and ground attenuation factors. Note that the modeling conducted does not account for any natural or human-made shielding (e.g., the presence of walls or buildings) or reflection off building surfaces.

THRESHOLDS OF SIGNIFICANCE

A noise impact is considered significant if implementation of the proposed Specific Plan would result in any of the following:

Short-Term Construction Noise

- ▶ Expose off-site noise-sensitive receptors to excessive levels of construction noise for an extended period.

Operational Transportation Noise

- ▶ Generate long-term, transportation noise levels exceeding the applicable normally acceptable noise standards for land use compatibility (Table 3.8-3);
- ▶ Generate an increase in ambient-noise levels exceeding interior noise standards (45 dB Ldn) at nearby existing noise-sensitive land uses;
- ▶ Generate a substantial long-term increase in traffic-generated noise levels already exceeding City standards for allowable incremental increases in transportation noise:
 - where the ambient noise level is below 60 dB, increases of 5.0 dB or greater would be considered substantial;
 - where the ambient noise level ranges from 60 to 65 dB, increases of 3.0 dB or greater would be considered substantial;
 - where ambient noise levels currently exceed 65 dB, increases of 1.5 dB or greater would be considered substantial.

Operational Stationary Noise

- ▶ Generate a substantial permanent increase in stationary noise levels in the vicinity of the Specific Plan Area that exceeds the following noise standards established in the General Plan for Commercial Mixed-Use and Transit-Oriented Areas.
 - Commercial Mixed-Use and Transit Oriented Areas (Table 3.8-5)
 - 60 dB L_{eq} exterior daytime noise standard
 - 55 dB L_{eq} exterior late night noise standard
 - 50 dB L_{eq} exterior nighttime noise standard
 - 70 dB L_{max} exterior daytime noise standard
 - 65 dB L_{max} exterior late night noise standard
 - 65 dB L_{max} exterior nighttime noise standard
 - Generate a substantial permanent increase in ambient noise levels of 3 dBA or greater.

Short-Term Construction Vibration

- ▶ Construction-generated vibration levels exceeding Caltrans's recommended standards with respect to the prevention of structural building damage (0.2 and 0.08 in/sec PPV for normal and historical buildings, respectively) or FTA's maximum-acceptable-vibration standard with respect to human response (80 VdB for residential uses) at nearby existing vibration-sensitive land uses.

Long-Term Operational Vibration

- ▶ Construction-generated vibration levels exceeding Caltrans's recommended standards with respect to the prevention of structural building damage (0.2 and 0.08 in/sec PPV for normal and historical buildings, respectively) or FTA's maximum-acceptable-vibration standard with respect to human response (80 VdB for residential uses) at nearby existing vibration-sensitive land uses.

Airport Land Use Compatibility

- ▶ 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, expose people residing or working in the project area to excessive noise levels; or would the project expose people residing or working in the project area to excessive noise levels.

ISSUES NOT DISCUSSED FURTHER

Airport Land Use Compatibility

As described above, San Jose Mineta International Airport noise contours do not extend into the Specific Plan Area. In addition, implementation of the proposed Specific Plan would not result substantial population growth that would alter the operations of San Jose Mineta International Airport to an extent that would increase aircraft traffic that would expand airport noise contours. The General Plan Update EIR identified no significant airport noise impacts. As a result, noise impacts due to proximity to private and public airports is not discussed further.

Long-Term Operational Vibration

Implementation of the proposed Specific Plan would not introduce any major sources of long-term or permanent ground vibration such as commercial railways or passenger rail transit lines. Therefore, the Specific Plan would not result in long-term substantial levels of ground vibration. The General Plan Update EIR concluded that this impact would be less than significant through implementation of General Plan Policy N 2-3 and associated Action N-2b requires that individual development projects undergo project-specific environmental review and address potential vibration impacts associated with railroad operations. This issue is not discussed further.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.8-1: Generate Substantial Short-Term (Construction) Noise

The General Plan Update EIR (Impact 3.12-4) determined that construction noise impacts as a result of General Plan implementation would be less than significant through implementation of General Plan Policy N 1-8 and Action N-1c and N-1d. Implementation of the proposed Specific Plan would result in the generation of construction noise. However, future development under the Specific Plan would be subject to compliance with the specific requirements of Action N-1c and N-1d. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

The General Plan Update EIR Impact 3.12-4 identified a potentially significant impact regarding short-term noise generated by construction activities, due to the scope of the Milpitas General Plan and the proximity of many existing structures. However, General Plan Policy N 1-8 and Action N-1c and N-1d requires developers to create and implement construction noise reduction plans that defines best management practices (BMPs), including limiting the hours of construction to daytime periods, use of mufflers on construction equipment and equipment/management measures, and designation of a noise disturbance coordinator to implement additional noise control measures if needed to avoid adverse noise impacts. The General Plan Update EIR concluded the impact to be less than significant.

Construction noise associated with development facilitated by implementation of the proposed Specific Plan would be temporary in nature and vary depending on the characteristics of the construction activities being performed. Noise generated during construction of buildings and related structures is typically associated with the operation of off-road equipment, with the loudest phases being grading, excavation, and demolition. A standard construction noise scenario was conducted for this analysis, using equipment typical of the loudest construction phase (e.g., site preparation), assuming a worst-case scenario for construction noise disturbance. Equipment used in the modeling included an excavator, dozer, dump truck, front end loader, and grader. Results show that the operation of these five pieces of equipment could result in an average noise level of 84 L_{eq} dBA at 50 feet and a maximum noise level of 88 dBA L_{max} at 50 feet. Thus, construction noise levels would be loud enough to potentially affect nearby sensitive receivers. These construction activities would be similar to those addressed in the General Plan Update EIR. Subsequent development projects under the Specific Plan would be required to implement General Plan Actions N-1c and N-1d that would include measures to address these temporary noise impacts and avoid excessive noise levels that could generate public health impacts (e.g., sleep deprivation).

There is no significant new effect, and the impact is not substantially more severe than the impact identified in the General Plan Update EIR because, similar to what was identified in the General Plan Update EIR, the construction noise would be consistent with what is allowed in the General Plan Update EIR. This impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.8-2: Generate a Substantial Increase in Long-Term Transportation Noise Levels

The General Plan Update EIR (Impact 3.12-1) determined that transportation noise increases as a result of General Plan implementation would be excessive and exceed noise standards. This impact was concluded to be significant and unavoidable. Implementation of the proposed Specific Plan would allow for additional residential development potential beyond what was assumed in the General Plan Update EIR, and a reduction in nonresidential development. Based on traffic noise modeling, the proposed Specific Plan would not result in an increase in traffic noise impacts beyond what was evaluated in the General Plan Update EIR. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **significant and unavoidable**.

General Plan Update EIR Impact 3.12-1 identifies the buildout of the General Plan may contribute to an exceedance of the City's transportation noise standards and/or result in significant increases at existing sensitive receptors. Implementation of the General Plan was anticipated to increase traffic related noise by 0.5 to 3.5 dBA compared to

existing conditions. The General Plan Update EIR (Impact 3.12-1) identified significant and unavoidable significant impacts regarding long-term noise generated by the implantation of the General Plan.

The proposed Specific Plan would allow additional residential development beyond what is allowed under the General Plan through increases in density and implementation through an incentive program. This would also include a reduction in nonresidential development potential through mixed-use development. A total of 1,338 additional units would be allowed under the Specific Plan beyond what is allowed under the General Plan. An increase in traffic volume due to the proposed residential uses is offset by the reduction of approximately one million square feet of non-residential land uses. The proposed Specific Plan would result in an overall reduction in average daily traffic volumes and an associated increase in traffic noise levels along the roadway network surrounding the Specific Plan Area. The City has established standards to evaluate substantial increases in noise that could lead to adverse health impacts (e.g., prolonged annoyance or sleep disruption) to nearby receptors. In accordance with the City's long-term ambient increase standards, where existing noise levels are below 60 dBA L_{dn} , a noise increase of +5-dB or greater would be considered substantial, where noise levels are between 60 and 65 dBA L_{dn} , a traffic noise increase of +3-dB or greater would be considered substantial, and where existing noise levels are above 65 dBA L_{dn} , an increase of +1.5-dB or greater would be considered substantial. Table 3.8-11 shows the noise levels increases under the adopted General Plan (including the Midtown Specific Plan) and the General Plan buildout (replacing of the Midtown Specific Plan land uses with the proposed Specific Plan land uses) along study roadway segments (assuming buildout of the Specific Plan).

Table 3.8-11 Summary of Modeled Traffic Noise Levels under General Plan and Gateway-Main Street Specific Plan Conditions

Segment No.	North-South	East-West	Roadway Segment	General Plan Noise Levels ¹ (dBA L_{dn})	Gateway-Main Street+ Project Noise Levels ² (dBA L_{dn})	Modeled Change (dBA)	Applicable Increase Threshold	Exceeds Applicable Threshold?
1	Park Victoria Dr	Calaveras Dr.	Calaveras West	67.8	67.8	0.0	1.5	No
2	Hillview Dr	Calaveras Dr.	Calaveras West	69.1	68.9	-0.2	1.5	No
3	Hillview Dr	Calaveras Dr.	Calaveras East	69.1	68.8	-0.4	1.5	No
4	Milpitas Blvd	Calaveras Dr.	Calaveras West	69.1	68.8	-0.3	1.5	No
5	Milpitas Blvd	Calaveras Dr.	Calaveras East	63.5	63.2	-0.2	1.5	No
6	Abel St	Calaveras Dr.	Abel North	59.1	58.6	-0.4	3	No
7	Abel St	Sierra Way	Abel South	64.1	63.7	-0.4	3	No
8	Abel St	Calaveras Dr.	Calaveras West	70.1	70.0	-0.2	1.5	No
9	Abel St	Marylinn Dr	Abel North	58.8	58.6	-0.3	5	No
10	Abel St	Marylinn Dr	Abel South	58.5	58.3	-0.3	5	No
11	Abbott Ave	Calaveras Dr.	Calaveras West	64.4	64.2	-0.2	1.5	No
12	Abbott Ave	Calaveras Dr.	Calaveras East	64.2	64.0	-0.2	1.5	No
13	Abel St	Sierra Way	Abel South	57.8	57.3	-0.4	5	No
14	Abel St	Corning Ave	Abel South	57.7	57.4	-0.2	5	No
15	Abel St	Curtis Ave	Abel South	58.9	58.5	-0.4	5	No
16	Main St	Curtis Ave	Main South	56.1	55.4	-0.7	5	No

Notes: L_{dn} = day-night noise level; dBA = A-weighted decibel; SR = State Route; 1 = represents Cumulative Conditions of the VMT for the Environmental Review; 2 = represents Cumulative with Project Conditions of the VMT for the Environmental Review.

All modeling assumes average pavement, level roadways (less than 1.5% grade), constant traffic flow, and does not account for shielding of any type or finite roadway adjustments. All noise levels are reported as A-weighted noise levels. For additional details, refer to Appendix C for detailed traffic data, and traffic-noise modeling input data and output results.

Source: Data provided by Fehr & Peers; 2024; Modeled by Ascent in 2024.

Subsequent development under the proposed Specific Plan would be subject to General Plan Policies N 1-2, N 1-4, and N 1-5 and Actions N-1a and N-1b which would require that new development address potential noise impacts through the incorporation of noise control treatments necessary to achieve acceptable noise levels associated with exposure to traffic and rail noise.

In summary, traffic noise associated with buildout of the Specific Plan Area would, as shown in Table 3.8-11, result in decreased traffic along most roadways within the Specific Plan Area, noise levels ranging from -0.7 dBA to 0.0 dBA L_{dn} . Therefore, there is no significant new effect, and the impact is not substantially more severe than the impact identified in the General Plan Update EIR. This impact would remain **significant and unavoidable**.

Mitigation Measures

As noted in the General Plan Update EIR, no feasible mitigation is available to reduce this impact.

Impact 3.8-3: Generate a Substantial Increase in Long-Term Stationary Operational Noise

The General Plan Update EIR (Impact 3.12-3) determined that stationary noise impacts as a result of General Plan implementation would be less than significant through implementation of General Plan Policies N 1-11 through N 1-14 and Actions N-1a and N-1b. Implementation of the proposed Specific Plan would allow future development that would create new stationary noise sources. However, future development under the Specific Plan would be subject to compliance with requirements of General Plan Policies N 1-11 through N 1-14 and Actions N-1a and N-1b. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

The General Plan Update EIR Impact 3.12-3 identifies potentially significant impacts regarding long-term noise generated by stationary noise sources, due to the scope of the General Plan Update EIR and the proximity of many existing structures. However, implementation of General Plan Policies N 1-11 through 14 and Actions N 1a and N 1b were identified to reduce noise associated with stationary sources by requiring the preparation of acoustical studies for proposed projects in the vicinity of sensitive noise receptors, and requiring project-specific mitigation in the form of noise attenuation to comply with the noise standards shown in Table N-2 of the General Plan that would be protective of public health.

Implementation of the proposed Specific Plan could result in future development that would generate noise levels in excess of applicable City noise standards for non-transportation noise sources. Such land uses may include commercial area loading docks, industrial uses, HVAC equipment, car washes, daycare facilities, auto repair, and recreational uses. While the Specific Plan does not specifically propose any new noise generating uses, the Land Use Map includes industrial land use designations, which may result in new noise sources. Additionally, noise from existing stationary sources, would continue to impact noise-sensitive land uses in the vicinity. Future development may include stationary noise sources such as automotive and truck repair facilities, tire installation centers, car washes, loading docks, corporation yards, parks, and play fields may create noise levels in excess of the City's standards.

The land uses associated with implementation of the Specific Plan would be compatible with the General Plan, as no substantially different land uses are proposed by the Gateway-Main Street Specific Plan. Subsequent development under the proposed Specific Plan would be subject to General Plan Policy N 1-12 through N 1-14 and Actions N-1a and N-1b would ensure that new development mitigates potential noise impacts through incorporating the noise control treatments necessary to achieve acceptable noise levels associated with exposure to stationary noise sources.

There is no significant new effect, and the impact is not substantially more severe than the impact identified in the General Plan Update EIR because, similar to what was identified in the General Plan Update EIR, the stationary noise would be consistent with what is allowed in the General Plan Update EIR. Therefore, this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.8-4: Generate Substantial Short-Term (Construction) Vibration

The General Plan Update EIR (Impact 3.12-5) determined that construction vibration impacts as a result of General Plan implementation would be less than significant through implementation of General Plan Action N-1d. Implementation of the proposed Specific Plan could result in the generation of construction vibration impacts. However, development under the Specific Plan would be subject to compliance with the specific requirements of Action N-1d and with Section 17.52.060.G of the City Municipal Code, which limits construction hours to the less sensitive hours of the day. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

The General Plan Update EIR Impact 3.12-5 identifies potentially significant impacts regarding short-term vibration impacts generated by construction activities, due to the scope of the Milpitas General Plan and the proximity of many existing structures. However, General Plan Action N-1d defines BMPs that would include limiting the hours of construction to daytime periods, use of mufflers on construction equipment and equipment/management measures, as well as designation of a noise disturbance coordinator to implement additional construction measures if needed to avoid adverse vibration impacts. Therefore, the General Plan Update EIR concluded impacts associated with construction vibration to be less than significant. Construction activities associated with future development under the Specific Plan may involve the use of off-road equipment such as tractors, jackhammers, and haul trucks. The FTA vibration impact threshold of 85 VdB for construction, which is the vibration level that is considered by the FTA to be acceptable if there are an infrequent number of events per day, can be applied to construction activities. Groundborne vibration levels associated with representative construction equipment are summarized in Table 3.8-12.

Table 3.8-12 Representative Groundborne Vibration for Construction Equipment

Equipment	PPV at 25 ft, in/sec ¹	Approximate L _v (VdB) at 25 feet ²
Pile Driver (impact) Upper Range	1.518	112
Typical	0.644	104
Pile Driver (sonic) Upper Range	0.734	105
Typical	0.170	93
Large Dozer	0.089	87
Caisson Drilling	0.089	87
Trucks	0.076	86
Jackhammer	0.035	79
Small Dozer	0.003	58

¹Where PPV is the peak particle velocity.

²Where L_v is the root mean square velocity expressed in vibration decibels (VdB), assuming a crest factor of 4.

Source: FTA 2018.

Based on the vibration levels presented in the table, ground vibration generated by construction equipment are not anticipated to exceed 85 VdB at 50 feet. The majority of construction equipment does not result in VdB in excess of FTA thresholds, even at 50 feet. The proposed Specific Plan would result in future development, the construction of which could potentially occur adjacent to sensitive land uses, such as residential uses and historic buildings. The Caltrans vibration impact threshold of 0.08 PPV (in/sec) for historical buildings and 0.2 PPV (in/sec) for residential uses can be applied when construction activities occur adjacent to the sensitive uses. Groundborne vibration levels associated with representative construction equipment are summarized in Table 3.8-12. Based on the vibration levels presented in the table, ground vibration generated by construction equipment is not anticipated to exceed 0.08 PPV (in/sec) at 50 feet. The majority of construction equipment would not result in PPV (in/sec) in excess of Caltrans thresholds, even at 50 feet. In addition, according to Municipal Section Code V-213-3.07, construction is not allowed between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and weekends. These hours are intended to mitigate temporary noise impacts, including groundborne vibration impacts, by avoiding construction during nighttime periods that would disturb noise-sensitive land uses (residential). Because construction vibration would be temporary,

intermittent, short in duration, and would occur during the daytime, vibration impacts due to the development of future projects in the Specific Plan Area would be considered insubstantial. Subsequent development projects under the Specific Plan would be required to implement General Plan Policy N 2-3 and Action N-2b that would include measures to address these temporary vibration impacts and avoid excessive vibrations that could generate public health impacts (e.g., sleep deprivation). Therefore, there is no significant new effect, and the impact is not substantially more severe than the impact because, similar to what was identified in the General Plan Update EIR, the construction vibration would be consistent with what is allowed in the General Plan Update EIR. This impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

3.9 POPULATION AND HOUSING

This section provides an overview of existing population and housing conditions in the Gateway-Main Street Specific Plan (Specific Plan) area and analysis in this section are based on information provided by the Milpitas General Plan and the California Department of Finance (DOF). The analysis includes a description of the methods used for assessment, as well as the potential direct and indirect impacts associated with implementation of the Specific Plan.

No comments pertaining to population and housing were received in response to the notice of preparation.

3.9.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws are applicable for the project.

STATE

State law requires each local government in California to adopt a comprehensive, long-term general plan for the physical development of its city or county, and the housing element is one of seven mandated elements of the general plan. Housing elements address the existing and projected housing needs of all economic segments of the community. The City of Milpitas Housing Update Element identifies the nature and extent of housing needs in incorporated and unincorporated areas, and the housing element itself includes goals, policies, and implementation programs for the planning and development of housing.

State law sets out a process for determining each local jurisdiction's fair share of regional housing needs. As a first step in the process, the California Department of Housing and Community Development assigns each regional council of governments a required number of new housing units for that region, including affordable housing. The council of governments, in turn, allocates the region's share to cities and counties in the region.

LOCAL

The regulatory information provided on page 3.10-10 through 3.10-11 Milpitas General Plan Update Environmental Impact Report (EIR) describes the role of the Association of Bay Area Governments (ABAG) in determining regional housing needs and preparation of the regional transportation plan and sustainable community strategy. As indicated on page 3.10-10 of the Milpitas General Plan Update EIR, ABAG has determined that the City of Milpitas had a Regional Housing Needs Assessment (RHNA) allocation of 3,290 units distributed among the following income groups: 1,004 very low income; 570 low income; 565 moderate income; and 1,151 above-moderate income units. The City's current Housing Element, which was prepared after the General Plan, was adopted in January 2023 and addresses the 2023-2031 RHNA requirements. As indicated on page 51 of the Housing Element, ABAG has determined that the City of Milpitas had a RHNA allocation of 6,713 units distributed among the following income groups: 1,685 very low income; 970 low income; 1,131 moderate income; and 2,927 above-moderate income units. The General Plan is intended to accommodate the City's fair share of housing needs.

Milpitas General Plan 2040

The City of Milpitas General Plan 2040 (City of Milpitas 2021, 2023) includes 11 elements. Policy provisions relevant to the project, as listed below.

Land Use

- ▶ **Policy LU 1-1:** Support a full spectrum of conveniently located residential, commercial, public, and quasi-public uses that support and enhance business development, regional transportation objectives and promote the livability of residential neighborhoods.
- ▶ **Policy LU 1-3:** Maintain a supply of developable lands sufficient to meet desired levels of housing, jobs, and economic needs over the planning period.
- ▶ **Policy LU 1-4:** Continue to provide for a variety of housing types and densities that meet the needs of individuals and families and offers residents of all income levels, age groups and special needs sufficient housing opportunities and choices for locating in Milpitas. (Additional policies specifically related to Housing are included in the General Plan's Housing Element).

Housing Element

- ▶ **Policy HE 1.1:** Monitor residential development projects to ensure there is an adequate level of remaining development capacity through the housing sites inventory.
- ▶ **Policy HE 1.2:** Prioritize development projects near the Milpitas transit center through incentives consistent with the specific plans.
- ▶ **Policy HE 1.3:** Require new residential development projects and mixed-use development projects with a residential component to meet or exceed minimum residential densities to ensure efficient use of remaining land available.
- ▶ **Policy HE 1.4:** Continue to facilitate housing production through implementation of specific plans and overlay zones, including the Milpitas Metro Specific Plan (TASP Update) and Gateway-Main Street Specific Plan (Milpitas Midtown Update).
- ▶ **Policy HE 1.5:** Facilitate the development of housing through the adoption of new zoning districts consistent with the General Plan, zoning incentives or waivers, development process streamlining, and CEQA findings of consistency, especially affordable housing in high resource areas.
- ▶ **Policy HE 1.8:** Regularly review the land use designations and zoning districts to encourage a variety of housing types to be developed at a range of densities to equitably serve households at all economic levels, and to meet the needs of large family households, the elderly, and people with disabilities.
- ▶ **Policy HE 1.9:** Support introducing housing and mixed-use development in older commercial centers (located in C-2, TC, and HS zoning districts) while balancing the importance of preserving convenient neighborhood and community-serving retail uses.
- ▶ **Policy HE 2.6:** Maintain the existing stock of housing affordable to lower- and moderate-income households that is provided through the private market and provide tenant protections for apartment units at risk of condominium conversion through enforcement of the City's condominium conversion ordinance.
- ▶ **Policy HE 2.7:** Ensure that sites being redeveloped for housing do not result in a net reduction in housing units, consistent with Government Code Section 66300(d).
- ▶ **Policy HE 3.6:** Respond to changing market conditions and diverse housing needs, such as recognizing the need for limited term rentals (least than six months) for temporary employees and independent contractors or gig workers.
- ▶ **Policy HE 3.7:** Support the adaptive reuse, renovation, conversion, or redevelopment of economically underutilized properties or buildings for residential or mixed-use development.
- ▶ **Policy HE 4.1:** Encourage mixed-income development projects citywide and especially in high opportunity, resource-rich, and transit accessible areas.
- ▶ **Policy HE 4.5:** Prioritize and facilitate the development of new housing units affordable to extremely low, very low, low, and moderate-income households.

3.9.2 Environmental Setting

POPULATION AND POPULATION GROWTH

The population of the City of Milpitas was estimated to be 81,773 on January 1, 2024 (DOF 2024). The General Plan Update EIR estimated development capacity of 4,807 residents in the Specific Plan area while the Specific Plan would allow for a development capacity of 12,887 residents (City of Milpitas 2020). This figure reflects the maximum possible population, as determined by the number of residential units possible at the different maximum densities allowed for each land use designation and the amount of land area within those designations.

EMPLOYMENT AND EMPLOYMENT CENTERS

Milpitas has historically functioned as an agricultural town and a stopover between Oakland and San Jose and transitioned into a technology center with the advent of the semiconductor and the establishment of Silicon Valley (City of Milpitas 2020). The City has over 40,800 jobs with the two largest employers being Cisco Systems and KLA Tencor Corporation (City of Milpitas 2024). The General Plan Update EIR projected 11,555 jobs within the Specific Plan Area. By 2040, the buildout horizon of the General Plan, the number of jobs in the City is projected to be 84,333 with 47,737,536 square feet of non-residential building square footage (City of Milpitas 2022).

HOUSING UNITS AND VACANCY

The U.S. Census Bureau defines a housing unit as a house, an apartment, a group of rooms, or a single room occupied or intended for occupancy as separate living quarters. College dormitories are considered noninstitutional group quarters and are excluded from the housing unit inventory. For the purpose of population surveys in the decennial census, individuals are counted at their “usual residence.” “Usual” is defined as the place where the person lives and sleeps most of the time, or the place he or she considers to be his or her usual residence. Therefore, most students living in dormitories would not be included (US Census Bureau 2021).

The total number of housing units in the City was 25,932 as of January 2024, with an average household size of 3.15 persons per unit, compared to an average household size of 2.70 persons in Santa Clara County (DOF 2024). In 2022, approximately 70 percent of the housing units in the City were single-family houses, compared to 61 percent countywide. At buildout of the General Plan, the City has the potential to accommodate 33,401 dwelling units (City of Milpitas 2022).

3.9.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

Impacts on population and housing were assessed by reviewing existing and anticipated population and housing projections prepared by the City of Milpitas General Plan, DOF, and ABAG. The Project's impacts were evaluated by determining their consistency with these estimates and projections. Population and employment growth, as an economic or social change, is not considered a significant effect on the environment (pursuant to State CEQA Guidelines Section 15131). Growth that is consistent with planning documents that have undergone separate environmental evaluation would generally result in similar potential for environmental impacts and the requisite demand for infrastructure would typically be incorporated into the plans of the respective utilities. However, where growth could lead to physical changes, the potential for effects is evaluated. For further discussion of growth-inducing effects, see Chapter 6, “Other CEQA Sections.”

THRESHOLDS OF SIGNIFICANCE

A population, employment, and housing impact is considered significant if implementation of the Specific Plan would do any of the following:

- ▶ induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); and/or
- ▶ displace substantial numbers of existing people or homes, necessitating the construction of replacement housing elsewhere.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.9-1: Induce Substantial Population Growth

The General Plan Update EIR (Impact 3.10-3) determined that impacts related to unplanned population growth as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. Similarly, implementation of the proposed Specific Plan would accommodate up to 5,176 new dwelling units, which is 1,338 units net new units beyond the General Plan. It would also result in a population of 16,384 residents, which is an increase of 3,816 people beyond the General Plan. This growth would exceed projections assumed under the City's General Plan for the Specific Plan Area; however, it would not exceed population projections for the City of Milpitas as a whole. The proposed Specific Plan would also result in a reduction in nonresidential development as compared to the General Plan that would result in a 2,357 fewer jobs than the General Plan at buildout. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan Update EIR. Growth inducement impacts would be **less than significant**.

The General Plan serves as the long-term blueprint for the city through 2040 and guides growth within the city by establishing the land use plan to develop new residential uses, expansion of existing businesses as well as creation of new businesses, and the necessary associated infrastructure and services to accommodate future growth. Under the full buildout scenario, the General Plan was designed to accommodate to 33,401 housing units, a population of 113,530 people, 47,807,536 square feet of non-residential building square footage, and 84,333 jobs within the City of Milpitas.

Table 3.9-1 summarizes the difference between existing General Plan and the proposed Specific Plan forecasts for the Specific Plan Area. Full buildout of the proposed Specific Plan could accommodate up to 5,176 new dwelling units and 16,384 persons, which is an increase of 1,388 units and 3,816 persons compared to the current General Plan projections. This represents a 35 and 30 percent increase, respectively, compared to the General Plan projections for the Specific Plan Area. The proposed Specific Plan would allow for additional residential development beyond what is planned for under the General Plan through increases in density and implementation of an incentive program. This would also include changes to nonresidential development potential through mixed-use development.

Table 3.9-1 Changes in Population and Employment at Full Buildout Under Gateway-Main Street Specific Plan

	Existing General Plan Projections	Specific Plan Projections	Difference	Percent Increase
Residential Units	3,838	5,176	1,338 units	35
Population	12,568	16,384	3,816 persons	30

Source: City of Milpitas 2020, Table 2.0-4, data compiled by Ascent 2024.

In contrast, the proposed Specific Plan would reduce nonresidential development potential by 1,234,574 square feet and 2,357 jobs as compared to the General Plan at buildout.

While implementation of the proposed Specific Plan could increase residential units and in turn, generate population growth within the Specific Plan Area, this growth would not exceed the General Plan's housing units or population projections for the city overall. Rather, implementation of the proposed Specific Plan would focus growth within designated higher-density areas that are closer to transit services and resident-serving uses, which would centralize growth within the Specific Plan Area instead of sporadically throughout the city. In addition, the proposed Specific Plan would replace the current Midtown Specific Plan as a means to define the type and level of development the City intends for the Specific Plan Area as the envisioned growth under the Midtown Specific Plan was never realized (City of Milpitas 2002). As such the proposed Specific Plan would create a more efficient and beneficial use of the area by increasing densities and development potential in an area already planned for such development by the City.

Moreover, Table 3.9-1 provides the full buildout scenario of the proposed Specific Plan, which is a conservative approach as future development under the proposed Specific Plan would be driven by market conditions and economic constraints, which may not support full buildout of the densities allowed under the proposed Specific Plan. Nevertheless, if the Specific Plan Area were to be built out to its maximum capacity, the associated growth would still be aligned with the General Plan's projections for the city. Therefore, the population growth that could occur under the proposed Specific Plan would not exceed the overall growth anticipated by the General Plan and analyzed in the General Plan Update EIR for the city as a whole.

In addition to the General Plan, ABAG's Plan Bay Area 2050 projects regional forecasts till 2050, which extends past the City's current General Plan 2040 planning horizon (ABAG 2018). As part of the forecast process for Plan Bay Area 2050, ABAG compiled jurisdictions' data at the local and regional levels to project population, household, and jobs growth for the region through 2050 (ABAG 2018). The population projections from Plan Bay Area 2050 were used to determine ABAG and its member jurisdictions regional housing needs allocation (RHNA), which assigns proportional housing needs to help achieve the State's housing goals. Through this process, the City was assigned an RHNA of 6,713 units for the 2023-2031 planning cycle. As stated in the addendum to the General Plan Update EIR for the 2023-2031 Housing Element Update, the 2023-2031 Housing Element provides the City's housing plan to achieve its 2023-2031 RHNA (Rincon Consultants 2022). Adoption and implementation of the proposed Specific Plan would aid the City in achieving its current and future RHNAs through higher-density and mixed-use intensities, development incentives, and other programs to help foster targeted growth within the Specific Plan Area. As the growth projected under the proposed Specific Plan would be aligned with ABAG's Plan Bay Area 2050 growth projections, development under the Specific Plan would not induce unplanned growth within the city or the region.

Furthermore, while the proposed Specific Plan includes improvements to the circulation system within the Specific Plan Area, which could include new roadways, these infrastructure improvements would not provide access to new areas of the city or surrounding area, which could result in new areas for residential development. Construction activities associated with future development under the Specific Plan would utilize construction workers from the local and surrounding areas as is typical in the construction industry and would not attract new residents to move to the city. Therefore, adoption and implementation of the proposed Specific Plan would not indirectly induce population growth within the city or region.

Project impacts would not be more severe than the impact identified in the General Plan Update EIR as analyzed throughout this SEIR. There would be no new significant growth effects within the City of Milpitas. The Project would not indirectly induce unplanned population growth or residential development beyond what was analyzed in the General Plan Update EIR and impacts would remain **less than significant**.

Mitigation Measures

No new mitigation is required.

Impact 3.9-2: Displace Substantial Numbers of Existing People or Housing

The General Plan Update EIR (Impact 3.10-4) determined that impacts related to displacement of existing people or housing as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. Similarly, implementation of the proposed Specific Plan would accommodate up to 5,176 new dwelling units, and support the development of increased densities and intensities of mixed uses, that would increase housing supply in the City. The Specific Plan would not displace substantial numbers of existing people or housing. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan Update EIR. Impacts would be **less than significant**.

The purpose of the Specific Plan is to guide land use and development consistent with the General Plan. Buildout of the Specific Plan would add an additional estimated 5,176 new dwelling units, an increase in 35 percent over General Plan projections. The Housing Element includes Goal B that calls to maintain and preserve housing resources and high-quality residential neighborhoods and preserve existing housing resources, including units affordable to extremely low-, very low-, low-, and moderate-income households and market rate units. This goal is supported by Housing Element Policy B.1 that calls for the enforcement of housing codes and regulations to correct code violations while minimizing the displacement of residents.

The proposed Specific Plan focuses on infill development opportunities in vacant and underutilized areas in Milpitas, as well as alterations of nonresidential development to mixed-use development. The General Plan Land Use Map was developed to preserve existing neighborhoods throughout the City and the Specific Plan would not change that. Future development, including residential units would occur throughout the Specific Plan Area, and is intended to increase the overall number of dwelling units and provide housing to serve the diverse needs of the community at various socioeconomic levels. Additionally, the Land Use and Development Chapter includes standards to integrate a mix of housing types, scales, and affordability, including mixed-use, housing for families, smaller units, live-work, senior housing, and affordable housing.

Therefore, impacts of the proposed Specific Plan on the displacement of people or housing would not be greater than those analyzed in the General Plan Update EIR and would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

3.10 PUBLIC SERVICES AND RECREATION

This section provides an overview of existing public services in the City of Milpitas and evaluates the potential for implementation of the proposed Gateway-Main Street Specific Plan (Specific Plan) to affect availability, service level, and/or capacity of public services, including fire-protection services, police-protection services, solid waste disposal, parks and recreation, and public schools, and, if such an effect is determined to occur, whether new or expanded facilities would be required that could result in a potentially significant impact to the environment. Other publicly provided utility services, such as water and wastewater treatment, stormwater management, electricity, and natural-gas services, are addressed in Section 3.12, "Utilities and Service Systems."

No comment letters were received in response to the Notice of Preparation that pertained to public services or recreation (see Appendix A).

3.10.1 Regulatory Setting

FEDERAL

No federal plans, policies, regulations, or laws are applicable to the provision of public services or recreation for the project.

STATE

California Fire Code

The 2022 California Fire Code, which incorporates by adoption the 2021 International Fire Code, contains regulations related to construction, maintenance, and use of buildings. Topics addressed in the California Fire Code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The California Fire Code contains specialized technical regulations related to fire and life safety.

California Health and Safety Code

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for building standards (as set forth in the California Building Code), fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, high-rise building and childcare facility standards, and fire-suppression training.

Leroy F. Greene School Facilities Act of 1998

The Leroy F. Greene School Facilities Act of 1998, also known as Senate Bill (SB) 50 Proposition 1A (Chapter 407, Statutes of 1998), governs a school district's authority to levy school impact fees. This comprehensive legislation reformed methods of school construction financing in California. SB 50 instituted a new school facility program by which school districts can apply for State construction and modernization funds. It imposed limitations on the power of cities and counties to require mitigation of school facilities impacts as a condition of approving new development and provided the authority for school districts to levy fees based on justification studies, for the purposes of funding construction of school facilities, subject to established limits.

California Code of Regulations Title 5, Division 1, Chapter 13

CCR Title 5, Division 1, Chapter 13 details the regulations for School Facility Construction specifically the general standards for construction, standards, planning and approval for school facilities, and the sites of schools.

State Public Park Preservation Act

The primary instrument for protecting and preserving parkland is the Public Park Preservation Act of 1971. Under the PRC section 5400-5409, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provides no net loss of parkland and facilities.

Quimby Act

The Quimby Act (California Government Code Section 66477) states that “the legislative body of a city or county may, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative or parcel map.” Requirements of the Quimby Act apply only to the acquisition of new parkland and do not apply to the physical development of new park facilities or associated operations and maintenance costs. The Quimby Act seeks to preserve open space needed to develop parkland and recreational facilities; however, the actual development of parks and other recreational facilities is subject to discretionary approval and is evaluated on a case-by-case basis with new residential development.

LOCAL

Milpitas General Plan

The City of Milpitas General Plan 2040 (City of Milpitas 2021) includes 11 elements. There are five elements (Circulation; Community Design; Utilities & Community Services; Safety; and Parks, Recreation & Open Space) that contain policies relevant to public services and recreation and applicable to the project, as listed below.

Circulation

- ▶ **Policy CIR-1g:** Street design should be undertaken through consultation among multiple departments, including Public Works, Planning, Police, and Fire departments, to ensure that the streets meet multiple City goals and serve the adjacent land uses.

Community Design

- ▶ **Policy CD 2-6:** Promote crime prevention through site and building designs that facilitate surveillance of communities by putting “eyes on the street,” And take care to avoid poor design that emphasizes security over essential design features. Design sites and buildings to promote visual and physical access to parks and open space areas. Support safe, accessible, and well-used public open spaces by orienting active use areas and building facades towards them.
- ▶ **Policy CD 2-7:** Include design elements during the development review process that address security, aesthetics and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular, bicycle, and pedestrian facilities and other standards set forth in local, state, and federal regulations.

Utilities and Community Services

- ▶ **Policy UCS 1-2:** Require development and long-term planning projects to be consistent with all applicable City infrastructure plans, including the Water Master Plan, Urban Water Management Plan (UWMP), the Sewer Master Plan, the Sewer System Management Plan, the Green Infrastructure Plan, and the Capital Improvement Program.
- ▶ **Policy UCS 1-3:** Require all future development projects to analyze their infrastructure and service impacts and either demonstrate that the City’s existing infrastructure, public services, and utilities can accommodate the increased demand for services, and that service levels for existing users will not be diminished or impaired, or make the necessary improvements to mitigate all potential impacts.
- ▶ **Policy UCS 1-5:** Require the payment of impact fees for all new development.

- ▶ **Policy UCS 8-1:** Continue to strongly support and encourage the maintenance of high quality public and private schools and diverse educational opportunities in Milpitas and work cooperatively with Milpitas Unified School District, Berryessa Union High School District, and East Side Union School District to explore all local and state funding sources to secure available funding for new school facilities.
- ▶ **Policy UCS 8-2:** Encourage the planned financing of new school facilities concurrent with new development.
- ▶ **Policy UCS 8-3:** Consider opportunities for joint-use of facilities with the local school districts. When feasible, a joint-use agreement will be pursued to maximize public use of facilities, minimize duplication of services provided, and facilitate shared financial and operational responsibilities.
- ▶ **Policy UCS 8-4:** Encourage the location of school sites away from significant noise sources, significant generators of toxic air contaminants, and sensitive resource conservation areas, except where the proximity of resources may be of educational value and the protection of resources is reasonably assured.
- ▶ **Policy UCS 8-7:** Support the provision of high quality civic, library, medical, and other community facilities in order to meet the broad range of needs within Milpitas.
- ▶ **Policy UCS 8-8:** Support efforts by Santa Clara County Library District to provide library services that meet the evolving educational and social needs of Milpitas residents.
- ▶ **Policy UCS 8-9:** Provide an environment in which community literacy and cultural opportunities are enhanced.
- ▶ **Policy UCS 8-10:** Pursue additional funding sources for library operations that serve Milpitas.
- ▶ **Policy UCS 8-11:** Explore opportunities to expand library services and funding to areas within Milpitas.
- ▶ **Policy UCS 8-12:** Work with health care providers to provide a range of health-related facilities in Milpitas to meet the needs of the growing population.
- ▶ **Policy UCS 8-14:** Strive to make all community events accessible to the greatest number of people regardless of race or socioeconomic status.
- ▶ **Policy UCS 8-15:** Provide responsive and high-quality City government services to residents and businesses.
 - **Action UCS-8c:** Require new development to pay applicable school facility impact fees and work with developers and the school districts to ensure that adequate school and related facilities will be available.

Safety

- ▶ **Policy SA 3-1:** Ensure that new critical facilities in Milpitas are located in areas that minimize exposure to natural hazards.
- ▶ **Policy SA 3-2:** Ensure that critical facilities are properly supplied and equipped to provide emergency services.
- ▶ **Policy SA 3-4:** Support local and regional disaster planning and emergency response planning efforts, and look for opportunities to collaborate and share resources with other municipalities in the region.
- ▶ **Policy SA 3-5:** Continue to maintain the City's Emergency Operations Center and conduct regular staff training exercises to ensure that all City staff members, in addition to emergency responders, are adequately trained to fulfill their duties in the event of an emergency.
- ▶ **Policy SA 3-6:** Maintain effective mutual aid agreements for fire, medical response, and other functions as appropriate.
- ▶ **Policy SA 4-1:** Provide adequate funding for police and fire facilities and personnel to accommodate existing and future citizens' needs to ensure a safe and secure environment for people and property throughout the city.
- ▶ **Policy SA 4-2:** Continue to support community-based crime prevention. Support existing programs and encourage expanded or new programs that focus on youth crime prevention, anti-gang programs, or other community programs that reduce crime throughout the city.

- ▶ **Policy SA 4-4:** Emphasize the use of physical site planning as an effective means of enhancing safety and preventing crime.
- ▶ **Policy SA 4-9:** Ensure that fire and emergency medical services meet existing and future demand by maintaining a response time of four minutes or less for all urban service areas.
- ▶ **Policy SA 4-10:** Ensure that adequate water supplies are available for fire suppression throughout the city. Require development to construct and fund all fire suppression infrastructure equipment needed to provide adequate fire protection services to new development.
- ▶ **Policy SA 4-11:** Promote community safety through education by supporting and leading community events including National Night Out, neighborhood watch programs, increased community training opportunities, and expanding emergency preparedness outreach and opportunities to traditionally underserved/ underrepresented areas and communities within the city.
 - **Action SA 4b:** As part of the development review process require applications to be reviewed by the Public Works Department and Fire Department in order to ensure that development projects facilitate adequate fire services, access, and fire prevention measures.

Parks, Recreation & Open Space

- ▶ **Policy PROS 1-1:** Provide a park and recreation system that is equitably distributed, safe, accessible, and designed to serve the needs of all residents of the community.
- ▶ **Policy PROS 1-2:** Develop and maintain a high-quality system of parks, trails, and recreation facilities to create diverse opportunities for passive and organized recreation.
- ▶ **Policy PROS 1-3:** Achieve and maintain a minimum overall citywide ratio of 5 acres of park land for every 1,000 residents outside of the City's adopted Specific Plan areas. Within adopted Specific Plan areas, achieve and maintain the parks standards and ratios specified in the Specific Plan, with an emphasis on publicly-accessible spaces and facilities. (Note: the establish ratio for the Gateway-Main Street Specific Plan is 3.5 acres of park land per 1,000 residents.)
- ▶ **Policy PROS 1-4:** Park land acreage dedications and/or equivalent in-lieu fees shall be required for new development in accordance with the following standards:
 - For areas within a Specific Plan, require land dedication or in-lieu fees equivalent to the park land standard established in the relevant Specific Plan, allowing credit for private recreation space for up to 1.5 acres/1,000 residents for private recreation space. Private recreation credit will be given at the discretion of the City and pursuant to the criteria specified in the City's Subdivision Regulations (Title XI, Chapter 1, Section 9.08 of the Milpitas Municipal Code).
- ▶ **Policy PROS 1-5:** Encourage the provision and dedication of parkland within future development projects, rather than the payment of in-lieu fees, in order to ensure that the City maintains an extensive network of neighborhood parks that serve all areas of the community.
- ▶ **Policy PROS 1-6:** Encourage private owners to permit public access to all private parks, trails, and recreation facilities to the greatest extent feasible.
- ▶ **Policy PROS 1-7:** Design parks to enhance public safety by providing visibility of all areas both to and from the street, adequate lighting, and access for public safety responders.
- ▶ **Policy PROS 1-8:** Expand, renovate, and maintain high quality recreation facilities, programs, and services to accommodate existing and future needs; encourage traditional and non-traditional recreation; and support active and passive recreation, wellness, historic assets, cultural arts, environmental education, conservation, accessibility, inclusion, diversity, safety, and new technology that equitably serves the most vulnerable populations of the community.

- ▶ **Policy PROS 1-9:** Prioritize funding and City resources to improve the condition, maintenance, and upkeep of existing City parks and recreational facilities.
- ▶ **Policy PROS 1-10:** Require publicly-accessible parks and recreational facilities that are owned and operated by homeowner's associates (HOAs) and special assessment districts to be maintained in a safe and aesthetically-pleasing manner.
- ▶ **Policy PROS 1-11:** Pursue opportunities for cooperation and partnerships with other agencies to develop and enhance publicly-accessible trails and linear parks along local drainages, creeks, and utility corridors.
- ▶ **Policy PROS 1-12:** Encourage and support the expansion of an integrated trail network that connects users to neighboring local and regional trail systems and to community amenities such as schools, open space areas, park and recreation facilities, commercial and job centers and residential areas to encourage both recreational and utilitarian travel.
- ▶ **Policy PROS 2-1:** Emphasize and prioritize public outreach and educational programs that inform the community of available parks, trails, and recreation facilities, programs, and services available in order to increase and enhance community use of these facilities, programs, and services.
- ▶ **Policy PROS 2-2:** Emphasize and prioritize public participation and workshops when developing new park facilities, and/or substantially renovating existing parks, trails, and other recreation facilities. Provide diverse outreach resources that enable close collaboration with a variety of members of the community in the design, and programming, of parks and recreation facilities to ensure that these facilities meet community needs.
- ▶ **Policy PROS 2-3:** Ensure that the City continues to offer a wide range of programs to serve diverse populations of all ages, abilities, income levels and cultural backgrounds. Develop programs, activities, and facilities that appeal to a broad audience, including but not limited to youth, young adults, and seniors and those of varying ethnicities, backgrounds, and abilities.
- ▶ **Policy PROS 2-4:** Support recreational activities, events, organized sports leagues, and other programs that serve broad segments of the community.
- ▶ **Policy PROS 2-5:** Encourage the development of private/commercial recreation facilities that are open to the public to help meet existing and future recreational demands.
 - **Action PROS 1k:** During subsequent updates to key Specific Plans within Milpitas, such as the Transit Area Specific Plan (TASP) and Midtown Specific Plan, review established park standards and explore opportunities to increase requirements for publicly-accessible parks and recreation facilities within these Plan Areas to more closely match the adopted City-wide standard of 5 acres per 1,000 residents.

Milpitas Trails, Pedestrian, and Bicycle Master Plan

The Trails, Pedestrian, and Bicycle Master Plan, adopted in May 2022, provides a vision and action plan for the city to improve safe and convenient travel by active modes. The plan aims to support connectivity and access to destinations; improve safety for all modes; create an all ages and abilities active transportation network that supports all users, including vulnerable and historically disadvantaged populations; integrate active transportation networks with BART and other transit options; and increase access to recreational opportunities. The Plan builds upon the City's previous Bikeways Master Plan from 2002 that the City's Bicycle Pedestrian Advisory Commission produced. The Master Plan categorizes the City's bikeways into five groups: Paved Shared Use Paths, Bike Lanes, Buffered Bike Lanes, Bike Boulevards, and Cycle Tracks and evaluates potential bicycle facility needs throughout the City, as well as potential programs and projects (with potential funding sources for implementation). Unpaved trails and paved shared use paths are vital components of Milpitas's transportation system and recreation opportunities. The existing network is primarily comprised of paved shared use paths. However, the trail network also includes unpaved paths and/or soft surface trails, located primarily within parks.

City of Milpitas Municipal Code

Title XI, Chapter 1, Section 9, Improvements: Dedication of Land or Payment of Fee or Both, for Recreational Purposes, of the City's Municipal Code establishes, as a condition of approval of any final subdivision map or parcel map, that the subdivider must dedicate land, pay a fee in lieu thereof, or both, at the City's option, for park or recreational purposes.

The current land requirement within the Specific Plan Area is 3.5 acres per 1,000 residents. Specific acreage requirements based on residential unit density in a subdivision vary according to the type of development. The amount of land required to be provided as park land pursuant to this Section XI-1-9.06 in the Specific Plan Area is the result of multiplying the project's estimated population (as calculated in Section 9.05) and 152.46 square feet (3.5 acres/1,000 people).

Milpitas Unified School District

The Milpitas School District (MUSD) collects fees, authorized by Education Code Section 17620, on residential and commercial construction within the boundaries of MUSD. The purpose of the fees is to provide adequate school facilities for the students of MUSD. The fees are used to finance construction and reconstruction. MUSD is currently collecting Level I fees. The Level I fees provide a statutorily designated level of fees that districts may assess if they are able to support them through a justification study. Level I fees are subject to an inflationary increase to be authorized by the State Allocation Board in every even year. (Government Code Section 65995). MUSD Developer Fees were approved by the MUSD Board of Education on March 12, 2024 and will go into effect on March 13, 2024. The next adjustment will be in 2026. MUSD currently levies fees of \$5.17 per square foot for residential units and \$0.84 per square foot for commercial/industrial office space (MUSD 2024a).

3.10.2 Environmental Setting

FIRE PROTECTION

The Milpitas Fire Department (MFD) provides fire prevention and protection services to the entire city, including the Specific Plan Area evaluated in this EIR. The MFD operates four fire stations within its service area. Fire Station 1 is located within the Specific Plan Area at 777 South Main Street, while Fire Station 4 is located across I-880 from the Specific Plan Area at 775 Barber Lane. MFD currently employs 82 full-time equivalent staff across all stations (MFD 2024). At Station 1, there is a current daily staffing level of 10, and the station is equipped with a command vehicle, one engine, one truck, and two rescue ambulances (Santa Clara County LAFCO 2023).

The MFD also retains a Bureau of Prevention who is responsible for the inspection of all buildings, structures, and properties in the City with the exception of single and multi-family dwellings in which the owner of the property resides. The Bureau's primary responsibility is enforcement of the California Fire Code and other local fire safety regulations. This includes the inspection of all Life Hazard Use Properties (i.e., gas stations, schools, nursing homes, daycare facilities, auto repair/auto body shops, places of assembly, and large retail operations) and the inspection of Non-Life Hazard businesses, offices, and multi-family residences.

Per the City's General Plan (refer to Policy SA 4-9), the recommended standard for response to an emergency call for service is to arrive within 4 minutes of fire dispatch receiving the 911 call (for 90 percent of the calls). The MFD current average response time is 6.8 minutes for a priority call (Santa Clara County LAFCO 2023).

An important requirement for fire suppression is adequate fire flow, which is the amount of water, expressed in gallons per minute, available to control a given fire and the length of time this flow is available. The total fire flow needed to extinguish a structural fire is based on a variety of factors, including building design, internal square footage, construction materials, dominant use, height, number of floors, and distance to adjacent buildings. Minimum requirements for available fire flow at a given building are dependent on standards set in the California Fire Code.

LAW ENFORCEMENT

Milpitas Police Department

Police protection services are provided by Milpitas Police Department (MPD) for areas within the city. Patrol units to the Specific Plan Area originate from the MPD station located at 1275 N. Milpitas Boulevard, which is located approximately 0.5 mile north of the Specific Plan Area (City of Milpitas 2020). The department uses a variety of data that include geographic information systems (GIS)–based data, call and crime frequency information, and available personnel on an annual basis to meet the changing law enforcement demands of the city.

In terms of staffing, there are 94 funded positions and 34 professional staff positions, not including crossing guards or temporary employees. The City reports that response time for in-progress emergency calls averaged 2 minutes and 51 seconds in 2023. The City’s goal for response time for in-progress emergency calls is under 3 minutes (MPD 2023).

In 2023, the MPD handled 23,477 events/calls for service, made 2,302 arrests, issued 3,078 traffic citations, and investigated 798 traffic collisions (MPD 2023).

SCHOOLS

The Milpitas Unified School District (MUSD) provides educational services throughout the city, including residences within the Specific Plan Area. Based on information from the California Department of Education (CDE), MUSD serves approximately 10,200 students across 15 schools (CDE n.d.). Current remodeling and renovation projects being worked on by MUSD using funding from Measure AA include Milpitas High School Performing Arts Center, MUSD Innovation Campus Phase II. Measure E generated \$95 million to renovate and repair Milpitas schools, ensuring all students have access to safe and modern classrooms. Bond Measure E completed projects include program and infrastructure improvements at Mabel Mattos Elementary School, Randall Elementary School, Rose Elementary School and Milpitas High School.

The schools that serve the Specific Plan Area include Pearl Zanker Elementary School (K-6), Mabel Mattos Elementary School (K-6), Anthony Spangler Elementary School (K-6), Rancho Milpitas Middle School (7-8), Thomas Russell Middle School (7-8), and Milpitas High School (9-12). As shown in Table 3.10-1, enrollment numbers have generally decreased since the 2019-2020 academic year. However, MUSD considers the district as a whole as needing to provide additional capacity to serve existing students across the district, which includes nine additional schools beyond those shown below (MUSD 2024b).

Table 3.10-1 Schools Serving the Specific Plan Area and Enrollment

School	2019-2020 Enrollment	2023-2024 Enrollment	Percent Change in Enrollment
Pearl Zanker Elementary School (K-6)	637	578	-9%
Mabel Mattos Elementary School (K-6)	170	666 ¹	292%
Anthony Spangler Elementary School (K-6)	634	623	2%
Rancho Milpitas Middle School (7-8)	719	654	9%
Thomas Russell Middle School (7-8)	839	769	8%
Milpitas High School (9-12)	3,132	3,029	3%

Notes: 1 The capacity of Mabel Mattos Elementary School is estimated to be 800 students (spaces4learning 2024).

Source: City of Milpitas 2020; CDE n.d.

RECREATION

Parks, trails, and recreational facilities in the City of Milpitas are managed by the Recreation and Community Services Department and maintained by the Public Works Department. The City of Milpitas categorizes each park into separate categories: Community Parks, Neighborhood Parks, Special-use Parks, Urban Parks, Linear Parks, Regional

Parks and Private Recreation Facilities. Each type of park is characterized by scale, varying amenities, and the neighborhoods they serve. Approximately 180 acres of park facilities, distributed across 38 parks, are currently provided within the City. In addition, 183 acres of open space that are owned by the City are publicly accessible. The City also operates one community center, one sports center, one senior center, one satellite recreation facility, three swimming pools, and numerous sports fields (City of Milpitas 2020).

OTHER PUBLIC FACILITIES

The Milpitas Public Library is the only public library located in the City of Milpitas. The Milpitas Public Library is part of the Santa Clara County Library District (SCCLD) system. This enables the relatively small Milpitas Public Library to access all of the other libraries that are part of the SCCLD system to obtain information not found in the Milpitas Public Library, which has been requested by customers. The Milpitas Public Library is located at 160 N. Main Street. The library is open from 1 PM to 9 PM on Mondays through Wednesdays, 10 AM to 6 PM on Thursdays through Saturday, and on Sundays from noon to 6 PM. The library collection includes materials in both Spanish and English. It also offers a wide variety of media, including DVDs, CDs and audiobooks, as well as a large print collection. The library offers a number of programs for all ages, including story times for babies and toddlers. The library, grounds and garage are owned by the City of Milpitas and operated by the SCCLD through agreement between the two agencies.

3.10.3 Environmental Impacts and Mitigation Measures

METHODOLOGY

Evaluation of potential public service impacts are based on applicable City standards policies and a review of documents pertaining to the public service provision of the City. Impacts on public services that would result from the project were identified by comparing existing service capacity and facilities against future, new, or renovated facilities, the construction of which could have physical effects on the environment in comparison to the impact analysis of the General Plan Update EIR.

THRESHOLDS OF SIGNIFICANCE

A public services and recreation impact is considered significant if implementation of the Specific Plan would do any of the following:

- ▶ Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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:
 - fire,
 - police protection,
 - schools,
 - parks, and
 - other public facilities;
- ▶ increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; and/or
- ▶ include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

ISSUES NOT DISCUSSED FURTHER

The Milpitas Public Library is the only public library located in the City of Milpitas. The Milpitas Public Library is part of the Santa Clara County Library District system. This enables the relatively small Milpitas Public Library to access all of the other libraries that are part of the Santa Clara County Library system to obtain information not found in the Milpitas Public Library, which has been requested by customers. The Specific Plan does not propose the construction of library facilities and is therefore no further analysis is included below.

All other thresholds discussed above are evaluated in this SEIR.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.10-1: Result in Substantial Adverse Physical Impacts Associated with the Provision of New Fire Facilities

The General Plan Update EIR (Impact 3.13-1) determined that impacts related to the need for additional fire facilities would be less than significant. Similarly, implementation of the proposed Specific Plan would alter the level of development within the Specific Plan Area, including the creation of additional housing opportunities that would increase the population in the area. All new development would be required to meet MFD standards and code requirements, such that substantial additional demand for service within the Specific Plan Area is not anticipated. Further, the current level of calls for service at local fire stations does not indicate the potential need for an additional fire station. As a result, the anticipated increase in population and development within the Specific Plan Area would not trigger the need for additional fire facilities. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Impact 3.13-1 of the General Plan Update EIR identified that growth under the General Plan would trigger new public facilities (including fire facilities) to serve growth contemplated in the General Plan. The environmental impacts of building these facilities were programmatically evaluated in the General Plan Update EIR as part of overall development of the City. The General Plan includes a range of policies and actions to ensure that public services adequately accommodate growth, maintain community services and facilities, and that new development funds its fair share of services.

Implementation of the proposed Specific Plan could result in the redevelopment of existing land uses with denser and predominantly residential development. This would likely result in additional residents within the Specific Plan Area, which could increase the demand for fire protection services. The potential increase in activity in the Specific Plan Area and new uses in the area could result in an increase in calls for fire and emergency services beyond the amount currently experienced by the MFD. As stated above, Station 1 would be primarily responsible for responding to calls within the Specific Plan Area. All new development would be subject to review and approval by MFD prior to development to ensure adequate provision of fire protection within and around proposed structures. Further, growth associated with the proposed Specific Plan would not result in an expansion of the overall service area for MFD. As a result, growth under the Specific Plan would not exceed the demand of fire stations already anticipated within the General Plan Update EIR. Station 1 would receive assistance from the other surrounding stations (including Station 4 which is the next closest) that would accommodate the additional calls and activities needed to serve the Specific Plan Area's population and uses.

Funding for fire protection services would come from a number of different sources, in a similar manner as police protection. All new development associated with implementation of the Specific Plan would be required to pay applicable development fees and property taxes that fund the City's General Fund to assist in funding public services and facilities, including fire protection. Additionally, all development associated with implementation of the Specific Plan would be required to meet MFD standards related to access, fire hydrants, automatic sprinkler systems, fire alarm systems, water flow, and other requirements. As noted above, MFD would review project construction plans and inspect the construction work as it progresses to ensure that future projects in the Specific Plan Area meet State

and local Building and Fire Code requirements. The proposed Specific Plan would be consistent with General Plan Policy SA 4-1 and Action SA 4b regarding adequate fire services, access, and fire prevention measures.

The proposed Specific Plan aims to provide fire and emergency services and facilities that support growth in the Specific Plan Area, while maintaining an adequate level of service in accordance with proposed provisions identified in Section 7.7.1 of the Specific Plan, including conducting a “standards of cover” analysis to determine the Specific Plan’s precise impact on the Fire Department’s staffing and equipment, and any required facility needs. Standards would require the City to identify and evaluate potential sites for an expanded or new fire station near the Specific Plan Area if the standards of cover analysis determines it is warranted. This SEIR programmatically evaluated the construction impacts of potential public service facilities in regard to air quality, noise, and transportation as part of over development of the Specific Plan Area. Any additional public facilities constructed by the City would be proposed by the City at the time they are needed and would undergo separate environmental review.

Because additional facilities are not anticipated to be required to meet the fire protection needs of the Specific Plan Area in the future, there would be no physical environmental effects associated with facility construction or operation beyond what is analyzed in this SEIR. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.10-2: Result in Substantial Adverse Physical Impacts Associated with the Provision of New Police Facilities

The General Plan Update EIR (Impact 3.13-1) determined that impacts related to the need for additional police facilities would be less than significant. Implementation of the proposed Specific Plan would increase the density of development within the Specific Plan area, including the creation of additional residential uses that would increase the population in the Specific Plan Area. While this could lead to an increased demand for police services, all new development would be required to contribute appropriate fees to the City’s General Fund for any potential expansion of staffing or facilities. Additionally, new development would contribute property tax revenues that would be allocated through the City’s General Fund for police protection services, both maintenance and expansion. As a result, the anticipated increase in population and development within the Specific Plan Area would not trigger the need for additional police facilities. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Impact 3.13-1 of the General Plan Update EIR identified that growth under the General Plan would trigger new public facilities (including police facilities) to serve growth contemplated in the General Plan. The environmental impacts of building these facilities were programmatically evaluated in the General Plan Update EIR as part of overall development of the City. The General Plan includes a range of policies and actions to ensure that public services adequately accommodate growth, maintain community services and facilities, and that new development funds its fair share of services.

Implementation of the Specific Plan would increase residential development in the area. This would likely lead to an increase in residents, employees, and visitors to the area which could lead to an increased need for police protection services. As noted above, the Specific Plan Area is currently located less than 0.5 mile from the MPD station. MPD maintains a response time goal of under 4 minutes for any emergency calls for service, which it is currently achieving. With the increase in population as a result of the Specific Plan, the police department might be required to hire more officers to meet that goal if calls for service increase. However, the growth anticipated as part of the Specific Plan would not increase the service area for MPD and would be located proximate to existing MPD facilities. The proposed Specific Plan’s provisions, identified in Section 7.8.1 of the Specific Plan, aim to provide adequate police services and facilities that ensure the safety of the community, through standards that require the MPD to hire additional police staff and purchase equipment to provide an adequate level of service—as determined by City Council—for the residents, workers, and visitors of the Specific Plan Area, as well as surrounding areas. New equipment is required to

be funded by the Community Facilities District and new staff paid from the City's General Fund. All future projects within the Specific Plan Area would be required to pay the appropriate taxes and fees to finance the City's General Fund. The General Fund would provide the necessary funding for personnel increases described above in order to maintain acceptable service ratios. As a result, no additional facilities, the construction of which could result in significant environmental impacts, are anticipated. The proposed Specific Plan would be consistent with General Plan Policy SA 4-1 law enforcement facility needs.

This SEIR programmatically evaluated the construction impacts of potential public service facilities in regard to air quality, noise, and transportation as part of over development of the Specific Plan Area. Any additional public facilities constructed by the City would be proposed by the City at the time they are needed and would undergo separate environmental review. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.10-3: Result in Substantial Adverse Physical Impacts Associated with the Provision of New School Facilities

The General Plan Update EIR (Impact 3.13-1) determined that impacts related to the need for additional school facilities would be less than significant. Implementation of the proposed Specific Plan would increase the level of development within the Specific Plan Area, including additional residences that would increase population within the Specific Plan Area. This would result in potential additional students that would attend school in the area. With respect to the schools that currently serve the Specific Plan Area, none of the schools are considered at capacity or beyond prior service levels. Further, all development within the Specific Plan Area would be required to pay applicable school fees, which are deemed full and complete mitigation for impacts on schools. As a result, no new significant or substantially more severe impact related to school facilities would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Impact 3.13-1 of the General Plan Update EIR identified that growth under the General Plan would trigger new public facilities (including public schools) to serve growth contemplated in the General Plan. The environmental impacts of building these facilities were programmatically evaluated in the General Plan Update EIR as part of overall development of the City. The General Plan includes a range of policies and actions (listed above) to ensure that public services adequately accommodate growth, maintain community services and facilities, and that new development funds its fair share of services.

Implementation of the Specific Plan would result in the development of future residential dwelling units where families with school age children could live. School facilities that currently serve the Specific Plan Area and the surrounding area include the six schools (Zanker Elementary School, Mabel Mattos Elementary School, Anthony Spangler Elementary School, Rancho Milpitas Middle School, Thomas Russell Middle School, and Milpitas High School) identified in Table 3.10-1. These schools provide education from K-12 for students in the area. Based on recent enrollment trends and noted capacities for these schools, there appears to be additional enrollment capacity at each of these schools; however, as also noted above, MUSD considers the district as a whole to be operating above capacity (MUSD 2024b). As mentioned above, current remodeling and renovation projects are being conducted by MUSD using funding from Measures AA and E, which is improving facilities to address needs at Milpitas High School Performing Arts Center, MUSD Innovation Campus, Mabel Mattos Elementary School, Randall Elementary School, Rose Elementary School and Milpitas High School.

MUSD has student generation numbers for the district divided by school level and single or multi-family (Table 3.10-2). The numbers presented for student generation rates are based on the entire district and can vary based upon the size of the development. Development that may occur with implementation of the Specific Plan would lead to additional student generation that, based on current student generation rates, could exceed the remaining capacity of existing neighborhood schools in addition to further contributing to existing over-enrollment within MUSD. MUSD

incorporates a wide range of temporary measures to respond to changes in student enrollment at city schools that include but are not limited to splitting grade levels, temporarily transferring students to other schools with additional capacity, installation of temporary classrooms, and sending students to other neighboring school districts when appropriate. In addition, the proposed Specific Plan contains standards identified in Section 7.9.1 of the Specific Plan, that have been developed to ensure adequate school facilities are provided to accommodate the increase in new students. Standards include coordination with the MUSD on facilities needed to accommodate new students and define actions the City can take to assist or support them in their efforts; ensure that all school impact fees are paid from individual projects prior to the issuance of any building permits; and continue to monitor school enrollment numbers to ensure the existing schools have the resources they need to provide quality education to MUSD students. As new development is proposed within the Specific Plan Area, all development within the Specific Plan Area would be required to pay applicable school fees, which are deemed full and complete mitigation for impacts on schools. The most recent update to the MUSD School Facility Fees was approved in March 2024. Government Code Section 65995(h) states that the payment or satisfaction of a fee, charge, or other requirement levied or imposed under Section 17620 of the Education Code is deemed to be full and complete mitigation of the impact for the planning, use, development, or provision of adequate school facilities.

Table 3.10-2 Student Generation in the Specific Plan Area Beyond General Plan Buildout

School Type	Generation Rate	Net Increase in Households under the Specific Plan	Students Generated by Development under the Specific Plan
Elementary (K-6)	0.224	5,176	848
Middle School (7-8)	0.059	5,176	223
High School (9-12)	0.132	5,176	500

Source: MUSD 2024b.

The schools that would serve the Specific Plan Area have the ability to accommodate the students generated from the proposed Specific Plan. The Specific Plan would not generate more students than those calculated by the MUSD student generation rates, and all future development within the Specific Plan Area would contribute appropriate funds towards school improvements. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.10-4: Result in Substantial Adverse Physical Impacts Associated with the Demand for or Provision of New Parks and Other Recreational Facilities

The General Plan Update EIR (Impact 3.13-2) determined that impacts related to the need for additional parks or recreational facilities would be less than significant. Implementation of the proposed Specific Plan would increase the level of development within the Specific Plan Area, including increased residential dwelling units that would increase the population in the area, which would result in an increased demand for recreational facilities, including public parks. However, all development under the Specific Plan would be required to comply with General Plan Policies PROS 1-3 and 1-4, which requires provision of or submittal of in-lieu fees for park and recreational facilities, in order to maintain acceptable parkland ratios. As a result, no new significant or substantially more severe impact related to parks and recreation would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Impact 3.13-2 of the General Plan Update EIR identified that growth under the General Plan would trigger the need for new park and recreation facilities to serve growth contemplated in the General Plan. The environmental impacts of building these facilities were programmatically evaluated in the General Plan Update EIR as part of overall development of the City. The General Plan includes a range of policies and actions to ensure that public services

adequately accommodate growth, maintain community services and facilities, and that new development funds its fair share of services.

Implementation of the Specific Plan would allow for redevelopment of the Specific Plan Area. New development that could occur as a result of implementation the Specific Plan include residential uses that would increase local population and could result in an increased demand for recreational opportunities in the area. However, the Specific Plan identifies new parks and plazas to support existing and future development in the Specific Plan Area for use by residents and to serve as district focal points for activity. Section 6.3.1 of the proposed Specific Plan identifies the proposed parks and plazas within the Specific Plan Area. The proposed Specific Plan would be consistent with General Plan Policy PROS 1-2 regarding the provision of diverse park facilities.

Based on a projected total population of 16,384 within the Specific Plan Area and based on the service level goal standards for the Specific Plan (3.5 acres/1,000 residents), 58 acres of community-serving and neighborhood-serving parks would be needed to meet the goals for the Specific Plan Area. Several acres of new parks and plazas are proposed as part of the plan (refer to Chapter 2, "Project Description"), including North Main Street Park, Crossroads Square, Carlo Park, Serra Center, Tom Evatt Park expansion, and South Railyards Park. The proposed Specific Plan supports creative solutions to providing neighborhood park and recreational facilities for urban areas, where land dedication is not reasonably feasible, such as providing community-serving recreational facilities in regional parks. Therefore, because future development within the Specific Plan Area would be required to pay City park dedication fees and/or provide park land, impacts would be less than significant. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

This page is intentionally left blank.

3.11 TRANSPORTATION

This section describes existing federal, state, and local transportation regulations and policies and discusses the existing roadway network and transportation facilities in the vicinity of the Specific Plan Area. The section summarizes transportation impacts in the Specific Plan Area, as described in the certified General Plan Update EIR and analyzes the potential transportation impacts from implementation of the proposed Gateway-Main Street Specific Plan (Specific Plan). Mitigation measures that would reduce impacts, where applicable, are also discussed. Information contained within this section is provided in the *Milpitas Gateway-Main Street Specific Plan: Vehicle Miles Traveled (VMT) for the Environmental Review* (VMT Report) (Fehr & Peers 2024), which is included as Appendix D and incorporated herein.

Pursuant to Senate Bill (SB) 743, CEQA Section 21099, and State CEQA Guidelines Section 15064.3(a), generally, a project's effect on automobile delay is no longer considered when identifying impacts under CEQA. Instead, VMT has been identified as the most appropriate measure of transportation impacts. Therefore, the transportation analysis herein evaluates impacts using VMT and does not include a level of service (LOS) analysis.

The Draft EIR for the Milpitas General Plan Update (General Plan Update EIR) included Section 3.14, "Transportation," which evaluated the potential effects of the adopted General Plan. The General Plan Update EIR concluded that there would be a less-than-significant impact related to bicycle facilities, pedestrian facilities, and transit facilities; emergency access; and transportation hazards (Impacts 3.14-1, 3.14-3, and 3.14-4, respectively). The General Plan Update EIR concluded that impacts related to VMT would be significant and unavoidable with implementation of all proposed General Plan policies and feasible mitigation measures.

Comments received regarding transportation in response to the Notice of Preparation included requests to consider fair share contributions toward multi-modal and regional transit improvements and consistency with applicable transportation plans, as well as the potential impacts to State right-of-way (ROW) related to construction. Because a project's effects on automobile delay no longer constitute a significant impact under CEQA, comments related to automobile delay (e.g., LOS, congestion) are not addressed in this draft SEIR. All other comments are addressed in the analysis below. Comments received in response to the Notice of Preparation are presented in Appendix A of this SEIR. See Appendix A for all comments received.

3.11.1 Regulatory Setting

FEDERAL

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) provides comprehensive rights and protections to individuals with disabilities. The goals of the ADA are to ensure equality of opportunity, full participation, independent living, and economic self-sufficiency. ADA guidelines address various issues, including roadway design practices; slope and terrain issues; and pedestrian access to streets, sidewalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public right-of-way.

STATE

California Department of Transportation

The California Department of Transportation (Caltrans) is the state agency responsible for the design, construction, maintenance, and operation of the California State Highway System, as well as the segments of the Interstate Highway System within California. Caltrans District 4 is responsible for the operation and maintenance of highways in the Specific Plan Area. Caltrans requires a transportation permit for any transport of heavy construction equipment or materials that necessitates the use of oversized vehicles on State highways, and an encroachment permit for any work within Caltrans ROW.

California Manual on Uniform Traffic Control Devices, Part 6: Temporary Traffic Control

The *California Manual on Uniform Traffic Control Devices* (CA MUTCD), Part 6: Temporary Traffic Control provides principles and guidance for the implementation of temporary traffic control to ensure the provision of reasonably safe and effective movement of all roadway users (e.g., motorists, bicyclists, pedestrians) through or around temporary traffic control zones while reasonably protecting road users, workers, responders to traffic incidents, and equipment. Additionally, this document notes that temporary traffic control plans and devices shall be the responsibility of the public body or official having jurisdiction to guide road users (Caltrans 2024: 1029).

California Transportation Impact Study Guide

The Caltrans Transportation Impact Study Guide was prepared to provide guidance to Caltrans districts, lead agencies, tribal governments, developers, and consultants regarding Caltrans review of a land use project or plan's transportation analysis using a VMT metric. The Transportation Impact Study Guide is intended to be a reference and informational document, and its guidance is not binding on public agencies (Caltrans 2020a: 3).

Interim Local Development Intergovernmental Review Safety Practitioners Guide

The purpose of the *Interim Local Development Intergovernmental Review (LDIGR) Safety Review Practitioners Guidance* is to provide instructions to Caltrans personnel, lead agencies, developers, and consultants conducting safety reviews for proposed land use projects and plans affecting the state highway system. The LDIGR guidance establishes the safety impact review expectations for Caltrans and lead agencies to comply with CEQA; however, it does not establish thresholds of significance for determining safety impacts (Caltrans 2020b). The LDIGR guidance can also be used by lead agencies, developers, and consultants as a model for analyzing the safety impacts of proposed land use projects and plans on local roadways. The LDIGR guidance prioritizes vulnerable users and communities; enhances safety for pedestrians, bicycle, transit, and vehicular modes; and applies both reactive and systemic perspectives.

Encroachment Permits Manual

The *Caltrans Encroachment Permits Manual* provides information on the permitting process, describes departmental policies, and maintains uniform methods and procedures related to the issuance of encroachment permits. Section TR-0045 of the Encroachment Permits Manual describes the general provisions of a Caltrans encroachment permit including standards of construction, pedestrian and bicyclist safety, and requirements for public traffic control (Caltrans 2022).

California Department of Transportation Standard Specifications

The *Caltrans Standard Specifications* provide detailed requirements and guidelines for the construction of transportation projects in California. These specifications cover a wide range of topics, including materials, construction methods, testing procedures, and quality assurance measures. They are intended to ensure that transportation projects in the state are built to high standards and meet the necessary safety and performance criteria. Contractors, engineers, and other stakeholders involved in transportation projects funded or managed by Caltrans must adhere to these specifications during the planning, design, and construction phases. The specifications are periodically updated to reflect changes in technology, industry best practices, and regulatory requirements.

District 4 Bike Plan

Some state highways allow bicycling though many lack low-stress facilities and crossings that meet the needs of a wide range of cyclists. The *Caltrans District 4 Bike Plan* adopts the overall vision, goals, objectives, and strategies of the *State Bicycle and Pedestrian Plan*; identifies infrastructure improvements that can enhance bicycle safety and mobility throughout District 4; and aims to remove barriers to bicycling in the region (Caltrans 2018: 1).

District 4 Pedestrian Plan

The *Caltrans District 4 Pedestrian Plan* identifies the challenges and needs related to walking along and across Caltrans roadways in District 4. The plan implements the vision statement and goals in the State Bicycle and Pedestrian Plan and complements the District 4 Bike Plan (Caltrans 2021a: 5). The plan includes a prioritized list and map of location-based pedestrian needs and a toolkit with strategies to address identified needs.

California Transportation Plan

The *California Transportation Plan 2050* is a roadmap for achieving a safe, resilient, and universally accessible transportation system and includes goals, objectives, and performance measures to guide state and regional transportation planning (Caltrans 2021b). The following goals and objectives are relevant to the analysis of the project:

- ▶ **Accessibility:** Improve multimodal mobility and access to destinations for all users.
 - **Objective 1: Increase access to destinations.** Accessibility can be improved not only through transportation system enhancements, but through compact, diverse land uses that support multiple modes and facilitate shorter and more convenient trips.
 - **Objective 3: Provide integrated and seamless travel connections.** Many Californians use multiple modes of transportation to reach their destinations. Integrating and connecting these modes, as well as addressing gaps in the existing transportation network, is essential to improving the convenience and reliability of travel throughout the state.
- ▶ **Quality of Life & Public Health:** Enable vibrant, healthy communities.
 - **Objective 1: Expand access to healthy transportation options.** This objective seeks to reduce dependence on the single occupant vehicle and ensure that people have access to safe and healthy travel options such as biking, walking, and transit.

California Code of Regulations Section 15064.3

On December 28, 2018, State CEQA Guidelines Section 15064.3 was introduced to address the determination of significance for transportation impacts. This amendment mandates that transportation analyses be based on VMT rather than congestion metrics, such as level of service. The shift in focus was a direct response to legislation, notably SB 743, passed in 2013, that required the Governor's Office of Planning and Research (OPR) to develop new State CEQA Guidelines that address traffic metrics under CEQA. As stated in the legislation, upon adoption of the new guidelines, "automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any." Following approval by the Office of Administrative Law, the updated State CEQA Guidelines took effect statewide on July 1, 2020, implementing the provisions outlined in State CEQA Guidelines Section 15064.3. As a result, VMT analysis has become a crucial component of project evaluations under CEQA. Therefore, VMT is considered in the analysis of the proposed Specific Plan.

In December 2018, OPR published the most recent version of the *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory), which provides guidance for VMT analysis. The OPR Technical Advisory provides guidance related to screening thresholds for small projects to indicate when detailed analysis is needed or if a project can be presumed to result in a less-than-significant VMT impact. The OPR Technical Advisory notes that projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact, absent substantial evidence indicated otherwise (OPR 2018). Section 15064.3(b)(3), Qualitative Analysis, states that if existing models or methods are not available to estimate the VMT for the particular project being considered, a lead agency may analyze the project's VMT qualitatively. Additionally, as detailed in the OPR Technical Advisory, "active transportation projects generally reduce VMT and therefore are presumed to cause a less-than-significant impact on transportation" (OPR 2018: 23).

California Fire Code

The 2022 California Fire Code, which is codified at Part 9 of Title 24 of the California Code of Regulations (CCR), incorporates by adoption the 2021 International Fire Code and contains regulations related to construction, maintenance, access, and use of buildings. Topics addressed in the California Fire Code include design standards for fire apparatus access (e.g., turning radii, minimum widths), standards for emergency access during construction, provisions intended to protect and assist fire responders, and several other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The California Fire Code contains specialized technical regulations related to fire and life safety. The California Building Standards Code, including the California Fire Code, is revised and published every 3 years by the California Building Standards Commission.

REGIONAL

Metropolitan Transportation Plan/Sustainable Communities Strategy

The Association of Bay Area Governments (ABAG) is a regional planning agency that includes the nine-county Bay Area region and the Metropolitan Transportation Commission (MTC) is the metropolitan planning organization governing the nine-county Bay Area region consisting of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties, and their 101 cities, including the City of Milpitas. ABAG and MTC are jointly responsible for the preparation of, and updates to, the metropolitan transportation plan/sustainable communities strategy (MTP/SCS) and the associated Metropolitan Transportation Improvement Program (MTIP). Adopted in October 2021, the *Plan Bay Area 2050* MTP/SCS provides a vision for growth and investment in the Bay Area region through 2050. The three primary transportation strategies of the MTP/SCS fall into three themes: maintain and optimize the existing transportation system; create healthy and safe streets; and build a next-generation transit network (MTC 2021).

Metropolitan Transportation Improvement Program

MTC, the federally designated metropolitan planning organization for the region, prepares and adopts the MTIP every four years. The MTIP is a short-term listing of surface transportation projects that receive federal funds, are subject to a federally required action, or are regionally significant. MTC adopted the 2023-2026 MTIP, which covers four years of programming, in September 2022. The project listing in the MTIP provides a detailed description for each individual project in the 2023-2026 MTIP, including those in Santa Clara County and the City of Milpitas.

Santa Clara County Valley Transportation Authority

The Santa Clara Valley Transportation Authority (VTA) operates light rail, bus, and paratransit services throughout Santa Clara County and serves as the Congestion Management Agency (CMA).

Congestion Management Program

As the CMA for Santa Clara County, VTA is responsible for maintaining the County's Congestion Management Program (CMP). The CMP's goal is to develop a transportation improvement program to improve multimodal transportation system performance, land use decision-making, and air quality among local jurisdictions (VTA 2021). The primary elements of the 2021 CMP are as follows:

- ▶ a system definition and traffic LOS standard element,
- ▶ a multimodal performance measures element,
- ▶ a transportation demand management and trip reduction element,
- ▶ a land use impact analysis element,
- ▶ a Capital Improvement Program,
- ▶ development of a countywide transportation model, and
- ▶ development of Multimodal Improvement Plans (VTA 2021).

Valley Transportation Plan

The VTA *Valley Transportation Plan* (VTP) 2040 was adopted in October 2014. The VTP provides a long-range vision for the Santa Clara County transportation system (VTA 2014). The VTP describes all major projects, programs, and initiatives expected to occur over the next 25 years and will help the County achieve the goals established in the regional transportation plan. It prioritizes complete streets, express lanes, light rail effectiveness upgrades, bus rapid transit, and bicycle and pedestrian improvements.

Santa Clara Countywide Bicycle Plan

The *Santa Clara Countywide Bicycle Plan* was adopted in May 2018. The plan envisions a safe, convenient, and connected network of bikeways across Santa Clara County and establishes a network of cross county bikeway corridors that would provide continuous and complete bike connections across the county (VTA 2018).

Bus Stop and Facility Criteria and Standards

The *VTA Bus Stop & Passenger Facility Design Criteria and Standards* provides uniform criteria and standards for the design and construction of bus-related facilities (e.g., bus shelters, bus stop signs) and amenities (e.g., lighting, seating) in the VTA transit service area (VTA 2020: 3). The design criteria for bus stop and passenger facility includes design for safety, accessibility, ease of operation, positive transit experience, traffic compatibility, and ease of maintenance (VTA 2020: 6).

LOCAL

City of Milpitas

General Plan

The *City of Milpitas General Plan 2040* (General Plan 2040) (City of Milpitas 2021a) is the guiding long-term plan and policy document for physical development in the city through 2040. General Plan 2040 provides goals and policies for the Gateway-Main Street Area to create a mixed-use neighborhood with a variety of residential, commercial, civic, and cultural uses in a compact, walkable, and centralized setting. The General Plan 2040 includes the following policies and actions related to transportation that are applicable to the project:

- ▶ **Policy LU 3-2:** Continue to utilize planning tools (including specific plans and overlay districts) that promote transit-oriented and mixed-use development near the Milpitas Transit Center.
- ▶ **Policy LU 4-1:** Coordinate land use and development decisions with the capacity of the transportation system and plans for future transportation improvements.
- ▶ **Policy LU 4-2:** Emphasize efforts to reduce regional vehicle miles traveled by support land use patterns and site designs that promote active modes of transportation, including walking, biking, and public transit.
- ▶ **Policy LU 4-4:** Encourage new development to facilitate pedestrian, bicycle, and transit access through techniques such as minimizing building separation from public sidewalks; providing safe, direct, accessible, convenient, and pleasant pedestrian connections; including secure and convenient bike storage; and orienting building entrances to transit service.
 - **Action SA-3e:** As part of the development review process, consult with the police and fire departments in order to ensure that the project provides adequate emergency access.
- ▶ **Policy CIR 1-1:** Prioritize and measure infrastructure and facility safety on streets and public rights-of-way.
- ▶ **Policy CIR 1-2:** Ensure that the City's transportation system supports planned land uses and removes barriers to all types of transportation options as envisioned in the Land Use Element.
- ▶ **Policy CIR 1-3:** Promote interconnectivity of the transportation network in existing and new developments and actively measure the quality of conditions in neighborhoods to better understand what barriers exist in order to support use of and access to the network.
- ▶ **Policy CIR 1-4:** Coordinate development of safe, inclusive, and health-promoting transportation infrastructure with local, county, regional, and state agencies to optimize efficiency of the transportation network for all users and increase opportunities for physical activity for all types of users.
- ▶ **Policy CIR 1-5:** Encourage reduced block size in new developments to develop a grid or modified grid network to enhance walkability.

- ▶ **Policy CIR 1-11:** Maintain acceptable service standards for all major streets and intersections for all modes of transportation, with an emphasis on comfort and safety to increase choices for pedestrians and people who ride bicycles. Examples of multimodal evaluation considerations may include tradeoffs between addition of turn lanes and the resulting impacts to continuity of bike lanes or increases in pedestrian crossing distance and delay.
- ▶ **Policy CIR 1-12:** Identify strategies to maximize person throughput to support the efficient and safe mobility of people, regardless of transportation mode. Approaches to achieving this may include transportation systems management (TSM), intelligent transportation systems (ITS), traffic signal coordination, and transit signal priority.
- ▶ **Policy CIR 2-1:** Promote multimodal transportation options by developing an interconnected system of streets, roads, bridges, and highways that provides continuous, efficient, safe, and convenient travel for all users regardless of mode, age, or ability, and encourage users to walk, ride a bicycle, or use transit for shorter, local trips.
- ▶ **Policy CIR 2-2:** Design intersections to safely and comfortably accommodate all transportation modes and users, especially those who are disproportionately impacted by health, income, or access disparities.
- ▶ **Policy CIR 2-3:** Seek opportunities to implement and assess traffic calming strategies that reduce vehicle speeds and establish a safer, more comfortable environment for pedestrians and bicyclists.
- ▶ **Policy CIR 2-4:** To enhance the City's multimodal network in a cost-effective and forward-thinking manner, view all public capital improvement projects as opportunities to enhance mobility, access, health and safety for all modes of transportation, especially for those who are more vulnerable.
- ▶ **Policy CIR 2-7:** Provide inclusive and diverse wayfinding measures to provide directional guidance for pedestrians, bicyclists, and transit riders.
- ▶ **Policy CIR 3-1:** Coordinate with VTA and [Bay Area Rapid Transit] BART to design and implement capital improvements that support safety and access to rail stations and bus stops.
- ▶ **Policy CIR 3-2:** Coordinate transit planning and provision of transit-supportive infrastructure with Caltrans, VTA, BART, and other service providers to provide seamless service for users across transit modes and to facilitate transfers.
- ▶ **Policy CIR 3-3:** Work with local stakeholders and VTA to ensure that paratransit services adequately meet the needs of people with disabilities in Milpitas.
- ▶ **Policy CIR 3-4:** Ensure that all transit-supportive infrastructure, sidewalks, and bike lanes are adequately maintained to provide high-quality facilities for users.
- ▶ **Policy CIR 4-1:** Encourage a shift to active transportation modes by expanding and enhancing current pedestrian and bicycle facilities to accommodate pedestrians and bicyclists of all ages and abilities and encourage all users to reduce vehicle trips and utilize active transportation options with an increase in density of pedestrian and bicycle-supportive infrastructure.
- ▶ **Policy CIR 4-2:** Link and expand City pedestrian and bicycle circulation facilities to existing and planned local and regional networks with an emphasis on expanding infrastructure options near transit.
- ▶ **Policy CIR 4-3:** Encourage walking, biking, and transit use by prioritizing and implementing "first-mile/last-mile" improvements, wayfinding and education efforts in the vicinity of the Great Mall transit center, light rail stations, the BART station, and heavily used bus stops.
- ▶ **Policy CIR 4-4:** Provide secure bicycle parking and end-of-trip support facilities (publicly accessible lockers, changing rooms, and showers) at centers of civic, retail, recreation, education, and work activity.
- ▶ **Policy CIR 4-5:** Support building bridges or under-crossings across creek channels, railroad lines, and roadways in a manner that will enhance safety, improve network connectivity, and facilitate bicycling and walking between high-density residential developments, retail centers, civic buildings, and recreational centers.
- ▶ **Policy CIR 4-6:** Eliminate gaps in the pedestrian and bicycle network, especially between neighborhoods, trails that access schools, and areas with higher health disparities.

- ▶ **Policy CIR 5-4:** Encourage developers to provide enhanced Transportation Demand Management programs and alternative transportation infrastructure that exceeds minimum requirements in exchange for reduced parking requirements, with a focus on priority development areas and locations in proximity to high-capacity transit.
- ▶ **Policy CIR 6-2:** Support development of healthier communities through the use of lower- or non-polluting modes of transportation to reduce greenhouse gas emissions (GHG) vehicle emissions and local air pollution levels.
- ▶ **Policy CIR 6-3:** Encourage walking and bicycling as strategies to promote public health and reduce the long-term transportation costs of owning and maintaining a vehicle.
- ▶ **Policy CIR 6-7:** Develop impact fees to provide revenues to be used to construct pedestrian and bicycle infrastructure that will support new development.
- ▶ **Policy CIR 7-4:** Ensure that construction detour routes provide safe and convenient access for users of all modes of transportation, including people with disabilities.

Climate Action Plan Update

The *City of Milpitas Climate Action Plan* (CAP) was adopted in 2022 and identifies the near- and long-term strategies for reducing community-wide greenhouse gas emissions and meeting State climate goals. The CAP Update includes the following measures related to transportation (City of Milpitas 2022a).

- ▶ **Measure TR-1.1:** Reduce VMT from new development in compliance with SB 743.
- ▶ **Measure TR-1.2:** Reduce VMT from existing development.
 - **Action TR-1.2.3:** Require employers of 50 or more employees to implement vehicle trip reduction programs and limit car commutes to 40 percent of their workforce by 2030.
- ▶ **Measure TR-1.3:** Continue to implement and adopt policies that support high-density, mixed-use, and transit-oriented development and housing near jobs.
 - **Action TR-1.3.4:** Support high levels of ridership at the Milpitas BART station by encouraging higher density, mixed uses, and connectivity along transit corridors and at transit nodes. Promote the increase of density and mixed uses in key opportunity areas.
- ▶ **Measure TR-3.1:** Enhance and expand transit facilities and infrastructure.
 - **Action TR-3.1.2:** Ensure a pedestrian-friendly environment around the Milpitas BART and light rail stations.
- ▶ **Measure TR-3.3:** Improve active transportation options.
 - **Action TR-3.3.1:** Require all new development other than single family to provide short-term and long-term bicycle parking facilities to meet peak season maximum demand.
 - **Action TR-3.3.3:** Require new nonresidential development projects to provide “end-of-trip” facilities for cyclists, including showers, secure bicycle lockers, and charging spaces.

Transportation Analysis Guidelines

The *City of Milpitas Transportation Analysis Guidelines* (TAG) are intended to assist applicants with assessing the potential transportation impacts of proposed projects within the city (City of Milpitas 2022b). The TAG establishes screening criteria, thresholds for VMT impacts, guidelines for mitigation to reduce VMT consistent with SB 743. The TAG recommends the following thresholds of significance (City of Milpitas 2022b: 9-10, 25):

- ▶ Conflicts with a plan, ordinance, or policy addressing the circulation system. A significant impact could be identified if proposed projects fail to conform to the policies in the following guiding documents:
 - Milpitas General Plan;
 - Milpitas Midtown Specific Plan;
 - Milpitas Transit Area Specific Plan;

- Milpitas Bicycle, Pedestrian, and Trails Master Plan; and
- Congestion Management Program.
- ▶ VMT Impacts:
 - The Santa Clara County Areawide reference average VMT baseline and a 15 percent threshold of significance for both residential and office projects.
 - Retail projects which would result in a net increase in total VMT is a significant VMT impact; however, retail projects determined by the City to be local service are exempt from VMT analysis. In all cases, retail projects larger than 100,000 square feet may be considered regional-serving and would be subject to the retail threshold of significance.
 - Mixed-use and all other project types: Each land use within a mixed-use project, and all other project types, shall be evaluated independently by applying the most appropriate threshold of significance to each land use type being proposed.
- ▶ Transportation Hazard Impact: Consistency with this item can be demonstrated in transportation conditions that are consistent with adopted geometric design practices (e.g., Caltrans Highway Design Manual, Complete Streets, CA-MUTCD for traffic control devices and signage). In addition, the City of Milpitas has adopted transportation standards in the Municipal Code.
- ▶ Emergency Access Impact: A project may result in inadequate emergency access if it includes modifications to the existing transportation network, which would potentially impact emergency access response times. However, a project could demonstrate compliance with requirements contained in the City's Design and Construction Standards, which include requirements for emergency access.

In addition to thresholds of significance, the City TAG also establishes four tiers of mitigation to reduce VMT. Projects that do not meet applicable screening criteria are required to evaluate VMT and must demonstrate that the project VMT meets the applicable thresholds. If mitigation is required, a project must propose mitigation from Tier 2 and then propose any additional mitigation from Tier 3 and Tier 4 (City of Milpitas 2022b: 17). To mitigate from Tier 1, further coordination with City staff would be required. The four tiers of mitigation are detailed below (City of Milpitas 2022b: 16):

- ▶ **Tier 1: Project Characteristics.** Although it may be difficult to revise a project during environmental review, Tier 1 strategies allow the user to increase the project density, diversity of land uses, and add affordable and/or below market rate housing to the residential and employment projects to reduce VMT.
- ▶ **Tier 2: Multimodal Network Improvements.** These improvements include implementing bicycle lanes, improving the pedestrian network, implementing traffic calming, increasing transit accessibility, and improving network connectivity. These improvements require coordination with Mountain View staff and additional studies (signal warrant studies, traffic calming studies, etc.) to determine feasibility. Ideally, consultants should use the City's approved plans which contain various transportation improvements to bicycle, pedestrian, and roadway facilities as VMT mitigation.
- ▶ **Tier 3: Parking.** Parking strategies shown to effectively reduce VMT include reduced parking, increased bike parking, or end-of-trip bike facilities. To be most effective, the areas surrounding the projects with reduced parking should have parking permit programs.
- ▶ **Tier 4: Travel Demand Management (TDM).** There are a multitude of TDM measures to reduce VMT. The Santa Clara County VMT Evaluation Tool (the tool) assesses a project's potential VMT based on the project description, location, and attributes and can be used to evaluate most residential and employment projects. The tool includes all allowable TDM measures and their relative effectiveness. Based on the percentage participation selected by the user, the tool calculates the resulting VMT reduction. The various TDM measures in the tool include school carpool programs, bike-sharing programs, car-sharing programs, trip reduction marketing/educational campaign, parking cash-out, subsidized transit, telecommuting, alternative work schedules, shuttles, pay to park, ridesharing, unbundled parking, and subsidized vanpool.

Trail, Pedestrian, and Bicycle Master Plan

The *City of Milpitas Trail, Pedestrian, and Bicycle Master Plan* (TPBMP) provides a vision and action plan to improve safety and provide convenient modes of active transportation. Specifically, the TPBMP aims to create a complete, interconnected system of paved shared-use paths, on-street bikeways, and pedestrian improvements to support travel in and around the city (City of Milpitas 2021b: 19). The TPBMP is consistent with and supports the goals and policies included in the General Plan Circulation Element.

3.11.2 Environmental Setting

This section describes the existing environmental setting, which is the baseline scenario upon which project-specific impacts are evaluated. The environmental setting for transportation includes baseline descriptions for roadway, transit, bicycle, and pedestrian facilities.

ROADWAY SYSTEM

The Specific Plan Area encompasses a network of state, county, and city roadways. The Federal Highway Administration (FHWA) classifies urban and rural roadways by road function. The functional classification of roadways defines the role each element of the roadway network plays in serving the transportation system (FHWA 2023). FHWA defines each roadway classification as follows:

- ▶ **Interstates:** Interstates are the highest classification of arterials and were designed and constructed with mobility and long-distance travel in mind.
- ▶ **Other Freeways and Expressways:** Roadways in this functional classification category look very similar to interstates. While there can be regional differences in the use of the terms “freeway” and “expressway,” for the purpose of functional classification, the roads in this classification have directional travel lanes, are usually separated by some type of physical barrier, and their access and egress points are limited to on- and off-ramp locations or a very limited number of at-grade intersections.
- ▶ **Other Principal Arterials:** These roadways serve major centers of metropolitan areas, provide a high degree of mobility, and can also provide mobility through rural areas. Unlike their access-controlled counterparts, abutting land uses can be served directly.
- ▶ **Minor arterials:** Minor arterials provide service for trips of moderate length, serve geographic areas that are smaller than their higher arterial counterparts, and offer connectivity to the higher arterial system. In an urban context, they provide intra-community connectivity and may carry local bus routes.
- ▶ **Major and Minor Collectors:** Collectors serve a critical role in the roadway network by gathering traffic from local roads and funneling them to the arterial network.
- ▶ **Local Roads:** Locally classified roads account for the largest percentage of all roadways in terms of mileage. They are not intended for use in long distance travel, except at the origin or destination end of the trip, due to their provision of direct access to abutting land (FHWA 2023).

Access to the Specific Plan Area is provided by a network of State, County, and City roadways. Major roadways in the vicinity of the Specific Plan Area are described below (Fehr & Peers 2022).

Freeways/State Highways:

- ▶ **I-680** connects the City of San José to I-80 through the Cities of Milpitas, Dublin, Walnut Creek, and Fairfield. I-680 is fully grade separated with at least three lanes per direction through the City of Milpitas. A high-occupancy toll lane is present in the southbound direction for most of the roadway in Milpitas. Interchanges with Calaveras Boulevard and Montague Expressway provide direct access to the Specific Plan Area.
- ▶ **I-880** is a north-south interstate highway extending north from the I-280/I-880/SR 17 interchange in San José to Oakland. The interstate has three general purpose lanes. Between Oakland and Milpitas, it has one high-

occupancy toll lane in each direction and between Milpitas and San José, one high-occupancy vehicle lane. I-880 provides access to the Main Campus via First Street.

- ▶ **State Route (SR) 237/Calaveras Boulevard** is an east-west highway that connects I-680 to I-880, continuing west to connect to US 101 in the City of Mountain View. Between I-680 and I-880, SR 237 is a six-lane arterial roadway (Calaveras Boulevard) which transitions into a fully grade separated highway west of I-880, at the western edge of the Specific Plan Area. On the eastern side of the Specific Plan Area, SR 237/Calaveras Boulevard is grade-separated due to the presence of railroad tracks.

County Expressways:

- ▶ **Montague Expressway** is an east-west express way that connects US 101 and the San Tomas Expressway in the City of San José to McCarthy Boulevard, I-880, Great Mall Parkway, and I-680 in the City of Milpitas. Montague Expressway extends east of I-680 as Landess Road.

Arterial and Collector Roadways:

- ▶ **Abel Street** is a north-south arterial that connects North Milpitas Avenue, West Calaveras Boulevard/SR 237, the Great Mall Parkway, and South Main Street. It extends east of North Milpitas Avenue as Jacklin Road.
- ▶ **Great Mall Parkway** is an east-west arterial roadway that connects I-880 to South Abel Street, South Main Street, and the Montague Expressway. Great Mall Parkway extends west of I-880 as East Tasman Drive and east of Montague Expressway as North Capitol Avenue.
- ▶ **Calaveras Boulevard** is designated as an arterial by the City of Milpitas and is also a part of SR 237, as detailed above.
- ▶ **Main Street** is a collector roadway from Serra Way to South Abel Road, where it transitions to an arterial roadway and connects to Montague Expressway.
- ▶ **Serra Way** is a collector roadway that connects West Calaveras Boulevard to South Abel Street and South Main Street.

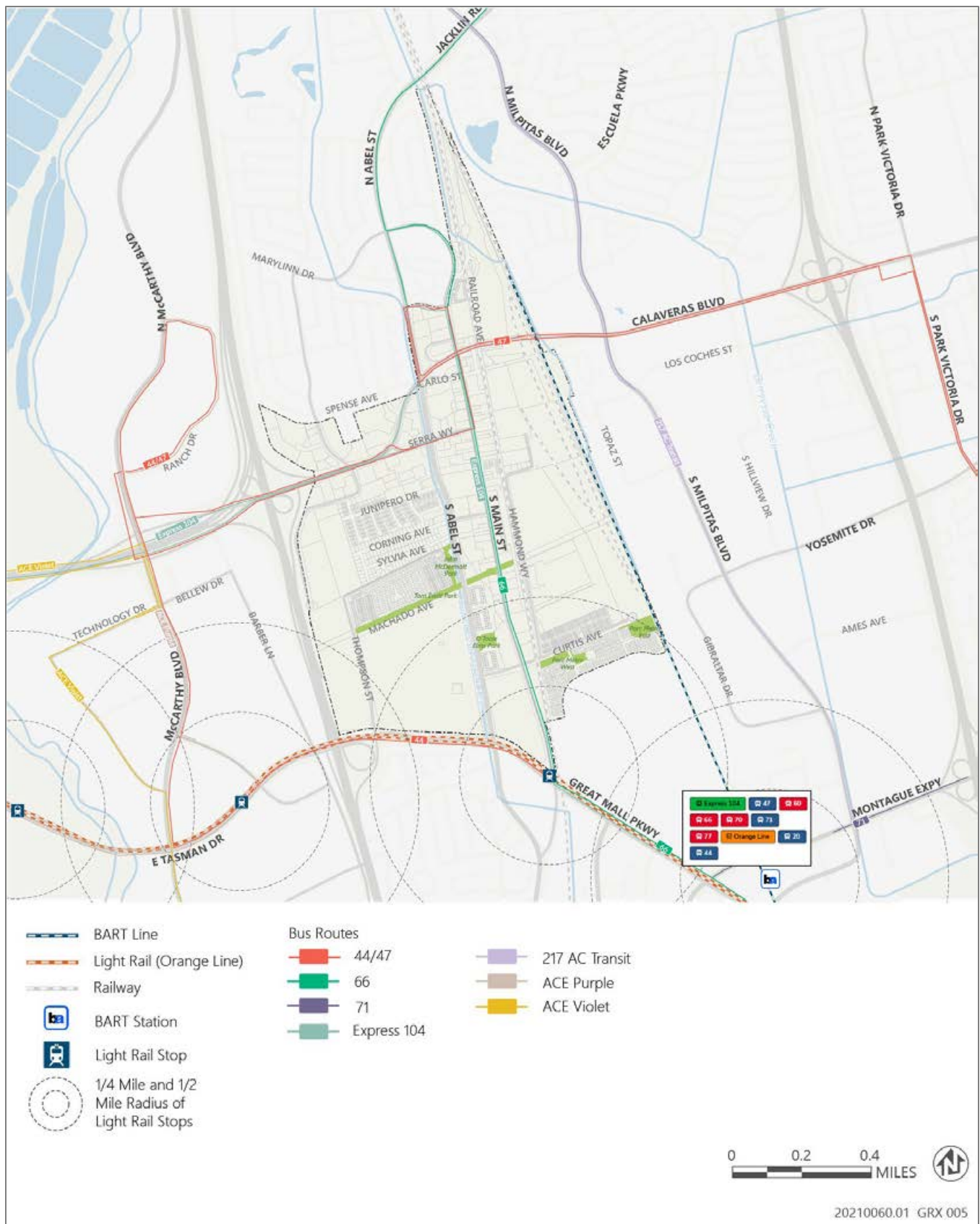
Local Roadways:

Key local roadways in the Specific Plan Area include:

- | | |
|-------------------|------------------------|
| ▶ Weller Lane, | ▶ Machado Avenue, |
| ▶ Carlo Street, | ▶ Curtis Avenue, |
| ▶ Junipero Drive, | ▶ South Abbott Drive, |
| ▶ Corning Avenue, | ▶ Thompson Street, |
| ▶ Sylvia Avenue, | ▶ Railroad Avenue, and |
| | ▶ Hammond Way. |

TRANSIT SYSTEM

Public transit service in the City is provided by various agencies. Local and regional transit organizations offer a variety of transit options including buses, on-demand rideshare services, passenger rail, paratransit, and light rail. Service is provided with varying frequency and cost. Figure 3.11-1 shows the existing transit routes in the vicinity of the Specific Plan Area and Table 3.11-1 summarizes the existing hours of operation and headways for the existing transit services in the Specific Plan Area.



Source: Fehr & Peers 2024.

Figure 3.11-1 Existing Transit Services

VTA operates light rail transit, bus, and paratransit services throughout Santa Clara County. VTA Bus Routes 44/47, 66, 71, and Express 104 operate within the Specific Plan Area. In addition, the Specific Plan Area is located approximately 0.5 miles from the Milpitas Transit Center which serves VTA Routes 20, 60, 70, 77, and 104. The VTA orange light rail line operates along Great Mall Parkway south of the Specific Plan Area. The Bay Area Rapid Transit (BART) orange light rail transit line (Richmond to Berryessa/North San José) and green light rail transit line (Daly City to Berryessa/North San José) also operate alongside the eastern frontage of the Specific Plan Area (BART 2023). Alameda-Contra Costa and Altamont Commuter Express Transit District also offer transit services near the Specific Plan Area.

In addition to fixed-route transit services, the Specific Plan Area is also served by on-demand transit. Simple Mobile Access to Reliable Transit (SMART) provides on-demand rideshare service from various pick-up/drop-off locations and provides first- and last-mile connections to/from the Milpitas BART Station and VTA bus and light rail stations. VTA also offers Access Paratransit, a reservation-based service that operates during the regularly scheduled operating hours of bus and light rail routes.

Table 3.11-1 Existing Transit Services within the Vicinity of the Specific Plan Area

Route	From	To	Weekdays Operating Hours ¹	Weekdays Peak Headway	Saturday Operating Hours ¹	Saturday Headway	Sunday Operating Hours ¹	Sunday Headway
VTA								
Route 20	Milpitas Transit Center	Sunnyvale Transit Center	5:45 a.m. - 8:20 p.m.	30 minutes	No Weekend Services		No Weekend Services	
Route 44	Milpitas Transit Center	McCarthy Ranch Shopping Center	6:00 a.m. - 8:30 p.m.	30 minutes	7:30 a.m. – 8:00 p.m.	45 minutes	8:15 a.m. – 6:15 p.m.	60 minutes
Route 47	Milpitas Transit Center	McCarthy Ranch Shopping Center	7:00 a.m. – 8:00 p.m.	30 minutes	7:50 a.m. – 6:50 p.m.	60 minutes	8:45 a.m. – 5:45 p.m.	60 minutes
Route 60	Milpitas Transit Center	Winchester Station	5:30 a.m. – 11:30 p.m.	15 minutes	6:30 a.m. – 11:30 p.m.	30 minutes	7:15 a.m. – 11:30 p.m..	30 minutes
Route 66	North Milpitas	Kaiser San José	5:15 a.m. – 11:00 p.m.	15 minutes	6:00 a.m. – 10:45 p.m.	20 minutes	6:00 a.m. – 11:00 p.m.	20 minutes
Route 70	Milpitas Transit Center	Capital Station	6:00 a.m. – 10:30 p.m.	30 minutes	6:30 a.m. – 9:30 p.m.	40 minutes	7:00 a.m. – 9:00 p.m.	30 minutes
Route 71	Milpitas Transit Center	Eastridge Transit Center	5:25 a.m. – 11:45 p.m.	15 minutes	6:30 a.m. - 11:45 p.m.	30 minutes	7:30 a.m. - 10:45 p.m.	30 minutes
Route 77	Milpitas Transit Center	Eastridge Transit Center	5:45 a.m. – 11:45 p.m.	15 minutes	7:15 a.m. - 11:45 p.m.	20 minutes	7:20 a.m. – 10:45 p.m.	30 minutes
Route 104	Milpitas Transit Center	Stanford Research Park	6:10 a.m. – 7:00 a.m. and 4:00 p.m. – 4:30 p.m.	30 minutes	No Weekend Services		No Weekend Services	
VTA Light Rail								
Orange Line	Mountain View	Alum Rock	5:30 a.m. – 10:55 p.m.	20 minutes	6:00 a.m. – 10:55 p.m.	30 minutes	6:00 a.m. – 10:55 p.m.	30 minutes
AC Transit								
Route 217	Fremont BART	Milpitas Transit Center	6:10 a.m. – 9:40 p.m.	30 minutes	7:00 a.m. – 9:30 p.m.	30 minutes	7:00 a.m. – 9:30 p.m.	30 minutes

Route	From	To	Weekdays Operating Hours ¹	Weekdays Peak Headway	Saturday Operating Hours ¹	Saturday Headway	Sunday Operating Hours ¹	Sunday Headway
ACE Shuttle								
Purple Shuttle	Great America ACE Amtrak Station	McCarthy Ranch Shopping Center	6:10 a.m. – 9:30 a.m., 3:10-6:15 p.m.	60 minutes	No Weekend Services		No Weekend Services	
Violet Shuttle	Great America ACE Amtrak Station	North East Medical Services	6:10 a.m. to 9:30 a.m., 3:10 p.m. to 5:00 p.m.	60 minutes	No Weekend Services		No Weekend Services	
BART								
Berryessa- Richmond Line (Orange)	Berryessa/ North San José	Richmond	5:00 a.m. – 11:45 p.m.	15 minutes	6:00 a.m. to 11:50 p.m.	20 minutes	8:00 a.m. – 11:50 p.m.	20 minutes
Berryessa-Daly City Line (Green)	Berryessa/ North San José	Daly City	4:45 a.m. to 6:45 p.m.	20 minutes	5:45 a.m. – 6:45 p.m.	20 minutes	7:45 a.m. – 6:45 p.m.	20 minutes

Notes: VTA = Santa Clara Valley Transportation Authority; AC = Alameda-Contra Costa Transit; ACE = Altamont Commuter Express; BART = Bay Area Rapid Transit.

¹ Times rounded up to 5 nearest 5-minute increment.

Sources: VTA 2024; BART 2024; AC Transit 2024.

BICYCLE SYSTEM

Bicycle facilities (e.g., designated bicycle lanes, routes, and paths) are located along many of the city roads in the vicinity of the Specific Plan Area. Caltrans classifies bicycle facilities into the following types (Caltrans 2020c):

- ▶ **Class I Shared-Use Paths:** Paths completely separated from motor vehicle traffic used by people walking and biking, making them comfortable for people of all ages and abilities. Typically located immediately adjacent and parallel to a roadway or in its own independent ROW.
- ▶ **Class II Bicycle Lanes:** A dedicated lane for bicycle travel adjacent to traffic. A painted white line separates the bicycle lane from motor vehicle traffic.
- ▶ **Class III Signed Bicycle Routes:** Streets with signs and/or pavement markings that indicate people biking share the travel lane with motor vehicles.
- ▶ **Class IV Bikeways:** A bikeway for the exclusive use of bicycles and includes a separation between the separated bikeway and the through vehicular traffic. The separation may include, but is not limited to, grade separation, flexible posts, inflexible barriers, or on-street parking.

As of 2021, the existing bicycle network in the City included nearly 50 miles of bicycle lanes, including 8 miles of paved shared use paths (Class I), 25 miles of bike lanes (Class II), and 15 miles of designated bike routes (Class III) (City of Milpitas 2021b: Table 7). Figure 3.11-2 shows the existing and proposed bicycle facilities in the vicinity of the Specific Plan Area. There is an existing Class I path adjacent to Machado Avenue between Thompson Street and Main Street. There are Class II bike lanes present along Main Street between Calaveras Boulevard and Great Mall Parkway, along Abel Street between Corning Avenue and Great Mall Parkway, and along Great Mall Parkway on the southern border of the Specific Plan Area. In addition, there are Class III bike routes along Abel Street, north of Corning Avenue (City of Milpitas 2021b: Figure 27).

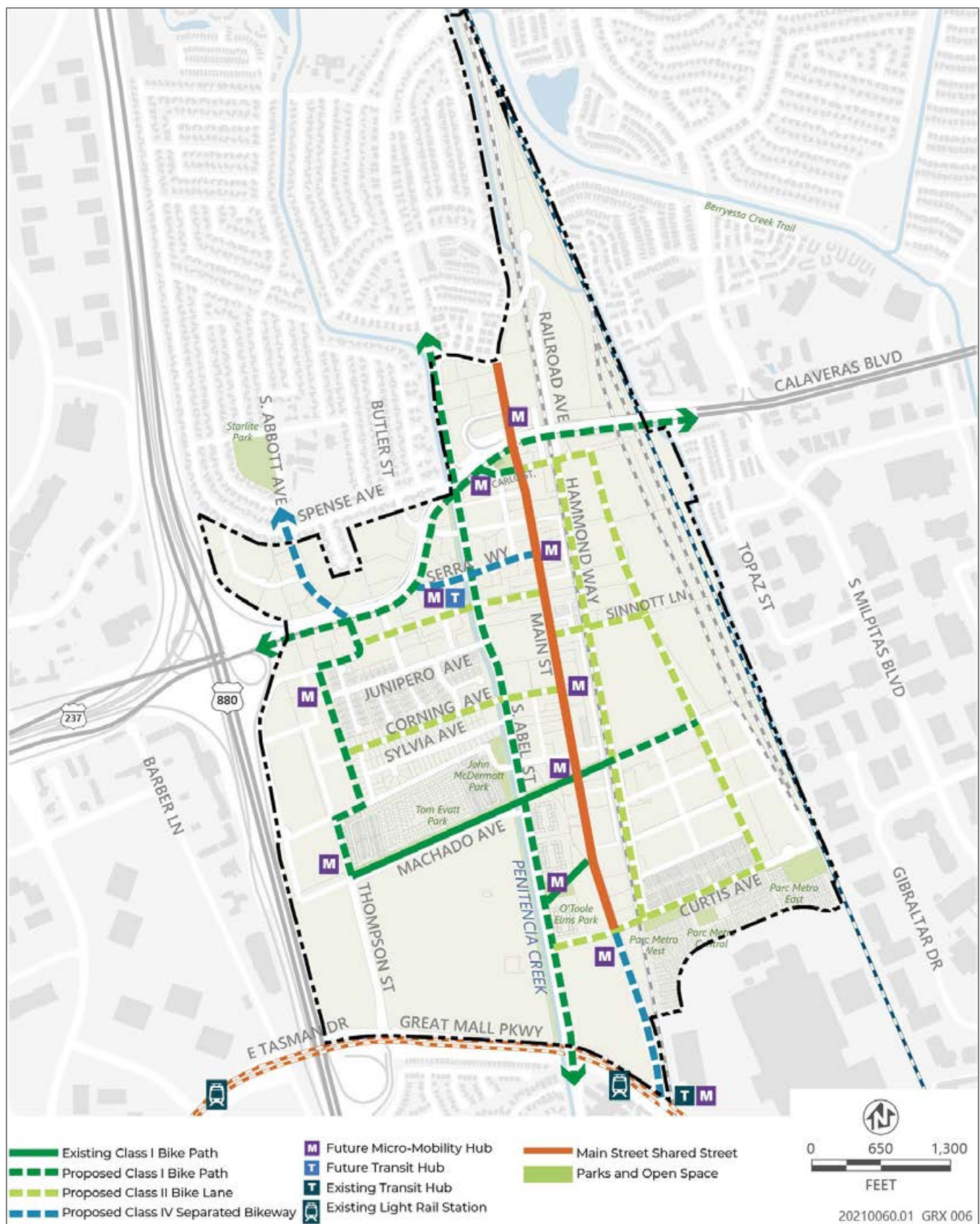


Figure 3.11-2 Existing and Proposed Bicycle Network

PEDESTRIAN NETWORK

The pedestrian network in the City of Milpitas includes trails, park paths, sidewalks, crosswalks, crossing signals, pedestrian signal heads, and other features that support the safety and comfort of people walking and rolling (City of Milpitas 2021b: 31). Most streets within the Specific Plan Area provide sidewalks on both sides of the roadway; however, roadway segments with missing sidewalks or sidewalks on only one side include: Carlo Street (no sidewalk along the southern side), Serra Street (sidewalk gaps on the southern side), and Calaveras Boulevard (no sidewalk between Carlo Street and Milpitas Boulevard). There is also a pedestrian-activated flashing beacon on Main Street at Tom Evatt Park (Fehr & Peers 2022).

3.11.3 Environmental Impacts and Mitigation Measures

This section describes the analysis techniques, assumptions, and results used to identify potential significant impacts of the project on the transportation system. Transportation impacts are described and assessed, and mitigation measures are recommended for impacts identified as significant or potentially significant.

METHODOLOGY

The following methodologies were used to evaluate the impacts of the proposed Specific Plan.

Bicycle and Pedestrian Analysis

The bicycle and pedestrian analyses evaluate if the Specific Plan would, either directly or indirectly, disrupt existing bicycle or pedestrian programs or facilities; interfere with the implementation of a planned facility; or create a physical or operational transportation outcomes that conflict with applicable bicycle or pedestrian system plans, guidelines, policies, or standards.

Transit Analysis

The transit analysis evaluates if the Specific Plan would, directly or indirectly, disrupt existing transit services or facilities or interfere with the implementation of a planned transit facility.

Vehicle Miles Traveled Analysis

This analysis is based on the VMT Report prepared by Fehr & Peers (Appendix D). Consistent with the City's TAG, the City of Milpitas Travel Model was used to develop the VMT forecasts for this analysis. The analysis used the City of Milpitas Travel Model received from Kittelson & Associates for the Milpitas Metro Specific Plan, which is based on the VTA/City/County of Governments of San Mateo County (C/CAG) Bi-County Travel Model. This version of the City of Milpitas Travel Model uses 2015 as its base year, and 2040 as its cumulative horizon year. To reflect 2020 as the base year for the analysis, the model was interpolated between 2015 and 2040. Kittelson had updated the model to include the full buildout of the Milpitas General Plan (which includes the Midtown Specific Plan) and Milpitas Metro Specific Plan in 2040.

The City of Milpitas Travel Model extends south beyond the Bay Area regional boundary into the Association of Monterey Bay Area Governments region (i.e., Santa Cruz County, Monterey County, and San Benito County) and east into San Joaquin County. However, the City of Milpitas Travel Model stops at the Bay Area regional boundary and does not include inter-regional travel to Mendocino County, Lake County, Yolo County, and Merced County, resulting in shortened vehicle travel to those counties. This truncation results in a lower total project generated VMT estimate for the region and Santa Clara County affecting baseline regional and/or county baseline VMT values used to establish VMT thresholds. Therefore, the California statewide travel demand model was used to estimate and forecast trip lengths that occur outside the City of Milpitas Travel Model boundary. These trip lengths have been appended to the external stations and are reflected in the VMT estimates and forecasts contained in this analysis. See Appendix D for details.

Consistent with City TAG, the VMT Report analyzed both project-generated VMT and the project effect on VMT as described below:

- ▶ Project-generated VMT presents trips and trip distances of specific trips associated with the Specific Plan.
- ▶ Project effect on VMT is an estimate of how VMT within a specified boundary would change once the Specific Plan is implemented.

VMT estimates are presented on a per service population basis (sum of residents and employees) to account for both the effects of population and/or employment growth and the effects of changes in personal travel behavior. For example, population growth could result in an increase in overall VMT; however, travelers changing their behavior with the use of alternative transportation or decreasing their trip lengths (such as a higher percentage of people living and working in the Specific Plan Area) would reduce in the amount of VMT each person generates. Additionally, the analysis herein focuses on the VMT for all trip purposes and vehicle types and does not separate VMT by land use.

Project-Generated Vehicle Miles Traveled

The analysis of project-generated VMT studies the project's direct effect on VMT. Therefore, project-generated VMT is calculated by summing the VMT "within," "from," and "to" a specified geographic area. Consistent with the City TAG, and as detailed in Table 3.11-2, implementation of the Specific Plan would result in a significant project-generated VMT impact if the total VMT per service population would exceed 25.40 (i.e., 15 percent below the existing County total VMT per service population), the home-based VMT per resident would exceed 11.87 (i.e., 15 percent below the existing County VMT per resident), or the home-based work VMT per employee would exceed 14.31 (i.e., 15 percent below the existing County VMT per employee). Table 3.11-2 presents calculations for the project-generated VMT thresholds identified above.

Table 3.11-2 Project-Generated Vehicle Miles Traveled Threshold

	Project-Generated VMT Threshold
Total VMT per Service Population Threshold	
Total VMT (A) ¹	92,685,100
Service Population (B) ^{1,2}	3,101,410
Total VMT per Service Population (C=A/B)	29.88
Total VMT per Service Population Threshold (D = C * 85%)	25.40
Home-Based VMT per Resident Threshold	
Home-Based VMT (A) ¹	27,937,530
Residents (B) ^{1,2}	1,999,110
Home-Based VMT per Resident (C = A/B)	13.97
Home-Based VMT per Resident Threshold (D = C*85%)	11.87
Home-Based Work VMT per Employee Threshold	
Home-Based Work VMT (A) ¹	18,561,410
Employees (B) ^{1,2}	1,102,300
Home-Based Work VMT per Employee (C = A/B)	16.84
Home-Based Work VMT per Employee Threshold (D = C*85%)	14.31

Notes: VMT = vehicle miles traveled; % = percent

¹ Rounded service population and VMT to nearest 10.

² Service population is defined as the sum of all residents and employees.

Source: Fehr & Peers 2024.

Project's Effects on Vehicle Miles Traveled

The project's long-term effect on VMT involves an evaluation of the change in total vehicle travel within a defined geographic area boundary, compared between the "with project" and "without project" conditions. A project's effect on VMT is evaluated using the boundary VMT which captures all VMT on the roadway network within a specified geographic area, including local trips plus inter-regional travel that does not have an origin or destination within the study area. The geographical boundary method does not include the impact of vehicles once they travel outside the area limits because it only considers travel within the physical limits of the selected study area. The boundary VMT is also divided by the service population (sum of residents and employees) to account for the effects of population and/or employment growth and the effects of changes in personal travel behavior within the specified geographic area. The use of boundary VMT is a more comprehensive evaluation of the potential effects of a project because it captures the combined effect of new VMT, shifts in existing VMT to/from other neighborhoods, and/or shifts in existing vehicular traffic to alternate travel routes or modes. The threshold of significance for assessing cumulative impacts is no net increase in the Cumulative Conditions boundary VMT per service population for 2040. Therefore, the project would result in a significant cumulative VMT impact if the cumulative regionwide daily boundary VMT per service population is greater than 13.40 with implementation of the Specific Plan.

Transportation Hazards and Emergency Access

The transportation hazards and emergency access analyses evaluate if the Specific Plan would directly or indirectly, substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access.

THRESHOLDS OF SIGNIFICANCE

The following thresholds of significance are based on Appendix G of the CEQA Guidelines and the City of Milpitas TAG. A transportation-related impact would be significant if implementation of the Specific Plan would:

- ▶ conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities;
- ▶ result in a VMT-related impact defined as:
 - ▶ a total VMT per service population greater than 25.40 miles (i.e., 15 percent below existing Santa Clara County VMT per service population);
 - ▶ a home-based VMT per resident greater than 11.87 miles (i.e., 15 percent below existing Santa Clara County VMT per resident); or
 - ▶ a home-based work VMT per employee greater than 14.31 miles (i.e., 15 percent below existing Santa Clara County VMT per employee).
- ▶ substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- ▶ result in inadequate emergency access.

ISSUES NOT DISCUSSED FURTHER

All potential transportation issues identified in the significance criteria are evaluated below.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.11-1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle, and Pedestrian Facilities

The General Plan Update EIR (Impact 3.14-1) identified that the policies included in the General Plan would help further the implementation of City transportation plans, support interjurisdictional coordination, and link the development of transportation facilities to surrounding land uses and result in less-than-significant impact. Implementation of the Specific Plan would develop a transportation network for users of all modes of transportation including pedestrians, bicyclists, and transit riders. The standards and policies proposed under the Specific Plan would support multi-modal transportation, improve non-vehicular access throughout the Specific Plan Area, and encourage transit-oriented land use development, consistent with policies and standards in relevant transportation plans. In addition, new project-generated demand for transit, bicycle, and pedestrian facilities would be satisfied by the multimodal improvements proposed under the Specific Plan. For these reasons, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain **less than significant**.

Under Impact 3.14-1, the General Plan Update EIR concluded that the policies included in the General Plan help further the implementation of City transportation plans including the BPTMP, support interjurisdictional coordination, and link the development of transportation facilities to surrounding land uses. The General Plan Update EIR determined that with adherence to these policies, implementation of the General Plan would not conflict with a program, plan, ordinance, or policy addressing the circulation system.

Implementation of the Specific Plan would change the Specific Plan Area boundaries and result in an increase in dwelling units and a decrease in nonresidential square footage compared to what was evaluated under the General Plan. Implementation of the Specific Plan would increase the population by 6,827 and reduce employment by 6,014 from what was analyzed in the General Plan Update EIR for the Midtown Specific Plan Area.

Transit Facilities and Service

As detailed in Section 3.11.2 “Environmental Setting,” several transit operators provide service to and within the Specific Plan Area including VTA and BART. Additionally, the City offers the SMART shuttle program that provides on-demand rideshare service from various pick-up and drop-off locations. As discussed, although implementation of the Specific Plan would decrease employment, it would also result in an increase in the residential population which would generate additional demand for transit facilities and services. However, according to the OPR Technical Advisory, when evaluating impacts to multimodal transportation networks, the addition of new transit users generally should not be treated as an adverse impact (OPR 2018). In addition, the Specific Plan proposes a Public Transit Framework and Transit Design Standards that would enhance the transit network and provide a comfortable and safe experience for transit users.

The Specific Plan proposes a shuttle loop along Main Street, Weller Lane, North / South Abel Street, Thompson Street, and Great Mall Parkway to connect the Specific Plan Area to existing transit services and that could build upon existing bus stop facilities and serve underserved locations in the Specific Plan Area. In accordance with Transit Design Standards proposed under the Specific Plan, the shuttle service would be implemented in coordination with existing services, and thus would only enhance, not interfere with, existing transit facilities or service. In addition to new transit service, the Specific Plan proposes new bus stop amenities including shelters, benches, and lighting at all existing bus stops and existing and new transit hubs within the Specific Plan Area; curb extensions at all existing bus stops along South Main Street; and bus boarding islands along Serra Way. These new transit facilities would be constructed and maintained in a manner consistent with the VTA *Bus Stop and Facility Criteria and Standards*. Therefore, implementation of the Specific Plan would result in enhanced transit amenities and improved connectivity and access to existing transit in accordance with General Plan policies such as Policy CIR 1-3, which aims to promote interconnectivity of the transportation network; Policy CIR 3-2 which encourages coordination with transit service providers to provide seamless service for transit users; and Policy CIR 3-4, which requires that all transit-supportive infrastructure are adequately maintained to provide high-quality facilities for users. In summary, implementation of

the Specific Plan would enhance existing transit facilities and services in a manner consistent with applicable plans and any new demand for transit facilities and service would be accommodated by the existing transit services and transit improvements proposed under the Specific Plan. For these reasons, the Specific Plan would not disrupt existing or planned transit facilities and services and would not conflict with a program, plan, ordinance, or policy addressing such facilities.

Bicycle and Pedestrian Facilities

Implementation of the Specific Plan would result in an increase in the residential population as compared to what was evaluated in the General Plan Update EIR; and thus, would presumably result in an increase in demand for bicycle and pedestrian facilities. The Specific Plan would encourage the shift to active modes of transportation (e.g., walking and biking) by enhancing existing bicycle and pedestrian infrastructure, constructing new bicycle and pedestrian facilities, and establishing design standards for these facilities.

The proposed bicycle infrastructure network would provide a continuous bicycle connection from local neighborhoods to the commercial and mixed-use zones within the Specific Plan Area. As shown in Figure 3.11-2, the Specific Plan proposes Class I, Class II, and Class IV bicycle facilities along several roadways within the Specific Plan Area and a Class III separated bikeway proposed along Main Street. The Class III separated bikeway proposed along Main Street deviates from the Class IIB bicycle facilities proposed in the TPBMP; however, the TPBMP would be amended to include the Class III bicycle facilities. Thus, the facilities proposed in the Specific Plan would align with, and further the recommendations included in the TPBMP. In addition to proposed bicycle facilities, the Specific Plan also includes bicycle parking requirements for new development, signal and intersection improvements benefiting bicyclists and pedestrians (e.g., curb extensions, high-visibility crosswalks), and pedestrian level design standards (e.g., lighting, signage, and landscaping) that would enhance the pedestrian network. The proposed improvements and design standards included in the Specific Plan are aligned with the goals and policies of the General Plan, PTBMP, Caltrans District 4 Bike Plan and Pedestrian Plan, and the City of Milpitas CAP. For example, Measure TR-3.3 of the City of Milpitas CAP aims to improve active transportation options, and the mobility goal of Caltrans District 4 Bike and Pedestrian Plan intends to increase walking and bicycling in the district. General Plan Policy CIR 4-1 seeks to encourage a shift to active transportation modes by expanding and enhancing current pedestrian and bicycle facilities, Policy CIR 4-4 aims to provide secure bicycle parking at various land uses, and Policy CIR 4-6 proposes to eliminate gaps in the pedestrian and bicycle network. The Specific Plan supports these and other related policies as its objective is to create a network of complete streets that provide a safe, comprehensive, and integrated system of pedestrian and bicycle facilities. Additionally, the Specific Plan for shared-use micro-mobility infrastructure provides strategically located micro-mobility hubs that provide a safe alternative transportation means within the Specific Plan Area. As detailed in Chapter 2, "Project Description," the Specific Plan proposes micro-mobility hubs at 10 locations throughout the Specific Plan Area. In summary, the implementation of the Specific Plan would only enhance the environment for bicyclists and pedestrians, not disrupt any existing or planned bicycle or pedestrian facilities and would not conflict with a program, plan, ordinance, or policy addressing such facilities. In addition, any new demand for bicycle and pedestrian facilities would be accommodated by the multimodal improvements required of new development under the Specific Plan.

Summary

Implementation of the Specific Plan would include the construction of enhanced transit, pedestrian, and bicycle facilities. In addition, the Specific Plan establishes standards that support a complete streets network that prioritizes a safe and integrated system of bicycle, pedestrian, and transit facilities. Therefore, implementation of the Specific Plan would result in improvements to these facilities consistent with the policies included in applicable plans, including the General Plan, City of Milpitas CAP, and the TPBMP identified above. For these reasons, the Specific Plan would not conflict with a program, plan, ordinance, or policy that addresses transit, bicycle, or pedestrian facilities. Therefore, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.11-2: Conflict or Be Inconsistent with CEQA Guidelines Section 15064.3(b) Regarding Vehicle Miles Traveled

General Plan Update EIR (Impact 3.14-2) determined that the VMT generated by residential development under the General Plan would not exceed the applicable significance threshold; however, the VMT generated by employment-based development under the General Plan would exceed the applicable threshold. The General Plan Update EIR concluded that because it could not be guaranteed that VMT would be reduced to below the applicable threshold with adherence to General Plan policies and all feasible mitigation measures, the VMT impact would be significant and unavoidable. Implementation of the Specific Plan would result in increased residential development and decreased non-residential development as compared to what was analyzed for the General Plan buildout. Consistent with the findings of the General Plan Update EIR, implementation of the Specific Plan would not exceed the significance thresholds of 25.40 VMT per service population or 11.87 VMT per resident. However, employment-based development proposed by the project would exceed the threshold of 14.31 VMT per employee. Therefore, consistent with the conclusion in the General Plan Update EIR, VMT per employee would exceed the applicable threshold with implementation of the Specific Plan. Implementation of Mitigation Measures 3.11-2a through 3.11-2f would help reduce VMT from employee commutes as well as at the plan area level; however, it cannot be guaranteed how effective these measures would be. For these reasons, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain **significant and unavoidable**.

Under Impact 3.14-2, the General Plan Update EIR determined that the VMT generated by residential development associated with the proposed General Plan would be below the applied significance threshold of 11.48 VMT per capita; however, the VMT generated by employment-based development associated with the General Plan would exceed the threshold of 14.31 VMT per employee. Therefore, the General Plan VMT impact was determined to be significant. The General Plan Update EIR identified that individual development projects under the General Plan would be required to complete VMT analyses and implement VMT reducing measures (e.g., TDM) designed to reduce employment based VMT. However, the General Plan Update EIR concluded that because it could not be guaranteed that VMT would be reduced to below the applicable threshold (i.e., 14.31 VMT per employee), the impact would be significant and unavoidable.

Proposed uses within the Specific Plan Area include residential facilities, public spaces, mobility hubs, and commercial land uses. Implementation of the Specific Plan would change the Specific Plan Area boundaries and result in an increase in dwelling units and a decrease in nonresidential square footage compared to what was evaluated under the General Plan. Implementation of the Specific Plan would increase the population by 6,827 and reduce employment by 6,014 from what was analyzed in the General Plan for the Midtown Specific Plan Area. Additionally, the Specific Plan seeks to promote and encourage the use of alternative modes of transportation by improving and increasing opportunities to bike, walk, and roll in the Specific Plan Area. The Specific Plan Bicycle and Micro-Mobility Framework proposes bicycle infrastructure improvements and micro-mobility hubs (see Figure 3.11-2) that would be strategically located to provide a safe alternative means of transportation within and around the Specific Plan Area. The Specific Plan also establishes design standards to ensure that the bicycle and micro-mobility network is comfortable, safe, and efficient. In addition to bicycle and micro-mobility design standards, the Specific Plan also includes district-wide parking design standards, identified in Section 5.8.2 of the Specific Plan, including a standard to establish a Parking District and Parking Management Plan which would establish parking fees and fines, and identify a strategy for short-term on-street parking space (City of Milpitas 2024). Implementation of these standards would encourage biking, walking, and transit use in the Specific Plan Area.

As detailed in the Methodology section, the project-generated VMT impacts of the Specific Plan were evaluated using VMT per service population, home-based VMT per resident, and home-based work VMT per employee under "Cumulative with Project" conditions. The results of the project-generated VMT are presented in Table 3.11-3.

Table 3.11-3 Total Project-Generated Vehicle Miles Traveled Assessment

	Total Project-Generated VMT
Total VMT per Service Population	
Total Project-Generated VMT (A) ¹	536,440
Service Population (B) ^{1,2}	21,925
Project-Generated VMT per Service Population (C=A/B)	24.47
Total VMT per Service Population Threshold	25.40
Home-Based VMT per Resident	
Home-Based VMT (A) ¹	171,770
Residents (B) ^{1,2}	16,384
Project-Generated Home-Based VMT per Resident (C = A/B)	10.49
Home-Based VMT per Resident Threshold	11.87
Home-Based Work VMT per Employee	
Home-Based Work VMT (A) ¹	107,360
Employees (B) ^{1,2}	5,541
Home-Based Work VMT per Employee (C = A/B)	19.38
Home-Based Work VMT per Employee Threshold	14.31

Notes: VMT = vehicle miles traveled; % = percent

¹ Rounded service population and VMT to nearest 10.

² Service population is defined as the sum of all residents and employees.

Source: Fehr & Peers 2024.

As shown in Table 3.11-3, implementation of the Specific Plan would generate 24.47 VMT per service population, which is approximately 4 percent below the VMT threshold of 25.40 total VMT per service population (i.e., 15 percent below countywide VMT per service population) and 10.49 VMT per resident, approximately 12 percent below the VMT threshold of 11.87 home-based VMT per resident (i.e., 15 percent below countywide VMT per resident). However, implementation of the Specific Plan would generate 19.38 VMT per employee exceeding the threshold of 14.31 home-based work VMT per employee by approximately 35 percent. These impact conclusions are consistent with the findings of the General Plan Update EIR VMT impact analysis. Thus, implementation of the proposed Specific Plan would not result in new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain **significant and unavoidable**.

Mitigation Measures

A description of the individual effects of each mitigation measure's impact on VMT reduction is provided below. Although the information on the potential reduction in VMT from each measure is provided, it should be noted that the VMT-reducing benefits of implementing each measure are considered the maximum VMT benefit and are not additive when multiple measures are applied. There may be diminishing returns when certain measures are implemented together to reduce VMT. For each measure applied, it is likely that a lesser effect would be observed (CAPCOA 2021: 36).

Mitigation Measure 3.11-2a: Implement Commute Trip Reduction Program

Future employers shall develop and implement a commute trip reduction program and shall present the strategy to the City of Milpitas for review and approval. The following elements, or equally effective alternatives, shall be provided as part of the Commute Trip Reduction program:

- ▶ ridesharing program,
- ▶ subsidized or discounted transit passes,

- ▶ end-of-trip bicycle facilities,
- ▶ employer-sponsored vanpool, and
- ▶ guaranteed ride home program.

Additionally, the Commute Trip Reduction Program must be complimented with Commute Trip Reduction Marketing to share information, facilitate coordination, and implement marketing for services, infrastructure, and incentives provided by the Commute Trip Reduction Program. The following features, or similar alternatives, shall be implemented to satisfy the Commute Trip Reduction Marketing strategy.

- ▶ On-site or online commuter information services,
- ▶ Employee transportation coordinators, and
- ▶ On-site or online transit pass sales

Potential Reduction in VMT: Commute Trip Reduction programs discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking, thereby reducing VMT. A voluntary commute trip reduction program can reduce employee commute VMT by up to 4.0 percent with full participation of all eligible employees (CAPCOA 2021).

Mitigation Measure 3.11-2b: Require Employers to Provide Employer-Sponsored Vanpool or Shuttle Service

The project applicant shall require building occupants or tenants (i.e., employer) to implement an employer-based shuttle or vanpool service. For large employers with corporate campuses, this may include running private shuttles to and from neighborhoods where employees live. For smaller employers, or buildings with multiple employer tenants, it may involve a shuttle connecting to regional transit, such as a Caltrain station, funded through an organization such as a transportation management association.

Potential Reduction in VMT: Vanpooling is a flexible form of public transportation that provides groups of five to 15 people with a cost-effective and convenient rideshare option for commuting, thus reducing single-occupancy trips and VMT. Employer-sponsored vanpool can reduce employee commute VMT by up to 7 percent (Fehr & Peers 2024).

Mitigation Measure 3.11-2c: Provide a Ridesharing Program

Building occupants or tenants who provide employment for 50 people or more shall develop and implement ridesharing programs. The following strategies provide examples of a multifaceted approach for promoting a rideshare program:

- ▶ designating a certain percentage of desirable parking spaces for ridesharing vehicles,
- ▶ designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles, and
- ▶ providing an app or website for coordinating rides.

Potential Reduction in VMT: Ridesharing encourages carpooled vehicle trips in place of single-occupancy vehicle trips, thereby reducing the number of trips and VMT. Ridesharing programs can reduce employee commute VMT by up to 8 percent (CAPCOA 2021).

Mitigation Measure 3.11-2d: Implement Carshare Program

The project applicant shall increase carshare access in the user's community by deploying conventional carshare vehicles.

Potential Reduction in VMT: Carsharing offers people convenient access to a vehicle for personal or commuting purposes. This helps encourage transportation alternatives and reduces vehicle ownership, thereby reducing VMT. Carsharing can reduce VMT by up to 0.15 percent in the plan area (CAPCOA 2021).

Measure 3.11-2e: Establish a Bikeshare, Electric Bikeshare, and Scootershare Program

Establish a bikeshare and scootershare program that provides users with on-demand access to bicycles, electric pedal assist bicycles, and electric scooters for short-term rentals.

Potential Reduction in VMT: This encourages a mode shift from vehicles to active modes of transportation, displacing VMT. Establishing bikeshare, electric bikeshare, and scootershare programs can result in up to 0.02 percent, 0.06 percent, and 0.07 percent VMT reduction in plan area, respectively (CAPCOA 2021).

Measure 3.11-2f: Implement On-Street Market Price Parking

The City shall establish pricing all on-street parking in central business districts, employment centers, and retail centers within the Specific Plan area.

When pricing on-street parking, best practice is to allow for dynamic adjustment of prices to ensure approximately 85 percent occupancy, which helps prevent induced VMT due to circling behaviors as individuals search for a vacant parking space. In addition, this method should primarily be implemented in areas with available alternatives to driving, such as transit availability within 0.5 mile or areas of high residential density nearby (allowing for increased walking/biking). If the measure is implemented in a small area, residential parking permit programs should be considered to prevent parking intrusion on nearby streets in residential areas without priced parking.

Potential Reduction in VMT: Increasing the cost of parking increases the total cost of driving to a location, incentivizing shifts to other modes and thus decreasing total VMT to and from the priced areas. On-street market price parking can reduce VMT by up to 30 percent in the plan area (CAPCOA 2021).

Significance After Mitigation

The implementation of Mitigation Measures 3.11-2a through 3.11-2f would reduce VMT per employee as well as community VMT in the Specific Plan Area consistent with General Plan Policy CIR 4-1. However, the project cannot demonstrate definitively that the mitigation measures would reduce VMT per employee below the applicable threshold of 14.31 (i.e., 15 percent below existing countywide VMT per employee) because the feasibility and effectiveness is either insufficient or unknown at this time. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan Update EIR. For these reasons, the project's impact on VMT would remain **significant and unavoidable**.

Impact 3.11-3: Substantially Increase Hazards Due to a Geometric Design Feature or Incompatible Uses

The General Plan Update EIR (Impact 3.14-3) determined that implementation of the General Plan would result in a less-than-significant impact on transportation hazards because future development would be required to meet applicable federal, state, and City design standards. All new transportation infrastructure and improvements under the proposed Specific Plan would improve multimodal circulation and access and minimize the potential for transportation hazards (e.g., conflicts between vehicles and pedestrians). Future development associated with the Specific Plan would be designed in accordance with applicable design and safety standards and subject to review by City staff ensuring implementation of the Specific Plan would not substantially increase hazards due to a geometric design feature or incompatible uses. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain **less than significant**.

Impact 3.14-3 of the General Plan Update EIR evaluated the potential for the General Plan to result in increased transportation hazards due to a geometric design feature or incompatible use. The General Plan Update EIR concluded that because future development under the General Plan would be required to meet applicable federal, state, and City design standards, implementation of the General Plan would not result in a substantial increase in transportation hazards and the impact would be less than significant.

As detailed in Chapter 2, "Project Description," the proposed Specific Plan aims to create a network of complete streets through proposed transit, pedestrian, bicycle, micromobility, and automobile circulation improvements. The Specific Plan also includes design standards for specific streets (i.e., South Main Street, South Abel Street, Calaveras

Boulevard, Serra Way, and South Abbott Avenue) and for future mixed-use and residential streets, future service alleys, and future paseos (City of Milpitas 2024: 98). In addition to street design standards, the Specific Plan includes pedestrian design standards intended to provide a safe, direct, and connected pedestrian network; bicycle design standards to create a comfortable, efficient, and safe experience for bicyclists; and micromobility design standards to provide first- and last-mile connections within the Specific Plan Area. Implementation of the Specific Plan would result in the modification of existing roadways and the construction of new roadways within the Specific Plan Area. New and modified roadways associated with the Specific Plan would be designed and constructed in accordance with all applicable design and safety standards to allow for the safe and efficient movement of all modes of transportation. In addition, the types of transportation associated with operation of the land uses proposed in the Specific Plan Area are consistent with those currently utilizing the circulation network. The Specific Plan's proposed Objective Design Standards would also help minimize opportunities for transportation-related hazards. For example, Standards identified in Section 4.1.4 "Site Access and Parking" of the Specific Plan, would ensure that vehicular, service, and parking access is designed to limit conflicts with pedestrians, bicycles, and transit (City of Milpitas 2024: 78).

Additionally, the City of Milpitas requires an encroachment permit for any work that would occur within City ROW; therefore, subsequent development under the proposed Specific Plan would be subject to review by City staff. In accordance with the City encroachment permit application, all permits would be required to provide a traffic control plan in compliance with the CA MUTCD and that would be subject to approval by the City Traffic Engineer (City of Milpitas 2024). Furthermore, in accordance with the Milpitas Zoning Ordinance, development review would be required for all new construction or site modifications, thus ensuring that future improvements and subsequent development would be designed in accordance with applicable City design and safety standards. For these reasons, the Specific Plan would not substantially increase transportation hazards. Therefore, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.11-4: Result in Inadequate Emergency Access

The General Plan Update EIR (Impact 3.14-4) determined that implementation of the General Plan would result in a less-than-significant impact on emergency access because all future development would be subject to the City Design and Construction Standards, which include requirements for emergency access, and would be reviewed by public safety officials. The Specific Plan proposes streetscape improvements and standards that were developed in coordination with the Milpitas Fire Department (MFD). Future development under the Specific Plan would be required to adhere to the California Fire Code, as adopted by reference in Title V, Chapter 300 of the City Municipal Code. Adherence to the California Fire Code would ensure that future developments provide adequate emergency access. In addition, future development projects under the Specific Plan would be subject to review by the MFD to ensure that adequate emergency access is provided. For these reasons, implementation of the Specific Plan would not result in inadequate emergency access. The Specific Plan would not result in a new or substantially more severe impact on emergency access than identified in the General Plan Update EIR. This impact would remain **less than significant**.

Impact 3.14-4 of the General Plan Update EIR evaluated the potential for implementation of the General Plan to result in inadequate emergency access. The General Plan Update EIR concluded that implementation would result in a less-than-significant impact on emergency access because development proposed under the General Plan would be subject to City design standards and would be reviewed by public safety officials as part of the City's entitlement process (City of Milpitas 2020: 3.14-37).

As described in Chapter 2, "Project Description," the Specific Plan proposes streetscape improvements designed to support a variety of mobility options including vehicles, bicycles, transit, and pedestrians. The building and streetscape standards established in the Specific Plan were developed in coordination with the MFD (City of Milpitas 2024: 161). In addition, the Specific Plan also proposes new roadways (e.g., streets and service alleys parallel to Main Street) to connect to existing roadways and support a more walkable neighborhood grid pattern. Construction of

new streets in areas where limited access exists would result in better connectivity and access within the Specific Plan Area. Under the Specific Plan, all new development, new roadways, and modifications to existing streets would be required to meet all state and local regulations related to emergency access during construction and operations. Additionally, future development would be required to comply with the California Fire Code of Regulations (Title 24, Part 9), adopted by reference in Title V, Chapter 300 of the Milpitas Municipal Code. The California Fire Code includes design standards for fire apparatus access (e.g., turning radii, minimum widths), standards for emergency access during construction, and other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. Adherence to the California Fire Code would ensure that subsequent development under the Specific Plan provides adequate emergency access during construction and operation. Furthermore, future development projects under the Specific Plan would be subject to review by the MFD to ensure that adequate emergency access is provided. Therefore, all future projects would be designed to meet applicable emergency access and design standards. For these reasons, implementation of the Specific Plan would not result in inadequate emergency access. For these reasons, the Specific Plan would not result in a new or substantially more severe impact on emergency access than identified in the General Plan Update EIR. This impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

This page is intentionally left blank.

3.12 UTILITIES AND SERVICE SYSTEMS

This section describes the applicable regulations that govern utilities and service systems, describes the existing utility and service systems (water, wastewater, stormwater, electricity, and natural gas) that serve the Specific Plan Area, and evaluates the availability of existing utility and infrastructure systems (water, wastewater, stormwater, electricity, and natural gas) to serve the proposed Gateway-Main Street Specific Plan (Specific Plan) and the potential for the Specific Plan to result in new or substantially more severe significant impacts on these systems compared to those identified in the General Plan Update EIR.

Two comment letters were received in response to the Notice of Preparation from Hetch Hetchy Regional Water System and Santa Clara Valley Water District regarding the City and County of San Francisco Public Utilities Commission's ownership of parcels and easements within the Specific Plan Area and the need to prepare a water supply assessment (WSA) for the Specific Plan. A Water Supply Assessment (WSA) was prepared for the Gateway-Main Street Specific Plan and is provided in Appendix E. Comments received in response to the notice of preparation are presented in Appendix A of this SEIR.

3.12.1 Regulatory Setting

FEDERAL

Clean Water Act

The Clean Water Act (CWA) employs a variety of regulatory and nonregulatory tools to reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. The US Environmental Protection Agency (EPA) established primary drinking water standards in Section 304 of the CWA. States are required to ensure that the public's potable water meets these standards.

The National Pollutant Discharge Elimination System (NPDES) permit program was established under the CWA to regulate municipal and industrial discharges to surface waters of the United States. NPDES permit regulations have been established for broad categories of discharges including point source waste discharges and nonpoint sources. Each NPDES permit identifies limits on allowable concentrations and mass loadings of pollutants contained in the discharge. Sections 401 and 402 of the CWA contain general requirements regarding NPDES permits. Section 307 of the CWA describes the factors that EPA must consider in setting effluent limits for priority pollutants.

NPDES permits cover various industrial and municipal discharges, including discharges from storm sewer systems in larger cities, stormwater generated by industrial activity, runoff from construction sites disturbing more than 1 acre, and mining operations. Point source dischargers must obtain a discharge permit from the proper authority (usually a state, sometimes EPA, a tribe, or a territory). So-called "indirect" point source dischargers are not required to obtain NPDES permits. "Indirect" dischargers send their wastewater into a public sewer system, which carries it to the municipal sewage treatment plant, through which it passes before entering any surface water.

The CWA was amended in 1987 with Section 402(p) requiring NPDES permits for nonpoint source (i.e., stormwater) pollutants in discharges. Stormwater sources are diffuse and originate over a wide area rather than from a definable point. The goal of the NPDES stormwater regulations is to improve the water quality of stormwater discharged to receiving waters to the "maximum extent practicable" using structural and nonstructural best management practices (BMPs). BMPs can include educational measures (e.g., workshops informing the public of what impacts can result when household chemicals are dumped into storm drains), regulatory measures (e.g., local authority of drainage-facility design), public-policy measures (e.g., labeling storm-drain inlets as to impacts of dumping on receiving waters) and structural measures (e.g., filter strips, grass swales, and detention ponds).

Safe Drinking Water Act

As mandated by the Safe Drinking Water Act (SDWA) (Public Law 93-523), passed in 1974, EPA regulates contaminants of concern to domestic water supply. Such contaminants are defined as those that pose a public health threat or that alter the aesthetic acceptability of the water. These types of contaminants are regulated by EPA primary and secondary maximum contaminant levels (MCLs). MCLs and the process for setting these standards are reviewed every three years. Amendments to the Safe Drinking Water Act enacted in 1986 established an accelerated schedule for setting drinking water MCLs. EPA has delegated responsibility for California's drinking water program to the State Water Resources Control Board (SWRCB) Division of Drinking Water. This division is accountable to EPA for program implementation and for adoption of standards and regulations that are at least as stringent as those developed by EPA.

STATE

California Green Building Standards Code

The State of California historically establishes progressive standards that serve as models for other states and even the federal government. With the adoption of the 2010 California Green Building Standards Code (CALGreen Code), California became the first state to incorporate green building strategies into its building code. The CalGreen Code comprises Part 11 of the California Buildings Standards Code in Title 24 of the California Code of Regulations. CALGreen Code outlines mandatory and voluntary requirements for new residential and nonresidential buildings (e.g., retail, office, public schools, hospitals) throughout the state beginning on January 1, 2011.

The development and implementation of the CALGreen Code aims to (1) reduce greenhouse gas (GHG) emissions from buildings; (2) promote environmentally responsible, cost-effective, healthier places to live and work; (3) reduce energy and water consumption; and (4) respond to directives by the Governor. Pursuant to the California Global Warming Solutions Act of 2006 (AB 32), CALGreen Code provides strategies to reduce building-related sources of GHG to attain California's 2020 and 2050 goals.

In implementing a statewide baseline for green building strategies, California recognized the adverse effects of anthropogenic climate change. CALGreen Code serves as a tool for California to reduce GHG emissions and physical waste, increase energy efficiency, and achieve water conservation and water efficiency.

Updated every 3 years, the CALGreen Code was last updated in 2022 and became effective in January 2023. The CALGreen Code was developed to enhance the design and construction of buildings, and the use of sustainable construction practices, through planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental air quality.

Chapter 4 (Division 4.3) of the 2022 CALGreen Code describes measures to reduce indoor demand for potable water and to reduce landscape water usage. Divisions 4.4 and 5.4 require a minimum of 65 percent of all non-hazardous construction and demolition waste for residential and non-residential development, respectively, to be recycled and/or salvaged for reuse. Code requirements include preparing a construction waste management plan that identifies the materials to be diverted from disposal by efficient usage, recycling, reuse on the project, or salvage for future use or sale; determining whether materials will be sorted on-site or mixed; and identifying diversion facilities where the materials collected will be taken. In addition, CALGreen Code requires that 100 percent of trees, stumps, rocks, and associated vegetation and soils resulting primarily from land clearing be reused or recycled.

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) is the principal State law governing water quality regulation in California, and applies to surface waters, wetlands, and groundwater, as well as regulation of both point and nonpoint sources of pollution. The Porter-Cologne Act implements provisions of the CWA, such as the NPDES permitting program, through the SWRCB and nine regional water quality control boards (RWQCBs), which issue permits for point source discharges. Other State agencies with jurisdiction over water quality regulation in California include the California Department of Health Services (DHS) (for drinking water regulations), the California Department of Pesticide Regulation, and the Office of Environmental Health and Hazard Assessment.

San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan)

The San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan) includes a summary of beneficial water uses, water quality objectives needed to protect the identified beneficial uses, and implementation measures. The Basin Plan establishes water quality standards for all the ground and surface waters of the region. The term “water quality standards,” as used in the Federal Clean Water Act, includes both the beneficial uses of specific water bodies and the levels of quality that must be met and maintained to protect those uses. The Basin Plan includes an implementation plan describing the actions by the RWQCB and others that are necessary to achieve and maintain the water quality standards.

The RWQCB regulates waste discharges to minimize and control their effects on the quality of the region's ground and surface water. Permits are issued under a number of programs and authorities. The terms and conditions of these discharge permits are enforced through a variety of technical, administrative, and legal means. Water quality problems in the region are listed in the Basin Plan, along with the causes, where they are known. For water bodies with quality below the levels necessary to allow all the beneficial uses of the water to be met, plans for improving water quality are included. The Basin Plan reflects, incorporates, and implements applicable portions of a number of national and statewide water quality plans and policies, including the California Water Code (CWC) and the Clean Water Act.

California Department of Water Resources

The California Department of Water Resources (DWR) is responsible, in cooperation with other agencies, for managing the water resources of the state. Most important is the operation of the State Water Project, which supplies water to public water systems that serve the majority of state residents (approximately 27 million people). DWR is also responsible for developing the California Water Plan, which serves as a guide to the development and management of the state's water resources.

State Water Resources Control Board

The SWRCB oversees public water systems, and has oversight of water recycling projects, issuance of water treatment permits, and certification of drinking water treatment and distribution operators. In addition, through the Drinking Water Programs, the SWRCB regulates public water systems and enforces the federal and State Safe Drinking Water Acts, including performing field inspections, reviewing plans and specifications for new facilities, taking enforcement actions for noncompliance with laws and regulations, reviewing water quality monitoring results, and supporting and promoting water system security.

California Fire Code

The 2022 California Fire Code, which is codified in Part 9 of Title 24 of the California Code of Regulations (CCR), incorporates by adoption the 2021 International Fire Code and contains regulations related to construction, maintenance, and use of buildings. Topics addressed in the California Fire Code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The California Fire Code contains specialized technical regulations related to fire and life safety. The California Building Standards Code, including the California Fire Code, is revised and published every 3 years by the California Building Standards Commission.

California Safe Drinking Water Act

The SWRCB Division of Drinking Water is responsible for implementing the federal SDWA and its updates, as well as California statutes and regulations related to drinking water. State primary and secondary drinking-water standards are promulgated in CCR Title 22, Sections 64431–64501 (described in greater detail below).

The California Safe Drinking Water Act (CA SDWA) was passed in 1976 to build on and strengthen the federal SDWA. The CA SDWA authorizes DHS to protect the public from contaminants in drinking water by establishing MCLs that are at least as stringent as those developed by EPA, as required by the federal SDWA.

Title 22 Water Recycling Criteria

The California Department of Public Health (formerly the Department of Health Services) is responsible for establishing criteria to protect public health in association with recycled water use. The criteria issued by this department are found in the California Code of Regulations, Title 22, Division 4, Chapter 3, entitled Water Recycling Criteria. Commonly referred to as Title 22 Criteria, the criteria contain treatment and effluent quality requirements that vary based on the proposed type of water reuse. Title 22 sets bacteriological water quality standards on the basis of the expected degree of public contact with recycled water. For water reuse applications with a high potential for the public to come into contact with the reclaimed water, Title 22 requires disinfected tertiary treatment. For applications with a lower potential for public contact, Title 22 requires three levels of secondary treatment, basically differing by the amount of disinfectant required.

Title 22 also specifies the reliability and redundancy for each recycled water treatment and use operation. Treatment plant design must allow for efficiency and convenience in operation and maintenance and provide the highest possible degree of treatment under varying circumstances. For recycled water piping, the department has requirements for preventing backflow of recycled water into the public water system and for avoiding cross-connection between the recycled and potable water systems. The Department of Public Health does not have enforcement authority for the Title 22 criteria; instead, the RWQCBs enforce the criteria through enforcement of their permits containing the applicable criteria.

Sustainable Groundwater Management Act of 2014

The Sustainable Groundwater Management Act of 2014 (SGMA)¹ became law on January 1, 2015, and applies to all groundwater basins in the state (Water Code Section 10720.3). By enacting the SGMA, the Legislature intended to provide local or regional agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater within their jurisdiction (CWC Section 10720.1). The SGMA is a follow up to SB X7-6, adopted in November 2009, which mandated a statewide groundwater elevation monitoring program to track seasonal and long-term trends in groundwater elevations in California's groundwater basins. In accordance with this amendment to the CWC, DWR developed the California Statewide Groundwater Elevation Monitoring (CASGEM) program.

Pursuant to the SGMA, any local agency that has water supply, water management or land use responsibilities within a groundwater basin may elect to be a "groundwater sustainability agency" for that basin (CWC Section 10723). Local agencies were given until January 1, 2017 to elect to become or form a groundwater sustainability agency. In the event a basin is not within the management area of a groundwater sustainability agency, the county within which the basin is located is to be presumed to be the groundwater sustainability agency for the basin. However, the county may decline to serve in this capacity (CWC Section 19724).

The SGMA also requires DWR to categorize each groundwater basin in the state as high-, medium-, low-, or very low priority (CWC Sections 10720.7, 10722.4). All basins designated as high- or medium-priority basins must be managed by a groundwater sustainability agency under a groundwater sustainability plan that complies with Water Code Section 10727 et seq. If required to be prepared, groundwater sustainability plans were required to be prepared by January 31, 2020 for all high- and medium-priority basins that are subject to critical conditions of overdraft, as determined by DWR, or by January 31, 2022 for all other high- and medium-priority basins.

On December 15, 2014, DWR announced its official "initial prioritization" of the state's groundwater basins for purposes of complying with the SGMA, and this priority list became effective on January 1, 2015. The subbasin is not subject to a groundwater sustainability plan as required under the Sustainable Groundwater Management Act.

Urban Water Management Planning Act

In 1983, the California Legislature enacted the Urban Water Management Planning Act (UWMPA) (CWC Sections 10610–10656). The UWMPA states that every urban water supplier that provides water to 3,000 or more customers, or that provides more than 3,000 acre-feet of water annually, should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry,

¹ The SGMA is comprised of three separate bills: Senate Bill 1168, Senate Bill 1319, and Assembly Bill 1739. All three were signed into law by the Governor on September 16, 2014.

and multiple dry years. This effort includes the adoption of an urban water management plan (UWMP) by every urban-water supplier and an update of the plan every 5 years on or before December 31, of every year ending in a five or zero. The UWMPA has been amended several times since 1983 with the most recent amendment occurring with the enactment of SB 318 in 2004. The UWMPA and SB 610, described below, are interrelated; the UWMP is typically relied upon to meet the requirements for SB 610.

Senate Bill 610

SB 610 (Stats. 2001, ch. 643) made changes both to the UWMPA and to the rules governing the preparation of “water supply assessments” (WSAs), as originally enacted in 1995 via SB 901 (Stats.1995, c. 881). The rules governing WSA preparation are set forth in Water Code sections 10910 through 10915, which are referenced in CEQA Guidelines Section 15155, promulgated in 2007 and amended in 2018. Pursuant to SB 610 and Section 15155, cities and counties acting as lead agencies are required to identify the public water system that would serve a defined “project” and to request that such public water system prepare a WSA addressing whether the public water system has a water supply is sufficient to provide for projected water demand associated with a project when existing and future uses are also considered (CWC Section 10910 [c] [3]). Where a city or county acts as its own public water system, the obligation to prepare the WSA falls onto the city or county. The definition of a water-demand project is the same as CEQA Guidelines Section 15155. Residential projects proposing more than 500 dwelling units come under the definition, as do office projects employing more than 1,000 persons or having more than 250,000 square feet of floor space.

Water Conservation Act of 2009

Requirements regarding per capita water use targets are defined in the Water Conservation Act of 2009, which was signed into law in November 2009 as part of a comprehensive water legislation package. Known as SB X7-7, the legislation sets a goal of achieving a 20 percent reduction in urban per capita water use statewide by 2020. SB X7-7 required that retail water suppliers define in their 2010 urban water management plans the gallons-per-capita-per-day targets for 2020, with an interim 2015 target. Water purveyors are required to select one of the four methods that the legislation defines for establishing a gallons-per-capita-per-day target.

California Code of Regulations, Title 17, Section 8007

CCR Title 17, Section 8007 requires the contents of chemical tanks to be disposed of by draining or pumping into a sanitary sewer, an approved septic tank of sufficient capacity to handle the wastes, a suitably sized and constructed holding tank, approved by the local health department, or by any other method approved by the local health department.

California's Integrated Waste Management Act of 1989

The California Integrated Waste Management Act (CIWMA) of 1989 created the California Integrated Waste Management Board, which was subsequently abolished, with its duties now carried out by the California Department of Resources Recycling and Recovery (CalRecycle). CalRecycle is the agency designated to oversee, manage, and track California's 92 million tons of waste generated each year. CalRecycle provides grants and loans to help cities, counties, businesses, and organizations meet the state's waste reduction, reuse, and recycling goals. CalRecycle promotes a sustainable environment in which these resources are not wasted but can be reused or recycled. In addition to many programs and incentives, CalRecycle promotes the use of new technologies to divert resources away from landfills. CalRecycle is responsible for ensuring that waste management programs are carried out primarily through local enforcement agencies.

The CIWMA is the result of two pieces of legislation: AB 939 and SB 1322. The CIWMA was intended to minimize the amount of solid waste that must be disposed of through transformation and land disposal by requiring all cities and counties to divert 25 percent of all solid waste from landfill facilities by January 1, 1995, and 50 percent by January 1, 2000.

The 50 percent diversion requirement is measured in terms of per capita disposal expressed as pounds per day per resident and per employee. The per capita disposal and goal measurement system uses an actual disposal measurement based on population and disposal rates reported by disposal facilities, and it evaluates program implementation efforts.

Assembly Bill 341 (Mandatory Recycling Requirements)

AB 341 requires CalRecycle to issue a report to the Legislature that includes strategies and recommendations that would enable the state to recycle 75 percent of the solid waste generated in the state by January 1, 2020, requires businesses that meet specified thresholds in the bill to arrange for recycling services by July 1, 2012, and streamlines various regulatory processes.

Assembly Bill 827

AB 827, as approved in October 2019, requires businesses that either generates 4 cubic yards or more of commercial solid waste or 8 cubic yards or more of organic waste per week to provide accessible easily visible recycling receptacles clearly marked with educational signage next to all trash bins, except in restrooms.

Assembly Bill 1826 (Mandatory Commercial Organics Recycling Requirements)

AB 1826 requires a business that generates 4 cubic yards or more of organic waste per week to arrange for recycling services for that organic waste in a specified manner. The bill would also require a business that generates 4 cubic yards or more of commercial solid waste per week, on and after January 1, 2019, to arrange for organic waste recycling services and, if CalRecycle makes a specified determination, would decrease that amount to 2 cubic yards, on or after January 1, 2020. The bill would require each jurisdiction to report to CalRecycle on its progress in implementing the organic waste recycling program, and CalRecycle would be required to review whether a jurisdiction is in compliance with this act.

AB 1826 would require CalRecycle to identify and recommend actions to address permitting and siting challenges and to encourage the continued viability of the state's organic waste processing and recycling infrastructure, in partnership with the California Environmental Protection Agency and /other specified State and regional agencies. The bill also would require the department to cooperate with local jurisdictions and industry to provide assistance for increasing the feasibility of organic waste recycling and to identify certain State financing mechanisms and State funding incentives and post this information on its website.

Senate Bill 1374

SB 1374, Construction and Demolition Waste Materials Diversion Requirements, requires that jurisdictions summarize their progress realized in diverting construction and demolition waste from the waste stream in their annual AB 939 reports. SB 1374 required CalRecycle to adopt a model construction and demolition ordinance for voluntary implementation by local jurisdictions.

Senate Bill 1383 (Short-Lived Climate Pollutant Reduction Strategy)

The California Global Warming Solutions Act of 2006 designates the California Air Resources Board (CARB) as the State agency charged with monitoring and regulating sources of emissions of greenhouse gases. SB 1383 required CARB, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030, as specified. The bill also establishes specified targets for reducing organic waste in landfills.

SB 1383 requires CalRecycle, in consultation with CARB, to adopt regulations that achieve the specified targets for reducing organic waste in landfills. The bill authorizes local jurisdictions to charge and collect fees to recover the local jurisdiction's costs incurred in complying with the regulations. SB 1383 requires, no later than July 1, 2020, for CalRecycle, in consultation with CARB, to analyze the progress that the waste sector, state government, and local governments have made in achieving the specified targets for reducing organic waste in landfills. The bill authorizes CalRecycle, depending on the outcome of that analysis, to amend the regulations to include incentives or additional requirements, as specified. By adding to the duties of local governments related to organic waste in landfills, SB 1383 imposes a State-mandated local program.

Senate Bill 350 (Clean Energy and Pollution Reduction Act)

The Clean Energy and Pollution Reduction Act of 2015 (SB 350) requires doubling of the energy efficiency savings in electricity and natural gas for retail customers through energy efficiency and conservation by December 31, 2030.

LOCAL

Milpitas General Plan 2040

The City of Milpitas General Plan 2040 (City of Milpitas 2021a) includes 11 elements. The Utilities and Community Services Element contains policies relevant to utilities and service systems and applicable to the Specific Plan, as listed below.

- ▶ **Policy UCS 1-1:** Provide adequate public infrastructure (i.e., street, sewer, water, and storm drain systems) to meet the needs of existing and future development.
- ▶ **Policy UCS 1-2:** Require development and long-term planning projects to be consistent with all applicable City infrastructure plans, including the Water Master Plan, Urban Water Management Plan (UWMP), the Sewer Master Plan, the Sewer System Management Plan, the Green Infrastructure Plan, and the Capital Improvement Program.
- ▶ **Policy UCS 1-3:** Require all future development projects to analyze their infrastructure and service impacts and either demonstrate that the City's existing infrastructure, public services, and utilities can accommodate the increased demand for services, and that service levels for existing users will not be diminished or impaired, or make the necessary improvements to mitigate all potential impacts.
- ▶ **Policy UCS 1-4:** The City shall prioritize infrastructure improvements in areas identified for economic growth in the next 5-10 years.
- ▶ **Policy UCS 1-5:** Require the payment of impact fees for all new development.
 - ▶ **Action UCS-1b:** As part of the development review process, determine the potential impacts of development projects on public infrastructure, and ensure that new development contributes its fair share toward necessary on and off-site infrastructure.
 - ▶ **Action UCS-1c:** Through development review, ensure that infrastructure is adequately sized to accommodate the proposed development and, if applicable, allow for extensions to future developments.
- ▶ **Policy UCS 2-1:** Ensure the water system and supply adequately meets the needs of existing and future development and is utilized in a sustainable manner.
- ▶ **Policy UCS 2-3:** Pursue additional water supply sources to supplement the City's existing supply as needed to meet projected future demand.
- ▶ **Policy UCS 2-4:** Ensure that all new development provides for and funds its fair share of the costs for adequate water distribution, including line extensions, easements, and dedications.
- ▶ **Policy UCS 2-5:** Reduce potable water use and increase water conservation.
- ▶ **Policy UCS 2-7:** Maintain existing groundwater wells as a source of emergency water supply and a resource for supplemental supply.
 - ▶ **Action UCS-2f:** Require, as a condition of project approval, dedication of land and easements, or payment of appropriate fees and exactions, to help offset municipal costs of expansion of water conveyance and delivery systems.
- ▶ **Policy UCS 3-1:** Ensure safe and reliable wastewater collection and treatment infrastructure to serve existing and future development.
- ▶ **Policy UCS 3-2:** Maintain the existing wastewater system on a regular basis to increase the lifespan of the system and ensure public safety.

- ▶ **Policy UCS 3-3:** Ensure that all new development provides for and funds its fair share of the costs for adequate sewer collection and treatment, including line extensions, easements, and dedications.
 - ▶ **Action UCS-3b:** Require new development to provide for and fund a fair share of the costs for adequate sewer distribution, including line extensions, easements, and plant expansions.
- ▶ **Policy UCS 4-1:** Maintain and improve Milpitas's storm drainage facilities.
- ▶ **Policy UCS 4-2:** Require all development projects to demonstrate how storm water runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility as part of the development review process and as required by the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit.
- ▶ **Policy UCS 4-3:** Require all future development projects to analyze their drainage and stormwater conveyance impacts and either demonstrate that the City's existing infrastructure can accommodate increased stormwater flows, or make the necessary improvements to mitigate all potential impacts.
- ▶ **Policy UCS 4-4:** Applicable projects shall incorporate Best Management Practices (BMPs) and Low Impact Development measures (LID) to treat stormwater before discharge from the site. The facilities shall be sized to meet regulatory requirements.
- ▶ **Policy UCS 4-5:** Applicable projects shall control peak flows and duration of runoff to prevent accelerated erosion of downstream watercourses.
- ▶ **Policy UCS 4-6:** Applicable projects shall minimize directly connected impervious areas by limiting the overall coverage of paving and roofs, directing runoff from impervious areas to adjacent pervious areas, and selecting permeable pavements and surface treatments.
- ▶ **Policy UCS 4-7:** Encourage dual-use detention basins for parks, ball fields, and other appropriate uses.
- ▶ **Policy UCS 4-9:** Maintain drainage channels in a naturalized condition with riparian corridors and wetland where appropriate, incorporating recreational trails, parkway vegetation, and other amenities and ensuring that vegetation does not reduce channel capacity. Where possible, set back development from these areas sufficiently to maximize habitat values.
- ▶ **Policy UCS 4-10:** Where feasible, conform developments to natural landforms, avoid excessive grading and disturbance of vegetation and soils, retain native vegetation and trees, and maintain natural drainage patterns.
- ▶ **Policy UCS 4-12:** Projects accommodating outdoor activities, including work areas, storage areas or other areas that are potential sources of stormwater pollutants, shall incorporate measures to control those pollutant sources to the maximum extent practicable.
- ▶ **Policy UCS 4-13:** Owners and operators of stormwater treatment facilities shall maintain those facilities and ensure they continue to be effective.
- ▶ **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).
 - ▶ **Action UCS-4b:** Continue to complete gaps in the drainage system in areas of existing development through the implementation of drainage improvement projects identified in the Storm Drain Master Plan.
 - ▶ **Action UCS-4e:** Continue to implement a comprehensive municipal stormwater pollution-prevention program in compliance with requirements of the Santa Clara Valley Urban Runoff Prevention Program (SCVURPPP) and the C.3 Stormwater Handbook.
- ▶ **Policy UCS 5-2:** Implement and enforce the provisions of the City's Source Reduction and Recycling Program and update the program as necessary to meet or exceed the State waste diversion requirements.

- ▶ **Policy UCS 5-3:** Reduce municipal waste generation by increasing recycling, on-site composting, and mulching, where feasible, at municipal facilities, as well as using resource efficient landscaping techniques in new or renovated medians and parks.
- ▶ **Policy UCS 5-4:** Encourage residential, commercial, and industrial recycling and reuse programs and techniques.
- ▶ **Policy UCS 5-6:** When feasible, minimize the potential impacts of waste collection, transportation, and the location of potential disposal facilities upon the residents of Milpitas.
- ▶ **Policy UCS 6-2:** Coordinate with service providers in the siting and design of power facilities to minimize environmental, aesthetic, and safety impacts.
- ▶ **Policy UCS 6-3:** Require that all new power and gas lines and transformers are installed underground where feasible and promote the undergrounding of existing overhead facilities.
 - ▶ **Action UCS-6c:** Confer with utility providers regarding major development plans and participate in the planning of the extension of utilities.
 - ▶ **Action UCS-6d:** Require the undergrounding of utility lines in new development, and as areas are redeveloped, except where infeasible for operational reasons
- ▶ **Policy UCS 7-1:** Work cooperatively with utility providers to ensure the provision of adequate telecommunications services and facilities to serve the needs of existing and future residents and businesses. The City shall place emphasis on improving the quality of service in underserved areas.
- ▶ **Policy UCS 7-6:** Coordinate with service providers in the siting and design of telecommunication facilities to minimize environmental, aesthetic, and safety impacts.
- ▶ **Policy UCS 7-7:** Require that all new telecommunication lines are installed underground where feasible and promote the undergrounding of existing overhead facilities.
 - ▶ **Action UCS-7c:** Require the undergrounding of telecommunication lines in new development, and as areas are redeveloped, except where infeasible for operational reasons.

City of Milpitas Urban Water Management Plan and Water Shortage Contingency Plan

The City of Milpitas City Council adopted its 2020 UWMP on June 15, 2021, in accordance with the Urban Water Management Planning Act (CWC Sections 10608 to 10656). The City's UWMP provides information related to its existing water system, current and projected water demands and water supplies, water conservation efforts, projected water supply reliability during normal, dry, and multiple-year drought conditions, water shortage contingency planning, and demand management measures. The next 5-year UWMP update is anticipated by June 2026 and would include additional changes that have occurred since the 2020 UWMP.

The 2020 UWMP identifies that the City would have shortfalls in supply in 2025, 2030, and 2045 under single dry-year and multiple dry year conditions if contract water supply sources provided by the San Francisco Public Utilities Commission and Valley Water are reduced. During these conditions, the City would implement its 2020 Water Shortage Contingency Plan (WSCP) that consists of voluntary and mandatory water conservation measures that would address water supply shortfalls.

The 2020 WSCP contains documented processes and procedures, which are given legal authority through the Water Shortage Contingency Response Ordinance. The 2020 WSCP includes the steps to assess if a water shortage is occurring and how to respond to a water shortage. The 2020 WSCP has prescriptive elements, including an analysis of water supply reliability; the drought shortage actions for each of the six standard water shortage levels that correspond to water shortage percentages ranging from 10 percent to greater than 50 percent; an estimate of potential to close supply gap for each measure; protocols and procedures to communicate identified actions for any current or predicted water shortage conditions; procedures for an annual water supply and demand assessment; monitoring and reporting requirements to determine customer compliance; and reevaluation and improvement procedures for evaluating the WSCP.

City of Milpitas Water Master Plan

The City's Water Master Plan (WMP) was first developed in 2002 and comprehensively updated in 2009, and most recently updated in 2021. The current WMP evaluates the City's existing water system infrastructure, addresses the effects of short-term and long-term planned growth, and provides a comprehensive road map for the City's Water System Capital Improvement Program (CIP). The WMP conducted various analyses, including an assessment of the City's distribution system's capacity to meet hydraulic performance criteria under different demand and outage scenarios. Both the existing (2019) and projected buildout (2040) systems were scrutinized, with the latter incorporating anticipated water demands from planned growth and development, including those outlined in the Specific Plan. Hydraulic evaluations of the City's buildout water distribution system encompassed peak-hour demand, maximum day demand with fire flow, as well as potential water supply and power outages.

City of Milpitas Storm Drain Master Plan

The City's 2021 Storm Drain Master Plan (SDMP) is an update to the 2013 SDMP and is intended to help guide the City in implementing a prioritized CIP. The 2021 SDMP identifies the capital improvements needed to maintain recommended levels of protection against local flooding from stormwater runoff, the need for a revenue stream that will allow the necessary capital improvements made, and the need to keep the storm drain system in working order into the future. The 2021 SDMP relies on updated hydrologic modeling, specifically the Integrated Catchment Modeling (ICM) model, which integrates updated rainfall and different hydrologic methodology compared to prior versions of the SDMP. Additionally, the model accounts for surface storage within streets and other open spaces and the precise timing of coincident creek discharges, which was not directly accounted for in previous SDMPs. These updates generally suggest less flooding at the desired level of service and fewer CIP projects that would be needed to meet the City's storm drainage criteria.

California Regional Water Quality Control Board's San Francisco Bay Region Municipal Regional Stormwater NPDES Permit Order R2-2015-0049 (NPDES Permit No. CAS612008) November 2015

The City of Milpitas participates in the Santa Clara Valley Urban Runoff Prevention Program (SCVURPPP) as a co-permittee under the California Regional Water Quality Control Board's San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (Order R2-2015-0049), also referred to as the "MS4 Permit." Permit number CAS612008 became effective in November of 2015. The City has typical urban runoff water quality issues and is working on implementing a 70 percent reduction in trash load by July 1, 2017, focused around trash capture on 100 acres of high or very high trash generating land uses.

Santa Clara Valley Urban Runoff Prevention Program

The SCVURPPP is an association of 15 municipal agencies in the Santa Clara Valley that discharge stormwater to the lower South San Francisco Bay. Member agencies (Co-permittees) include the cities of Campbell, Cupertino, Los Altos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale, the towns of Los Altos Hills and Los Gatos, the County of Santa Clara, and the SCVWD. The SCVURPPP and member agencies implement pollution prevention, source control, monitoring and outreach programs aimed at reducing pollutants in stormwater runoff, and protecting water quality and beneficial uses of the San Francisco Bay and Santa Clara Valley creeks and rivers. The SCVURPPP also promotes valuing stormwater as an important resource. The member agencies of the SCVURPPP share a common NPDES permit to discharge stormwater to the South San Francisco Bay. Total population within the SCVURPPP area is approximately 1.7 million people. The SCVURPPP incorporates regulatory, monitoring and outreach measures aimed at reducing pollution in urban runoff to the "maximum extent practicable" to improve the water quality of South San Francisco Bay and the streams of Santa Clara Valley.

City of Milpitas Sewer Master Plan

The City's Sewer Master Plan was first developed in 2002 and comprehensively updated in 2009, and most recently updated in 2021. The current Sewer Master Plan includes a CIP based on existing (2020) and future (2040) planning horizons. The Sewer Master Plan describes the City's service area and wastewater services it provides; describes the City's existing wastewater collection system; provides the results of the condition assessment performed as part of the

Sewer Master Plan; describes the hydraulic modeling developed as part of the Sewer Master Plan; provides the results of the wastewater flow monitoring program and analysis of corresponding data; identifies the hydraulic capacity-related deficiencies under existing (2020) and future (2040) modeled conditions; identifies the recommended improvements resulting from the condition assessment and basis for cost development; and identifies the recommended capital improvement projects, costs, and timeline for implementation.

City of Milpitas Sewer System Management Plan (2014)

In May 2006, SWRCB implemented Order No. 2006-0003-DWQ. Any municipality that owns or operates a sanitary sewer system greater than 1.0 mile in length and that collects and/or conveys untreated or partially treated wastewater to publicly owned treatment plants in the State of California is required to comply with the terms of this order. This order requires the development and implementation of a system-specific sanitary sewer management plan (SSMP). The City's SSMP facilitates the overall management of the City of Milpitas' sewer system.

Milpitas Municipal Code, Chapter 200: Solid Waste Management

Chapter 200 of the Milpitas Municipal Code contains specific requirements related to:

- ▶ keeping or accumulating solid waste;
- ▶ collection and disposal;
- ▶ authorized contractors;
- ▶ manner of collection, removal, and transportation;
- ▶ solid waste disposal;
- ▶ enforcement and penalties; and
- ▶ disaster operations.

Milpitas Source Reduction and Recycling Element

Adopted in 1991, the Milpitas Source Reduction and Recycling Element provides a summary and analysis of existing and needed source reduction, recycling, and composting programs and facilities, strategies for handling special wastes, and for funding. Implementation measures for both short (next 5 years) and medium term (next 10 years) are specified and include multifamily residential and non-residential recycling, public awareness, and regulatory programs. Implementation measures outlined in the Element are expected to lead to diversion of an estimated 13.6 to 19.5 percent of the waste stream by 2000.

Goals adopted as part of the City's *Source Reduction and Recycling Element* include:

- ▶ Meet or exceed state-mandated solid waste disposition rates by maximizing source reduction, recycling and composting opportunities for Milpitas residents and businesses;
- ▶ Motivate the residential and business sectors to reduce and recycle solid waste;
- ▶ Ensure that all land development projects provide adequate space and design for waste reduction and management activities and equipment;
- ▶ Encourage the development and expansion of local and regional markets for diverted materials;
- ▶ Provide solid waste management services that minimize environmental impacts, ensure public health and safety and facilitate waste reduction efforts; and
- ▶ Increase residents' awareness of proper disposal and reduction methods for wastes.

3.12.2 Environmental Setting

The environmental setting provided on pages 3.15-1 through 3.15-8 (water); 3.15-15 through 3.15-19 (wastewater); 3.15-24 and 3.15-25 (stormwater); and 3.15-32 and 3.15-33 (solid waste) of the General Plan Update EIR remains

applicable to this analysis, unless noted otherwise. The following section provides updates to the environmental setting since certification of the General Plan Update EIR and includes additional information applicable to the impact analysis for the Specific Plan.

Public utilities in the Specific Plan Area are provided by various entities, as identified in Table 3.12-1 and discussed in detail below.

Table 3.12-1 Utilities Providers for the Specific Plan Area

Utility	Agency/Provider
Water Supply	City of Milpitas
Wastewater Collection and Conveyance	City of Milpitas
Wastewater Treatment	San Jose-Santa Clara Regional Wastewater Treatment Facility (Cities of San Jose and Santa Clara); West Valley Sanitation District; Cupertino Sanitation District
Stormwater Conveyance	City of Milpitas; Santa Clara Valley Water District
Solid Waste Collection and Disposal	Republic Services / Newby Island Solid Waste Facility
Electrical Service	Pacific Gas & Electric Company (PG&E)
Natural Gas	Pacific Gas & Electric Company (PG&E)

Source: Data compiled by Ascent in 2024

WATER SUPPLY

As detailed in the General Plan Update EIR, the City is the water supplier for areas within its jurisdiction, including the Specific Plan Area. Since certification of the EIR, the City updated its UWMP and WSCP as part of the 5-year update review cycle required under the Urban Water Management Planning Act. The following describes the water supply conditions that have changed since certification of the EIR. Unless noted otherwise, the following information is summarized from the City's 2020 UWMP (City of Milpitas 2021b).

Existing Water Supply Sources

As detailed in the WSA, water supplies within the city are provided via potable water purchased from the San Francisco Public Utilities Commission (SFPUC) and Valley Water (formerly Santa Clara Valley Water District) and distributed to customers through the City's potable water system. The existing water supply sources for each of these wholesale water suppliers as well as the City are described below based on the WSA prepared for the proposed Specific Plan (Appendix E).

San Francisco Public Utilities Commission

Approximately 60 percent of the City's water supply is provided from SFPUC. The City receives imported water from the City and County of San Francisco's Regional Water System (RWS), operated by SFPUC. This supply is predominantly from the Sierra Nevada, delivered through the Hetch Hetchy aqueducts, but also includes treated water produced by the SFPUC from its local watersheds and facilities in Alameda and San Mateo Counties. Water from the RWS is treated before delivery and supplied to City from two connections, Bay Division Pipelines (BDPL) 1 and 2, and the Crystal Springs Bypass Tunnel.

The amount of imported water available to the SFPUC's retail and wholesale customers is constrained by hydrology, physical facilities, and the institutional parameters that allocate the water supply of the Tuolumne River. Due to these constraints, the SFPUC is very dependent on reservoir storage to ensure ongoing reliability of its water supplies.

On June 2, 2009, the City entered into a 25-year Water Supply Agreement with SFPUC. This agreement affirms the City's perpetual right to purchase up to 9.23 million gallons per day (mgd) of treated potable water unless SFPUC has a water shortage.

Future Water Sources and Reliability

In December 2018, the State Water Resources Control Board adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay Delta Plan) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. The adopted Bay Delta Plan was developed with the stated goal of increasing salmonid populations in three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay Delta. The Bay Delta Plan Amendment requires the release of 30 to 50 percent of the “unimpaired flow” on these tributaries from February through June in every year type. As noted above, SFPUC obtains surface water from the Tuolumne River.

The SFPUC has initiated an Alternative Water Supply Planning Program to ensure that San Francisco can meet its Retail and Wholesale Customer water needs, address projected dry years shortages, and limit rationing to a maximum 20 percent system-wide in accordance with adopted SFPUC policies. This program is intended to meet future water supply challenges and vulnerabilities such as environmental flow needs and other regulatory changes; earthquakes, disasters, and emergencies; increases in population and employment; and climate change.

Since the City’s water supply relies partially on the SFPUC RWS, impacts from the potential implementation of the Bay Delta Plan, is anticipated to impact the City’s service reliability. The City would be able to meet the projected water demands in normal years through 2045 but would experience supply shortages in single dry years and multiple dry years. Such implementation of the Bay Delta Plan would require rationing in all single dry years and multiple dry years. For the preparation of local UWMPs, SFPUC provided two scenarios, using hydrologic models with and without the Bay Delta Plan Amendment. This included Bay Area Water Supply & Conservation Agency (BAWSCA) drought cutback allocations based on the information about projected water supply availability for the wholesale customers from SFPUC. All of BAWSCA’s allocation tables assume that the wholesale customers can purchase up to 184 mgd from SFPUC’s RWS through 2045. In normal years 100 percent of the City’s ISG is available to the City, that is 9.232 mgd.

Valley Water

Valley Water began providing treated surface water from Valley Water in August 1993 under a September 1984 contract between the City and Valley Water (previously known as Santa Clara Valley Water District). The supply delivery is adjusted annually based on a binding 3-year annual delivery schedule. The City’s annual purchase must be at least 90 percent of the delivery schedule and the City’s monthly “supply guarantee” is at least 15 percent of the annual delivery schedule. Valley Water provides treated water from its Penitencia and Santa Teresa treatment plant via its Milpitas Pipeline which terminates in the City.

Although the City purchases are currently limited to surface water largely purchased by Valley Water from the State Water Project (SWP) and Central Valley Project CVP (Valley Water has a contract for 152,500 acre-feet per year [AFY] from the CVP and 100,000 AFY from the SWP), Valley Water’s overall water supply comes from a variety of sources. Nearly half is from local groundwater aquifers, and more than half is imported from the Sierra Nevada through pumping stations in the Sacramento-San Joaquin River Delta. Both groundwater and imported water are sold to retailers. Valley Water also manages the groundwater basin to the benefit of agricultural users and other independent users who pump groundwater. Local runoff is captured in Valley Water reservoirs for recharge into the groundwater basin or treatment at one of Valley Water’s water treatment plants. The total storage capacity of these reservoirs is about 170,000 acre-feet. According to the City’s Water Master Plan, a new Valley Water turnout near Piper Drive and a two mgd storage reservoir and 4,000 gallon per minute pump station in the Valley Water service area is anticipated to be constructed between 2031 and 2035 (Silveira 2025, pers comm). Further, according to the City’s Water Master Plan, a new emergency pressure reducing valve at the intersection of Cedar Way and South Main Street to allow flows between zone SF1 and zone VW1, as identified in Section 7.3 of the Specific Plan, is anticipated to be constructed between 2031 and 2035 (Silveira, pers. comm., 2025).

Future Water Sources and Reliability

To maintain water supply reliability and flexibility, Valley Water’s water supply includes a variety of sources including local groundwater, imported water, and local surface water. Valley Water has an active conjunctive water management program to optimize the use of groundwater and surface water, and to prevent groundwater overdraft and land subsidence.

Long-term planning and modeling analysis performed by Valley Water as part of its Integrated Water Resources Planning Study (IWRP) indicates that if additional investments are made, future countywide demands can reliably be met. It is the intent of Valley Water to invest in accordance with the IWRP framework to develop a flexible resource mix. This flexibility will allow Valley Water to respond to uncertain future conditions. The 2003 IWRP developed a planning framework and supporting modeling tools to help Valley Water identify and select specific water resource investments. The 2003 IWRP evaluation was based on a best estimate of the water demand and water supply outlook through 2040. Future water demand was estimated based on data from ABAG, Department of Finance and general plans from cities and Santa Clara County. The demand projection for the cities in Santa Clara County did not distinguish between Valley Water or SFPUC supplies.

The key findings from the 2003 IWRP are: (1) securing baseline supplies is top priority for ensuring reliability, 2) a mix of three types of new water supply investments makes the best water supply portfolio, and 3) local supplies decrease vulnerability.

Modeling conducted for the Water Supply Master Plan 2040 (Master Plan) indicates shortages during droughts in all demand years, with shortages increasing in severity and frequency as demands increase and Delta-conveyed supplies decrease. By 2040, without new supplies or conservation savings, shortages could occur in about 40 percent of years. The Master Plan identifies that 2040 available water supplies would range from 250,000 AFY to 399,000 AFY depending on the water year that could result in water supply shortfalls as high as 140,000 AFY during extended drought conditions.

To improve the reliability of water supplies, the Master Plan includes the Valley Water's Ensure Sustainability water supply strategy that consists of securing existing supplies and infrastructure; increasing water conservation and water reuse; and optimizing the use of existing supplies and infrastructure. The following projects would be implemented as part of this strategy:

- ▶ Delta Conveyance Project,
- ▶ Additional Conservation and Stormwater Projects and Programs,
- ▶ Potable Reuse Program,
- ▶ Pacheco Reservoir Expansion,
- ▶ Transfer-Bethany Pipeline, and
- ▶ South County Recharge.

Implementation of these projects would provide a reliable water supply that would meet 2040 demands during a non-drought year. During drought conditions, water supplies would be sufficient to meet 100 percent of demand during the first five years of drought and more than 90 percent in the last year.

Recycled Water

Recycled water is provided to the City by South Bay Water Recycling (SBWR). Currently, recycled water use consists of projects currently underway to convert potable users within the vicinity of the existing recycled water system, irrigation and conversion of cooling towers as identified through a SBWR Cooling Tower Initiative and extension of the recycled water system to capture additional irrigation use. Every year, the City purchases approximately 300 million gallons of recycled water from the San Jose/Santa Clara Regional Wastewater Facility, through SBWR. The recycled water undergoes an extensive tertiary treatment process (including filtration and disinfection) and is delivered to more than 220 recycled water customers in the City, for landscape irrigation and industrial uses.

The recycled water system is part of the South Bay Water Recycling Strategic Master Planning Report completed in 2014. The Strategic Plan was divided into two phases, near-term (2015-2020) and long term (2020-2035). Master Planning would provide basis for identifying alternative governance frameworks and associated funding strategies for non-potable water (i.e. recycled water). The SBWR system is currently developed to reflect near term recycled water demands. The long term plan is currently being studied, and future allocations have not been identified. Projected recycled water use is limited by the future supply allocations outlined by SBWR.

City of Milpitas

As noted above, the City obtains its water supply from SFPUC, Valley Water, and recycled water from SBWR. The City owns, operates and maintains a potable water distribution system consisting of five turnouts, one emergency groundwater well, three emergency interties, five storage reservoirs, five pump stations, 17 pressure reducing valves (PRVs), and approximately 183 miles of pipeline. The City also operates and maintains a recycled water system owned by the City of San Jose SBWR program. The City's potable water supply system is divided into two distinct service areas, corresponding to the areas served by SFPUC and Valley Water. The Specific Plan Area is within the Valley Water service area. Under normal operating conditions, the City does not blend water from SFPUC and Valley Water; however, the two sources of water can be interconnected to provide an emergency water supply, if needed.

In addition to the above water sources, the City has two existing groundwater wells; however, only one is active. These groundwater wells are located within the Santa Clara Sub-basin of the Santa Clara Valley Groundwater Basin. The McCandless Well is anticipated to have its construction complete by 2026 and operational in 2027 with a 0.58 mgd capacity. The 1.7 mgd capacity Pinewood Well, located at Pinewood Park, is connected to the City's lowest water pressure zone (Zone SF1) and can supply up to 50 percent of the zone's average daily water demand. The Pinewood Well was used for approximately three months in 1991, with many complaints about taste and odor. The City plans to add onsite iron and manganese treatment to prevent future complaints. The City is currently analyzing if the well can be converted into a production well and anticipates to determine the direction of the well in early 2026 based on the findings and recommendations.

The City also maintains the Curtis Well, which is located along Curtis Avenue within Zone SF2 and has a 1.5 mgd capacity. This well is artesian, which means that the well flows by itself without the use of a pump. The well is currently inactive, but the City Water Master Plan identifies that this well will be improved and operational on or after 2035.

There is no plan for an additional well at this time. As mentioned in the UWMP, a fourth well is needed for a 5th dry year by 2035 or 3rd dry year by 2045. The City will continue to evaluate the need for a fourth well in future UWMPs and Water Master Plans will continue to be evaluated by the City (Silveira, pers. comm., 2025).

Emergency water interties are connections between water systems that allow for the exchange or delivery of water between those systems on a short-term emergency basis. As described in the General Plan Update EIR, the City entered into agreements with the San Jose Water Company (SJWC) (located south of Milpitas) in March of 1973 and the Alameda County Water District (ACWD) (located north of Milpitas) in December of 1995 for emergency water supply. If a short-term or emergency supply were needed, the City could activate interties with SJWC and ACWD and/or pump groundwater. ACWD interties, both of which are 8-inches in diameter, could each suffice to supply the City with approximately 2.3 mgd. This equates to 4.6 mgd, which is nearly half of Milpitas's pre-drought average day demand. The primary supply for the two ACWD interties is the South Bay Aqueduct. Other sources include the SFPUC and local wells (City of Milpitas 2016).

The SJWC intertie is designed to function only when the City's water distribution system pressure experiences a significant drop. The agreement allows the City to receive water from Valley Water's Penitencia Water Treatment Plant if the SJWC is not also experiencing a water supply emergency. This intertie has never been used.

Current and Future Water Supply Sources and Demands

As mentioned, since certification of the General Plan Update EIR, the City adopted the 2020 UWMP as part of the 5-year update review cycle required under the Urban Water Management Planning Act. The City's 2015 UWMP discussed in the General Plan Update EIR provided projected water demand and estimated supply from 2020 through 2040. The 2020 UWMP provides updates to the projected water demand and estimated supply from what was disclosed in the General Plan Update EIR and includes projections for 2025 through 2045 under normal and dry year weather conditions (single and multiple), as shown in Table 3.12-2.

Table 3.12-2 City of Milpitas Normal, Single-, and Multiple-Dry Year Water Supply and Demand (2025–2045) (AFY)

	2025	2030	2035	2040	2045
Normal Year					
Supply	4,325	4,475	4,626	4,776	4,917
Demand	4,325	4,475	4,626	4,776	4,917
Difference	0	0	0	0	0
Single-Year Dry					
Supply	3,460	4,475	4,626	4,776	4,917
Demand	4,325	4,475	4,626	4,776	4,917
Difference	(865)	0	0	0	0
Multiple-Year Dry (First Year)					
Supply	3,450	4,475	4,626	4,776	4,917
Demand	4,325	4,475	4,626	4,776	4,917
Difference	(875)	0	0	0	0
Multiple-Year Dry (Second Year)					
Supply	3,230	4,475	4,626	4,776	4,917
Demand	4,325	4,475	4,626	4,776	4,917
Difference	(1,095)	0	0	0	0
Multiple-Year Dry (Third Year)					
Supply	2,940	4,370	4,626	4,776	4,917
Demand	4,325	4,475	4,626	4,776	4,917
Difference	(1,385)	(105)	0	0	0
Multiple-Year Dry (Fourth Year)					
Supply	2,940	4,370	4,626	4,776	4,870
Demand	4,325	4,475	4,626	4,776	4,917
Difference	(1,385)	(105)	0	0	(47)
Multiple-Year Dry (Fifth Year)					
Supply	2,940	4,370	4,626	4,776	4,870
Demand	4,325	4,475	4,626	4,776	4,917
Difference	(1,385)	(105)	0	0	(47)

Source: City of Milpitas 2021b, Tables 7-2 through 7-4.

As shown in Table 3.12-2, future demand would be met by the supply in each 5-year increment through 2045 during normal year conditions. However, demand would not be met in 2025 under drought conditions, including single dry year and multiple dry years. Additionally, demand would not be met in 2030 under multiple dry year conditions (third through fifth years) or 2045 under multiple dry year conditions (fourth and fifth years). These water supply and demand projections are reevaluated for the reasonably foreseeable future (i.e., 20-year planning period) as part of the UWMP update process, which occurs every 5 years as required by the UWMPA.

WASTEWATER

The City owns, operates, and maintains the wastewater collection system within its jurisdiction, which includes main sewer connections, gravity pipes, force mains, and pump stations. All wastewater collected in the City is conveyed to

the San José-Santa Clara Regional Wastewater Facility (RWF), which treats approximately 110 mgd of wastewater and has a treatment capacity of 167 mgd. Eight tributary agencies contribute flow to the RWF including the City of Santa Clara, Cupertino Sanitary District, West Valley Sanitation District, the City of San Jose, County Sanitation District 2-3, Burbank Sanitary District, and the City of Milpitas. The City has rights to discharge 14.25 mgd to the RWF under its current allotment (City of Milpitas 2021c).

The wastewater collection system consists of approximately 160 miles of gravity sewers, with pipe diameters ranging from 4- to 66-inches. The collection system generally flows from east to west and south to north towards the San Francisco Bay. Most of the collection system flows by gravity to the Milpitas Main Lift Station (Main LS) then is pumped to the San Jose-Santa Clara RWF through dual force mains. The Venus Way Lift Station (Venus Way LS) pumps sewage from a small portion of the City that is at a lower elevation up to a higher elevation where it then flows by gravity to the Main LS (City of Milpitas 2021c).

The City's wastewater collection system includes pipelines and structures of varying age, size, and material. Most of the City's wastewater collection system pipelines are vitrified clay pipe and 4- to 12-inches in diameter. Approximately 70 percent of all pipelines were built before 1990. The collection system also includes almost 3,000 manholes, of which approximately 60% were built before 1990. Of these manholes, 177 are flow splits, which are manholes that allow outflow via two or more pipes (City of Milpitas 2021c).

Since certification of the General Plan Update EIR, the City adopted a comprehensive update to its Sewer Master Plan in 2021. Within the 2021 Sewer Master Plan, system risk exposure was identified and classified using a 5-point scoring – ranking all segments of the existing system. Risks levels 1, 2, and 3 range from insignificant to medium risk, while significant risks are rated as 4 (high) and 5 (extreme). These are identified in various areas of the Specific Plan Area, particularly along Main Street. Consequently, a series of CIP projects have been identified for this area of the City. The 2021 Sewer Master Plan incorporates a capacity analysis of the citywide system, which accounts for anticipated land uses within the Milpitas Gateway-Main Street Specific Plan Area (as illustrated in Figure 5-2 of the 2021 Sewer Master Plan). Although the capacity analysis in the 2021 Sewer Master Plan did not identify any existing deficiencies in the Specific Plan Area, certain downstream segments are currently exceeding capacity; thus the 2021 Sewer Master Plan identifies CIP projects to address these existing deficiencies. The following streets within the Plan Area necessitate sewer CIPs: Curtis Avenue, South Main Street, Sinnot Lane, South Abel Street, East Calaveras Boulevard, Corning Avenue, and Machado Avenue. The sewer infrastructure improvements from the 2021 Sewer Master Plan identified within the Specific Plan Area are shown in Figure 7-2, “Stormwater Infrastructure Improvements,” of the proposed Specific Plan.

STORMWATER DRAINAGE SYSTEMS

Stormwater runoff is collected in a system of nearly 77 miles of storm drain pipelines ranging from 3-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. Each of the city's storm drainage collection systems discharges into one of Coyote Creek's tributaries, whether by gravity or by pumping. Milpitas owns and operates 13 storm water pumping stations, but the Santa Clara Valley Water District manages most of the natural and urbanized waterways into which Milpitas discharges its stormwater.

Since certification of the General Plan Update EIR, the City adopted a comprehensive update to its SDMP in 2021 (2021d). The 2021 SDMP relies on updated hydrologic modeling, specifically the ICM model, which integrates updated rainfall and different hydrologic methodology compared to prior versions of the SDMP. Additionally, the model accounts for surface storage within streets and other open spaces and the precise timing of coincident creek discharges, which was not directly accounted for in previous SDMPs. The 2021 SDMP identifies 14 CIP projects, consisting of both high and low priority projects, that would correct inadequate storm drain capacity caused primarily by undersized pipes during a 10-year design storm. The inundation areas that each of the CIP projects specifically address is shown in Figures 3-4 to 3-10 of the 2021 SDMP. High priority CIP projects are those that would be implemented within 20 years, while low priority projects would not begin until the high priority CIP projects are completed in their entirety, unless there is an opportunity for a low priority project to occur ancillary to or

conditioned with a high priority project. The City may complete capital projects in any order and spread projects throughout the twenty-year CIP.

According to the 2021 SDMP, the identified 14 CIP projects do not resolve surcharges from high creek levels downstream of the storm drain network, nor do they address inlets or manholes at isolated low points with low ground cover. The inundated areas are areas not resolved by the fourteen CIP projects and would only be resolved by major creek projects (outside of the scope of SDMP) or by the installation of small, localized pump stations, all determined to be cost-prohibitive in the SDMP. These inundation areas are located mainly on roadways and empty lots; however, minor flooding also occurs on some residential and commercial properties (City of Milpitas 2021d).

The 2021 SDMP outlines proposed land uses for some portions of the Specific Plan Area but not others. Areas with no defined land uses were assigned sub-basin-specific hydrology parameters, based on the World Imagery Map. Of the 14 total CIP projects identified in the 2021 SDMP, three low-priority CIP projects are identified within the Specific Plan boundaries at Main Street and Serra Way, Comet Drive, and a short segment of Railroad Avenue. Additionally, the 2021 SDMP identifies four CIP storm drain main extensions along Main Street. These projects are not yet prioritized in the City's 2025-2029 CIP. The stormwater infrastructure improvements from the 2021 SDMP identified within the Specific Plan Area are shown in Figure 7-2, "Stormwater Infrastructure Improvements," of the proposed Specific Plan.

SOLID WASTE

Existing conditions related to solid waste have changed since certification of the General Plan Update EIR and the changes are described below. At the time of preparation of the General Plan Update EIR, the City had a franchise agreement with Republic Services for solid waste collection and disposal services, and solid waste was disposed of at Newby Island Landfill. Beginning on December 1, 2017, Milpitas Sanitation, Inc. (MSI) became the solid waste and collection services provider for the city, with a term of contract from September 6, 2017 to August 31, 2032. The City of Milpitas disposes solid waste at different facilities depending on the material waste stream (e.g. garbage, recyclables, food waste, yard trimmings, and construction and demolition) in accordance with the City's franchise agreement with MSI. While collection is performed by MSI, the facilities where the waste streams are transported vary as listed below:

- ▶ **Solid Waste.** Solid waste is processed at the GreenWaste Recovery MRF with the end destination of the material at Kirby Canyon Landfill.
- ▶ **Recyclables.** The primary approved facility for recyclables is GreenWaste Recovery MRF. Alternate approved facilities include Alameda County Industries Material Recovery Facility and the Sunnyvale Materials Recovery and Transport Station (SMaRT Station).
- ▶ **Yard Trimmings.** Yard trimmings are processed at GreenWaste Recovery MRF.
- ▶ **Food Scraps.** The primary approved facility for food scraps is Sustainable Organic Solutions (SOS). Food waste is used to make animal feed. Alternate approved facilities include East Bay Municipal Utility District Treatment Plant and the Sunnyvale Materials Recovery and Transport Station (SMaRT Station).
- ▶ **Construction and Demolition (C&D).** The primary approved facility for C&D is Mission Trails Waste Systems (MTWS). Alternate approved facilities include Zanker Road Resource Management Facilities, Guadalupe C&D Recovery Facility, and the Sunnyvale Materials Recovery and Transport Station (SMaRT Station).

Table 3.12-3 summarizes the permitted daily capacity, estimated remaining capacity, and estimated closure dates for the solid waste disposal facilities that would serve the proposed Specific Plan Area.

Table 3.12-3 Solid Waste Disposal Facilities

Facility	Permitted Daily Throughput (tons/day)	Permitted Capacity (CY)	Estimated Remaining Capacity (CY)	Estimated Closure Date
Kirby Canyon Landfill	2,600	36,400,000	16,191,600	2059
Guadalupe Sanitary Landfill	3,650	28,238,855	7,518,220	2043
SMaRT Station	1,500	N/A	N/A	N/A
Mission Trails Waste Systems	375	N/A	N/A	N/A
Zanker Material Processing Facility (Landfill)	350	640,000	640,000	2025

Sources: CalRecycle 2024a, 2024b, 2024c, 2024d, 2024e.

Hazardous waste is being managed through Santa Clara County's household hazardous waste (HHW) program, which provides a drop-off site for residents and small generators through an appointment-based system. Milpitas continues to participate in this program. Santa Clara County and the City of Milpitas hold an annual HHW collection event within the city to encourage proper disposal of hazardous waste.

CalRecycle tracks and monitors solid waste generation rates on a per capita basis. Per capita solid waste generation rates and total annual solid waste disposal volumes for the City between 2016 and 2022 are shown in Table 3.12-4. These years provide updates to the data presented in the General Plan Update EIR, which included data between 2010 and 2015.

Table 3.12-4 Solid Waste Generation Rates

Year	Per Capita Disposal (Population) (lbs/person/day)	Per Capita Disposal (Employment) (lbs/person/day)	Total Disposal Tonnage (tons/year)
2016	5.10	8.10	69,713
2017	5.10	7.50	68,593
2018	4.70	6.60	63,826
2019	4.20	6.00	57,915
2020	3.70	5.80	52,245
2021	3.40	6.00	49,941
2022	3.20	5.50	47,107

Notes: lbs – pounds.

Source: CalRecycle 2022.

As shown in Table 3.12-4, the City disposed of 47,107 tons of solid waste in 2022, which is a decrease of 32 percent from 2016. The City offers green waste and yard trimming disposal and recycling of mixed paper, bottles, cans and other recyclable materials. In 2022, the City had a per capita disposal rate of 3.2 pounds of solid waste per person per day for its general population and 6.4 pounds of solid waste per person per day for employees.

ELECTRICITY AND NATURAL GAS

The Pacific Gas and Electric Company (PG&E) provides electricity and natural gas services to the residents and businesses of the city, including the Specific Plan Area. PG&E serves a total of 5.5 million electric customers and 4.5 million natural gas customers within a service area extending from Eureka in the north to Bakersfield in the south, and from the Pacific Ocean in the west to Sierra Nevada in the east. The PG&E electricity distribution system consists of 106,681 circuit miles of electric distribution lines and 18,466 circuit miles of interconnected transmission lines. The natural gas system consists of 42,141 miles of natural gas distribution pipelines and 6,438 miles of transmission pipelines (PG&E 2023a). In 2021 PG&E provided its customers with 30 percent eligible renewable energy (i.e., biomass combustion, geothermal, small scale hydroelectric solar, and wind) and 18 percent and 52 percent from large scale

hydroelectric and natural gas, respectively (PG&E 2023b). The contribution of in- and out-of-State power plants depends on the precipitation that occurred in the previous year, the corresponding amount of hydroelectric power that is available, and other factors.

The Specific Plan Area is served by two electrical substations located outside of the plan area:

- ▶ The Montague Substation, located east of I-880 on Montague Expressway; and
- ▶ Milpitas Substation, located on Milpitas Boulevard, north of Montague Expressway.

A majority of the electrical service in the Specific Plan Area is currently located underground, except for a section of South Main Street, between Corning Avenue and West Curtis Avenue, and within the existing single family residential neighborhood around Corning Avenue and Sylvia Avenue west of South Abel Street.

TELECOMMUNICATIONS

Telecommunication services involve the transmission of information and include phone services (landlines and/or wireless services), internet (dial-up, fiber optics, broadband), television (cable, etc.), AM/FM radio, and computer networking. As defined by Federal Standard 1037C, telecommunication facilities include the following:

- ▶ Any fixed, mobile, or transportable structure, including all installed electrical and electronic wiring, cabling, and equipment and all supporting structures, such as utility, ground network, and electrical supporting structures.
- ▶ A network-provided service to users or the network operating administration; a transmission pathway and associated equipment.
- ▶ A real property entity consisting of one or more of the following: a building, a structure, a utility system, pavement, and underlying land.

Wireless telecommunication services in the City are provided by various private companies. Additionally, Comcast/Xfinity is the primary provider of cable television in the City. Some companies also provide cable television services either separately or bundled with telecommunication services.

3.12.3 Environmental Impacts and Mitigation Measures

ANALYSIS METHODOLOGY

The analysis of utilities impacts (wastewater, water, stormwater, solid waste, natural gas, electricity, and telecommunications) from implementation of the Specific Plan were assessed and quantified, where applicable, using information available from the 2021 Water Master Plan, 2021 Sewer Master Plan, and 2021 SDMP, as well as the WSA prepared for the Specific Plan (Appendix E), the 2020 UWMP, and available information regarding the existing capacity of utilities and service systems. The analysis of utilities impacts considers whether new or expanded facilities would be required to meet the utility demand from implementation of the Specific Plan, and whether the construction of these utilities would result in significant environmental impacts.

THRESHOLDS OF SIGNIFICANCE

A utilities and service systems impact would be significant if implementation of the proposed Specific Plan would:

- ▶ require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;
- ▶ have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years;

- ▶ result in a determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand, in addition to the provider's existing commitments;
- ▶ generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals;
- ▶ not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

ISSUES NOT DISCUSSED FURTHER

All the issues identified in the preceding list of thresholds are addressed in the following impact analysis.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.12-1: Construction Impacts of New or Expanded Water, Wastewater Treatment, or Storm Water Drainage, Electric Power, Natural Gas, or Telecommunications Facilities

The General Plan Update EIR (Impacts 3.15-1 through 3.15-6) determined that impacts related to environmental impacts from utility improvements as a result of General Plan implementation would be less than significant. Implementation of the proposed Specific Plan could require the construction of utility extensions to serve future development. Development within the Specific Plan Area could include retention of existing infrastructure as well as installation of new utility lines and infrastructure. Because these improvements are needed to accommodate the water demand, wastewater generation, stormwater runoff, and electricity and natural gas demand associated with buildout of the proposed Specific Plan, the potential impacts associated with construction of utilities have been analyzed throughout this SEIR. Implementation of the proposed Specific Plan would not itself trigger construction of new or expanded off-site utilities to serve the project's demand that are not planned for under the City's infrastructure master plans. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

As addressed in General Plan Update EIR Impacts 3.15-1 through 3.15-6, implementation of the General Plan could result in construction of new or expanded infrastructure improvements for water, wastewater, drainage, and other utility services. The EIR identified as future development and infrastructure projects are considered by the City, subsequent development would be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA.

Implementation of the proposed Specific Plan would result in an increase in the number of residential units that could be developed within the Specific Plan Area, resulting in additional new residents beyond the number anticipated in the General Plan Update EIR. However, this increase in residential density would decrease the amount of commercial development that could occur within the Specific Plan Area compared to what was evaluated in the General Plan Update EIR. Since certification of the General Plan Update EIR, the City adopted comprehensive updates to several utility master plans, including the 2021 Water Master Plan, 2021 Sewer Master Plan, 2021 Sewer System Management Plan, and 2021 SDMP. Each of these plans identify CIP projects to be implemented throughout the city, including the Specific Plan Area, and are intended to address existing deficiencies in the city's utility infrastructure as well as accommodate projected growth in the city. The specific CIP projects identified in each of these plans for the Specific Plan Area are summarized in Chapter 7, "Infrastructure & Public Services," of the proposed Specific Plan. As described in Chapter 7 and shown in Figures 7-2, 7-5, and 7-6 of the Specific Plan, the CIP projects identified within the Specific Plan Area include stormwater, water, and sewer infrastructure improvements and would accommodate future development and growth from buildout of the Specific Plan. Implementation of the Specific Plan would not require the construction of new or expanded offsite utilities beyond those already planned for in the 2021 Water Master Plan, 2021 Sewer Master Plan, 2021 Sewer System Management Plan, and 2021 Storm Drain Master Plan. These CIP projects would be implemented irrespective of the Specific Plan.

The installation of any new utility lines to serve future development associated with the Specific Plan would require ground disturbing construction activities. However, because of the urbanized nature of the Specific Plan Area, the installation of any new utility lines would occur within developed areas, such as within joint trenches, existing roadways, or within the footprint of existing utility infrastructure and would not require construction across undisturbed ground. The installation of all utilities would comply with applicable requirements of the Milpitas Municipal Code. Because future utility improvements would be needed to accommodate the water demand, wastewater generation, stormwater runoff, and natural gas and electricity demand associated with the Specific Plan, the potential impacts associated with the construction of utility lines are programmatically analyzed throughout this SEIR as part of overall development of the Specific Plan area. For example, Section 3.2, "Air Quality," Section 3.5, "Energy," Section 3.6, "Greenhouse Gas Emissions and Climate Change," and Section 3.8, "Noise and Vibration," evaluate increases in air pollutant and greenhouse gas emissions and noise levels associated with constructing, operating, and maintaining utility improvements needed to serve future development under the Specific Plan. Section 3.4, "Cultural and Tribal Cultural Resources," evaluates the potential impacts that trenching and excavation for utility installation may have on buried resources. As required by law, utility connections would be constructed in accordance with all applicable building codes and standards to ensure that new transmission and conveyance systems are adequately sized and properly constructed. All necessary connections would be constructed prior to building occupancy and in a manner that would minimize the potential for utility service disruption of existing uses. Subsequent infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA and the conclusions of this SEIR.

Additionally, the proposed Specific Plan includes several standards, identified in Sections 7.1.2, 7.2.2, 7.3.2, and 7.4.2 of the Specific Plan, intended to ensure that water, sewer, and stormwater infrastructure would be able to support future growth in the Specific Plan Area. Regarding stormwater infrastructure, provisions include providing storm drain infrastructure that is designed to serve new development and meet City standards; ensuring that that run-off in storm drains does not lower water quality within or outside of the Specific Plan Area by implementing Best Management Practices in new development; constructing the improvements within the Specific Plan Area that were identified in the 2021 SDMP. Additionally, in conjunction with plans for future streetscape improvements along Main Street as part of the Sense of Place Plan, a study to determine the stormwater infrastructure system improvements needed to address flooding along Main Street would be conducted, and to addressing gaps in the stormwater infrastructure system; improving public curb and gutter along the project frontage and eliminate ponding to the satisfaction of the City Engineer; and, upgrading and expanding the storm drain system in accordance with the Storm Drain Master Plan, including conducting a study to determine the stormwater infrastructure system improvements needed to address flooding along Main Street, including addressing gaps in the stormwater infrastructure system, and as required along new roads within the Specific Plan Area, ensuring it meets the needs of new development to the satisfaction of the City Engineer.

Regarding water infrastructure, standards include providing water supply for the Specific Plan Area from the City's portfolio of water supplies and prohibiting the entitlement of development to municipal water until building permits are issued by the City; reducing overall potable water consumption through water conservation measures, including through the use of recycled water, water saving features, and drought-tolerant landscaping; upgrading, expanding, and looping the water distribution system in accordance with the Water Master Plan and to the satisfaction of the City Engineer to ensure it can adequately serve new development within the Specific Plan Area; and developing parcel-by-parcel water models at the project level to evaluate project-specific effects on the City's water infrastructure and identify necessary improvements and funding mechanisms for associated improvements. Additionally, an update the City's water model would be conducted as part of the Main Street Sense of Place Plan to reflect buildout of the Specific Plan and any necessary upgrades to the City's water infrastructure system.

Regarding wastewater infrastructure, standards include requiring development to obtain a building permit issued by the City prior to being entitled to wastewater treatment capacity; require new development to participate in fair share contributions to downstream improvements that were identified as deficient in the 2021 Sewer Master Plan, and fair share contributions would be re-evaluated by the City with any significant updates to the Sewer Master Plan; and upgrading and expanding the sanitary sewer system in accordance with the Sewer Master Plan and to the satisfaction of the City Engineer, ensuring it meets the needs of new development in the Specific Plan Area.

All future development associated with the Specific Plan would be required to comply with the standards identified in Chapter 7 of the proposed Specific Plan. The full list of infrastructure provisions is provided in Chapter 7, Sections 7.1.2 (Stormwater Infrastructure), 7.2.2 (Flood Protection), 7.3.2 (Water Infrastructure), and 7.4.2 (Sewer Infrastructure) of the proposed Specific Plan. As demonstrated in the proposed Specific Plan, the utility needs of future development within the Specific Plan Area would be evaluated at the project-level as individual development projects are proposed, and should any infrastructure improvements be identified, they would be implemented to the satisfaction of the City Engineer. Therefore, the proposed Specific Plan standards would ensure that adequate utility infrastructure would be available to serve future development within the Specific Plan Area. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 1-1 through 1-3 and associated Actions USC-1b and USC-1c.

No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.12-2: Have Sufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development

The General Plan Update EIR (Impact 3.15-1) determined that General Plan implementation would result in sufficient water supplies available to serve the City and reasonably foreseeable future development during normal, dry and multiple dry years and that this impact would be less than significant. Based on the WSA, implementation of the Specific Plan would decrease water demand by 105,875 gpd as compared to buildout under the General Plan. However, the 2020 UWMP identifies that the City would have shortfalls in supply in 2025, 2030, and 2045 under single dry-year and multiple dry year conditions if contract water supply sources provided by the San Francisco Public Utilities Commission and Valley Water are reduced. This water supply shortage would apply city-wide and would not directly occur because of the proposed Specific Plan. Although the potential water demand would decrease under the proposed Specific Plan compared to the land uses assumed in the General Plan Update EIR, implementation of the proposed Specific Plan would contribute to water supply shortages that would potentially trigger the need to construct additional groundwater wells, the construction and operation of which could result in significant environmental impacts. However, the City is implementing drought contingency measures identified in the UWMP through the construction of additional groundwater wells to offset water supply shortages identified for 2030 and 2045. Therefore, sufficient water supplies would be available to serve the Specific Plan and reasonably foreseeable future development during normal, dry, and multiple dry years. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

As discussed in the General Plan Update EIR, implementation of the General Plan would result in increased population and employment growth as well as a corresponding increase in demand for water supplies. However, the General Plan Update EIR determined that the City would have adequate water supplies available to accommodate buildout of the General Plan based on water supply and demand projections in the City's 2015 UWMP. Additionally, the General Plan Update includes a range of policies designed to ensure an adequate water supply for development and to minimize the potential adverse effects of increased water use. The General Plan Update EIR concluded that potential impacts associated with water supply would be less than significant.

Implementation of the proposed Specific Plan would result in an increase in the number of residential units that could be developed within the Specific Plan Area, resulting in additional new residents beyond the number anticipated in the General Plan Update EIR. However, this increase in residential density would decrease the amount of commercial development that could occur within the Specific Plan Area compared to what was evaluated in the General Plan Update EIR. The WSA prepared for the project calculated the change in water demand associated with the Specific Plan compared with the demand identified in the General Plan for the Specific Plan Area (Appendix E). Table 3.12-5 shows the changes in water demand between the adopted General Plan and proposed Specific Plan.

Table 3.12-5 Comparison of Adopted General Plan to the Specific Plan Water Demands

Project	Land Use Type Residential (Dwelling units)	Non-Residential Land Use Type (Square feet)	Residential Water Demand Factors (gpd/du) ¹	Residential Water Demand Factors Non-(gpd/ksf) ²	Residential Water Demands (Gallons Per Day)	Non-Residential Water Demands (Gallons Per Day)	Total (Gallons Per Day)
General Plan Land Uses for Specific Plan Area ³	3,838	3,293,240	170	270	652,460	889,175	1,541,635
Proposed Specific Plan	5,176	2,058,666	170	270	879,920	555,840	1,435,760
Increase	1,338	-1,234,574	-	-	227,460	-333,335	-105,875

¹ Assumed gallons per dwelling unit based on the City of Sunnyvale Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Water Supply Assessment (City of Sunnyvale 2020) as the 2020 UWMP and the City of Milpitas Water Master Plan do not provide water demand factors on a per unit basis.

² Assumed gallons per 1,000 square feet of non-residential use for a mix commercial, industrial and institutional uses based on the City of Sunnyvale Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Water Supply Assessment (City of Sunnyvale 2020) as the 2020 UWMP and the City of Milpitas Water Master Plan do not provide water demand factors on a square footage basis.

³ The allowable development numbers under the General Plan include the development assumptions of the adopted Midtown Plan.

Source: Compiled by Ascent 2024.

As shown in Table 3.12-5, implementation of the Specific Plan would decrease water demand by 105,875 gpd, resulting in a decrease of 119 AFY compared to the land uses assumed for the Specific Plan Area in the General Plan Update EIR.

Since certification of the General Plan Update EIR, the City adopted the 2020 UWMP in June 2021, which provides updates to the water demand and supply projections for the city from the 2015 UWMP relied on in the General Plan Update EIR. The 2020 UWMP specifically includes the proposed land uses and development projections in the Specific Plan; thus, the water demand associated with the proposed Specific Plan has been accounted for in the 2020 UWMP. As detailed in the 2020 UWMP and shown in Table 3.12-2, estimated water demand in the city would be met by the supply in each 5-year increment through 2045 during normal year conditions. However, future water demand in the city would not be met in 2025 under drought conditions, including single dry year and multiple dry years. Additionally, water demand would not be met in 2030 under multiple dry year conditions (third through fifth years) or 2045 under multiple dry year conditions (fourth and fifth years). This water supply shortage would apply citywide and would not directly occur because of the proposed Specific Plan; however, because the proposed land uses and development projections in the Specific Plan were accounted for in the 2020 UWMP, the Specific Plan would contribute to the water supply shortage during these dry year conditions.

During dry year conditions, the City would implement its 2020 WSCP that includes voluntary and mandatory water conservation measures to address water supply shortages. Specifically, Table 3-2 of the 2020 WSCP identifies water demand reduction actions that include a range of measures (e.g., restrictions on operation of water features, landscaping irrigation, public information campaigns, reductions of system water loss) that are identified to reduce the water supply shortage gap from 1 to 70 percent. The 2020 WSCP also includes Table 3-3 that identifies water augmentation through the installation of five additional groundwater wells by 2025 and two additional groundwater wells by 2040, each with a 1.2 mgd production capacity. This could include involve a managed groundwater well extraction program similar to neighboring water agencies, ACWD to the north and City of Santa Clara and San Jose Water Company to the south. The south-western portion of the City of Milpitas overlays a groundwater aquifer that has been determined to be adequately productive. In-pipe blending of groundwater with SFPUC and Valley Water has been identified viable option for augmenting supply shortages. Four wells at an average withdrawal rate of 1.2 million gallons per day (450 million gallons per year) would produce up to 5 million gallons per day of supplemental water supply for the City. Based on the shortfalls identified in Table 3.12-2, groundwater production by four wells would be adequate to offset water supply shortages identified for 2030 and 2045. The construction of these additional groundwater wells would have the potential to result in direct environmental effects, including potential

impacts on air quality, biological resources, cultural and tribal cultural resources, water quality, and noise, as well as secondary environmental effects such as aquifer depletion, changes in groundwater flow, and subsidence.

As previously mentioned, the General Plan Update EIR concluded that the City would have adequate water supplies available to accommodate buildout of the General Plan based on water supply and demand projections in the City's 2015 UWMP, resulting in a less-than-significant impact on water supply. However, based on updated water supply and demand projections in the 2020 UWMP, which accounted for the land uses and development projections of the proposed Specific Plan, water supply shortages have been identified during dry year conditions for 2025, 2030, 2045. Therefore, although the potential water demand would decrease under the proposed Specific Plan compared to the land uses assumed in the General Plan Update EIR, implementation of the Specific Plan would contribute to water supply shortages that would potentially trigger the need to construct additional groundwater wells, the construction and operation of which could result in significant environmental impacts. However, the City is implementing drought contingency measures identified in the UWMP through the construction of additional groundwater wells to offset water supply shortages identified for 2030 and 2045. McCandless Well, located in Delango Manaong Park along McCandless Drive, is a production well that is currently under construction. The well casing was completed in 2021 with the remaining to facilities anticipated to begin construction in early 2025. The well would be available for use in 2027. Pinewood well is an existing standby well that may be converted into production. According to the City Water Master Plan, Curtis well, designated to be a production well, is anticipated to be constructed between 2031 and 2035 (Silveira, pers. comm., 2025). Operation of McCandless Well alone could provide approximately 649 AFY of supplemental water supply that would offset the UWMP projected dry year conditions through the year 2040. Therefore, sufficient water supplies would be available to serve the Specific Plan and reasonably foreseeable future development during normal, dry, and multiple dry years.

The proposed Specific Plan includes several provisions intended to ensure a reliable, sustainable water supply that supports future growth projections within the Specific Plan Area. These provisions include providing water supply for the Specific Plan Area from the City's portfolio of water supplies and prohibiting the entitlement of development to municipal water until building permits are issued by the City; reducing overall potable water consumption through water conservation measures, including through the use of recycled water, water saving features, and drought-tolerant landscaping; upgrading, expanding, and looping the water distribution system in accordance with the Water Master Plan and to the satisfaction of the City Engineer to ensure it can adequately serve new development within the Specific Plan Area; and developing water models at the project level to evaluate project-specific effects on the City's water infrastructure and identify necessary improvements and funding mechanisms for associated improvements. All future development associated with the Specific Plan would be required to comply with the standards identified in Chapter 7 of the proposed Specific Plan. The full list of water infrastructure provisions is provided in Chapter 7, Section 7.3.2 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 2-1 and USC 2-4 and associated Action USC-2f.

The proposed water infrastructure provisions would help to reduce water demand associated with buildout of the Specific Plan. Therefore, water supply impacts from implementation of the Specific Plan would be less than significant. No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.12-3: Have Adequate Wastewater Treatment Capacity

The General Plan Update EIR (Impact 3.15-3) determined that adequate wastewater treatment capacity would be available to accommodate General Plan implementation and that this impact would be less than significant. The proposed land use changes within the Specific Plan Area would result in a decrease in water demand by 105,875 gpd, as compared to buildout under the General Plan. Assuming a 1 to 1 ratio of water consumption to wastewater generation, the proposed Specific Plan would result in a corresponding decrease in wastewater of 105,875 gpd as compared to buildout under the General Plan. Additionally, the proposed Specific Plan includes provisions intended to ensure that sewer infrastructure is able to support future growth in the Specific Plan Area. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

As discussed in the General Plan Update EIR Impact 3.15-3, continued growth in the City would increase the need for water and wastewater services, including a reliable source of recycled water. These needs have been addressed in the three utility districts' master plans and will require that the districts, in coordination with the City, continue to implement phased improvements to some pump stations, sewer mains, and the various wastewater treatment plants when triggered by growth. The General Plan Update EIR determined that estimated average dry weather flow from buildout of the General Plan would be below the City's current treatment capacity rights. Additionally, the General Plan Update includes a range of policies that would further assist in ensuring that adequate wastewater treatment and conveyance infrastructure is available to serve new growth projected under the General Plan. The General Plan Update EIR concluded that impacts associated with wastewater treatment capacity would be less than significant.

Implementation of the proposed Specific Plan would result in an increase in the number of residential units that could be developed within the Specific Plan Area, resulting in additional new residents beyond the number anticipated in the General Plan Update EIR. However, this increase in residential density would decrease the amount of commercial development that could occur within the Specific Plan Area compared to what was evaluated in the General Plan Update EIR. As discussed under Impact 3.12-2, the proposed land use changes within the Specific Plan Area would result in a decrease in water demand by 105,875 gpd as compared to buildout under the General Plan. Assuming a 1 to 1 ratio of water consumption to wastewater generation, the proposed Specific Plan would result in a corresponding decrease in wastewater of 105,875 gpd as compared to buildout under the General Plan.

Additionally, the proposed Specific Plan includes several provisions intended to ensure that sewer infrastructure is able to support future growth in the Specific Plan Area, including requiring development to obtain a building permit issued by the City prior to being entitled to wastewater treatment capacity; participating in fair share contributions to downstream improvements that were identified as deficient in the 2021 Sewer Master Plan, and any other improvements identified in subsequent updates to the Sewer Master Plan; and upgrading and expanding the sanitary sewer system in accordance with the Sewer Master Plan and to the satisfaction of the City Engineer, ensuring it meets the needs of new development in the Specific Plan Area. All future development associated with the Specific Plan would be required to comply with the standards identified in Chapter 7 of the proposed Specific Plan. The full list of wastewater infrastructure provisions is provided in Chapter 7, Section 7.4.2 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 3-1 through 3-3 and associated Action USC-3b.

No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.12-4: Solid Waste Facilities and Compliance with Solid Waste Statutes and Regulations

The General Plan Update EIR (Impact 3.15-6) determined that General Plan implementation would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, would not 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, and that this impact would be less than significant. Future construction and demolition activities associated with development under the proposed Specific Plan would generate solid waste, including metals, plastics, wood, concrete, and other building materials. However, future construction activities would be required to comply with applicable waste diversion requirements, including CALGreen Divisions 4.4 and 5.4, which requires a minimum of 65 percent of all non-hazardous construction and demolition waste for residential and non-residential development, respectively, to be recycled and/or salvaged for reuse. Additionally, implementation of the proposed Specific Plan would generate approximately 8.3 fewer tons of operation-related solid waste per day and 3,037 fewer tons of operation-related solid waste per year compared to what was identified in the General Plan Update EIR. As such, Kirby Canyon Landfill would have sufficient capacity to accommodate solid waste generated from buildout of the Specific Plan, and the Specific Plan would not contribute to an exceedance of the landfill's disposal capacity. Furthermore, future development under the Specific Plan would be required to comply with all applicable state and local management and reduction statutes and regulations related to solid waste, including AB 939, AB 341, AB 1826, and the Milpitas Municipal Code, which would reduce the amount of operation-related solid waste that would be disposed of at Kirby Canyon Landfill. Finally, the proposed Specific Plan includes several provisions intended to ensure that solid waste facilities would be able to support future growth in the Specific Plan Area and that waste continues to be collected and disposed of safely. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

As discussed in the General Plan Update EIR Impact 3.15-6, future development associated with buildout of the General Plan would result in an increase in population and associated solid waste generation within the City. However, the General Plan Update EIR determined that the amount of solid waste generated by buildout of the General Plan would be well within the Newby Island Landfill's permitted capacity of 57.5 million cubic yards. Additionally, the General Plan Update includes policies and actions to further reduce effects on solid waste services. The General Plan Update EIR concluded that impacts related to solid waste would be less than significant.

Construction

Construction and demolition activities associated with the proposed Specific Plan would generate solid waste, including metals, plastics, wood, concrete, and other building materials. Construction of future development under the Specific Plan would be required to comply with applicable waste diversion requirements. Although the City does not have a separate ordinance for construction and demolition debris recycling, it adopted the 2022 edition of CALGreen (CCR, Part 11 of Title 24) as part of its building code (Title II, Chapter 3). Divisions 4.4 and 5.4 of CALGreen require a minimum of 65 percent of all non-hazardous construction and demolition waste for residential and non-residential development, respectively, to be recycled and/or salvaged for reuse. Code requirements include preparing a construction waste management plan that identifies the materials to be diverted from disposal by efficient usage, recycling, reuse on the project, or salvage for future use or sale; determining whether materials will be sorted on-site or mixed; and identifying diversion facilities where the materials collected will be taken.

Demolition debris, including concrete, that can be recycled would be taken to MTWS, while non-recyclable or reusable materials would be disposed of at the Kirby Canyon Landfill. Compliance with applicable state and local regulations related to construction demolition and debris would reduce the amount of solid waste that would be disposed of in landfills from construction of future development under the Specific Plan. Therefore, because a majority of the waste generated during future construction activities would be recycled or salvaged for reuse in compliance with existing local and state regulations, future construction activities under the Specific Plan would not substantially contribute to the remaining capacity available at the Kirby Canyon Landfill. Accordingly, construction associated with implementation of the Specific Plan would not result in any new or substantially more severe significant impacts related to solid waste compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Operation

State and local management and reduction statutes and regulations related to solid waste include AB 939, AB 341, AB 1826, and Title V, Chapter 200 (Solid Waste Management) of the Milpitas Municipal Code. AB 939 requires jurisdictions to utilize “integrated waste management,” and established mandatory State waste diversion goals of 25 percent by the year 1995 and 50 percent by the year 2000, and, with the adoption of AB 341 in May 2012, 75 percent of solid waste from landfills by 2020. AB 341 also establishes the statewide mandatory commercial recycling program, which requires businesses that generate 4 cubic yards or more of commercial solid waste per week, or multi-family residential dwellings of five units or more, to implement recycling practices during operation to help the State achieve the statewide diversion goal of 75 percent. AB 1826 requires a business that generates 4 cubic yards or more of organic waste per week to arrange for recycling services for that organic waste in a specified manner. The bill would also require a business that generates 4 cubic yards or more of commercial solid waste per week, on and after January 1, 2019, to arrange for organic waste recycling services and, if CalRecycle makes a specified determination, would decrease that amount to 2 cubic yards, on or after January 1, 2020. Chapter 200 of the Milpitas Municipal Code includes solid waste collection, diversion, and disposal requirements for both residential and commercial generators.

Implementation of the Specific Plan would result in an increase in the number of residential units that could be developed within the Specific Plan Area, resulting in additional new residents beyond the number anticipated in the General Plan Update EIR. However, this increase in residential density would decrease the amount of commercial development that could occur within the Specific Plan Area compared to what was evaluated in the General Plan Update EIR. As discussed in Chapter 2, “Project Description,” it is estimated that the proposed Specific Plan at buildout could result in a population of 16,384 residents (General Plan identified 9,557 residents in the Midtown Specific Plan Area) and 5,541 jobs (General Plan identified 11,555 jobs in the Midtown Specific Plan Area).

As shown in Table 3.12-4, the City's disposal rates have been steadily decreasing over time and would likely continue to decrease throughout the life of the Specific Plan in accordance with state and local solid waste diversion requirements. In 2022, the City had a per capita disposal rate of 3.2 pounds of solid waste per person per day for residents and 6.4 pounds of solid waste per person per day for employees in 2022. Conservatively assuming that these disposal rates would remain constant throughout the life of the Specific Plan, implementation of the Specific Plan would generate approximately 87,891 pounds of solid waste per day, which equates to 43.9 tons per day or 16,040 tons per year of solid waste. Applying the same disposal rates to the population and employment projections identified for the Specific Plan Area in the General Plan Update EIR, the General Plan land uses for the Specific Plan Area would generate approximately 104,534 pounds of solid waste per day, which equates to 52.3 tons per day or 19,078 tons per year of solid waste. As such, the proposed Specific Plan would generate approximately 3,037 fewer tons of solid waste per year compared to what was identified in the General Plan Update EIR.

Additionally, the General Plan Update EIR evaluated the potential for development associated with buildout of the General Plan to generate solid waste in excess of the available remaining capacity at Newby Island Landfill. However, since certification of the General Plan Update EIR, the City entered into a franchise agreement with MSI for solid waste collection and disposal services. Waste collected by MSI is disposed of at varying facilities depending on the material waste stream (e.g., garbage, recyclables, food waste, yard trimmings, and construction and demolition). Solid waste is disposed of at the Kirby Canyon Landfill, while recyclables, yard trimmings, and food scraps would be diverted to other facilities as described in Section 3.12.2, “Environmental Setting.” As shown in Table 3.12-3, Kirby Canyon Landfill can accept up to 2,600 tons per day of waste and has a remaining permitted capacity of 16,191,600 cubic yards as of 2015, with an estimated closure date of 2059. Implementation of the Specific Plan would generate approximately 43.9 tons of solid waste per day, which would represent approximately 1.7 percent of the daily permitted capacity of Kirby Canyon Landfill. This amount of daily solid waste would be well within the landfill's daily permitted capacity. Moreover, the amount of daily solid waste generated by the Specific Plan land uses would be a reduction of 8.3 tons per day compared to what was evaluated in the General Plan Update EIR. As such, Kirby Canyon Landfill would have sufficient capacity to accommodate solid waste generated from buildout of the Specific Plan, and the Specific Plan would not contribute to an exceedance of the landfill's disposal capacity. Furthermore, future development under the Specific Plan would be required to comply with all applicable state and local management and reduction statutes and regulations related to solid waste, including AB 939, AB 341, AB 1826, and the Milpitas Municipal Code, which would reduce the amount of operation-related solid waste that would be disposed of at Kirby Canyon Landfill.

Finally, the proposed Specific Plan includes several provisions intended to ensure that solid waste facilities would be able to support future growth in the Specific Plan Area and that waste continues to be collected and disposed of safely. These provisions include requiring all new development to participate to the maximum extent practical in solid waste source reduction and diversion programs and negotiating new agreements to handle the long-term disposal of its solid waste before the expiration of the current waste disposal contract. All future development associated with the Specific Plan would be required to comply with the provisions identified in Chapter 7 of the proposed Specific Plan. The full list of solid waste facility provisions is provided in Chapter 7, Section 7.5.1 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 5-2 through 5-4.

No new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

This page is intentionally left blank.

4 CUMULATIVE IMPACTS

4.1 INTRODUCTION TO THE CUMULATIVE ANALYSIS

This Draft Subsequent Environmental Impact Report (SEIR) provides an analysis of cumulative impacts of the proposed Specific Plan, as required by State CEQA Guidelines Section 15130. The goal of such an exercise is twofold: first, to determine whether the overall long-term impacts of all such projects would be cumulatively significant; and second, to determine whether the incremental contribution to any such cumulatively significant impacts by the project would be “cumulatively considerable” (and thus significant) (See State CEQA Guidelines Sections 15130[a]–[b], Section 15355[b], Section 15064[h], and Section 15065[c]; and *Communities for a Better Environment v. California Resources Agency* [2002] 103 Cal. App. 4th 98, 120). In other words, the required analysis intends first to create a broad context in which to assess cumulative impacts, viewed on a geographic scale beyond the project site itself, and then to determine whether the project’s incremental contribution to any significant cumulative impacts from all projects is itself significant (i.e., “cumulatively considerable”).

Cumulative impacts are defined in State CEQA Guidelines Section 15355 as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” A cumulative impact occurs from “the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time” (State CEQA Guidelines Section 15355[b]).

4.2 CUMULATIVE IMPACT ANALYSIS METHODOLOGY

Consistent with State CEQA Guidelines Section 15130, the discussion of cumulative impacts in this Draft SEIR focuses on significant and potentially significant cumulative impacts. Section 15130(b) of the State CEQA Guidelines provides, in part, the following:

[t]he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

A proposed project is considered to have a significant cumulative effect if:

- ▶ the cumulative effects of development without the project are not significant and the project's additional impact is substantial enough, when added to the cumulative effects, to result in a significant impact; or
- ▶ the cumulative effects of development without the project are already significant and the project contributes measurably to the effect.

The term “measurably” is subject to interpretation. The standards used herein to determine measurability are that the impact must be noticeable to a reasonable person or must exceed an established threshold of significance (defined throughout the resource sections in Chapter 3 of this Draft SEIR). This cumulative analysis also assumes that all mitigation measures identified in Chapter 3 to mitigate Project impacts are adopted and implemented to minimize environmental effects.

The State CEQA Guidelines (Section 15130) identify two basic methods for establishing the cumulative environment in which the project is to be considered: the use of a list of past, present, and probable future projects, or the use of adopted projections from a general plan, other regional planning document, or a certified EIR for such a planning document. This analysis uses a combination of the list and planning document approach, as described further below.

The cumulative impact analysis provided in this chapter evaluates whether the Project could result in potentially new cumulatively considerable impacts or an increase in the severity of previously identified cumulative impacts that were identified in the General Plan EIR pursuant to State CEQA Guidelines Section 15162(b).

4.3 CUMULATIVE SETTING

Section 15130(b) of the State CEQA Guidelines states that the discussion of cumulative impacts should be guided by the standards of practicality and reasonableness, and should include the following elements, which are necessary to an adequate discussion of cumulative impacts:

- ▶ A discussion of the geographic scope of the area affected by the cumulative impact.
- ▶ Either 1) a list of past, present, and probable future projects producing related or cumulative impacts or 2) a summary of projections contained in an adopted general plan or similar document.
- ▶ A summary of expected environmental effects to be produced by these projects.
- ▶ Reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.

This SEIR makes use of both the list and project approaches depending on the environmental issue area.

4.3.1 Geographic Scope

The geographic area that could be affected by the project and is appropriate for a cumulative impact analysis varies depending on the environmental resource topic, as presented in Table 4-1.

Table 4-1 Geographic Scope of Cumulative Impacts

Resource Topic	Geographic Area
Aesthetics	Specific Plan Area and surrounding public viewshed
Air Quality	Region (pollutant emissions that affect the San Francisco Bay Area Air Basin) and immediate project vicinity (pollutant emissions that are highly localized)
Biological Resources	Specific Plan Area and region
Cultural, and Tribal Cultural Resources	Specific Plan Area and region
Energy	Pacific Gas & Electric Company service area and state
Greenhouse Gas Emissions and Climate Change	Global/statewide
Land Use and Planning	City of Milpitas
Noise and Vibration	Specific Plan Area and immediate project-specific vicinity
Population and Housing	City of Milpitas and Santa Clara County
Public Services and Recreation	City of Milpitas
Transportation	Specific Plan Area and region
Utilities and Service Systems	Region (water supply); local service areas (all other utilities)

Source: Compiled by Ascent in 2024.

4.3.2 Regional Planning Environment

CITY OF MILPITAS GENERAL PLAN UPDATE

The City of Milpitas General Plan Update was adopted in 2021 and serves as the long-term planning document for the city through 2040. It establishes goals, policies, and actions to guide the future growth and development of the

city. The General Plan Update is used by City leaders, City staff, developers, and community members in making decisions about the City's physical and social development. The Planning Area for the General Plan Update includes both land within City boundaries (13.6 square miles, or 8,704 acres) and areas of Santa Clara County within the City's Sphere of Influence (SOI).

Full buildout of the General Plan Update could generate an additional 11,186 dwelling units, 37,473 residents, 19,729,648 square feet of non-residential building square footage, and 36,795 jobs through the 2040 planning horizon (City of Milpitas 2020: Table 2.0-2). Under this scenario, the City would accommodate a total of 33,401 dwelling units, 113,530 residents, 47,807,536 square feet of non-residential building square footage, and 84,333 jobs. The EIR for the General Plan Update evaluated the full development potential of the General Plan, including the Specific Plan Area, compared to existing (2017) conditions (City of Milpitas 2020). However, it should be noted that the Specific Plan Area evaluated within the General Plan Update EIR.

As part of the General Plan, the City is required to adopt a Housing Element, which identifies how the City plans for current and future housing needs by analyzing the City's housing needs, assesses past accomplishments and fair housing practices, shows opportunities for future residential development, and addresses potential constraints to the development of housing in the city. Under State law, the City is required to update its Housing Element every eight years, with the most current Housing Element (2023-2031 Housing Element) being adopted on January 24, 2023. For the 2023-2031 planning period, the City was assigned a Regional Housing Need Allocation (RHNA) of 6,713 housing units. The 2023-2031 Housing Element identifies the City's housing plan to achieve the City's RHNA while not exceeding the total 33,401 dwelling units included in the buildout capacity estimated under the General Plan Update and evaluated within the corresponding EIR.

ASSOCIATION OF BAY AREA GOVERNMENTS

The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted Plan Bay Area 2050 in October 2021. The Final Plan Bay Area 2050 is an updated long-range Regional Transportation Plan and Sustainable Communities Strategy (SCS) for the nine-county San Francisco Bay Area. The plan charts a course for transportation investment and land-use priorities.

Plan Bay Area 2050, which serves as ABAG's Regional Transportation/Sustainable Communities Strategy (RTP/SCS), identifies the City's housing plan designed to guide future development as the City works to achieve State-mandated housing goals by provides regional housing, land use planning, and transportation planning for its nine-county region, which encompasses Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties. In developing Plan Bay Area 2050, ABAG prepared land use forecast and modeling to forecast the growth in jobs by industry, housing units and population in the Bay Area. Plan Bay Area 2050 projects future growth within ABAG's plan area over a 30-year planning period, which is based on economic and demographic projections through 2050, adopted and pending land use plans and policies, market and economic considerations, and other state and federal policies and regulations that can affect the locations and pace of growth. The number of new residents in the ABAG area is estimated to increase by approximately 2,670,000 people between 2015 and 2050 (ABAG 2021: Table 8).

CITY OF MILPITAS METRO SPECIFIC PLAN

The Milpitas Metro Specific Plan (Metro Plan) is an update to the Milpitas Transit Area Specific Plan (TASP), adopted in 2008. The Metro Plan Area is adjacent to the east of the proposed Specific Plan Area. The Metro Plan, adopted in February 2023, increases the Metro Plan Area from approximately 437 acres to approximately 510 gross acres and includes annexations on the east and west sides of the original Metro Plan Area. The long-term focus of this work is to continue and accelerate the transformation of this area from industrial and auto-oriented to a vibrant, connected and fully developed transit oriented neighborhood. The Metro Plan buildout planned for a total of 7,000 residential units, 300,000 square feet of retail space, and 3,000,000 square feet of office space (including 500,000 sf of industrial uses) to be built by 2040.

4.3.3 Related Projects

A list of probable future projects is provided below. Probable future projects are those in the project vicinity that have the possibility of interacting with the project to generate a cumulative impact (based on proximity and construction schedule). These projects:

- ▶ are partially occupied or under construction,
- ▶ have received final discretionary approvals,
- ▶ have applications accepted as complete by local agencies and are undergoing environmental review, or
- ▶ are proposed projects that have been discussed publicly by an applicant or that otherwise have become known to a local agency and for which information is sufficient to allow at least a general analysis of environmental impacts.

Past and present projects in the vicinity are also considered as part of the cumulative analysis because they contribute to the existing conditions upon which the project's and probable future projects' environmental effects are considered.

Table 4-2 briefly summarizes reasonably foreseeable large-scale projects in the project area.

Table 4-2 Cumulative Projects List

Project Number	Location	Project Summary	Project Status
P-SD22-0003	1355 California Circle, Milpitas, CA	Residential development project located on 6.7 acres. Project proposes 206 residential units.	Approved
P-SD16-0003	1301 California Circle, Milpitas, CA	Hotel development project located on 6.36 acres. Project proposes 150 hotel rooms within a 101,367 square feet structure.	Approved
P-SD22-0007	612 S Main Street, Milpitas, CA	Multi-family residential development on 2.31 acres. Includes 57 residential units.	Approved
P-SD19-0006	600 Barber Lane, Milpitas, CA	Mixed-use residential development on 3 acres. Includes 372 residential units and 20,000 square feet of office use.	Approved
P-SD15-0006	Milpitas, CA	Mixed-use development on 7.91 acres. Includes 213 residential units within a 221,541 square feet structure.	Approved; under development

Source: Compiled by Ascent 2024.

4.4 ANALYSIS OF CUMULATIVE IMPACTS

Because the General Plan is essentially a set of guidelines for projects that could occur within the timeframe of the General Plan, the Plan itself represents the cumulative development scenario for the reasonably foreseeable future in the City. Therefore, the analysis presented in this Draft SEIR generally represents a cumulative analysis of the City of Milpitas as a whole over the General Plan planning horizon (updated as noted above) described above. In instances where other cumulative development in neighboring jurisdictions or within the region as a whole could contribute to impacts generated by the proposed Specific Plan, those impacts, as well as the context, are discussed in the cumulative impact discussion that follows the impacts in each section.

As indicated above, CEQA requires that an EIR include an assessment of the cumulative impacts that could be associated with project implementation. This assessment involves examining project-related effects on the environment in the context of similar effects that have been caused by past or existing projects, as well as the anticipated effects of future projects. An EIR must discuss the cumulative impacts of a project when its incremental effect will be cumulatively considerable. Although project-related impacts may be individually minor, the cumulative effects of these impacts, in combination with the impacts of other projects, could be significant under CEQA and must be addressed (CEQA Guidelines, Section 15130[a]). Section 15130(a)(3) states that an EIR may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable, and thus not significant, if a project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. Section 15130(b) indicates that the level of detail of the cumulative

analysis need not be as great as for the project impact analyses; that it should reflect the severity of the impacts and their likelihood of occurrence; and that it should be focused, practical, and reasonable.

The following sections contain a discussion of the cumulative effects anticipated from implementation of the proposed Specific Plan, together with related projects and planned development, for each of the environmental issue areas evaluated in this Draft SEIR. The analysis herein analyzes whether, after implementation of project-specific mitigation that minimize environmental effects, the residual impacts of the Project would cause a cumulatively significant impact or would contribute considerably to existing or anticipated (without the proposed Specific Plan) cumulatively significant effects that were identified in General Plan Update EIR. Where the proposed Specific Plan would cumulatively contribute to impacts, additional mitigation is recommended where feasible.

4.4.1 Aesthetics

The geographic context for the analysis of cumulative scenic resource impacts includes areas adjacent to and visible from the Specific Plan Area, or areas that would be visible from locations that currently include views of the Specific Plan Area. These viewing areas include elevated freeways and freeway connector ramps to the north and south of the Specific Plan Area, adjacent surface streets, existing open space and hillsides to the east, and neighborhoods within the Specific Plan Area and adjacent to the Specific Plan Area.

Aesthetic impacts related to visual character and quality impacts and light and glare identified for the proposed Specific Plan are summarized below. As discussed in Section 3.1, "Aesthetics," of this Draft SEIR, buildout of the project would not result in impacts on scenic vistas or scenic resources (scenic roadways and highways) and would therefore not combine to create considerable changes and cumulative effects on visual resources. Therefore, impacts related to scenic vistas or scenic resources are not discussed further.

IMPACT 4.4.1-1: CONTRIBUTE TO CUMULATIVE VISUAL CHARACTER IMPACTS

Impact 4.1 of the General Plan Update EIR evaluated whether buildout of the General Plan would result in a significant contribution to the cumulative degradation of the existing visual character of the region. The General Plan Update EIR determined this impact would be less than cumulatively considerable because the General Plan would be implemented in an already urbanized area. The Specific Plan Area is located within a built-out area of the city, and continued implementation of the General Plan, as well as recent development trends in the region, would encourage the further redevelopment of existing uses within higher density and elevation project. Future development would be subject to design standards identified in the Objective Design Standards included in Chapter 4 of the proposed Specific Plan. Section 4.2 of the proposed Specific Plan identifies standards for site planning, urban form, and building design including the overall building form and massing, as well as primary building architectural features, including building entries, windows, roofs, materials, and colors, organized. The proposed Specific Plan Objective Design Standards would implement and be consistent with General Plan policies CD 1-1, CD 3-1 through CD 3-10, and LU 5-1 through LU 5-3. Through implementation of the proposed Specific Plan Objective Design Standards and adherence to the City's design review process, the existing views and character throughout the City, including within the Specific Plan Area, would be maintained. Therefore, future development would not detract from the existing visual character present within the Specific Plan Area. Thus, the project would not result in a new or greater contribution to cumulative visual character or quality impacts beyond what was identified in the General Plan Update EIR. This impact would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

IMPACT 4.4.1-2: CONTRIBUTE TO CUMULATIVE LIGHT AND GLARE IMPACTS

Impact 4.1 of the General Plan Update EIR evaluated whether buildout of the General Plan would result in a significant contribution to the cumulative increase in lighting. The General Plan Update EIR determined this impact would be less than cumulatively considerable because buildout of the General Plan would occur in an already urbanized area, in compliance with the General Plan policies and actions and adopted regulations pertaining to lighting.

Cumulative effects of lighting are visible over a wide area, because of the potential for lighting from a number of projects to create skyglow. Under existing conditions, the Specific Plan Area, and surrounding areas, experience lighting in the form of streetlights, or illumination for paths, buildings, and other noteworthy structures. As described in Impact 3.1-3 of this Draft SEIR, implementation of the proposed Specific Plan would introduce new lighting sources; however, while these fixtures would be similar in nature to existing lighting, and would not contribute new high, intensity lighting (i.e., field lighting) that could contribute substantially to night lighting conditions. Further, future development would be subject to lighting standards identified in the Objective Design Standards included in Chapter 4 of the proposed Specific Plan. Section 4.3.5 of the proposed Specific Plan identifies standards to reduce light pollution and glare. Therefore, the project would not result in a new or greater contribution to cumulative effects of light and glare beyond what was identified in the General Plan Update EIR. This impact would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.2 Air Quality

The cumulative setting for air quality is the San Francisco Bay Area Air Basin (SFBAAB). Santa Clara County and the SFBAAB are within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Santa Clara County is currently designated as nonattainment with respect to the national ambient air quality standards (NAAQS) and California ambient air quality standards (CAAQS) for ozone, with respect to the CAAQS for respirable particulate matter with an aerodynamic diameter of 10 micrometers or less (PM₁₀), and with respect to the NAAQS for 24-hour respirable particulate matter with an aerodynamic diameter of 2.5 micrometers or less (PM_{2.5}). Emissions of criteria air pollutants and precursors from industrial sources, area sources, and mobile sources in the basin have contributed to exceedances of the NAAQS for ozone and fine particulate matter and the CAAQS for ozone, respirable particulate matter, and fine particulate matter. Projects identified in Table 4-2 would increase emissions of these criteria air pollutants. Odor and toxic air contaminants (TACs) exposure are localized impacts, and the cumulative context is considered to be within 1,000 feet from a project site and associated off-site roadway and infrastructure improvements during construction.

The General Plan Update EIR identified air quality impacts associated with future development from implementation of the General Plan under project and cumulative conditions (City of Milpitas 2020) and concluded the General Plan would result in a less than cumulatively considerable impact for impacts related to plan consistency, long-term operational emissions, odors, and TAC emissions.

IMPACT 4.4.2-1: CONTRIBUTE TO CUMULATIVE CONFLICTS WITH OR OBSTRUCTION OF IMPLEMENTATION OF AN APPLICABLE AIR QUALITY PLAN

As described under Impact 3.3-1 of this SEIR, the proposed Specific Plan would not conflict with the 2017 Clean Air Plan and the relevant 2040 General Plan policies. Therefore, the proposed Specific Plan's contribution to cumulative conflicts with the relevant air quality plan would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

IMPACT 4.4.2-2: CONTRIBUTE TO CUMULATIVE EXPOSURE OF TACS

Emissions of TACs and PM is a localized impact and there are no existing or planned land uses adjacent to the project that would be large stationary sources of local TACs or odors. As identified in the discussion of Impact 3.3-2 of this SEIR, the proposed Specific Plan would not introduce any new TAC or PM_{2.5} emission sources but would continue to require all new sources of TAC emissions within the City would be required to obtain an air permit from BAAQMD that includes analysis of any TAC or PM_{2.5} emissions created from the new source and the potential health impacts to

the nearest sensitive receptor. Therefore, the proposed Specific Plan's contribution to cumulative exposure to TACs impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

IMPACT 4.4.2-3: CONTRIBUTE TO CUMULATIVE EXPOSURE OF ODORS

As discussed for Impact 3.3-3, construction and operation of land uses under the proposed Specific Plan would not result in the development of new odor sources atypical of developed urban areas, and odor-generating construction activity would be temporary. Therefore, the proposed Specific Plan's contribution to cumulative exposure to odor impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.3 Biological Resources

The geographic context for cumulative impacts related to biological resources is the greater vicinity of the project area, including adjacent wildlife migration and movement corridors in the area. The project area is surrounded by urban development, comprised of industrial and residential units with some small fragments of parks and open space. Future development near the Specific Plan Area includes commercial and residential development (see Table 4-2). The majority of the greater Specific Plan Area vicinity is developed and current and future development projects within the project vicinity primarily involve development on land that has been previously developed within the context of a highly developed region. Past development in the region, including conversion of natural land to urban uses, has resulted in a substantial loss of native habitat. This condition has resulted in a significant and cumulative loss of natural habitat and special-status plant and wildlife species in the region.

As discussed in Section 3.3, "Biological Resources," of this Draft SEIR, implementation of the Specific Plan would not result in impacts on special-status species, riparian habitat or other sensitive natural communities, wildlife movement and nursery sites, State or federally protected wetlands, or conflict with local policies and ordinances and therefore would not combine to create considerable changes to and cumulative effects on biological resources. Therefore, cumulative impacts on special-status species, riparian habitat or other sensitive natural communities, wildlife movement and nursery sites, State or federally protected wetlands, and conflict with local policies and ordinances pertaining to these resources, are not discussed further.

IMPACT 4.4.3-1: CONTRIBUTE TO CUMULATIVE IMPACTS ON BIOLOGICAL RESOURCES

Impact 4.4 of the General Plan Update EIR determined buildout of the General Plan, in combination with other development projects in the surrounding region, would result in a less than cumulatively considerable contribution on biological resources because buildout of the General Plan would occur in an already urbanized area and would be consistent with policies and actions of the General Plan and comply with Federal and State regulations to reduce, avoid, or compensate for potential impacts. The proposed Specific Plan would not result in a new or greater contribution to cumulative biological resources beyond what was identified in the General Plan Update EIR. This impact would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.4 Cultural and Tribal Cultural Resources

Because all significant cultural and tribal cultural resources are unique and nonrenewable members of finite classes, meaning there are a limited number of significant cultural resources, all adverse effects erode a dwindling resource

base. The loss of any one archaeological or historic site could affect the scientific value of others in a region because these resources are best understood in the context of the entirety of the cultural system of which they are a part. The cultural system is represented archaeologically by the total inventory of all sites and other cultural remains in the region. As a result, a meaningful approach to preserving and managing cultural and tribal cultural resources must focus on the likely distribution of cultural resources, rather than on a single project or parcel boundary.

IMPACT 4.4.4-1: CONTRIBUTE TO CUMULATIVE IMPACTS TO HISTORICAL RESOURCES, ARCHAEOLOGICAL, AND TRIBAL CULTURAL RESOURCES

The cumulative context for the historical resources analysis considers a broad regional area of which the resources are a part. The cumulative context for historical resources for this project includes the project region (i.e., project area, the city of Milpitas, and the county of Santa Clara). The cumulative context for the archaeological resources and tribal cultural resources (TCRs) analysis considers a broad regional area that includes the traditional tribal lands of the Costanoan people that occupied during the pre-contact period.

Impact 4.5 of the General Plan Update EIR determined buildout of the General Plan, in combination with other development projects in the surrounding region, could result in discovery and removal of cultural resources, including archeological, historical, and Native American resources and human remains. However, the General Plan Update EIR concluded the General Plan's contribution to this potential impact would be less than cumulatively considerable because each project under the General Plan would undergo further environmental review of project-specific impacts prior to City approval and would be required to comply with policies, actions, and regulations to avoid and/or minimize a cumulative loss of cultural resources.

As identified in Impact 3.4-1, implementation of the proposed Specific Plan would result in changing the zoning to allow greater density. The development pressure could increase and result in more requests for the demolition of historical resources. Project Mitigation Measures 3.4-1a and 3.4-1b would assist, but not fully mitigate, this impact. As a result, substantially more severe cumulative impact would occur compared to the General Plan Update EIR, and this impact would be **cumulatively considerable and significant and unavoidable**.

Since the adoption of the Midtown Plan in 2001, several discoveries have been made in the area, which indicates a higher sensitivity for resources than previously identified. Additionally, the tribal consultation required under AB52 has informed the context of the area and indicated a higher sensitivity of the area as well. Implementation of the proposed Specific Plan, in combination with other past, present, and reasonably foreseeable future development within the region, would involve ground-disturbing activities that could result in discovery of or damage to known or previously undiscovered archaeological resources and TCRs, as defined in State CEQA Guidelines Section 15064.5 and Public Resources Code (PRC) Section 21074, respectively, within the cumulative context. Proper planning and appropriate mitigation can help to capture and preserve knowledge of such resources and can provide opportunities for increasing our understanding of cultures and past environmental conditions by recording data about sites discovered and preserving artifacts found. Federal, State, and local laws are also in place that protect these resources in most instances. Even so, it is not always feasible to protect these resources, particularly when preservation in place would make projects infeasible, and for this reason the cumulative effects of past, present, and reasonably foreseeable future projects could result in a potentially significant cumulative impact on archaeological and tribal cultural resources.

Compliance with California Health and Safety Code Section 7050.5 and PRC Sections 21080.3.2, and 21084.3(a), as well as implementation of Mitigation Measures 3.4-2a through 3.4-2e and 3.4-3a through 3.4-3e would ensure that treatment and disposition of unique archaeological resources are handled by a professional archaeologist, qualified under the Secretary of the Interior's Professional Qualification Standards, and TCRs, including human remains, occurs in a manner consistent with the California Native American Heritage Commission guidance. However, due to the sensitivity of the area some archaeological resources may not be able to be avoided during future projects, the Specific Plan's contribution to cumulative impacts on archaeological resources and TCRs would be more severe compared to the General Plan Update EIR, and this impact would be **cumulatively considerable and significant and unavoidable**.

Mitigation Measures

Implementation of Mitigation Measures 3.4-1a, 3.4-1b, 3.4-2a through 3.4-2e, and 3.4-3a through 3.4-3e would address this impact. No additional measures are available.

4.4.5 Energy

The cumulative context for energy is existing and projected energy use in the Pacific Gas and Electric Company service area and in the state. Cumulative development in the County would increase regional energy demand.

No significant and unavoidable energy use impacts were identified in the General Plan Update EIR.

IMPACT 4.4.5-1: CONTRIBUTE TO CUMULATIVE ENERGY IMPACTS

As discussed under Impact 3.5-1 of this SEIR, implementation of the proposed Specific Plan would increase energy demand during temporary construction activities for new buildings and facilities; however, construction activities would not increase long-term, ongoing demand for energy or fuel, because construction would be temporary. Impact 3.5-1 concluded that because the proposed Specific Plan would decrease total energy consumption and energy consumption per service population, decrease VMT, and VMT per service population throughout the Specific Plan Area, and decrease the total usage of gasoline and diesel fuel and gasoline and diesel fuel consumption per service population throughout the Specific Plan Area. Thus, the proposed Specific Plan would not use energy wastefully, inefficiently, or unnecessarily.

Additionally, as discussed in Impact 3.5-2 of this SEIR, the proposed Specific Plan would not conflict with general plan policies, the Milpitas CAP, and Appendix D of the 2022 Scoping Plan. Therefore, the proposed Specific Plan's contribution to cumulative energy impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.6 Greenhouse Gas Emissions and Climate Change

Prominent greenhouse gases (GHGs) contributing to the greenhouse effect are carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Human-caused emissions of these GHGs in excess of natural ambient concentrations are found to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the earth's climate, known as global climate change or global warming. Climate change is a global problem caused by global pollutants and is inherently cumulative. Therefore, the cumulative setting for climate change is global, and the earth is experiencing an adverse cumulative condition. This includes consideration of planned development under the 2040 Milpitas General Plan and pending development projects identified in Table 4-2.

No significant and unavoidable GHG and climate change impacts were identified in the General Plan Update EIR. As identified in Section 3.6, "Greenhouse Gases and Climate Change," the City's 2022 Climate Action Plan (CAP) was updated after certification of the General Plan Update EIR.

IMPACT 4.4.6-1: CONTRIBUTE TO CUMULATIVE GREENHOUSE GAS IMPACTS

As stated above, the issue of global climate change is inherently cumulative because the GHG emissions of individual projects cannot be shown to have any material effect on global climate. Therefore, the Specific Plan's impact on climate change is addressed only as a cumulative impact. Impact 3-6.1 of this SEIR stated that because the proposed Specific Plan would reduce VMT and VMT per service population and reduce GHG emissions throughout the Specific Plan Area, the proposed Specific Plan would meet the State's goals to reduce emissions to 40 percent below 1990

levels by 2030 and carbon neutrality by 2045. Impact 3-6.2 of this SEIR stated that the proposed Specific Plan would increase efficiency throughout the proposed Specific Plan Area and thus would align with the local GHG reduction strategies and plans such as the Milpitas 2022 CAP, the general plan policies, the 2022 Scoping Plan, and the Plan Bay Area 2050+. Therefore, the proposed Specific Plan's contribution to cumulative GHG and climate change impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.7 Land Use and Planning

The geographic scope for evaluating cumulative land use and planning impacts related to physically dividing an established community encompasses the city of Milpitas. A significant cumulative impact related to physically dividing an established community would occur if cumulative development in combination with the proposed Specific Plan physically divided the city through the construction of physical features, such as new highways, aboveground utility infrastructure, or easements, which function as barriers to travel between two or more parts of the city.

The geographic scope for evaluating cumulative land use and planning impacts related to conflicting with a land use plan, policy, or regulation adopted for the purposes of avoiding or mitigating an environmental effect includes the City of Milpitas. A significant cumulative impact related to conflicting with a land use plan, policy or regulation adopted for the purposes of avoiding or mitigating an environmental effect would occur if future development projects, in combination with the proposed Specific Plan, would result in significant environmental impacts due to an inconsistency with an applicable land use plan, policy, or regulation.

IMPACT 4.4.7-1: PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY

Impact 4.10 of the General Plan Update EIR analyzed whether buildout of the General Plan would contribute to cumulative land use impacts associated with the division of an established community. The General Plan Update EIR determined urban growth that would occur in the City as a result of General Plan buildout would occur at in-fill locations within existing urbanized areas and would not create physical division within existing communities. Therefore, the General Plan Update EIR concluded that the General Plan would have a less than cumulatively considerable contribution to regional land use impacts.

The cumulative study area is characterized as an urbanized city developed with a clear land use pattern demarcated by parcel boundaries and roadways. As discussed in Section 4.3.3, "Related Projects," cumulative projects within the cumulative study area consists of residential, mixed-use, and hotel projects, all of which are proposed on established parcels under the City's jurisdiction and are not anticipated to include the construction of a physical feature that would physically divide the city. As the city is an urban, developed environment, these cumulative projects most likely would involve infill development or redevelopment within an already-established residential or hotel area. These projects would also not construct physical features that function as barriers to travel between two or more parts of an existing established community. In addition, these projects would not involve permanent street or sidewalk closures that would interfere with or impair access within established communities. Therefore, cumulative effects related to physically dividing an established community are considered less than significant within the cumulative study area.

As discussed in Section 3.7, "Land Use and Planning," of this Draft SEIR, the proposed Specific Plan would be applied to already established parcels within the City's land use pattern and would not include any new areas of the city or surrounding area. All future development would be located on demarcated parcels within the proposed Specific Plan Area. In addition, while the Specific Plan's Mobility Framework (Chapter 5 of the Specific Plan) supports the construction of new roadways and service alleys, the Specific Plan envisions these roadway and alleys to improve mobility throughout the Specific Plan Area. The Specific Plan also supports new streets with redevelopment of the Serra Center and other large neighborhood blocks to connect to existing roadways and support a more walkable neighborhood grid pattern. Therefore, while new roadway infrastructure could be developed under the proposed

Specific Plan, the introduction of such infrastructure would not physically divide or obstruct any other parts of the Specific Plan Area or the city. Therefore, the proposed Specific Plan would not physically divide an established community and as such, would not result in a new significant cumulative effect, and the cumulative impact would not be more severe than the impact identified in the General Plan Update EIR. The Specific Plan's impact would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

IMPACT 4.4.7-2: CONFLICT WITH ANY LAND USE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT

Impact 4.10 of the General Plan Update EIR analyzed whether buildout of the General Plan would contribute to cumulative land use impacts associated with conflicts with land use plans and regulations that provide environmental protection. The General Plan Update EIR determined that implementation of General Plan policies and actions were intended to guide growth to appropriate areas and provide services necessary to accommodate growth. Therefore, the General Plan Update EIR concluded that the General Plan would have a less than cumulatively considerable contribution to regional land use impacts.

All development and redevelopment projects within the city are required to be consistent with the existing General Plan land use designations and applicable Zoning Ordinances designations, including other Specific Plans. The City would review each cumulative project listed in Table 4-2 as part of the development review process to ensure consistency with the policies of the General Plan and Zoning Ordinances unless there is a proposed land use policy amendment to the General Plan and/or Zoning Ordinance with a project application. At the time that an amendment to a land use policy to the General Plan and/or Zoning Ordinance is submitted, the City would need to evaluate if the proposed change to the land use policy would result in environmental impacts. Cumulative projects requiring discretionary approval would be subject to CEQA, which would require incorporation of feasible mitigation measures to reduce significant environmental impacts associated with conflicting with an applicable land use plan, policy, or regulation. With the safeguards of the City's development review process and the environmental review process under CEQA in place, development of cumulative projects within the city would not result in foreseeable environmental impacts associated with conflicting with applicable land use plans, policies, or regulations. Therefore, cumulative effects related to conflicting with a land use plan, policy or regulation adopted for the purposes of avoiding or mitigating an environmental effect are considered less than significant within the cumulative study area.

As discussed in Section 3.7, "Land Use and Planning," the proposed Specific Plan is consistent with all applicable land use plans, policies, and ordinances adopted to avoid or mitigate an environmental effect, including the Plan Bay Area 2050, the City's 2040 General Plan, and the Comprehensive Zoning Ordinance Update upon adoption. Upon adoption of the proposed Specific Plan, the goals, policies, and development standards of the plan would govern future development proposed within the Specific Plan Area. All future development within the Specific Plan Area would be reviewed for compliance with the Specific Plan during the City's design review and building permit processes. In addition, future development proposed under the Specific Plan that requires discretionary review would be subject to CEQA, which would ensure any potentially significant land use impacts are mitigated to the greatest extent possible. Therefore, the proposed Specific Plan would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating environmental effects and as such, its incremental contribution to this less-than-significant cumulative impact would not be cumulatively considerable. This cumulative impact would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.8 Noise

Impact 4.12 of the General Plan Update EIR analyzed whether buildout of the General Plan would contribute to cumulative impacts related to noise. The General Plan Update EIR determined that implementation of General Plan policies and actions were intended to minimize exposure to excessive noise, including noise associated with traffic. However, the General Plan Update EIR concluded the traffic noise increases associated with the General Plan exceeded the applicable noise exposure criteria. Therefore, the General Plan Update EIR concluded the General Plan had a significant and unavoidable and cumulatively considerable contribution relative to traffic noise on existing noise-sensitive uses in the city.

Noise and vibration impacts associated with future development under the project are analyzed in Section 3.8, “Noise” of this Draft SEIR. Noise and vibration impacts arise from and reflect project-specific characteristics and conditions, including distance to noise sources, barriers between land uses and noise sources, and other factors. Noise impacts are typically site specific and combine with other noise impacts only when cumulative development occurs close by or when traffic-related noise from a project contributes to traffic volumes on roadways in the project area. For this reason, the geographic scope of the cumulative impact analysis for noise and vibration is the Specific Plan Area vicinity.

The Specific Plan Area is not located within 2 miles of an airport. The airport nearest to the project site is San Jose Mineta International Airport, located approximately 3.8 miles southeast of the Specific Plan Area. The Specific Plan Area is outside the San Jose Mineta International Airport’s noise contour. Therefore, the project would not expose people residing or working in the project area to excessive airport noise levels. Thus, the proposed Specific Plan would not contribute to cumulative aircraft exposure impacts.

The proposed Specific Plan would not result in future development that would result in major sources of ground vibration, such as a commercial railway or a passenger rail transit line. No existing or planned land uses in the Specific Plan Area would be sources of substantial and permanent ground vibration. Therefore, development facilitated by the Specific Plan would not result in long-term operational activities associated with permanent or substantial levels of ground vibration. Thus, the Specific Plan would not contribute to or create cumulative operational vibration impacts.

IMPACT 4.4.8-1: CONTRIBUTE TO CUMULATIVE CONSTRUCTION NOISE AND VIBRATION IMPACTS

Construction-related noise and vibration are typically considered localized impacts that affect only receptors close to construction activities. Therefore, unless construction of cumulative projects, including construction associated with the project, occurs on sites close to one another (i.e., less than 500 feet apart) and at the same time, noise and vibration from individual construction projects have little chance of combining to create cumulative impacts. There are no reasonably foreseeable projects within 500 feet of the Specific Plan Area that would be an additional source of construction noise or vibration. Therefore, the Specific Plan’s contribution to cumulative construction noise and vibration impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

IMPACT 4.4.8-2: CONTRIBUTE TO CUMULATIVE TRAFFIC NOISE IMPACTS

With respect to mobile-source noise levels, the cumulative context includes local roadways likely to be affected by project-related vehicles. As discussed in Section 3.11, “Noise and Vibration,” project-related traffic increases would not result in a substantial noise increase on affected roadways. Traffic noise was also modeled under the cumulative context. Table 4-3 shows an increase in traffic noise between the cumulative no project scenario and the cumulative with project scenario.

Table 4-3 Summary of Modeled Traffic Noise Levels under Cumulative No Project and Cumulative Plus Project Conditions

Segment No.	North-South	East-West	Roadway Segment	Midtown Conditions Noise Levels ¹ (dBA L _{dn})	Gateway-Main Street+ Project Noise Levels ² (dBA L _{dn})	Modeled Change (dBA)	Applicable Increase Threshold	Exceeds Applicable Threshold?
1	Park Victoria Dr	Calaveras Dr.	Calaveras West	67.8	67.8	0.0	1.5	No
2	Hillview Dr	Calaveras Dr.	Calaveras West	69.1	68.9	-0.2	1.5	No
3	Hillview Dr	Calaveras Dr.	Calaveras East	69.1	68.8	-0.4	1.5	No
4	Milpitas Blvd	Calaveras Dr.	Calaveras West	69.1	68.8	-0.3	1.5	No
5	Milpitas Blvd	Calaveras Dr.	Calaveras East	63.5	63.2	-0.2	1.5	No
6	Abel St	Calaveras Dr.	Abel North	59.1	58.6	-0.4	3	No
7	Abel St	Sierra Way	Abel South	64.1	63.7	-0.4	3	No
8	Abel St	Calaveras Dr.	Calaveras West	70.1	70.0	-0.2	1.5	No
9	Abel St	Marylinn Dr	Abel North	58.8	58.6	-0.3	5	No
10	Abel St	Marylinn Dr	Abel South	58.5	58.3	-0.3	5	No
11	Abbott Ave	Calaveras Dr.	Calaveras West	64.4	64.2	-0.2	1.5	No
12	Abbott Ave	Calaveras Dr.	Calaveras East	64.2	64.0	-0.2	1.5	No
13	Abel St	Sierra Way	Abel South	57.8	57.3	-0.4	5	No
14	Abel St	Corning Ave	Abel South	57.7	57.4	-0.2	5	No
15	Abel St	Curtis Ave	Abel South	58.9	58.5	-0.4	5	No
16	Main St	Curtis Ave	Main South	56.1	55.4	-0.7	5	No

Notes: L_{dn} = day-night noise level; dBA = A-weighted decibel; SR = State Route; 1 = represents Cumulative Conditions of the VMT for the Environmental Review; 2 = represents Cumulative with Project Conditions of the VMT for the Environmental Review

All modeling assumes average pavement, level roadways (less than 1.5% grade), constant traffic flow, and does not account for shielding of any type or finite roadway adjustments. All noise levels are reported as A-weighted noise levels. For additional details, refer to Appendix EE for detailed traffic data, and traffic-noise modeling input data and output results.

Source: Data provided by Fehr & Peers 2024; Modeled by Ascent in 2024.

As shown above, project-generated traffic would not result in increased traffic along any roadways. Traffic noise increases would range from -0.7 dB to 0.0 dBA L_{dn}, and noise levels along roadway segments.

Therefore, the proposed Specific Plan's contribution to the significant cumulative impact would be less than cumulatively considerable, though the impact would remain **cumulatively considerable** and **significant and unavoidable** as identified in the General Plan Update EIR.

IMPACT 4.4.8-3: CONTRIBUTE TO CUMULATIVE OPERATIONAL NOISE IMPACTS

Similar to construction-related noise impacts, stationary source noise impacts are generally localized. As a result, the context for cumulative stationary noise sources is within 500 feet of the Specific Plan area. Future development under the Specific Plan would potentially include new stationary heating, ventilation, and air conditioning (HVAC) equipment. However, noise from these sources would be localized and would not combine with noise from other projects. As discussed under Impact 3.11-3 of this SEIR, noise from the proposed HVAC equipment is a consideration only within a

project site's immediate vicinity, at distances less than 30 feet. Therefore, operational noise sources on the project site would not combine with noise from other area sources to result in a substantial increase in ambient noise.

Therefore, the Specific Plan's contribution to cumulative operational noise impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.9 Population and Housing

The geographic context for cumulative impacts related to population and housing are confined to the City.

Impact 4.10 of the General Plan Update EIR analyzed whether buildout of the General Plan would contribute to cumulative impacts related to population and housing. The General Plan Update EIR identified implementation of General Plan policies and actions intended to guide growth to appropriate areas and provide services necessary to accommodate growth, the land uses allowed under the General Plan, the infrastructure anticipated to accommodate proposed land uses, and the goal and policy framework would not induce growth that would exceed adopted thresholds. Therefore, the General Plan Update EIR concluded the impact would be less than cumulatively considerable.

IMPACT 4.4-9-1: CONTRIBUTE TO CUMULATIVE INDUCEMENT OF UNPLANNED GROWTH OR DISPLACEMENT

As described in Section 3.9, "Population and Housing" of this Draft SEIR, the Specific Plan would Specific Plan would accommodate up to 5,176 new dwelling units, which is 1,338 units net new units beyond the General Plan. It would also result in a population of 12,887 residents, which is an increase of 3,330 people beyond the General Plan. This growth would exceed projections assumed under the City's General Plan for the Specific Plan Area; however, it would not exceed projections for the City of Milpitas as a whole. The Specific Plan also would not indirectly induce unplanned population growth or residential development.

The proposed Specific Plan does not include proposed changes in land use or zoning that would directly or indirectly result in displacement of substantial numbers of housing or persons. The Specific Plan could accommodate anticipated housing growth in the City. This responsiveness to existing and forecast demand would not induce population growth beyond that planned for and considered in local and regional documents and implementation of the Specific Plan would not result in a new or substantially more severe cumulative impact than what was identified in the General Plan Update EIR. Although cumulative development in Milpitas, including the Specific Plan, would result in a cumulative increase in population and housing in Milpitas, the Specific Plan's contribution to unplanned population growth would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.10 Public Services and Recreation

The cumulative context for public services and recreation is the City of Milpitas, which is the service area for MFD, MPD, and MUSD.

IMPACT 4.4.10-1: CONTRIBUTE TO CUMULATIVE IMPACTS ON PUBLIC SERVICES AND RECREATION

Impact 4.13 of the General Plan Update EIR evaluated the cumulative demand for public services, including fire protection, law enforcement, schools, parks, libraries, and other public and government services and concluded that the General Plan's contribution would be less than cumulatively considerable.

As described in Section 3.10, "Public Services and Recreation" of this Draft SEIR, buildout of the Specific Plan would result in a less than significant impact to public services because applicants of subsequent development projects under the Specific Plan would be required to pay applicable City development fees. Further, the Specific Plan, itself, would not expand the service area of these existing public service providers within the City of Milpitas and is not anticipated to result in substantial demand for public services such that new facilities would be required as a result of plan implementation. Cumulative development in the region, including development elsewhere within the city, would result in the concentration of persons and structures within these local public service jurisdictions and could increase demands for such services and recreation/park facilities. Although the Specific Plan would also increase demand for public services and recreation, no additional facilities would be needed to serve the project site, and development under the Specific Plan would be required to pay impact fees as required by the City and MUSD to ensure the adequate provision of public services in the future. The contribution of fees for the provision of services to the City and MUSD as a whole would reduce a project's incremental contribution to the need for public services and recreation/park facilities within the cumulative context such that the project would not result in a cumulatively considerable contribution. As a result, a significant cumulative public services and recreation impact would not occur with implementation of the Specific Plan and other development. Therefore, the project's contribution to public service and recreation demands would remain **less than cumulatively considerable**, and implementation of the Specific Plan would not result in a new or substantially more severe cumulative impact than what was identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.11 Transportation

The geographic scope of analysis for cumulative impacts related to VMT includes Santa Clara County, the City of Milpitas, and the Specific Plan Area. The geographic scope for the analysis of the impacts related to a program, plan, ordinance, or policy addressing the circulation system; substantially increasing transportation hazards due to geometric design features or incompatible uses; and inadequate emergency access would be different than the geographic scope for VMT analysis. The geographic scope for such analysis would include all past, present, and reasonably foreseeable future projects that would have the potential to affect the same transit, roadway, bicycle, and pedestrian facilities surrounding the Specific Plan Area and the interconnected circulation system of the County of Santa Clara.

IMPACT 4.4.11-1: TRANSIT SERVICE AND FACILITIES, BICYCLE FACILITIES, AND PEDESTRIAN FACILITIES

Development associated with the proposed Specific Plan would occur incrementally over time. Combined with other development in the area, the demand for transit service and facilities, bicycle facilities, and pedestrian facilities is anticipated to increase. Implementation of the Specific Plan would result in improved transit, bicycle, and pedestrian facilities and enhanced connectivity within the Specific Plan Area. In addition, the design standards included in the Specific Plan Update promote alternative transportation, consistent with City General Plan, Trail, Pedestrian, and Bicycle Master Plan, and Climate Action Plan policies applicable to transit, bicycle, and pedestrian facilities and services. As detailed in Chapter 2, "Project Description," of this Draft SEIR, subsequent development projects under the Specific Plan would be subject to all applicable City guidelines, standards, and specifications related to transit,

bicycle, and pedestrian facilities. Therefore, implementation of the Specific Plan, when combined with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts related to transit service and facilities, bicycle facilities, and pedestrian facilities. Impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

IMPACT 4.4.11-2: VEHICLE MILES TRAVELED

Impact 4.14 of the General Plan Update EIR analyzed whether the General Plan would result in a net increase in total VMT as compared to existing conditions. The General Plan Update EIR identified that General Plan land use patterns and intensities, and General Plan policies would include a multitude of components to reduce VMT. Individual development projects are required to completed VMT analyses based on forthcoming VMT policies and thresholds to be established by the City of Milpitas, including transportation demand management (TDM) measures designed to reduce employment based VMT. The General Plan Update EIR concluded that while such measures are likely to result in less-than-significant VMT impacts when considered at an individual project level, they cannot be guaranteed and are not possible to fully quantify or mitigate at a Citywide level as part of a programmatic General Plan. Therefore, the General Plan Update EIR concluded transportation impacts to be a cumulatively considerable and significant and unavoidable impact. Boundary VMT captures all VMT on the roadway network within a specified geographic area, including local trips plus interregional travel that does not have an origin or destination within the specified area. The use of boundary VMT is a more comprehensive evaluation of the potential effects of a project because it captures the combined effect of shifts in existing VMT due to land use and transportation network changes in the region, shifts in existing traffic to alternate travel routes or modes, and new VMT from additional land use development in the region. Boundary VMT is divided by the service population to account for the effects of population and/or employment growth and the effects of changes in personal travel behavior within the specified geographic area.

The cumulative condition for the analysis is presumed to be the full buildout of the Milpitas General Plan, which includes the Midtown Specific Plan, whereas in the cumulative with project condition replaces the Midtown Specific Plan by the Gateway-Main Street Specific Plan (i.e., project). The cumulative VMT analysis evaluates whether implementation of the Specific Plan would result in an increase in the regionwide boundary VMT from the cumulative scenario to the cumulative plus project scenario. As shown in Table 4-4, the regional impact threshold for the Specific Plan's effect on VMT is the 2040 regionwide boundary VMT per service population of 13.40.

Table 4-4 Cumulative and Cumulative Plus Project VMT Assessment

	Cumulative Condition	Cumulative Plus Project Condition
South Bay Area¹		
Boundary VMT (A) ¹	111,997,595	111,890,030
Service Population (B) ^{1,2}	8,357,812	8,359,030
Boundary VMT per Service Population (C = A/B)	13.40	13.39
Boundary VMT per Service Population Threshold	13.40	-

Notes: VMT = Vehicle Miles Traveled

¹ Rounded service population and VMT to nearest 10

² Service population is defined as the sum of all residents and employees.

Source: Fehr & Peers 2024.

As shown in Table 4-4, the boundary VMT per service population for the Specific Plan is 13.39, which is below the threshold of significance of 13.40 VMT per service population (i.e., 2040 regional VMT per service population). Therefore, the cumulative VMT impact from the Specific Plan would be **less than cumulatively considerable**. The proposed Specific Plan's contribution to the significant cumulative impact would be less than cumulatively considerable, though the impact would remain **cumulatively considerable** and **significant and unavoidable** as identified in the General Plan Update EIR.

IMPACT 4.4.11-3: GEOMETRIC DESIGN HAZARDS

Development associated with the Specific Plan would occur incrementally over time. In general, transportation hazards are site-specific and not cumulative in nature. As detailed in Section 3.11-3, of this SEIR, new streets would be constructed in the Specific Plan Area and modification of existing roadways including streetscape, bicycle, pedestrian, and transit facility improvements would occur as the Specific Plan is implemented. All transportation related infrastructure improvements constructed under the Specific Plan would be constructed in accordance with applicable standards to ensure that development would not result in transportation hazards or incompatible uses. Other development projects surrounding the Specific Plan Area would also be required to comply with all applicable design and safety standards, thus minimizing the potential for cumulative transportation-related hazards. With continued regulatory compliance, implementation of the Specific Plan when combined with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative transportation hazard impacts. Impacts would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

IMPACT 4.4.11-4: EMERGENCY ACCESS

Implementation of the individual developments under the Specific Plan would be subject to and constructed in accordance with applicable roadway design guidelines and would be subject to review by the Milpitas Fire Department to ensure that adequate emergency access is provided and maintained. Other nearby development projects would also be required to comply with all applicable emergency access standards. Therefore, the Specific Plan's contribution to cumulative effects related to emergency access would remain **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

4.4.12 Utilities and Service Systems

The geographic scope for utilities and service systems impacts is based on a mix of the List Method and the Plan Method, as described above in Section 4.3, "Cumulative Setting." A significant cumulative impact would result if implementation of the proposed Specific Plan were to contribute to impacts related to exceeding the planned use and capacity of the wastewater, water, solid waste, and/or energy service providers for the Specific Plan Area, which project future supply and demand based on current land use and development projections within their respective service areas. Therefore, the cumulative setting for utilities and service systems includes all of the projects listed in Table 4-2 of Section 4.3.3, "Related Projects," (i.e., List Method) and all of the growth assumptions provided in regional planning documents such as the 2040 General Plan (i.e., Plan Method). For water supply, the geographic scope includes the assumptions in the water supply assessment (WSA) prepared for the Specific Plan (Appendix E of this SEIR), which relies on the water supply and demand projections in the City's 2020 Urban Water Management Plan (UWMP) (City of Milpitas 2021a).

As described in Impact 3.12-1, since certification of the General Plan Update EIR the City adopted comprehensive updates to several utility master plans, including the 2021 Water Master Plan, 2021 Sewer Master Plan, 2021 Sewer System Management Plan, and 2021 SDMP. Each of these plans identify CIP projects to be implemented throughout the city, including the Specific Plan Area, and are intended to address existing deficiencies in the city's utility infrastructure as well as accommodate projected growth in the city. The specific CIP projects identified in each of these plans for the Specific Plan Area are summarized in Chapter 7, "Infrastructure & Public Services," of the proposed Specific Plan. As described in Chapter 7 and shown in Figures 7-2, 7-5, and 7-6 of the Specific Plan, the CIP projects identified within the Specific Plan Area include stormwater, water, and sewer infrastructure improvements and would accommodate future development and growth from buildout of the Specific Plan. Implementation of the Specific Plan would not require the construction of new or expanded offsite utilities beyond those already planned for in the 2021 Water Master Plan, 2021 Sewer Master Plan, 2021 Sewer System Management Plan, and 2021 Storm Drain

Master Plan. These CIP projects would be implemented irrespective of the Specific Plan. Thus, infrastructure improvements would be within the Specific Plan area and would not contribute to any cumulative impacts.

IMPACT 4.4.12-1: CONTRIBUTE TO CUMULATIVE IMPACTS RELATED TO WATER SUPPLY

Impact 4.15 of the General Plan Update EIR evaluated whether buildout of the General Plan would contribute to cumulative water supply impacts. Impact 4.15 of the General Plan Update EIR concluded that because the projected water demands associated with General Plan buildout would not exceed the projected water supplies, and that the General Plan includes a comprehensive set of goals, policies, and actions to ensure an adequate and reliable source of clean potable water, cumulative water supply impacts would be less than cumulatively considerable.

Since certification of the General Plan Update EIR, the City adopted the 2020 UWMP in June 2021, which provides updates to the water demand and supply projections for the city from the 2015 UWMP relied on in the General Plan Update EIR. The 2020 UWMP identified citywide water supply shortages during dry year conditions for 2025, 2030, 2045 that would occur as a result of cumulative growth and development throughout the SFPUC and Valley Water service area, including the city. The City's 2020 Water Shortage Contingency Plan, which would be implemented during dry year conditions, identifies the installation of five additional groundwater wells by 2025 and two additional groundwater wells by 2040 to help offset the water supply shortages identified for 2030 and 2045. The construction of these additional groundwater wells would have the potential to result in direct environmental effects, including potential impacts on air quality, biological resources, cultural and tribal cultural resources, water quality, and noise, as well as secondary environmental effects such as aquifer depletion, changes in groundwater flow, and subsidence.

As discussed in Section 3.15, "Utilities and Service Systems," of this Draft SEIR, implementation of the proposed Specific Plan would result in an increase in the number of residential units that could be developed within the Specific Plan Area, resulting in additional new residents beyond the number anticipated in the General Plan Update EIR. However, this increase in residential density would decrease the amount of commercial development that could occur within the Specific Plan Area compared to what was evaluated in the General Plan Update EIR. Implementation of the Specific Plan would decrease water demand by 105,875 gpd, resulting in a decrease of 119 AFY compared to the land uses assumed for the Specific Plan Area in the General Plan Update EIR. Although the dry year water supply shortages identified in the 2020 UWMP would not directly occur because of the proposed Specific Plan, the proposed land uses and development projections in the Specific Plan were accounted for in the 2020 UWMP. Therefore, the proposed Specific Plan would contribute to the water supply shortage during these dry year conditions that would potentially trigger the need to construct additional groundwater wells, the construction and operation of which could result in significant environmental impacts. However, the City is implementing drought contingency measures identified in the UWMP through the construction of additional groundwater wells to offset water supply shortages identified for 2030 and 2045. McCandless Well, located in Delango Manaong Park along McCandless Drive is a new production well under construction. The well casing was completed in 2021, and the above facilities is anticipated to begin in early 2025, and is anticipated to be completed by summer 2026. The well would be available for use in 2027. Pinewood well is an existing standby well that may be converted into production. According to the City Water Master Plan, Curtis well, designated to be a production well, is anticipated to be constructed between 2031 and 2035 (Silveira, pers. Comm., 2025). Operation of McCandles Well alone could provide approximately 649 AFY of supplemental water supply that would offset the UWMP projected dry year conditions through the year 2040. Therefore, sufficient water supplies would be available to serve the Specific Plan and reasonably foreseeable future development during normal, dry, and multiple dry years.

All future development associated with the Specific Plan would be required to comply with the provisions identified in Chapter 7 of the proposed Specific Plan. The full list of water infrastructure provisions is provided in Chapter 7, Section 7.3.2 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 2-1 and USC 2-4 and associated Action USC-2f. The proposed water infrastructure provisions would help to reduce water demand associated with buildout of the Specific Plan. Therefore, the Specific Plan's contribution to

cumulative water supply impacts, when combined with past, present, and reasonably foreseeable growth and development, would be **less than cumulatively considerable** as identified in the General Plan Update EIR.

Mitigation Measures

No mitigation is required.

IMPACT 4.4.12-2: CONTRIBUTE TO CUMULATIVE IMPACTS RELATED TO WASTEWATER

Impact 4.15 of the General Plan Update EIR evaluated whether buildout of the General Plan would contribute to cumulative impacts related to wastewater generation and treatment capacity. Impact 4.15 of the General Plan Update EIR concluded that because projected wastewater generation volumes associated with General Plan buildout would not exceed the projected wastewater treatment capacity, and that the proposed General Plan includes a comprehensive set of goals, policies, and actions to ensure an adequate and reliable wastewater collection and treatment system, cumulative impacts associated with wastewater treatment and compliance with waste discharge requirements would be less than cumulatively considerable.

Past, present, and reasonably foreseeable future projects within the city would generate wastewater requiring treatment at the San José-Santa Clara Regional Wastewater Facility (RWF), which treats approximately 110 million gallons per day (mgd) of wastewater and has a treatment capacity of 167 mgd. The City has rights to discharge up to 14.25 mgd to the RWF under its current allotment (City of Milpitas 2021b). Based on the growth and development projections evaluated in the General Plan Update EIR, there would be approximately 2.4 mgd of wastewater treatment capacity available following buildout of the General Plan. As the city continues to develop in the future, there will be an increased need for water and wastewater services, including a reliable source of recycled water. Since certification of the General Plan Update EIR, the City adopted a comprehensive update to its Sewer Master Plan in 2021 that identifies CIP projects to address existing deficiencies throughout the city as well as accommodate projected growth in the city.

As discussed in Section 3.15, "Utilities and Service Systems," of this Draft SEIR, implementation of the proposed Specific Plan would result in a decrease in water demand by 105,875 gpd, as compared to buildout under the General Plan. Assuming a 1 to 1 ratio of water consumption to wastewater generation, the proposed Specific Plan would result in a corresponding decrease in wastewater of 105,875 gpd as compared to buildout under the General Plan. Additionally, the proposed Specific Plan includes provisions intended to ensure that sewer infrastructure is able to support future growth in the Specific Plan Area. All future development associated with the Specific Plan would be required to comply with the provisions identified in Chapter 7 of the proposed Specific Plan. The full list of wastewater infrastructure provisions is provided in Chapter 7, Section 7.4.2 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 3-1 through 3-3 and associated Action USC-3b.

Therefore, no new significant or substantially more severe cumulative wastewater impacts would occur compared to the General Plan Update EIR, and the Specific Plan's contribution to cumulative wastewater impacts would remain **less than cumulatively considerable**.

Mitigation Measures

No mitigation is required.

IMPACT 4.4.12-3: CONTRIBUTE TO CUMULATIVE IMPACTS RELATED TO SOLID WASTE

Impact 4.15 of the General Plan Update EIR evaluated whether buildout of the General Plan would contribute to cumulative impacts on solid waste disposal facilities. Impact 4.15 of the General Plan Update EIR states that future projects associated with buildout of the General Plan would be required to comply with applicable state and local

requirements including those pertaining to solid waste, construction waste diversion, and recycling. Additionally, the General Plan includes actions to further reduce impacts on solid waste services. The General Plan Update EIR concluded that because buildout of the General Plan would not exceed the permitted capacity of the landfill serving the City, and the General Plan complies with regulations related to solid waste, cumulative solid waste impacts would be less than cumulatively considerable.

Past, present, and reasonably foreseeable future projects within the city would generate solid waste that would need to be disposed of at different facilities depending on the material waste stream (e.g., garbage, recyclables, food waste, yard trimmings, and construction and demolition) in accordance with the City's franchise agreement with Milpitas Sanitation, Inc. (MSI). Solid waste is disposed of at the Kirby Canyon Landfill, while recyclables, yard trimmings, and food scraps would be diverted to other facilities. However, the City's disposal rates have been steadily decreasing over time and would likely continue to decrease throughout the life of the Specific Plan in accordance with state and local solid waste diversion requirements. Kirby Canyon Landfill can accept up to 2,600 tons per day of waste and has a remaining permitted capacity of 16,191,600 cubic yards as of 2015, with an estimated closure date of 2059.

As discussed in Section 3.15, "Utilities and Service Systems," of this Draft SEIR, implementation of the proposed Specific Plan would generate approximately 87,891 pounds of solid waste per day, which equates to 43.9 tons per day or 16,040 tons per year of solid waste. Applying the same disposal rates to the population and employment projections identified for the Specific Plan Area in the General Plan Update EIR, the General Plan land uses for the Specific Plan Area would generate approximately 104,534 pounds of solid waste per day, which equates to 52.3 tons per day or 19,078 tons per year of solid waste. As such, the proposed Specific Plan would generate approximately 3,037 fewer tons of solid waste per year compared to what was identified in the General Plan Update EIR. This amount of daily solid waste would also be well within the Kirby Canyon Landfill's daily permitted capacity. As such, Kirby Canyon Landfill would have sufficient capacity to accommodate solid waste generated from buildout of the Specific Plan, and the Specific Plan would not contribute to an exceedance of the landfill's disposal capacity. Furthermore, future development under the Specific Plan would be required to comply with all applicable state and local management and reduction statutes and regulations related to solid waste, including AB 939, AB 341, AB 1826, and the Milpitas Municipal Code, which would reduce the amount of operation-related solid waste that would be disposed of at Kirby Canyon Landfill.

Finally, all future development associated with the Specific Plan would be required to comply with the provisions identified in Chapter 7 of the proposed Specific Plan. The full list of solid waste facility provisions is provided in Chapter 7, Section 7.5.1 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 5-2 through 5-4.

Because the waste facilities that serve the Specific Plan Area also serve multiple jurisdictions and the project-level analysis considered overall capacity at multiple facilities, the proposed Specific Plan's contribution to cumulative solid waste impacts would remain **less than cumulatively considerable**. Therefore, no new significant or substantially more severe cumulative impacts on solid waste facilities would occur compared to the General Plan Update EIR.

5 ALTERNATIVES

5.1 INTRODUCTION

The California Code of Regulations (CCR) Section 15126.6(a) (State CEQA Guidelines) requires EIRs to describe "... a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a range of potentially feasible alternatives that will avoid or substantially lessen the significant adverse impacts of a project, and foster informed decision making and public participation. An EIR is not required to consider alternatives that are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason." This section of the State CEQA Guidelines also provides guidance regarding what the alternatives analysis should consider. Subsection (b) further states the purpose of the alternatives analysis is as follows:

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code [PRC] Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

The State CEQA Guidelines require that the EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative must be discussed, but in less detail than the significant effects of the project as proposed (CCR Section 15126.6[d]).

The State CEQA Guidelines further require that the "no project" alternative be considered (CCR Section 15126.6[e]). The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. If the no project alternative is the environmentally superior alternative, CEQA requires that the EIR "...shall also identify an environmentally superior alternative among the other alternatives." (CCR Section 15126[e][2]).

In defining "feasibility" (e.g., "... feasibly attain most of the basic objectives of the project ..."), CCR Section 15126.6(f) (1) states, in part:

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives.

In determining what alternatives should be considered in the EIR, it is important to consider the objectives of the project, the project's significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although, as noted above, EIRs must contain a discussion of "potentially feasible" alternatives, the ultimate determination as to whether an alternative is feasible or infeasible is made by the lead agency's decision-making body, here the City of Milpitas. (See PRC Sections 21081.5, 21081[a] [3].)

5.2 CONSIDERATIONS FOR SELECTION OF ALTERNATIVES

5.2.1 Attainment of Project Objectives

As described above, one factor that must be considered in selection of alternatives is the ability of a specific alternative to attain most of the basic objectives of the project (State CEQA Guidelines Section 15126.6[a]). Chapter 2, “Project Description,” articulates the following proposed Specific Plan objectives:

- ▶ Develop a center for the City composed of districts and neighborhoods organized around hubs of activity to improve the character of the area with high quality development, landscaping, and streetscape design.
- ▶ Integrate a mix of land uses throughout Main Street and the surrounding districts to create a walkable downtown supported by commercial retail and office uses, civic and cultural anchors, and infill residential and neighborhood service nodes.
- ▶ Improve mobility and access for infill and mixed-use development in the community, through creation of complete streets, trails and transit improvements to support a walkable and bikeable urban community.
- ▶ Create diverse and meaningful public open space that builds on the assets of its location to support new public realm streetscape improvements, urban parks, plazas, special gathering places, and connected open space.

5.2.2 Environmental Impacts of the Specific Plan

As documented throughout Chapter 3 (Sections 3.1 through 3.12) and Chapter 4, “Cumulative Impacts,” of this Draft SEIR, after implementation of the recommended mitigation measures, all of the impacts associated with the proposed Specific Plan would be reduced to a less-than-significant level or remain significant and unavoidable as identified in the General Plan Update EIR, with the exception of the following impacts identified for the proposed Specific Plan that would be significant and unavoidable:

- ▶ Impact 3.4-1 (Cause a Substantial Adverse Change in the Significance of a Historical Resource)
- ▶ Impact 3.4-2 (Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources)
- ▶ Impact 3.4-3 (Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource)
- ▶ Impact 3.8-2 (Generate a Substantial Increase in Long-Term Transportation Noise Levels)
- ▶ Cumulative Impact 4.4.4-1 (Contribute to Cumulative Impacts to Historical Resources, Archaeological, and Tribal Cultural Resources)
- ▶ Cumulative Impact 4.4.8-2 (Contribute to Cumulative Traffic Noise Impacts)
- ▶ Cumulative Impact 4.4.11-1 (Contribute to Cumulative Impacts Related to Vehicle Miles Traveled)

5.3 ALTERNATIVES CONSIDERED BUT NOT EVALUATED FURTHER

As described above, State CEQA Guidelines Section 15126.6(c) provides that the range of potential alternatives for the project shall include those that could feasibly accomplish most of the basic objectives of the project, and could avoid or substantially lessen one or more of the significant effects. Alternatives that fail to meet the fundamental project purpose need not be addressed in detail in an EIR. (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1165-1167.)

In determining what alternatives should be considered in the EIR, it is important to acknowledge the objectives of the project, the project’s significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although, as noted above, EIRs must contain a discussion of “potentially feasible” alternatives, the ultimate determination as to whether an alternative is feasible or infeasible is made by lead agency decision-maker(s). (See Pub. Resources Code, Section 21081(a)(3).) At

the time of action on the project, the decision-maker(s) may consider evidence beyond that found in this EIR in addressing such determinations. The decision-maker(s), for example, may conclude that a particular alternative is infeasible (i.e., undesirable) from a policy standpoint, and may reject an alternative on that basis provided that the decision-maker(s) adopts a finding, supported by substantial evidence, to that effect, and provided that such a finding reflects a reasonable balancing of the relevant economic, environmental, social, and other considerations supported by substantial evidence. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 998.)

The EIR should also identify any alternatives that were considered by the lead agency, but were rejected during the planning or scoping process and briefly explain the reasons underlying the lead agency's determination.

The following alternatives were considered by the City of Milpitas but are not evaluated further in this Draft SEIR.

5.3.1 Off-Site Alternative

According to State CEQA Guidelines Section 15126.6[f][2][A], only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

As discussed in the project objectives, a fundamental purpose of the proposed Specific Plan within the Specific Plan Area is to integrate a mix of land uses throughout Main Street and the surrounding districts to create a walkable downtown supported by commercial retail and office uses, civic and cultural anchors, and infill residential and neighborhood service nodes. Thus, the proposed Specific Plan would redevelop an existing urban area that has already been disturbed by previous uses and is served by existing services, avoiding the need for new construction at an undeveloped site.

In addition, an offsite alternative would be inconsistent with the policy direction of the General Plan. The City's General Plan Land Use Element designates the adopted Midtown Plan area as Milpitas Gateway-Main Street Specific Plan (Specific Plan). The General Plan includes the following actions related to the development of the proposed Specific Plan: Action LU-2A to maintain and implement the Gateway-Main Street Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community 'gathering place' while maintaining needed industrial, service and commercial uses; and Action ED-3H to work with property owners to facilitate development of vacant and underutilized properties on Main Street to achieve the highest and best use.

For these reasons, this alternative has been eliminated from further consideration.

5.3.2 Reduced Residential Development Alternative

This alternative would involve amendment the General Plan and zoning for residential uses to reduce the extent of development in order to reduce significant and unavoidable impacts associated with water supply as well as other environmental impacts that were identified for the proposed Specific Plan.

As discussed in the project objectives, a fundamental purpose of the proposed Specific Plan is to promote infill residential development. Thus, this alternative would conflict with this objective. In addition, state law limits the City's ability to downzone land. The Housing Crisis Act of 2019, or Senate Bill 330, was signed into law in 2019 to promote housing development throughout the state. In addition to several requirements to streamline housing approvals, the act restricts local jurisdictions from amending an existing land use designation to prohibit or lower the intensity of residential development unless an increase in capacity is concurrently approved elsewhere to ensure no capacity for housing is lost.

For these reasons, this alternative has been eliminated from further consideration.

5.4 ALTERNATIVES SELECTED FOR DETAILED ANALYSIS

The following alternatives were evaluated in this Draft SEIR.

- ▶ **Alternative 1: No Project Alternative** assumes that the existing Midtown Plan and the associated General Plan land use designations and zoning would remain. No specific plan document would be adopted.
- ▶ **Alternative 2: Increased Residential Development for Main Street and Crossroads Districts Alternative** consists of the proposed Specific Plan modified that would apply the Specific Plan development incentives identified in Section 2.4.4, "Development Incentives," of Chapter 2, "Project Description," to the Main Street and Crossroads Districts to increase residential development beyond the proposed Specific Plan.

Further details on these alternatives, and an evaluation of environmental effects relative to the proposed Specific Plan, are provided below.

5.4.1 Alternative 1: No Project Alternative

Under Alternative 1, the No Project Alternative, no actions would be taken. The Midtown Plan would remain in effect as it was adopted by the city in 2002 and designated in the General Plan Update, adopted in 2021. General Plan land use designations and zoning within the Specific Plan Area would remain unchanged. Buildout under Alternative 1 would consist of 3,838 residential dwelling units (population of 12,568) and nonresidential development of 3,293,240 square feet of nonresidential uses (7,898 jobs). The No Project Alternative would not meet the Specific Plan objectives. However, as required by CEQA, the No Project Alternative is evaluated in this Draft SEIR.

AESTHETICS

As discussed in Section 3.1, "Aesthetics," of this Draft SEIR, the proposed Specific Plan would result in less-than-significant impacts to visual quality and views and new sources of substantial light and glare from new development as identified in the General Plan Update EIR. Alternative 1 would retain current land use designations and zoning and would be subject to General Plan policies CD 1-1, CD 3-1 through CD 3-10, and LU 5-1 through LU 5-3. Therefore, this alternative would result in similar visual and lighting impacts. (*Similar*)

AIR QUALITY

As discussed in Section 3.2, "Air Quality," of this Draft SEIR, the proposed Specific Plan would result in less than significant impacts associated with consistency with the 2017 Clean Air Plan and General Plan, exposure to toxic air contaminants, and odor impacts. Alternative 1 would retain current land use designations and zoning and would result in similar air pollutant emissions as the proposed Specific Plan (see Tables 3.2-5 and 3.2-6). Alternative 1 would not result in any new sources of toxic air contaminants and odor impacts. Therefore, impacts would be similar for Alternative 1 than under the project. (*Similar*)

BIOLOGICAL RESOURCES

As discussed in Section 3.3, "Biological Resources," of this Draft SEIR, the proposed Specific Plan would result in less than significant impacts to biological resources. Alternative 1 would have the same development footprint as the proposed Specific Plan. Therefore, biological resource impacts associated with this alternative would be similar to those under the project. (*Similar*)

CULTURAL AND TRIBAL CULTURAL RESOURCES

As noted above, the proposed Specific Plan would result in new significant and unavoidable impacts to historical resources, archaeological resources, and tribal cultural resources under project and cumulative conditions beyond

what was evaluated in the General Plan Update EIR. Alternative 1 would have the same development footprint as the proposed Specific Plan, however less ground-disturbing activities would occur. Therefore, impacts associated with this alternative would be less than the proposed Specific Plan. (*Less*)

ENERGY

Section 3.5, “Energy,” of this Draft SEIR, identified less than significant impacts for the proposed Specific Plan energy demand and consistency with applicable energy plans. As shown in Tables 3.5-1 through 3.5-4, Alternative 1 would be less energy efficient than the proposed Specific Plan. Alternative 1 would be subject to energy efficiency and renewable energy sources provisions of the City’s 2022 CAP. Therefore, impacts would be greater for Alternative 1 than under the project. (*Greater*)

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

As discussed in Section 3.6, “Greenhouse Gas Emissions and Climate Change,” of this Draft SEIR, the proposed Specific Plan would result in less than significant impacts associated with greenhouse gas (GHG) emission increases and would be consistent with GHG reduction plans and strategies. As shown in Tables 3.6-3 and 3.6-4, Alternative 1 would generate greater GHG emissions than the proposed Specific Plan. Alternative 1 would be subject to GHG reduction measures of the City’s 2022 CAP. Therefore, impacts would be greater for Alternative 1 than under the project. (*Greater*)

LAND USE AND PLANNING

Section 3.7, “Land Use and Planning,” of this Draft SEIR concludes that the proposed Specific Plan would not result in significant impacts related to physical division of established communities or conflicts with land use plans, policies, or regulations that protect the environment. Alternative 1 would have the same development footprint as the proposed Specific Plan. Alternative 1 would also not result in any conflicts with plans or policies that address environmental resources in the Specific Plan Area. Therefore, impacts associated with this alternative would be similar to those under the project. (*Similar*).

NOISE AND VIBRATION

As discussed in Section 3.8, “Noise and Vibration,” of this Draft SEIR, the proposed would not result in new significant impacts related to construction noise or vibration and long-term noise exposure (stationary and traffic noise sources). As shown in Table 3.8-11, the proposed Specific Plan and Alternative 1 would result in similar traffic noise conditions. Therefore, impacts associated with this alternative would be similar to those under the project. (*Similar*).

POPULATION AND HOUSING

Section 3.9, “Population and Housing,” of this Draft SEIR concludes that the proposed Specific Plan would not result in significant impacts related to population growth or displacement of housing and residents. Future development under the Alternative 1 would have reduced development potential of 1,338 residential units as compared to the proposed Specific Plan. Therefore, population growth impacts would be less than the proposed Specific Plan. (*Less*)

PUBLIC SERVICES AND RECREATION

As discussed in Section 3.10, “Public Services and Recreation,” of this Draft SEIR, the proposed Specific Plan would generate additional residents, which would increase the need for additional fire protection and law enforcement services and additional parks. However, these services are funded through a variety of sources (e.g., property taxes, development impact fees, fees for services) and are expanded as needed to accommodate additional population

growth. Future development under the Alternative 1 would decrease the development potential by 1,338 residential units. Therefore, impacts would be less than the proposed Specific Plan. (*Less*)

TRANSPORTATION

As discussed in Section 3.11, “Transportation,” of this Draft SEIR, the proposed Specific Plan would not result in new significant impacts to compliance with circulation plans, safety, or emergency access beyond the less than significant impact conclusions of the General Plan Update EIR. The proposed Specific Plan would also not worsen significant and unavoidable vehicle miles traveled (VMT) impacts identified under the General Plan Update EIR. Alternative 1 would decrease the service population by 3,816 as compared to the proposed Specific Plan. This would result in a decreased VMT efficient as compared to the proposed Specific Plan as shown in Table 9 of Appendix D. Therefore, impacts would be greater. (*Greater*)

UTILITIES AND SERVICE SYSTEMS

As discussed in Section 3.12, “Utilities and Service Systems,” of this Draft SEIR, the proposed Specific Plan would not result in any new significant impacts to infrastructure improvements, water supply, wastewater services, and solid waste beyond the less than significant impact conclusions of the General Plan Update EIR. Future development under the Alternative 1 would decrease the development potential by 1,338 residential units which would result in reduced infrastructure and utility demands compared to what was identified for the proposed Specific Plan. Therefore, impacts would be less than the proposed Specific Plan. (*Less*)

5.4.2 Alternative 2: Increased Residential Development for Main Street and Crossroads Districts Alternative

The Increased Residential Development for Main Street and Crossroads Districts Alternative consists of the proposed Specific Plan modified that would apply the Specific Plan development incentives identified in Section 2.4.4, “Development Incentives,” of Chapter 2, “Project Description,” to the Main Street and Crossroads Districts shown in Figure 2-6 to increase residential development beyond the proposed Specific Plan. Buildout under Alternative 2 would consist of 8,197 residential dwelling units (population of 25,944) and nonresidential development of 2,058,666 square feet of nonresidential uses (5,541 jobs). All other aspects of the proposed Specific Plan would remain the same under Alternative 2.

AESTHETICS

As discussed in Section 3.1, “Aesthetics,” of this Draft SEIR, the proposed Specific Plan would result in less-than-significant impacts to visual quality and views and new sources of substantial light and glare from new development. Alternative 2 would result in a further intensification of development in the Main Street and Crossroads Districts with the inclusion of 3,021 residential units beyond the proposed Specific Plan that could result in increased building mass and height. Alternative 2 would still be subject to Specific Plan Objective Design Standards that would address visual character within the Specific Plan Area. However, denser and taller development under this alternative would result in increased visual and lighting impacts. (*Greater*)

AIR QUALITY

As discussed in Section 3.2, “Air Quality,” of this Draft SEIR, the proposed Specific Plan would result in less than significant impacts associated with consistency with the 2017 Clean Air Plan and General Plan, exposure to toxic air contaminants, and odor impacts. Alternative 2 would increase the service population by 9,560 (31,485 service population [residences and jobs]) as compared to the proposed Specific Plan. This increase in service population would result in increases in operational emissions beyond the proposed Specific Plan. Alternative 2 would not result

in any new sources of toxic air contaminants and odor impacts. Therefore, impacts would be greater for Alternative 2 than under the project. (*Greater*)

BIOLOGICAL RESOURCES

As discussed in Section 3.3, “Biological Resources,” of this Draft SEIR, the proposed Specific Plan would result in less than significant impacts to biological resources. While Alternative 2 would result in the intensification of development in the Main Street and Crossroads Districts, it would not expand the development footprint of the Specific Plan Area or propose development of natural habitat areas. Therefore, biological resource impacts associated with this alternative would be similar to those under the project. (*Similar*)

CULTURAL AND TRIBAL CULTURAL RESOURCES

As noted above, the proposed Specific Plan would result in new significant and unavoidable impacts to historical resources, archaeological resources, and tribal cultural resources under project and cumulative conditions beyond what was evaluated in the General Plan Update EIR. While Alternative 2 would result in the intensification of development in the Main Street and Crossroads Districts, it would not expand the development footprint of the Specific Plan Area. Therefore, impacts associated with this alternative would be similar to those under the project. (*Similar*)

ENERGY

Section 3.5, “Energy,” of this Draft SEIR, identified less than significant impacts for the proposed Specific Plan energy demand and consistency with applicable energy plans. Alternative 2 would increase the service population by 9,560 (31,485 service population [residences and jobs]) as compared to the proposed Specific Plan. This increase in service population would result in increases in energy use beyond the proposed Specific Plan. Alternative 2 would be subject to energy efficiency and renewable energy sources provisions of the City’s 2022 CAP. Therefore, impacts would be greater for Alternative 2 than under the project. (*Greater*)

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

As discussed in Section 3.6, “Greenhouse Gas Emissions and Climate Change,” of this Draft SEIR, the proposed Specific Plan would result in less than significant impacts associated with greenhouse gas (GHG) emission increases and consistency with GHG reduction plans and strategies. Alternative 2 would increase the service population by 9,560 (31,485 service population [residences and jobs]) as compared to the proposed Specific Plan. This increase in service population would result in increases in GHG emissions from mobile and stationary sources beyond the proposed Specific Plan. Alternative 2 would be subject to GHG reduction measures identified in the City’s 2022 CAP. Therefore, impacts would be greater for Alternative 2 than under the project. (*Greater*)

LAND USE AND PLANNING

Section 3.7, “Land Use and Planning,” of this Draft SEIR concludes that the proposed Specific Plan would not result in significant impacts related to physical division of established communities or conflicts with policies that protect the environment. While Alternative 2 would result in the intensification of development in the Main Street and Crossroads Districts, it would not expand the development footprint of the Specific Plan Area or create physical obstructions (e.g., new highway or rail facilities) that would physically divide existing communities. Alternative 2 would also not result in any conflicts with plans or policies that address environmental resources in the Specific Plan Area. Therefore, impacts associated with this alternative would be similar to those under the project. (*Similar*)

NOISE AND VIBRATION

As discussed in Section 3.8, “Noise and Vibration,” of this Draft SEIR, the proposed would not result in new significant impacts related to construction noise or vibration and long term noise exposure (stationary and traffic noise sources). Future development under the Alternative 2 would increase the development potential by 3,021 residential units that would further increase traffic noise conditions that were identified as a significant and unavoidable impact under the General Plan Update EIR. Development under this alternative would result in greater traffic noise impacts from increased and denser development. (*Greater*)

POPULATION AND HOUSING

Section 3.9, “Population and Housing,” of this Draft SEIR concludes that the proposed Specific Plan would not result in significant impacts related to population growth or displacement of housing and residents. Future development under the Alternative 2 would increase the development potential by 3,021 residential units that would increase the City’s buildout population, but would provide additional housing opportunities. Therefore, population growth impacts would be greater than the proposed Specific Plan. (*Greater*)

PUBLIC SERVICES AND RECREATION

As discussed in Section 3.10, “Public Services and Recreation,” of this Draft SEIR, the proposed Specific Plan would generate additional residents, which would increase the need for additional fire protection and law enforcement services and additional parks. However, these services are funded through a variety of sources (e.g., property taxes, development impact fees, fees for services) and are expanded as needed to accommodate additional population growth. Future development under the Alternative 2 would increase the development potential by 3,021 residential units. Therefore, impacts to public services and recreation would be greater as a result of the additional units under this alternative. Because this alternative would result in additional units, which would have the potential to result in additional residents as compared to the proposed Specific Plan, impacts would be greater. (*Greater*)

TRANSPORTATION

As discussed in Section 3.11, “Transportation,” of this Draft SEIR, the proposed Specific Plan would not result in new significant impacts to compliance with circulation plans, safety, or emergency access beyond the less than significant impact conclusions of the General Plan Update EIR. The proposed Specific Plan would also not worsen significant and unavoidable vehicle miles traveled (VMT) impacts identified under the General Plan Update EIR. Alternative 2 would increase the service population by 9,560 (31,485 service population [residences and jobs]) as compared to the proposed Specific Plan. This increase in service population would result in increases in total VMT generated beyond the proposed Specific Plan. Therefore, impacts would be greater. (*Greater*)

UTILITIES AND SERVICE SYSTEMS

As discussed in Section 3.12, “Utilities and Service Systems,” of this Draft SEIR, the proposed Specific Plan would not result in any new significant impacts to infrastructure improvements, water supply, wastewater services, and solid waste beyond the less than significant impact conclusions of the General Plan Update EIR. Future development under the Alternative 2 would increase the development potential by 3,021 residential units that would result in increased infrastructure and utility service demands beyond what was identified for the proposed Specific Plan. Therefore, impacts would be greater. (*Greater*)

5.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

As identified in Table 5-1, the No Project Alternative would be the environmentally superior alternative. However, the No Project Alternative would not meet the objectives of the project as presented above in Section 5.2.

As shown in Table 5-1 Alternative 2 would not avoid or lessen significant environmental impacts of the proposed Specific Plan, but would be consistent with the project objectives and would provide additional housing opportunities beyond the proposed Specific Plan.

Table 5-1 Summary of Environmental Effects of the Alternatives Relative to the Proposed Specific Plan

Environmental Topic	Proposed Specific Plan	Alternative 1: No Project Alternative	Alternative 2: Increased Residential Development for Main Street and Crossroads Districts Alternative
Aesthetics	Less Than Significant	Similar	Greater
Air Quality	Less Than Significant	Similar	Greater
Biological Resources	Less Than Significant	Similar	Similar
Cultural, and Tribal Cultural Resources	Significant and Unavoidable	Less	Similar
Energy	Less Than Significant	Greater	Greater
Greenhouse Gas Emissions and Climate Change	Less Than Significant	Greater	Greater
Land Use and Planning	Less Than Significant	Similar	Similar
Noise	Significant and Unavoidable (Traffic Noise Only)	Similar	Greater
Population and Housing	Less Than Significant	Less	Greater
Public Services and Recreation	Less Than Significant	Less	Greater
Transportation	Significant and Unavoidable (VMT Only)	Greater	Greater
Utilities and Service Systems	Less Than Significant	Less	Greater

This page is intentionally left blank.

6 OTHER CEQA SECTIONS

6.1 GROWTH INDUCEMENT

California Environmental Quality Act (CEQA) Section 21100(b)(5) specifies that the growth-inducing impacts of a project must be addressed in an environmental impact report (EIR). Section 15126.2(d) of the State CEQA Guidelines provides the following guidance for assessing growth-inducing impacts of a project:

Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also, discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

A project can induce growth directly, indirectly, or both. Direct growth inducement would result if a project involved construction of new housing. Indirect growth inducement would result, for instance, if implementing a project resulted in any of the following:

- ▶ substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises);
- ▶ substantial short-term employment opportunities (e.g., construction employment) that indirectly stimulates the need for additional housing and services to support the new temporary employment demand; and/or
- ▶ removal of an obstacle to additional growth and development, such as removing a constraint on a required public utility or service (e.g., construction of a major sewer line with excess capacity through an undeveloped area).

Growth inducement itself is not an environmental effect but may foreseeably lead to environmental effects. If substantial growth inducement occurs, it can result in secondary environmental effects, such as increased demand for housing, demand for other community and public services and infrastructure capacity, increased traffic and noise, degradation of air or water quality, degradation or loss of plant or animal habitats, conversion of agricultural and open-space land to urban uses, and other effects.

The State CEQA Guidelines do not distinguish between planned and unplanned growth for purposes of considering whether a project would foster additional growth. Therefore, for purposes of this SEIR, to reach the conclusion that a project is growth inducing as defined by CEQA, the SEIR must find that it would foster (i.e., promote, encourage, allow) additional growth in economic activity, population, or housing, regardless of whether the growth is already approved by and consistent with local plans beyond what was evaluated in the General Plan Update EIR. The conclusion does not determine whether induced growth is beneficial or detrimental, consistent with Section 15126.2(e) of the State CEQA Guidelines.

If the analysis conducted for the SEIR results in a determination that the project is growth-inducing beyond what was evaluated in the General Plan Update EIR, the next question is whether that growth may cause adverse effects on the environment. Environmental effects resulting from induced growth (i.e., growth-induced effects) fit the CEQA definition of “indirect” effects in Section 15358(a)(2) of the State CEQA Guidelines. These indirect or secondary effects of growth may result in significant environmental impacts. CEQA does not require that an EIR speculate unduly about the precise location and site-specific characteristics of significant, indirect effects caused by induced growth, but a good-faith effort is required to disclose what is feasible to assess. Potential secondary effects of growth could include consequences – such as conversion of open space to developed uses, increased demand on community and public services and infrastructure, increased traffic and noise, degradation of air and water quality, or degradation or loss of plant and wildlife habitat – that are the result of growth fostered by the project.

The decision to allow those projects that result from induced growth is the subject of separate discretionary processes by the lead agency(ies) responsible for considering such projects. Because the decision to allow growth is subject to separate discretionary decision making, and such decision making is itself subject to CEQA, the analysis of growth-inducing effects is not intended to determine site-specific environmental impacts and specific mitigation for the potentially induced growth. Rather, the discussion is intended to disclose the potential for environmental effects to occur more generally, such that decision makers are aware that additional environmental effects are a possibility if growth-inducing projects are approved. The decision of whether impacts do occur, their extent, and the ability to mitigate them is appropriately left to consideration by the agency responsible for approving such projects at such times as complete applications for development are submitted.

6.1.1 Summary of Growth-Inducing Impacts

The timing, magnitude, and location of land development and population growth in a community or region are based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and nonresidential uses, land availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and regulatory policies or conditions. Because the General Plan of a community defines the location, type, and intensity of growth, it is the primary means of regulating development and growth in California.

6.1.2 Growth-Inducing Impacts of the Specific Plan

GROWTH-INDUCING IMPACTS ASSOCIATED WITH POPULATION GROWTH

Implementation of the Specific Plan would foster long-term economic growth within the City as a result of construction of 1,338 additional units that would be allowed under the Specific Plan beyond what is allowed under the General Plan currently. The proposed Specific Plan implements the General Plan policies that would change the development currently allowed under the General Plan which would result in an increase in housing potential within the Specific Plan Area. Development buildout under the proposed Specific Plan would result in expanding residential capacity under the General Plan by an additional 1,338 units for a total allowable 5,176 units.

The Specific Plan would provide housing that exceeds the projections in the City of Milpitas's current planning documents, including the adopted Midtown Plan and General Plan. In addition to the General Plan, ABAG's Plan Bay Area 2050 projects regional forecasts till 2050, which extends past the City's current General Plan 2040 planning horizon. As part of the forecast process for Plan Bay Area 2050, ABAG compiled jurisdictions' data at the local and regional levels to project population, household, and jobs growth for the region through 2050. The population projections from Plan Bay Area 2050 were used to determine ABAG and its member jurisdictions regional housing needs allocation (RHNA), which assigns proportional housing needs to help achieve the State's housing goals. Through this process, the City was assigned an RHNA of 6,713 units for the 2023-2031 planning cycle. Adoption and implementation of the proposed Specific Plan would aid the City in achieving its current and future RHNAs through higher-density and mixed-use intensities, development incentives, and other programs to help foster targeted growth within the Specific Plan Area. As the growth projected under the proposed Specific Plan would be aligned with ABAG's Plan Bay Area 2050 growth projections, development under the Specific Plan would not induce unplanned growth within the city or the region. The environmental impacts associated with these direct growth-inducing effects are described in Sections 3.1 through 3.12 of this Draft SEIR.

GROWTH-INDUCING IMPACTS ASSOCIATED WITH REMOVAL OF BARRIERS TO POPULATION GROWTH

The proposed Specific Plan would establish a bonus system to allow for additional floor area and/or residential density for qualified projects beyond the base development potential under the Specific Plan identified in Table 2-6

in Chapter 2, Project Description. The purpose of bonuses is to incentivize the provision of certain project attributes, such as providing sustainable design features and/or open space, furthering economic development, and supporting the rehabilitation of existing buildings. Bonuses would only be available within the Specific Plan focus areas. The provision of development bonuses would be subject to review and demonstration of the achievement of the criteria in Table 2-6. Development bonuses shall not exceed the maximum allowances described below:

- ▶ Maximum FAR or Density Bonus Increase of 50 percent in the Crossroads District and 40 percent within other Focus Area districts; and
- ▶ Maximum Height Increase of 2 stories in the Crossroads District and for the parcels directly fronting Calaveras Boulevard and 1 Story within other Focus Area districts.

Although the development incentives would eliminate an obstacle to growth, maximum density, intensity, and/or bonuses may not be achievable on all sites, as superseding development regulations or site constraints is anticipated to reduce actual development potential. Prior to issuance of a planning permit for a development project receiving a development bonus, the project developer would be required to sign a community benefit agreement, committing to the provision of the agreed upon project attributes in exchange for the development bonus. If the developer does not fulfill the obligations specified in the agreement, the developer would be subject to a financial penalty equal in cost to the value of the project attribute at the time that the occupancy is granted. The extent of this additional development potential that may occur would be based on economic conditions at an individual project basis. Based on these circumstances, the extent of this growth inducement impact would be speculative and no further analysis is provided consistent with State CEQA Guidelines Section 15145.

The proposed Specific Plan emphasizes pedestrian and bicycle safety improvements as a way to improve safety for all roadway users. The Specific Plan does not include increases to vehicle capacity, however Caltrans' Calaveras Boulevard Improvement Project would include changes to vehicle capacity along Calaveras Boulevard within the Specific plan Area as well as other traffic and intersection improvements including implementation of complete streets improvements on Calaveras Boulevard and the widening of Calaveras Boulevard to provide three through lanes between I-880 and I-680 in both directions.

The proposed Specific Plan would eliminate an obstacle to growth through the extension and provision of utilities and services within the Specific Plan Area. Implementation of the Specific Plan would increase the allowable housing potential within the Specific Plan Area, resulting in additional new residents beyond the number anticipated in the General Plan Update EIR. The WSA prepared for the Specific Plan (Appendix E) calculated the increase in water demand associated with future development under the Specific Plan. Based on the WSA, implementation of the Specific Plan would decrease water demand by 105,875 gpd as compared to buildout under the General Plan. As discussed under Impact 3.12-2, the proposed water infrastructure provisions would help to reduce water demand associated with buildout of the Specific Plan. Additionally, as discussed under Impact 3.12-3, implementation of the Specific Plan would not result in a new significant effect related to wastewater conveyance and treatment and the impact on wastewater conveyance and treatment would be less than significant. The proposed Specific Plan includes several provisions intended to ensure that sewer infrastructure is able to support future growth in the Specific Plan Area, including requiring development to obtain a building permit issued by the City prior to being entitled to wastewater treatment capacity; participating in fair share contributions to downstream improvements that were identified as deficient in the 2021 Sewer Master Plan, and any other improvements identified in subsequent updates to the Sewer Master Plan; and upgrading and expanding the sanitary sewer system in accordance with the Sewer Master Plan and to the satisfaction of the City Engineer, ensuring it meets the needs of new development in the Specific Plan Area. All future development associated with the Specific Plan would be required to comply with the provisions identified in Chapter 7 of the proposed Specific Plan. These improvements are intended to improve existing conveyance issues and not future development beyond the project. Future development under the Specific Plan would directly connect to existing utility infrastructure (water, wastewater, natural gas, and electricity) and would not facilitate additional development through expansion of regional facilities (e.g., water treatment plants, wastewater treatment plants, electrical substations) beyond that which was planned for within the General Plan Update for City buildout.

6.2 SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS

The State CEQA Guidelines Section 15126.2(b) requires EIRs to include a discussion of the significant environmental effects that cannot be avoided if the proposed project is implemented. The General Plan Update EIR identified significant and unavoidable impacts to traffic noise (Impact 3.12-1), vehicle miles traveled (Impact 3.14-2), cumulative noise (Impact 4.12), cumulative impacts on the transportation network (Impact 4.14), and irreversible effects (Impact 4.17).

As documented throughout Chapter 3 (Sections 3.1 through 3.12) and Chapter 4, “Cumulative Impacts,” of this Draft SEIR, after implementation of the recommended mitigation measures, all of the impacts associated with the project would be reduced to a less-than-significant level or remain significant and unavoidable as identified in the General Plan Update EIR, with the exception of the following impacts identified for the proposed Specific Plan that would be significant and unavoidable:

- ▶ Impact 3.4-1 (Cause a Substantial Adverse Change in the Significance of a Historical Resource)
- ▶ Impact 3.4-2 (Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources)
- ▶ Impact 3.4-3 (Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource)
- ▶ Cumulative Impact 4.4.4-1 (Contribute to Cumulative Impacts to Historical Resources, Archaeological, and Tribal Cultural Resources)
- ▶ Cumulative Impact 4.4.8-2 (Contribute to Cumulative Traffic Noise Impacts)
- ▶ Cumulative Impact 4.4.11-1 (Contribute to Cumulative Impacts Related to Vehicle Miles Traveled)

6.3 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

The State CEQA Guidelines require a discussion of any significant irreversible environmental changes that would be caused by the project. Specifically, the State CEQA Guidelines section 15126.2(c) states:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

The Specific Plan would result in the irreversible and irretrievable commitment of energy and material resources during construction and operation, including the following:

- ▶ construction materials, including such resources as soil, rocks, wood, concrete, glass, roof shingles, and steel;
- ▶ land area committed to future facilities; and
- ▶ energy expended in the form of electricity, gasoline, diesel fuel, and oil for equipment and transportation vehicles that would be needed for construction and operation.

The use of these nonrenewable resources is expected to account for a minimal portion of the region’s resources and would not affect the availability of these resources for other needs within the region. Construction activities would not result in inefficient use of energy or natural resources (see Section 3.5, “Energy,” for a further discussion of the Specific Plan’s energy use). Long-term operation would not result in substantial long-term consumption of energy and natural resources.

7 REPORT PREPARERS

City of Milpitas (Lead Agency)

Jay Lee Planning Director
Lillian VanHua Senior Planner

Ascent (CEQA Compliance)

Pat Angell Principal
Claudia Watts Project Manager
Dimitri Antoniou Senior Air Quality/GHG/Energy Specialist
Peter Hoholick Air Quality/GHG/Energy Specialist
Amber Grady Cultural and Tribal Cultural Resources
Alta Cunningham Cultural and Tribal Cultural Resources
Chris Mundhenk Senior Environmental Planner
Marlie Long Environmental Planner
Tristan Evert Environmental Planner
Dimitri Antoniou Senior Noise Specialist
Kenneth Nguyen Noise Specialist
Taelor Whittington Biological Resources Specialist
Pam Brillante Biological Resources Specialist
Elena Savignano Transportation Analyst
Jazmin Amini Transportation Analyst
Lisa Merry GIS Specialist
Brian Perry Graphic Specialist
Gaiety Lane Publishing Specialist
Michele Mattei Publishing Specialist
Riley Smith Publishing Specialist

Transportation

Fehr and Peers Transportation

This page intentionally left blank.

8 REFERENCES

Executive Summary

No references are used in this chapter.

Chapter 1 Introduction

City of Milpitas. 2021. *2040 General Plan City of Milpitas*. Available:

<https://www.milpitas.gov/DocumentCenter/View/1165/Community-Design-PDF?bidId=>. Accessed September 18, 2024.

Chapter 2 Project Description

City of Milpitas. 2002. *Midtown Specific Plan*. Available:

<https://www.milpitas.gov/DocumentCenter/View/1144/Midtown-Specific-Plan-PDF>. Accessed: September 9, 2024.

———. 2020. *Draft Environmental Impact Report for the Milpitas General Plan Update*. SCH: 2020070348. November 2020. Available: <https://milpitas.generalplan.org/>. Accessed September 9, 2024.

———. 2022 (May). *Land Use, Zoning, and Urban Form Analysis*.

———. 2024 (November). *Draft Gateway-Main Street Specific Plan*.

Chapter 3 Environmental Impacts and Mitigation Measures

No references are used in this section.

Section 3.1 Aesthetics

California Department of Transportation (Caltrans). 2024. California State Scenic Highway System Map. Available:

<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacia>. Accessed October 7, 2024.

———. 2021. *2040 General Plan City of Milpitas*. Available:

<https://www.milpitas.gov/DocumentCenter/View/1165/Community-Design-PDF?bidId=>. Accessed September 18, 2024.

Caltrans. See California Department of Transportation.

Section 3.2 Air Quality

BAAQMD. See Bay Area Air Quality Management District.

Bay Area Air Quality Management District. 2017. *Spare the Air, Cool the Climate*. Available:

https://www.baaqmd.gov/~/_media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed September 28, 2024.

———. 2022. *2022 CEQA Guidelines*. Available: <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>. Accessed September 28, 2024.

California Air Pollution Control Officers Association. 2024. California Emissions Estimator Model Version 2022.1.1.28 California Air Resources Board. Accessed October 2024.

California Air Resources Board. 2013. *California Almanac of Emissions and Air Quality—2013 Edition*. Available:

<http://www.arb.ca.gov/aqd/almanac/almanac13/almanac13.htm>. Accessed September 28, 2024.

———. 2016 (May 4). *Ambient Air Quality Standards*. Available: <https://www.arb.ca.gov/research/aaqs/aaqs2.pdf>. Accessed September 28, 2024.

- . 2022. *State Strategy for the State Implementation Plan*. Available: https://ww2.arb.ca.gov/sites/default/files/2022-11/Proposed_2022_State_SIP_Strategy.pdf. Accessed September 28, 2024.
- . 2023. Overview: Diesel Exhaust & Health. Available: <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>. Accessed September 27, 2024.
- CAPCOA. See California Air Pollution Control Officers Association.
- CARB. See California Air Resources Board.
- City of Milpitas. 2021 (March). *Milpitas 2040 General Plan*. Available: <https://www.milpitas.gov/DocumentCenter/View/1147/Milpitas-2040-General-Plan-PDF?bidId=>. Accessed September 28, 2024.
- EPA. See U.S. Environmental Protection Agency.
- Fehr & Peers. 2024 (November). *Milpitas Gateway-Main Street Specific Plan: Vehicle Miles Traveled (VMT) for the Environmental Review*.
- U.S. Environmental Protection Agency. 2023a. *Criteria Air Pollutants*. Available: <https://www.epa.gov/criteria-air-pollutants>. Accessed September 28, 2024.
- . 2023b. *Nonattainment Areas for Criteria Pollutants (Green Book)*. Available: <https://www.epa.gov/green-book>. Accessed September 28, 2024.
- . 2024. National Ambient Air Quality Standards (NAAQS) for PM. Available: <https://www.epa.gov/pm-pollution/national-ambient-air-quality-standards-naaqs-pm>. Accessed September 28, 2024.
- Western Regional Climate Center. 2002. Average Wind Direction. Available: <http://www.wrcc.dri.edu/climatedata/climtables/westwinddir/>. Accessed September 28, 2024.
- . 2016. *Period of Record Monthly Climate Summary*. Available: <http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca7630>. Accessed September 28, 2024.
- WRCC. See Western Regional Climate Center.

Section 3.3 Biological Resources

- California Department of Fish and Wildlife. 2012. *Staff Report on Burrowing Owl Mitigation*. Available: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>. Accessed September 25, 2024.
- . 2018 (March 20). *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. Available: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>. Accessed September 24, 2024.
- . 2023 (June 6). *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species*. Available: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>. Accessed September 19, 2024.
- . 2024a. Wildlife Habitat Connectivity Viewer. Available: <https://apps.wildlife.ca.gov/bios6/?bookmark=648>. Accessed September 25, 2024.
- . 2024b. Passage Assessment Database. Biogeographic Information and Observation System (BIOS 6). Available: <https://apps.wildlife.ca.gov/bios6/?al=ds69>. Accessed September 19, 2024.
- California Department of Food and Agriculture. 2021. CDFA Weed Pest Ratings and CCR 4500 Noxious Weeds as of June 22, 2021. Available: <https://www.cdffa.ca.gov/plant/ipc/encycloweedia/pdf/CaliforniaNoxiousWeeds.pdf>. Accessed September 24, 2024.
- California Native Plant Society. 2024. Rare Plant Program: Inventory of Rare and Endangered Plants of California (online edition, v8-9.5). Available: <http://www.rareplants.cnps.org>. Accessed September 17, 2024.

- California Natural Diversity Database. 2024. Results of electronic records search. Sacramento: California Department of Fish and Wildlife, Biogeographic Data Branch. Retrieved September 17, 2024.
- City of Milpitas. 2021. *General Plan Update 2040*. Adopted in 1994, updated March 9, 2021. Available: <https://www.milpitas.gov/DocumentCenter/View/1147/Milpitas-2040-General-Plan-PDF?bidId=>. Accessed September 20, 2024.
- CDFW. See California Department of Fish and Wildlife.
- CDFA. See California Department of Food and Agriculture.
- CNPS. See California Native Plant Society.
- CNDDDB. See California Natural Diversity Database.
- De Novo Planning Group. 2020 (November). *Environmental Impact Report for the Milpitas General Plan Update*. SCH: 2020070348. Available: <https://milpitas.generalplan.org/>. Accessed September 9, 2024.
- eBird. 2024. eBird: An online database of bird distribution and abundance [web application]. eBird, Cornell Lab of Ornithology, Ithaca, New York. Available: <http://www.ebird.org>. Accessed September 18, 2024.
- EDAW. 2001 (October). *Draft Environmental Impact Report for the Midtown Specific Plan*.
- iNaturalist. 2024. *Observations of Plants in the Milpitas Area*. Available: <https://www.inaturalist.org/>. Retrieved September 19, 2024.
- Lantermann J., P. Reeher, R. J. Mitchell, and K. Goodell. 2019. "Habitat Preference and Phenology of Nest Seeking and Foraging Bumble Bee Queens in Northeastern North America." *The American Midland Naturalist* 182: 131–159.
- Leong, K. L. H., Sakai, W. H., Bremer, W., Feuerstein, D., and G. Yoshimura. 2004. "Analysis of the pattern of distribution and abundance of monarch overwintering sites along the California coastline." In *The Monarch Butterfly: Biology and Conservation*, edited by K. S. Oberhauser and M. J. Solensky, 177–185. Ithaca: Cornell University Press. Cited in Pelton et al. 2016.
- Liczner A. R., and S. R. Colla. 2019. "A Systematic Review of the Nesting and Overwintering Habitat of Bumble Bees Globally." *Journal of Insect Conservation* 23: 787–801.
- Pelton, E., Jespen, S., Shultz, C., Fallon, C., and S. H. Black. 2016. *State of the Monarch Butterfly Overwintering Sites in California*. The Xerces Society for Invertebrate Conservation Portland, Oregon. Available: https://www.google.com/search?q=Prepared+for+the+U.S.+Fish+and+Wildlife+Service+by%3A+The+Xerces+Society+for+Invertebrate+Conservation+Portland%2C+Oregon&rlz=1C1GCEA_enUS1077US1078&sourceid=chrome&ie=UTF-8. Accessed September 19, 2024.
- Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. *A Manual of California Vegetation*. Second edition. California Native Plant Society Press, Sacramento, California, USA.
- Santa Clara Valley Water Resources Protection Collaborative. 2006. *Guidelines & Standards for Land Use Near Streams: A Manual of Tools, Standards and Procedures to Protect Streams and Streamside Resources in Santa Clara County*. Adopted 2005, updated 2006. Available: <https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-working-district-land-or-easement/guidelines-and-standards-land-use-near-streams>. Accessed September 20, 2024.
- SCVWRPC. See Santa Clara Valley Water Resources Protection Collaborative.
- Spencer, W.D., Beier, P., Penrod, K. Winters, K., Paulman, C., Rustigian-Romsos, H., Strittholt, J., Parisi, M., and A. Pettler. 2010. *California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California*. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration.
- Tukman Geospatial and Aerial Information Systems. 2023. Santa Cruz and Santa Clara County Fine Scale Vegetation Map (v. 6/15/23). Prepared by: Tukman Geospatial & Aerial Information Systems. June 9, 2023. United States

- Geological Survey. Available:
<https://www.arcgis.com/home/item.html?id=3e01167873d14600ad4ae8551785b3d7>.
 Retrieved September 19, 2024.
- US Department of Agriculture. 2015. *Newpark Soil Series. National Cooperative Soil Survey, U.S.A.* Available:
https://soilseries.sc.egov.usda.gov/OSD_Docs/N/NEWPARK.html. Accessed October 8, 2024.
- US Fish and Wildlife Service. 2002. *Recovery Plan for the California Red-legged Frog (Rana aurora draytonii)*. USFWS, Region 1. Portland, Oregon. Available: <https://www.amphibians.org/wp-content/uploads/sites/3/2019/04/California-Red-legged-Frog-Recovery-Plan.pdf>. Accessed September 25, 2024.
- . 2004. *Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog. USFWS, Pacific Southwest Region.* Available: <https://www.fws.gov/sites/default/files/documents/guidance-on-site-assessments-and-field-surveys-for-california-red-legged-frog.pdf>. Accessed October 7, 2024.
- . 2021. *Recovery Plan for Rusty Patched Bumble Bee (Bombus affinis)*. Available:
https://www.fws.gov/sites/default/files/documents/Final%20Recovery%20Plan%20_Rusty%20Patched%20Bumble%20Bee_2021.pdf. Accessed September 19, 2024.
- . 2024a. Information for Planning and Consultation (IPaC) Resource List for the Gateway-Main Street Specific Plan. Retrieved September 17, 2024.
- . 2024b. National Wetlands Inventory website. Washington, DC. Available:
<https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>. Retrieved September 25, 2024.
- US Forest Service. 2014. *Western Yellow-billed Cuckoo (Coccyzus americanus occidentalis) Species Assessment*. U.S. Department of the Interior. Available: https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd534366.pdf. Accessed September 20, 2024.
- USDA. See US Department of Agriculture.
- USFWS. See US Fish and Wildlife Service.
- USFS. See US Forest Service.
- Web Soil Survey. 2024. Natural Resources Conservation Service, United States Department of Agriculture. Available:
<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Accessed October 8, 2024.
- Western Monarch Milkweed Mapper. 2024. Sightings Map. Available:
<https://www.monarchmilkweedmapper.org/app/#/combined/map>. Retrieved October 7, 2024.
- Williams, P. H., R. W. Thorp, L. L. Richardson, and S. R. Colla. 2014. *Bumble Bees of North America*. Princeton University Press. Princeton, NJ.
- Williams, N. L., J. M. Mola, C. Stuligross, T. Harrison, M. L. Page, R. M. Brennan, N. M. Rosenberger, and M. Rundlof. 2019. "Fantastic Bees and Where to Find Them: Locating the Cryptic Overwintering Queens of a Western Bumble Bee." *Ecosphere* 10: e02949.
- Xerces Society for Invertebrate Conservation. 2018. *A Petition to the State of California Fish and Game Commission to List the Crotch's Bumble Bee (Bombus crotchii), Franklin's Bumble Bee (Bombus franklini), Suckley Cuckoo Bumble Bee (Bombus suckleyi), and Western Bumble Bee (Bombus occidentalis occidentalis) as Endangered under the California Endangered Species Act*. Available: <https://www.xerces.org/sites/default/files/2019-10/CESA-petition-Bombus-Oct2018.pdf>. Accessed September 19, 2024.
- . 2023. *The California Bumble Bee Atlas: Results 2022-2023*. Available:
<https://www.cabumblebeeatlas.org/project-highlights.html>. Accessed September 19, 2024.
- . 2024. Western Monarch Overwintering Sites Database. The Xerces Society for Invertebrate Conservation. Available: <https://westernmonarchcount.org/map-of-overwintering-sites/>. Accessed September 19, 2024.

Xerces Society for Invertebrate Conservation, Wildlife Preservation Canada, York University, University of Ottawa, The Montreal Insectarium, The London Natural History Museum, BeeSpotter. 2024. Data accessed from Bumble Bee Watch, a collaborative website to track and conserve North America's bumble bees. Available: <https://www.bumblebeewatch.org/maps/?type=1-2&project=&user=&status=2&month=&year=&sex=&species=12&state=&page=1>. Accessed September 19, 2024.

Xerces Society. See Xerces Society for Invertebrate Conservation.

Section 3.4 Cultural, and Tribal Cultural Resources

City of Milpitas. 1994 (December). *City of Milpitas General Plan*. Available: <https://www.milpitas.gov/DocumentCenter/View/1148/General-Plan-Adopted-1994-PDF?bidId=>. Accessed September 18, 2024.

———. 2021 (March 9). *2040 General Plan City of Milpitas*. Available: <https://www.milpitas.gov/DocumentCenter/View/1167/Conservation-and-Sustainability-PDF?bidId=>. Accessed September 18, 2024.

———. 2024. *Milpitas Historical Site Inventory*. Available: <https://milpitas-gis-milpitas.hub.arcgis.com/apps/7701907d381d4196942288bbb085f2b8/explore>. Accessed September 19, 2024.

City of Milpitas and Architectural Resources Group. 2011. *Conceptual Historic Resources Masterplan for the City of Milpitas*.

City of Milpitas and ARG. See City of Milpitas and Architectural Resources Group.

EDAW, Inc. (October) 2001. *Draft Environmental Impact Report for the Midtown Milpitas Specific Plan* (SCH#2000092027).

Hester, J.A. 1974. *Archaeological Assessment of Park Center Project*. Report No. S-004319 on File at the Central Coast Information Center at the Museum of Natural History, Santa Barbara, California.

Levy, R. 1978. Costanoan. In *California*, edited by Robert F. Heizer, 485-495. *Handbook of North American Indians*, Vol. 8, William G. Sturtevant, general editor, Smithsonian Institution, Washington D.C.

Milliken, R., R. T. Fitzgerald, M. G. Hylkema, T. Origer, R. Groza, R. Wiberg, A. Leventhal, D. Bieling, A. Gottsfield, D. Gillette, V. Bellefemine, E. Strother, R. Cartier, and D. A. Fredrickson. 2007. Chapter 8, "Punctuated Culture Change in the San Francisco Bay Area." In *California Prehistory: Colonization, Culture, and Complexity*, edited by T. Jones, pp. 99-123. AltaMira Press. Lanham, MD.

Muwekma Ohlone. See Muwekma Ohlone Tribe of the San Francisco Bay Area.

Muwekma Ohlone Tribe of the San Francisco Bay Area. 2023. Muwekma Ohlone Tribe. Available on <http://www.muwekma.org/#> Accessed on July 29, 2023.

———. 2024. Response letter to the City's notification of tribal consultation. August 29, 2024. **CONFIDENTIAL DOCUMENT**.

Tamien. See Tamien Nation.

Tamien Nation. 2023. *The Aboriginal Tribe of Santa Clara Valley*. Available: <https://www.tamien.org/>. Accessed on June 29, 2023.

Section 3.5 Energy

AFDC. See Alternative Fuels Data Center.

Alternative Fuels Data Center. 2024. Available: <https://afdc.energy.gov/stations#/analyze?country=US®ion=US-CA>. Accessed September 28, 2024.

California Energy Commission. 2019. *2019 California Energy Efficiency Action Plan*. Available: <https://www.energy.ca.gov/filebrowser/download/1900>. Accessed September 28, 2024.

- . 2021. *2022 Building Energy Efficiency Standards*. Available: <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency#:~:text=The%202022%20Energy%20Code%20encourages,strengthens%20ventilation%20standard%2C%20and%20more>. Accessed September 28, 2023.
- . 2022. *Integrated Energy Policy Report Update*. Available: https://www.energy.ca.gov/sites/default/files/2023-02/IEPR_Highlights_no_docket_coversheet_02-17-2023_ADA.pdf. Accessed September 28, 2023.
- . 2024. California Retail Fuel Outlet Annual Reporting (CEC-A15) Results. Available: <https://www.energy.ca.gov/media/3874>. Accessed September 28, 2024.
- California Energy Commission and California Air Resources Board. 2003. *Reducing California's Petroleum Dependence*. CEC and CARB. See California Energy Commission and California Air Resources Board.
- CEC. See California Energy Commission.
- EIA. See U.S. Energy Information Administration.
- Fehr & Peers. 2024 (November). *Milpitas Gateway-Main Street Specific Plan: Vehicle Miles Traveled (VMT) for the Environmental Review*.
- Milpitas. 2020. *2040 Milpitas General Plan Update EIR*. Available: https://static1.squarespace.com/static/57277b461d07c02f9c2f5c2c/t/5fa094bab97246713f3e4e9a/1604359401370/Milipitas_Public_Draft_EIR_reduced.pdf. Accessed September 28, 2024.
- . 2021 (March). *Milpitas 2040 General Plan*. Available: <https://www.milpitas.gov/DocumentCenter/View/1147/Milpitas-2040-General-Plan-PDF?bidId=>. Accessed September 28, 2024.
- . 2022 (August). *Milpitas Climate Action Plan Update*. Available: <https://www.milpitas.gov/DocumentCenter/View/3124/Milpitas-Climate-Action-Plan-Update-2022?bidId=>. Accessed September 28, 2024.
- Pacific Gas and Electric Company. 2023. 2021 Power Content Label. Available: <https://www.pge.com/content/dam/pge/docs/account/billing-and-assistance/bill-inserts/1023-Power-Content-Label.pdf>. Accessed September 28, 2024.
- PG&E. See Pacific Gas and Electric Company.
- U.S. Energy Information Administration. 2024. California Energy Consumption by End-Use Sector, 2022. Available: <https://www.eia.gov/state/?sid=CA#tabs-2>. Accessed September 28, 2024.

Section 3.6 Greenhouse Gas Emissions and Climate Change

BAAQMD. See Bay Area Air Quality Management District.

- Bay Area Air Quality Management District. 2022. *2022 CEQA Guidelines*. Available: <https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines>. Accessed September 28, 2024.
- California Air Resources Board. 2018a. *SB 375 Regional Greenhouse Gas Emissions Reduction Targets*. Approved by the California Air Resources Board March 22, 2018. Available: https://ww2.arb.ca.gov/sites/default/files/2020-06/SB375_Final_Target_Staff_Report_%202018_Resolution_18-12.pdf. Accessed September 28, 2024.
- . 2018b. *2018 ZEV Action Plan*. Available: <https://business.ca.gov/wp-content/uploads/2019/12/2018-ZEV-Action-Plan-Priorities-Update.pdf>. Accessed September 28, 2024.
- . 2022 (November). *Evaluation of the Association of Bay Area Governments' and Metropolitan Transportation Commission's SB 375 2021 Sustainable Communities Strategy*. Available: <https://ww2.arb.ca.gov/sites/default/files/2023-03/ABAGMTCSCS-Report-2022-ADA.pdf>. Accessed September 28, 2024.

- California Energy Commission. 2021. *2022 Building Energy Efficiency Standards*. Available: <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency#:~:text=The%202022%20Energy%20Code%20encourages,strengthens%20ventilation%20standards%2C%20and%20more>. Accessed September 28, 2024.
- California Natural Resources Agency. 2018 (January). *Safeguarding California Plan: 2018 Update*. Available: <http://resources.ca.gov/docs/climate/safeguarding/update2018/safeguarding-california-plan-2018-update.pdf>. Accessed September 28, 2024.
- CARB. See California Air Resources Board.
- CEC. See California Energy Commission.
- CNRA. See California Natural Resources Agency.
- Fehr & Peers. 2024 (November). *Milpitas Gateway-Main Street Specific Plan: Vehicle Miles Traveled (VMT) for the Environmental Review*.
- Governor's Office of Planning and Research, California Energy Commission, and California Natural Resources Agency. 2018 (August). *California's Fourth Climate Change Assessment*.
- Gould, S., and K. Dervin. 2012. *Climate Action for Health: Integrating Public Health into Climate Action Planning*. California Department of Public Health.
- Intergovernmental Panel on Climate Change. 2007. *Summary for Policymakers*. Available: <https://www.ipcc.ch/site/assets/uploads/2018/02/ar4-wg1-spm-1.pdf>.
- . 2013. Chapter 6, Carbon and Other Biogeochemical Cycles. Pages 465–570 in *Climate Change 2013: The Physical Science Basis*. Working Group I Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Available: http://www.climatechange2013.org/images/report/WG1AR5_ALL_FINAL.pdf. Accessed September 28, 2024.
- . IPCC 2021. *Sixth Assessment Report: Summary for Policymakers*. Available: <https://www.ipcc.ch/report/ar6/wg1/chapter/summary-for-policymakers/>. Accessed September 28, 2024.
- IPCC. See Intergovernmental Panel on Climate Change.
- McMichael, A. J., and E. Lindgren. 2011. Climate Change: Present and Future Risks to Health, and Necessary Responses. *Journal of Internal Medicine* 270(5):401–413.
- Metropolitan Transportation Association/Association of Bay Area Governments. 2021. *Plan Bay Area 2050*. Available: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf.
- Milpitas. 2020. *2040 Milpitas General Plan Update EIR*. Available: https://static1.squarespace.com/static/57277b461d07c02f9c2f5c2c/t/5fa094bab97246713f3e4e9a/1604359401370/Milipitas_Public_Draft_EIR_reduced.pdf. Accessed September 28, 2024.
- . 2021 (March). *Milpitas 2040 General Plan*. Available: <https://www.milpitas.gov/DocumentCenter/View/1147/Milpitas-2040-General-Plan-PDF?bidId=>. Accessed September 28, 2024.
- . 2022 (August). *Milpitas Climate Action Plan Update*. Available: <https://www.milpitas.gov/DocumentCenter/View/3124/Milpitas-Climate-Action-Plan-Update-2022?bidId=>. Accessed September 28, 2024.
- MTC/ABAG. See Metropolitan Transportation Association/Association of Bay Area Governments.
- OPR, CEC, and CNRA. See Governor's Office of Planning and Research, California Energy Commission, and California Natural Resources Agency.

- Ostro et al. 2011. *Quantifying the Health Impacts of Future Changes in Temperature in California*. Available: <https://pubmed.ncbi.nlm.nih.gov/21975126/>. Accessed September 28, 2024.
- Pierce, D. W., J. F. Kalansky, and D. R. Cayan. 2018. *Climate, Drought, and Sea Level Rise Scenarios for California's Fourth Climate Change Assessment*. California Energy Commission. Available: https://www.energy.ca.gov/sites/default/files/2019-11/Projections_CCCA4-CEC-2018-006_ADA.pdf. Accessed September 28, 2024.
- United Nations. 2015. *Paris Agreement*. Available: https://unfccc.int/sites/default/files/english_paris_agreement.pdf. Accessed September 28, 2024.
- US Global Change Research Program. 2016. *The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment*.
- Wade, Samuel. Branch chief. Transportation Fuels Branch, Industrial Strategies Division, California Air Resources Board, Sacramento, CA. June 30, 2017—e-mail to Austin Kerr of Ascent Environmental regarding whether the Low Carbon Fuel Standard applies to fuels used by off-road construction equipment.

Section 3.7 Land Use and Planning

ABAG and MTS. See Association of Bay Area Governments and Metropolitan Transportation Commission.

Association of Bay Area Governments and Metropolitan Transportation Commission. 2021. *Plan Bay Area*. Available: https://planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. Accessed October 2024.

CalSTA. See California State Transportation Agency.

California State Transportation Agency. 2021. *California Transportation Plan 2050*. Available: <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/ctp-2050-v3-a11y.pdf>. Accessed October 2024.

City of Milpitas. 2002. *Midtown Specific Plan*. Available: <https://www.milpitas.gov/DocumentCenter/View/1144/Midtown-Specific-Plan-PDF>. Accessed: September 9, 2024.

———. 2021a. *City of Milpitas 2040 General Plan*. Available: <https://www.milpitas.gov/DocumentCenter/View/1147/Milpitas-2040-General-Plan-PDF?bidId=>. Accessed October 2024.

———. 2021b. *City of Milpitas 2040 General Plan Environmental Impact Report*. Available: <https://www.milpitas.gov/DocumentCenter/View/1169/NOD-and-FEIR-PDF?bidId=>. Accessed October 2024.

———. 2022 (May). *Land Use, Zoning, and Urban Form Analysis*.

———. 2024a. City of Milpitas Municipal Code: Title XI - Zoning, Planning and Annexation. Available: <https://library.municode.com/search?stateId=5&clientId=3318&searchText=zoning&contentType=CODES>. Accessed October 2024.

———. 2024b. City of Milpitas Comprehensive Zoning Ordinance Update. Website. Available: <https://www.milpitaszoningupdate.org/>. Accessed October 2024.

Section 3.8 Noise and Vibration

California Department of Transportation. 2013 (September). *Technical Noise Supplement*. California Department of Transportation Division of Environmental Analysis. Sacramento, CA. Prepared by ICF Jones & Stokes.

———. 2020 (April). *Transportation and Construction Vibration Guidance Manual*. Available: <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf>. Accessed March 26, 2024.

Caltrans. See California Department of Transportation.

- City of Milpitas. 2020 (November). *General Plan Update EIR. City of Milpitas General Plan Update*. Available: <https://milpitas.generalplan.org/>.
- . 2021. March. *City of Milpitas General Plan*. Available: <https://www.milpitas.gov/DocumentCenter/View/1147/Milpitas-2040-General-Plan-PDF?bidId=>.
- Federal Highway Administration. 2004. Traffic Noise Model. V 2.5. Released 2004. Washington, D.C. Available: https://www.fhwa.dot.gov/environment/noise/traffic_noise_model/tnm_v25/.
- . 2006 (January). *Roadway Construction Noise Model User's Guide*. Washington, D.C. Prepared by the Research and Innovative Technology Administration, Cambridge, MA.
- Federal Transit Administration. 2018. *Transit Noise and Vibration Impact Assessment Manual*. U.S. Department of Transportation Federal Transit Administration. Washington, DC. Prepared by John A. Volpe National Transportation Systems Center.
- FHWA. See Federal Highway Administration.
- FTA. See Federal Transit Administration.
- ### Section 3.9 Population and Housing
- Association of Bay Area Governments. 2018 (December). *Plan Bay Area 2050 Final Blueprint Growth Pattern*. "Projections 2040 by Jurisdiction." Data last updated January 2021. Available at: <https://data.bayareametro.gov/Demography/Projections-2040-by-Jurisdiction/grqz-amra>. Accessed January 27, 2020.
- California Department of Finance. 2024 (May). E-4 Population Estimates for Cities, Counties, and the State, 2021-2024 with 2020 Census Benchmark. Available: <https://dof.ca.gov/forecasting/demographics/estimates/e-4-population-estimates-for-cities-counties-and-the-state-2021-2024-with-2020-census-benchmark/>. Accessed September 30, 2024.
- City of Milpitas. 2002. *Midtown Specific Plan*. Available: <https://www.milpitas.gov/DocumentCenter/View/1144/Midtown-Specific-Plan-PDF>. Accessed: September 9, 2024.
- . 2020. *Draft Environmental Impact Report for the Milpitas General Plan Update*. SCH: 2020070348. November 2020. Available: <https://milpitas.generalplan.org/>. Accessed September 9, 2024.
- . 2021 (March 9). *General Plan 2040 City of Milpitas*. Available: <https://www.milpitas.gov/DocumentCenter/View/1159/Land-Use-PDF?bidId=>. Accessed September 9, 2024.
- . 2022 (December). *2023-2031 Housing Element Update Addendum Evaluation*. Available: <https://www.milpitas.gov/DocumentCenter/View/1309/Final-Addendum-2022-Dec-PDF>. Accessed: September 30, 2024.
- . 2023 (January 23). *City of Milpitas 2023-2031 Housing Element*. Available: https://milpitashousingelement.com/wp-content/uploads/2023/03/Milpitas_HE_HCD_Draft_2023_03_clean.pdf. Accessed September 9, 2024.
- . 2024. Demographics. Available: <https://www.milpitas.gov/1007/Demographics>. Accessed: September
- DOF. See California Department of Finance.
- Rincon Consultants, Inc. 2022. *City of Milpitas 2023-2031 Housing Element Update Addendum Evaluation (State Clearinghouse #2020070348)*. Available: <https://www.milpitas.gov/DocumentCenter/View/1309/Final-Addendum-2022-Dec-PDF>. Accessed November 5, 2024.
- US Census Bureau. 2024. Milpitas City, California Profile. Available: https://data.census.gov/profile/Milpitas_city_California?g=160XX00US0647766#populations-and-people. Accessed October 29, 2024.

Section 3.10 Public Services and Recreation

California Department of Education. n.d. *2023-24 Enrollment by Grade - Milpitas Unified Report (43-73387)*. Available: <https://dq.cde.ca.gov/dataquest/dqcensus/enrgdlevels.aspx?agglevel=District&year=2023-24&cds=4373387>. Accessed October 2, 2024.

City of Milpitas. 2020. *Milpitas General Plan Environmental Impact Report*.

———. 2021 (March 9). *2040 General Plan City of Milpitas*. Available: <https://www.milpitas.gov/DocumentCenter/View/1165/Community-Design-PDF?bidId=>. Accessed September 18, 2024.

Milpitas Fire Department. 2024. *Fiscal Year 2023-2024 Budget Narrative and Summary*. Available: <https://www.milpitas.gov/DocumentCenter/View/3296/Fire-Organization-Chart-Fiscal-Year-23-24-pdf>. Accessed October 2, 2024.

Milpitas Police Department. 2023. *2023 Annual Report*. Available: <https://www.milpitas.gov/DocumentCenter/View/5391/2023-MPD-Annual-Report-PDF>. Accessed October 2, 2024.

Milpitas Unified School District. 2024a. *School Impact (Developer) Fees*. Available: <https://www.milpitas.gov/DocumentCenter/View/906/School-Impact-Fees-PDF?bidId=>. Accessed October 27, 2024.

———. 2024b. *School Facility Fee Justification Report for Residential, Commercial & Industrial Development Projects for the Milpitas Unified School District*.

MFD. See Milpitas Fire Department.

MPD. See Milpitas Police Department.

MUSD. See Milpitas Unified School District.

Santa Clara County Local Agency Formation Commission. 2023. *Countywide Fire Service Review - October 2023*. Available: <https://santaclaralafco.org/sites/default/files/FireSRReview-FinalReport-2023.pdf>. Accessed October 3, 2024.

Spaces4Learning. 2024. *Mabel Mattos Elementary School*. Available: <https://spaces4learning.com/articles/2024/01/04/mabel-mattos-elementary-school.aspx>. Accessed October 2, 2024.

Section 3.11 Transportation

AC Transit. See Alameda-Contra Costa Transit.

Alameda-Contra Costa Transit. 2024 (August). 217 AC Transit Schedule. Available: https://www.actransit.org/sites/default/files/timetable_files/217-2024_08_11.pdf. Accessed September 27, 2024.

Bay Area Rapid Transit. 2023. *Service Map*. Available: <https://www.bart.gov/sites/default/files/2023-09/BART-Detailed-Map-Web.pdf>. Accessed September 27, 2024.

———. 2024 (August). *BART Schedules*. Available: <https://www.bart.gov/schedules/pdfs>. Accessed September 27, 2024.

BART. See Bay Area Rapid Transit.

California Department of Transportation. 2018. *Caltrans District 4 Bike Plan for the San Francisco Bay Area*. Available: https://dot.ca.gov/-/media/dot-media/district-4/documents/d4-bike-plan/caltransd4bikeplan_report_lowres-r6.pdf. Accessed September 25, 2024.

- . 2020a (May). *Vehicle Miles Traveled-Focused Transportation Impact Study Guide*. Available: <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf>. Accessed September 24, 2024.
- . 2020b (December). *Traffic Safety Bulletin 20-02-R1: Interim Local Development Intergovernmental Review Safety Review Practitioners Guidance*. Available: <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-12-22-updated-interim-ldigr-safety-review-guidance-a11y.pdf>. Accessed September 24, 2024.
- . 2020c (July). *Highway Design Manual Chapter 1000 - Bicycle Transportation Design*. Available: <https://dot.ca.gov/-/media/dot-media/programs/design/documents/chp1000-a11y.pdf>. Accessed September 2024.
- . 2021a. *District 4 Pedestrian Plan for the Bay Area 2021*. Available: <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/active-transportation-complete-streets/district4-finalreport-a11y.pdf>. Accessed September 25, 2024.
- . 2021b. *California Transportation Plan 2050*. Available: <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/ctp-2050-v3-a11y.pdf>. Accessed September 24, 2024.
- . 2022 (December). *Encroachment Permit General Provisions*. Available: <https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/appendix-k-ada-a11y.pdf>. Accessed September 24, 2024.
- . 2024 (January). *California Manual on Uniform Traffic Control Devices*. Available: <https://dot.ca.gov/-/media/dot-media/programs/safety-programs/documents/ca-mutcd/rev8/camutcd2014-rev8-all.pdf>. Accessed September 24, 2024.

Caltrans. See California Department of Transportation.

California Governor's Office of Planning and Research. 2018 (December). *Technical Advisory on Evaluating Transportation Impacts in CEQA*. Available: https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf. Accessed September 2024.

California Air Pollution Control Officers Association. 2021 (December). *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity*. Available: https://www.caleemod.com/documents/handbook/full_handbook.pdf. Accessed October 28, 2024.

CAPCOA. See California Air Pollution Control Officers Association.

City of Milpitas. 2020 (November). *Draft Environmental Impact Report for the Milpitas General Plan Update*. Prepared by De Novo Planning Group. Available: <https://www.milpitas.gov/DocumentCenter/View/1168/Draft-EIR-PDF?bidId=>. Accessed October 2024.

City of Milpitas. 2021a. *General Plan 2040*. Available: <https://www.milpitas.gov/DocumentCenter/View/1159/Land-Use-PDF?bidId=>. Accessed September 18, 2024.

———. 2021b (June). *The City of Milpitas Trail, Pedestrian, and Bicycle Master Plan*. Available: <https://www.milpitas.gov/DocumentCenter/View/4954/Trail-Pedestrian-and-Bicycle-Master-Plan---Adopted-May-2022-PDF?bidId=>. Accessed September 25, 2024.

———. 2022a (August). *Milpitas Climate Action Plan Update*. Available: <https://www.milpitas.gov/DocumentCenter/View/3124/Milpitas-Climate-Action-Plan-Update-2022>. Accessed September 27, 2024.

———. 2022b (March). *City of Milpitas Transportation Analysis Guidelines*. Available: <https://www.milpitas.gov/DocumentCenter/View/1623/Transportation-Analysis-Guidelines-PDF?bidId=>. Accessed September 26, 2024.

- . 2024. Encroachment Permits. Available: <https://www.milpitas.gov/246/Encroachment-Permits>. Accessed September 30, 2024.
- Federal Highway Administration. 2023 (February). *Highway Functional Classification Concepts, Criteria, and Procedures*. 2023 Edition. Available: <https://www.fhwa.dot.gov/planning/processes/statewide/related/hwy-functional-classification-2023.pdf>. Accessed October 7, 2024.
- Fehr & Peers. 2022 (March). *Milpitas Gateway-Main Street Specific Plan: Existing Transportation Conditions, Issues, and Opportunities Memorandum*. Prepared for Ascent.
- . 2024 (November). *Milpitas Gateway-Main Street Specific Plan: Vehicle Miles Traveled (VMT) for the Environmental Review*. Prepared for Ascent Environmental, Sacramento, CA and City of Milpitas, Milpitas, CA.
- FHWA. See Federal Highway Administration.
- Metropolitan Transportation Commission. 2021 (October). *Plan Bay Area 2050*. Available: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. Accessed September 25, 2024.
- MTC. See Metropolitan Transportation Commission.
- OPR. See California Governor's Office of Planning and Research.
- Santa Clara Valley Transportation Authority. 2014 (October). *VTP 2040*. Available: https://www.vta.org/sites/default/files/2022-09/VTP-2040_Final.pdf. Accessed September 26, 2024.
- . 2018 (May). *Countywide Bicycle Plan*. Available: https://www.vta.org/sites/default/files/2019-05/SCCBP_Final%20Plan%20_05.23.2018.pdf. Accessed September 25, 2024.
- . 2020 (December). *Bus Stop & Passenger Facility Design Criteria and Standards*. Available: <https://www.vta.org/sites/default/files/2022-03/Bus%20Stop%20and%20Facility%20Criteria%20and%20Standard%202021.pdf>. Accessed September 27, 2024.
- . 2021 (December). *2021 Congestion Management Program Document*. Available: https://www.vta.org/sites/default/files/2022-01/2021CMPDocumentV2_Reduced.pdf. Accessed September 25, 2024.
- . 2024. Routes. Available: <https://www.vta.org/go/routes>. Accessed September 27, 2024.
- VTA. See Santa Clara Valley Transportation Authority.

Section 3.12 Utilities and Service Systems

- California Department of Resources Recycling and Recovery. 2022. Jurisdiction Per Capita Disposal Trends - Milpitas. Available: <https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/ReviewReports>. Accessed November 12, 2024.
- . 2024a. SWIS Facility/Site Activity Details, Kirby Canyon Recycl.& Disp. Facility (43-AN-0008). Available: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1370?siteID=3393>. Accessed November 14, 2024.
- . 2024b. SWIS Facility Detail/Site Activity Details, Guadalupe Sanitary Landfill (43-AN-0015). Available: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1376?siteID=3399>. Accessed November 14, 2024.
- . 2024c. SWIS Facility Detail/Site Activity Details, Sunnyvale MRF & Transfer Station (43-AA-0009). Available: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1348?siteID=3376>. Accessed November 14, 2024.

- . 2024d. SWIS Facility Detail/Site Activity Details, Mission Trails Waste Systems (43-AO-0002). Available: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1382?siteID=3405>. Accessed November 14, 2024.
- . 2024e. SWIS Facility Detail/Site Activity Details, Zanker Material Processing Facility (43-AN-0001). Available: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1359?siteID=3386>. Accessed November 14, 2024.
- CalRecycle. See California Department of Resources Recycling and Recovery.
- City of Milpitas. 2021a. *General Plan 2040*. Available: <https://www.milpitas.gov/DocumentCenter/View/1159/Land-Use-PDF?bidId=>. Accessed September 18, 2024.
- . 2021b. (July). *2020 Urban Water Management Plan*. Available: <https://www.milpitas.gov/DocumentCenter/View/3499/2020-Urban-Water-Management-Plan-PDF?bidId=>. Accessed November 7, 2024.
- . 2021c. (January). *City of Milpitas Sewer Master Plan*. Available: <https://www.milpitas.gov/DocumentCenter/View/3431/2021-Sewer-Master-Plan-PDF?bidId=>. Accessed November 20, 2024.
- . 2021d. (October). *City of Milpitas Storm Drain Master Plan*. Available: <https://www.milpitas.gov/DocumentCenter/View/3432/2021-Storm-Drain-Master-Plan-PDF?bidId=>. Accessed November 20, 2024.
- Pacific Gas and Electric Company. 2023a. PG&E Company Profile. Available: https://www.pge.com/en_US/about-pge/company-information/profile/profile.page. Accessed November 13, 2024.
- . 2023b. 2021 Power Content Label. Available: https://www.pge.com/pge_global/common/pdfs/your-account/your-bill/understand-your-bill/bill-inserts/2022/1022-Power-Content-Label.pdf. Accessed November 13, 2024.
- PG&E. See Pacific Gas and Electric Company.
- Silveira, Michael, P.E. City engineer. City of Milpitas, Milpitas, CA. March 2025—email messages to Pat Angell of Ascent Environmental regarding water supply and infrastructure.

Chapter 4 Cumulative Impacts

ABAG. See Association of Bay Area Governments.

- Association of Bay Area Governments. 2021. *Plan Bay Area 2050 Forecasting and Modeling Report*. Available: https://planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_Forecasting_Modeling_Report_October_2021.pdf. Accessed: September 30, 2024.
- City of Milpitas. 2020 (November). *Draft Environmental Impact Report for the Milpitas General Plan Update*. Prepared by De Novo Planning Group. Available: <https://www.milpitas.gov/DocumentCenter/View/1168/Draft-EIR-PDF?bidId=>. Accessed December 2024.
- . 2021a. (July). *2020 Urban Water Management Plan*. Available: <https://www.milpitas.gov/DocumentCenter/View/3499/2020-Urban-Water-Management-Plan-PDF?bidId=>. Accessed November 7, 2024.
- . 2021b. (January). *City of Milpitas Sewer Master Plan*. Available: <https://www.milpitas.gov/DocumentCenter/View/3431/2021-Sewer-Master-Plan-PDF?bidId=>. Accessed November 20, 2024.
- Fehr & Peers. 2024 (November). *Milpitas Gateway-Main Street Specific Plan: Vehicle Miles Traveled (VMT) for the Environmental Review*. Prepared for Ascent Environmental, Sacramento, CA and City of Milpitas, Milpitas, CA.

Silveira, Michael. City Engineer. Milpitas, CA. March 3, 2025—email to Pat Angell of Ascent Environmental regarding water supply for the Specific Plan Area.

Chapter 5 Alternatives

No references are used in this chapter.

Chapter 6 Other CEQA Sections

No references are used in this chapter.

Appendix A

Notice of Preparation and Comments
Received

CITY OF MILPITAS NOTICE OF PREPARATION OF AN SUBSEQUENT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF PUBLIC SCOPING MEETING FOR THE GATEWAY-MAIN STREET SPECIFIC PLAN PROJECT

Date: July 15, 2024

To: Responsible Agencies, Trustee Agencies, and Interested Persons

RE: Notice of Preparation of a Draft Subsequent Environmental Impact Report for the Gateway-Main Street Specific Plan Project

In accordance with the provisions of the California Environmental Quality Act (CEQA), the City of Milpitas (City) has prepared a Notice of Preparation (NOP) for a Draft Subsequent Environmental Impact Report (SEIR) for the proposed Gateway-Main Street Specific Plan (Specific Plan). The SEIR tiers from the City's adopted General Plan 2040 to implement the General Plan policies (LU 1-1 and LU 1-2) Action LU-2a for the update and implementation of the Milpitas Midtown Specific Plan. The NOP includes a project description, exhibits, summary of key issues to be addressed in the SEIR, and an overview of the purpose of this notice and the environmental review process. The purpose of this NOP is to provide an opportunity for the public, interested parties, and public agencies to comment on the scope and proposed content of the SEIR.

PROVIDING COMMENTS ON THIS NOTICE OF PREPARATION

Agencies and interested parties may provide the City with written comments on environmental topics to be addressed in the SEIR for the project. Because of time limits mandated by State law, written and/or email comments should be provided no later than 5:00 p.m. on August 13, 2024. Please send all comments on the NOP to:

City of Milpitas, Planning Department
455 E. Calaveras Blvd.
Milpitas, CA 95035

Attn: Jay Lee, Planning Director
Phone: (408) 586-3077
E-mail: jlee@milpitas.gov

PUBLIC SCOPING MEETING

The City will conduct a public scoping meeting to receive comments on environmental issues that should be addressed in the Draft SEIR as well as the range of practicable alternatives to be evaluated in the Draft SEIR. The public scoping meetings are scheduled virtually via Zoom at the following date, time and location:

DATE: August 1, 2024, 6:00 p.m. to 7:30 p.m.

MEETING LINK: <https://us06web.zoom.us/j/81649348310?pwd=XybwZmZWwtvqy2z5mH9CPim1p5ix9W.1>
Meeting ID: 816 4934 8310
Passcode: 816975

PROJECT LOCATION

The Gateway-Main Street Specific Plan Area (Specific Plan Area) covers approximately 605 acres within the City of Milpitas. The City, located in northern Santa Clara County, within the South San Francisco Bay Area, is situated north of San Jose and east of Santa Clara, Sunnyvale, and Mountain View along State Route 237 (Highway 237) (Figure 1, Regional Location). The City is served by three major freeways: Interstate (I)-880, I-680, Highway 237/Calaveras Boulevard, and the County-managed Montague Expressway.

The Specific Plan Area is located within the western portion of the city, west of the Union Pacific Railroad (UPRR) line. It encompasses Calaveras Boulevard, Main Street, and the Milpitas Midtown Specific Plan project area bordered by I-880 to the west, the UPRR tracks to the east, and Great Mall Parkway to the south. Two heavy rail lines, the UPRR freight line and Bay Area Rapid Transit (BART) commuter rail lines, traverse the Specific Plan Area on the east. The Valley Transportation Authority (VTA) operates light rail transit (LRT) and interconnecting bus lines into the Specific Plan Area along the Great Mall Parkway.

Existing land uses in the Specific Plan Area consist of single-family residential, multi-family residential, retail, office, civic/institutional, park/open space, and industrial uses. Commercial uses (retail, office, and hospitality) are located throughout the Specific Plan Area. A mix of single-family and multi-family housing is scattered throughout the Specific Plan Area. Public uses, including religious, educational, and cultural facilities, comprise a portion of the Specific Plan Area, including the County-operated Elmwood Correctional Facility. Transportation and industrial uses, in the Specific Plan Area, are primarily focused between the two railroad lines.

PROJECT BACKGROUND

The Milpitas Midtown Specific Plan (Midtown Plan), adopted in 2002, is the predecessor plan to the Milpitas Gateway-Main Street Specific Plan. The Midtown Plan was last updated in 2010 to respond to a series of development activities in the Midtown area, including the construction of new housing, reinvestment in the Great Mall, a retail shopping center, and the extension of the Tasman East Valley Transportation Authority (VTA) light rail transit line, and proposals, at the time, to extend the Bay Area Rapid Transit (BART) through the area.

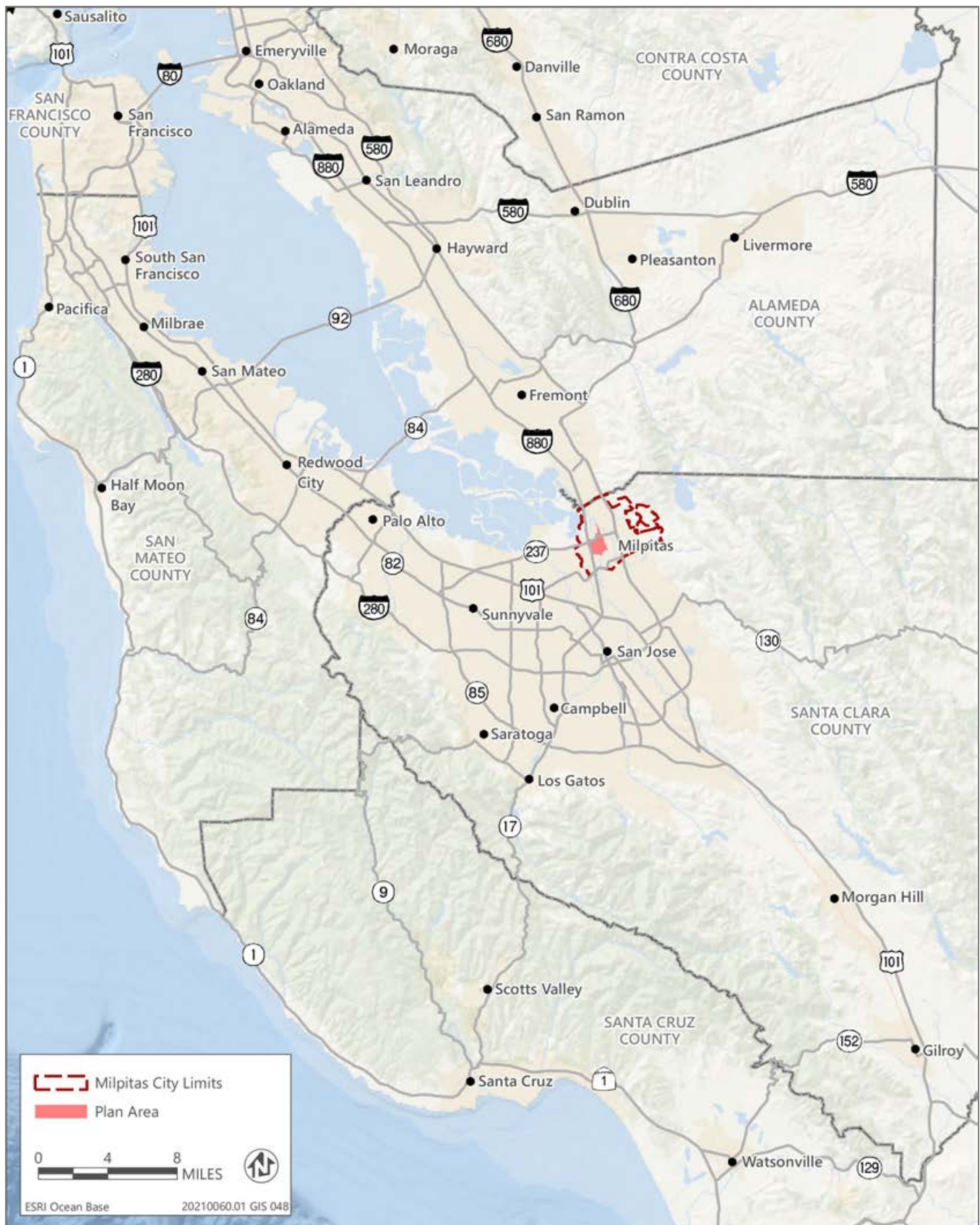
The City of Milpitas General Plan 2040, adopted in 2021, is the guiding, long-term plan and policy document for the physical development of the city through 2040. The planned update of the Midtown Plan to the Gateway-Main Street Specific Plan, as described in the General Plan, is intended to create an economically-viable main street type development that serves as the cultural hub of the city. The General Plan 2040 provides goals and policies for the Gateway-Main Street Area, to create a mixed-use neighborhood with a variety of residential, commercial, civic, and cultural uses in a compact, walkable, and centralized setting.

The Specific Plan Area includes the historic commercial core of the City, centered on Main Street and Serra Way, and Calaveras Boulevard, near Interstate 880. The Gateway-Main Street Specific Plan Update would provide the vision, standards, and policies of the Midtown Plan. The project would implement the General Plan goals and policies to update the Midtown Plan with a focus on revitalizing Main Street as the city's historic core and improving Calaveras Boulevard as a western gateway into the city.

PROJECT DESCRIPTION

Overview

The purpose of the Gateway-Main Street Specific Plan (Specific Plan) is to guide land use and development consistent with the General Plan; implement the City's economic development strategy and help facilitate investment in the Specific Plan's Focus Areas; preserve and enhance existing neighborhoods; and plan for the future transition of Urban Reserve lands. The Specific Plan identifies four focus areas: Gateway District, Crossroads District, Main Street District, and Abbott District.



Source: Adapted by Ascent in 2024.

Figure 1 Regional Location

The City's General Plan Land Use Element designates the adopted Midtown Plan area as MGSP - Milpitas Gateway-Main Street Specific Plan. The General Plan includes the following actions related to the Specific Plan: Action LU-2A to maintain and implement the Gateway-Main Street Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community 'gathering place' while maintaining needed industrial, service and commercial uses; and Action ED-3H to work with property owners to facilitate development of vacant and underutilized properties on Main Street to achieve the highest and best use (Figure 2).

Gateway-Main Street Specific Plan

The proposed Specific Plan would change the development currently allowed under the General Plan. The Specific Plan would require amendments to the General Plan as changes to the boundaries and land use and development standards of the adopted Midtown Plan Area are proposed. The Specific Plan Update proposes a new project area boundary that removes the portion of the Midtown Specific Plan Area south of the Great Mall Parkway, and adds area in the northwestern portion of the Specific Plan Area.

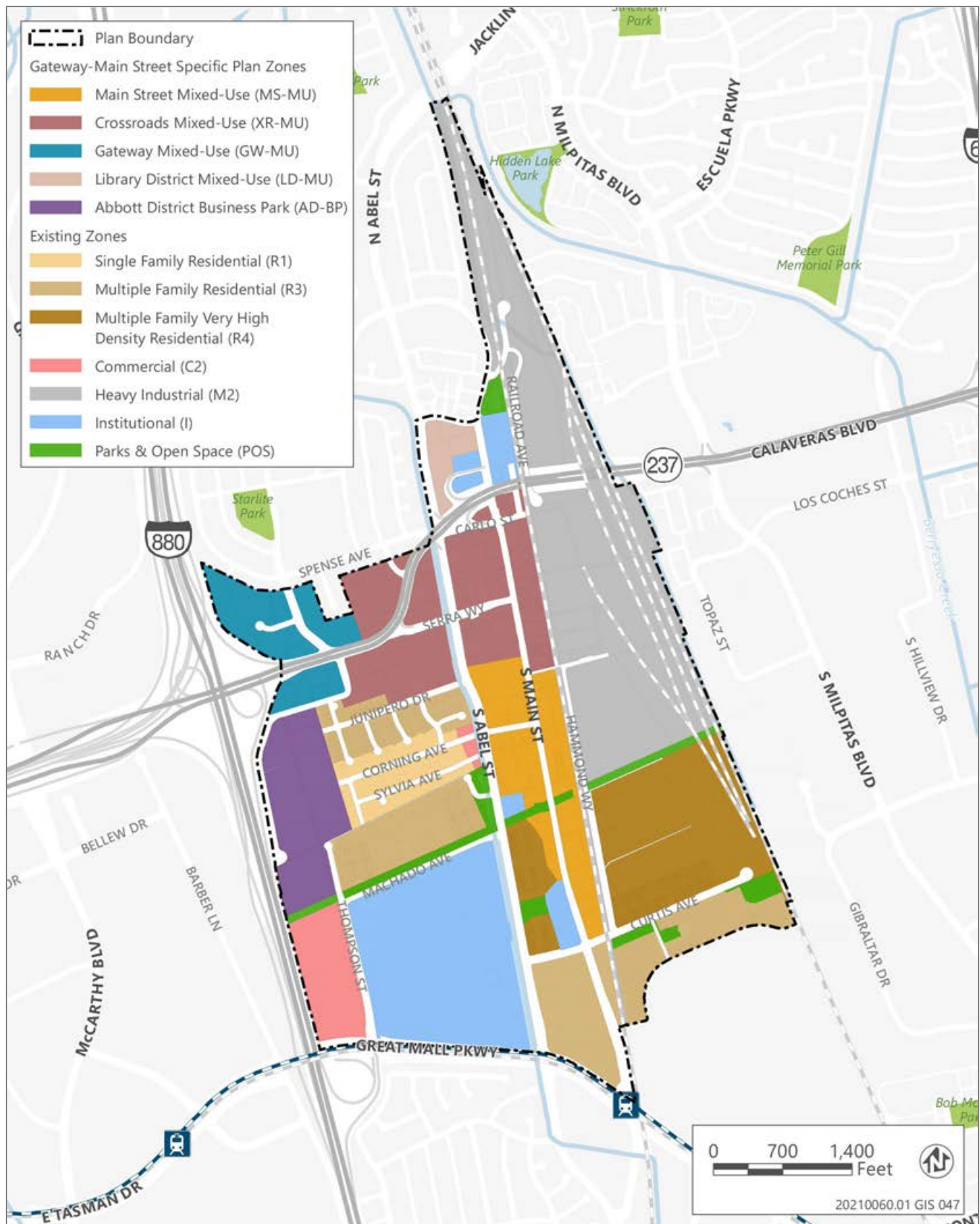
The proposed Specific Plan would allow for additional residential development beyond what is allowed under the General Plan through increases in density and implementation of an incentive program. This would also include alterations in nonresidential development potential through mixed-use development.

POTENTIAL ENVIRONMENTAL EFFECTS

As required by CEQA, the SEIR will describe existing conditions and evaluate the potential environmental effects of the proposed project and a reasonable range of alternatives, including the no-project alternative. It will address direct, indirect, and cumulative effects. The SEIR will also discuss potential growth-inducing impacts and summarize significant and unavoidable environmental effects. The SEIR will identify feasible mitigation measures, if available, to reduce potentially significant impacts. Potential issues and impacts to the existing environment to be analyzed in the Draft SEIR include the following environmental topics:

- ▶ Aesthetics
- ▶ Air Quality
- ▶ Energy
- ▶ Biological Resources
- ▶ Archaeological, Historical, and Tribal Cultural Resources
- ▶ Noise and Vibration
- ▶ Land Use and Planning
- ▶ Population and Housing
- ▶ Public Services and Utilities
- ▶ Traffic and Circulation
- ▶ Recreation
- ▶ Greenhouse Gas Emissions

Implementation of the project would have no impact on agricultural resources, forestry resources, or mineral resources as these resources do not exist in the proposed Specific Plan area. The proposed Specific Plan Area is surrounded by urban development and is not adjacent to or intermixed with open space, natural land, or rural/agricultural lands. New construction is subject to the City Municipal Code, California Building Code, and the California Fire Code, which includes safety measures to minimize the threat of geologic hazards and fire. Thus, the project would have no impact related to geology and soils or wildfire risk. The majority of development allowed under the proposed Specific Plan would be within areas currently developed with urban uses and the amount and type of runoff that could result in hydrology and water impacts generated by new development would be similar to existing conditions.



Source: Adapted by Ascent in 2024.

Figure 2 Proposed Land Use

Further, future development would be required to prepare a detailed project specific drainage plan, Water Quality Management Plan, and a Storm Water Pollution Prevention Plan (SWPPP). Thus, the project would have no impact related to hydrology or water quality. New construction would be subject to a comprehensive set of California regulatory requirements that are designed to assure the safe handling and disposal of hazardous materials. These issues will not be evaluated in the Draft SEIR.

Other SEIR Sections: In addition to the above environmental topics, the Draft SEIR will also evaluate the potential cumulative and growth inducing effects of the project, as required by CEQA. Reasonably foreseeable future projects in the project vicinity will be considered in this analysis.

In accordance with section 15126.6 of the State CEQA Guidelines, an EIR must “describe a range of reasonable alternatives to the project, or to the location of the Project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” As required by CEQA, the SEIR will evaluate a No Project Alternative. Aside from the No Project Alternative, the City has not yet determined what additional alternatives to the project will be evaluated in the SEIR. These will be identified during the environmental review process. Once selected, the alternatives will be analyzed at a qualitative level of detail in the Draft SEIR for comparison against the impacts identified for the proposed project, consistent with the requirements of CEQA.

PURPOSE OF THIS NOTICE

In accordance with the State CEQA Guidelines (14 California Code of Regulations [CCR] Section 15082), the City has prepared this NOP to inform agencies and interested parties that an EIR will be prepared for the above-referenced project. The purpose of an NOP is to provide sufficient information about the project and its potential environmental impacts to allow agencies and interested parties the opportunity to provide a meaningful response related to the scope and content of the EIR, including mitigation measures that should be considered and alternatives that should be addressed (State CEQA Guidelines 14 CCR Section 15082[b]).

ENVIRONMENTAL REVIEW PROCESS

Following completion of the 30-day NOP public review period, the City will incorporate relevant information into the Draft SEIR, including results of public scoping and technical studies. The Draft SEIR will be circulated for public review and comment for 45-day public review period. All parties that have requested to be included on the project mailing list will be provided a Notice of Availability for the Draft SEIR.

A copy of this NOP has been posted on the project website: Milpitas Gateway-Main Street Specific Plan (milpitasmainstreet.org)

If you would like to be placed on the project mailing list or have any questions or comments, please contact Jay Lee, Planning Director, City of Milpitas, at (408) 586-3077 or jlee@milpitas.gov.

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



August 13, 2024

SCH #: 2024070432
GTS #: 04-SCL-2024-01305
GTS ID: 33347
Co/Rt/Pm: SCL/237/VAR

Jay Lee, Planning Director
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035

Re: Gateway-Main Street Specific Plan Project— Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR)

Dear Jay Lee:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Gateway-Main Street Specific Plan Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the July 2024 NOP.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project will guide the land use and development of the Specific Plan's Focus Area. The Plan will implement the City's economic development strategy and will plan for high-density, transit-oriented housing to create a mixed-use community. The project area is located along State Route (SR)- 237 and Interstate 880 (I-880).

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)).

If the project meets the screening criteria established in the City's adopted VMT policy to be presumed to have a less-than-significant VMT impact and exempt from detailed VMT analysis, please provide justification to support the exempt status in alignment with the City's VMT policy. Projects that do not meet the screening criteria should include a detailed VMT analysis in the DEIR.

Fair Share Contributions

We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT. Should the project have any significant transportation impacts, please consider fair share contributions to the following projects identified in the Plan Bay Area 2050 (PBA 2050):

- Project ID 21-T06-025: Corridor & Interchange Improvements located on I-880 in Santa Clara County. This program includes funding to implement interchange improvements at Montague Expressway (Expy).
- Project ID 21-T06-043: Corridor & Interchange Improvements located on SR-237 in Santa Clara County. This program includes funding to implement interchange improvements at SR-85, Great American Parkway, Lawrence Expy/Caribbean Dr, Java Dr, Maude Ave, and Middlefield Rd; intersection improvements at El Camino Real/Grant Rd; a new westbound auxiliary lane between McCarthy to N 1st St; new eastbound auxiliary lanes between Mathilda Ave and Fair Oaks Ave; and new auxiliary lanes between Coyote Creek/Zanker Rd to N 1st St.

Multimodal Transportation Planning

Please review and include the reference to the *Caltrans District 4 Pedestrian Plan* (2021) and the *Caltrans District 4 Bike Plan* (2018) in the DEIR. These two plans studied existing conditions for walking and biking along and across the State Transportation Network (STN) in the nine-county Bay Area and developed a list of location-based and prioritized needs.

Please note that any Complete Streets reference should be updated to reflect Caltrans Director's Policy 37 ([link](#)) that highlights the importance of addressing the needs of non-motorists and prioritizing space-efficient forms of mobility, while also facilitating goods movement in a manner with the least environmental and social impacts. This supersedes Deputy Directive 64-R1, and further builds upon its goals of focusing on the movement of people and goods.

Integrated Transportation and Land Use Planning

Transportation and housing are integrally connected. The Gateway-Main Street Specific Plan development process may provide a mechanism to reflect current transportation and land use policy and adopt efficient land-use strategies such as

transit-oriented, infill and mixed-use developments that can potentially reduce vehicle miles traveled and address climate change.

Please review and include the reference to the current California Transportation Plan (CTP) in the DEIR. CTP 2050 envisions that the majority of new housing located near existing housing, jobs, and transit, and in close proximity to one another will reduce vehicle travel and GHG emissions, and be accessible and affordable for all Californians, including disadvantaged and low-income communities. The location, density, and affordability of future housing will dictate much of our future travel patterns, and our ability to achieve the vision outlined in CTP 2050. Caltrans encourages the City to consider and explore the potential of excess state-owned property for affordable housing development, per Executive Order N-06-19.

Caltrans looks forward to reviewing the DEIR that should demonstrate how this specific plan aligns with the City's adopted VMT policies. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through efficient and equitable land use planning and policies. The City should also continue to coordinate with Caltrans to identify and implement necessary network improvements and impact mitigation.

Lead Agency

As the Lead Agency, the City is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Construction-Related Impacts

Potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified. Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)).

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the STN.

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These

access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Equity and Public Engagement

We will achieve equity when everyone has access to what they need to thrive no matter their race, socioeconomic status, identity, where they live, or how they travel. Caltrans is committed to advancing equity and livability in all communities. We look forward to collaborating with the City to prioritize projects that are equitable and provide meaningful benefits to historically underserved communities.

Caltrans encourages the City to foster meaningful, equitable and ongoing public engagement in the Specific Plan development process to ensure future transportation decisions and investments reflect community interests and values. The public engagement process should include community-sensitive and equity-focused approaches seeking out the needs of individuals from underserved, Tribal, and low-income communities, the elderly, and individuals with disabilities.

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits ([link](#)). Please note that the checklist TR-0416 is used to determine the appropriate Caltrans review process for encroachment projects. Your application package may be emailed to D4Permits@dot.ca.gov.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Marley Mathews, Associate Transportation Planner, via LDR-D4@dot.ca.gov.

For future early coordination opportunities or project referrals, please visit Caltrans LDR website ([link](#)) or contact LDR-D4@dot.ca.gov.

Jay Lee, Planning Director
August 13, 2024
Page 5

Sincerely,

A handwritten signature in black ink, appearing to read "Luo Yunsheng". The signature is fluid and cursive, with the first name "Luo" and last name "Yunsheng" clearly distinguishable.

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 13, 2024

Jay Lee, Planning Director
City of Milpitas
455 E Calaveras Boulevard
Milpitas, CA 95035
JLee@milpitas.gov

Subject: Gateway-Main Street Specific Plan Project, Notice of Preparation of a Draft
Subsequent Environmental Impact Report, SCH No. 2024070432,
City of Milpitas, Santa Clara County

Dear Jay Lee:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Subsequent Environmental Impact Report (SEIR) from the City of Milpitas (Lead Agency) for the Gateway-Main Street Specific Plan Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority over the Project pursuant to the Fish and Game

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Code. For example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority, if the Project impacts the bed, channel or bank of any river, stream or lake within the State (Fish & G. Code, § 1600 et seq.). Likewise, to the extent the Project may result in "take" as defined by state law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86). CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any Project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065). In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, does not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

The Project has the potential to impact stream resources including mainstems, tributaries, drainages and floodplains associated with Penitencia Creek that may require notification to the LSA Program.

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting rivers, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it

may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

Fully Protected Species

Several Fully Protected Species (Fish & G. Code § 3511 and 4700) have the potential to occur within or adjacent to the Project area.

Project activities described in the draft SEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

Take is for necessary scientific research;

- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock; or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code §2081.15).

CDFW also recommends the draft SEIR analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include

in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species. Project proponents should consult with CDFW early in the Project planning process.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Milpitas

Objective: The purpose of the Gateway-Main Street Specific Plan is to guide land use and development consistent with the General Plan; implement the Lead Agency's economic development strategy and help facilitate investment in the Project's Focus Areas; preserve and enhance existing neighborhoods; and plan for the future transition of Urban Reserve lands. The Project identifies four focus areas: Gateway District, Crossroads District, Main Street District, and Abbott District.

Location: The Gateway-Main Street Specific Plan Area (Project Area) covers approximately 605 acres within the City of Milpitas. The Project Area is located within the western portion of the city, west of the Union Pacific Railroad (UPRR) line. It encompasses Calaveras Boulevard, Main Street, and the Milpitas Midtown Specific Plan project area bordered by Interstate-880 (I-880) to the west, the UPRR tracks to the east, and Great Mall Parkway to the south.

Timeframe: Not noted in the NOP.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Lead Agency in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

The draft SEIR should define the threshold of significance for each impact and describe the criteria used to determine whether the impacts are significant (CEQA Guidelines, § 15064, subd. (f)). The draft SEIR relies on General Plan policies and on requirements that subsequent Projects, if necessary, obtain appropriate permits but does not sufficiently describe how these policies will reduce impacts to less-than-significant.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project (CEQA Guidelines, §§15063 & 15360). CDFW recommends that a full list or table is included in the updated Biological Resources Section of the draft SEIR that notes species common name, scientific name, state and federal listing status (as applicable), habitat type

preference and determination on presence, for all special-status species with the potential to occur within the Project area.

CDFW recommends the draft SEIR provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380). The draft SEIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project area (for sensitive natural communities see:

<https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities>), and any stream or wetland set back distances the City of Milpitas or Santa Clara County (County) may require.

CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. A nine U.S. Geologic Survey 7.5-minute quadrangle search is recommended to determine what may occur in the region, larger if the Project area extends past one quad (see *Data Use Guidelines* on the Department webpage www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data). Please review the webpage for information on how to access the database to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the Project. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the Project site. Other sources for identification of species and habitats near or adjacent to the Project area should include, but may not be limited to, State and federal resource agency lists, California Wildlife Habitat Relationship System, California Native Plant Society Inventory, agency contacts, environmental documents for other projects in the vicinity, academics, and professional or scientific organizations. Only with sufficient data and information can the Lead Agency adequately assess which special-status species are likely to occur in the Project vicinity.

According to Biogeographic Information and Observation System (BIOS) records, the Project site contains positive detections of several special-status species and has the potential to support numerous special-status species and their associated habitat. Species with potential to occur on-site include but are not limited to those listed in Attachment 1.

I. Environmental Setting and Related Impact Shortcoming

Would the Project 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 CDFW or U.S. Fish and Wildlife Service (USFWS)?

COMMENT 1: Nesting Bird Surveys

The Project area includes over a dozen mature trees. The draft SEIR does not identify the number of trees that will be removed or the potential impacts to birds. The Project has the potential to disturb special-status species and nesting habitat for birds and raptors; however, the draft SEIR does not state that baseline data will be collected if active nests are discovered.

To evaluate and avoid for potential impacts to nesting bird species, CDFW recommends incorporating the following mitigation measures, and that these measures be made conditions of approval for the Project:

- **Nesting Bird Surveys.** If Project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a professional biologist experienced with the applicable species and habitat shall conduct two surveys for active nests of such birds within 14 days prior to the beginning of Project construction, with a final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys shall be conducted at the appropriate times of day and during appropriate nesting times.
- **Nesting Bird Buffers:** CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival.

COMMENT 2: Bats

The Project area includes over a dozen mature trees. The draft SEIR does not identify the number of trees that will be removed or the potential impacts to bats. The Project has the potential to disturb bat habitat. In order to determine the extent to which impacts may occur to bats and determine where habitat loss may occur from the removal of

trees, the draft SEIR should propose measures to conduct a bat habitat assessment of suitable bat roosting habitat.

The habitat assessment shall include a visual inspection of features within the work area for potential roosting features including trees, crevices, and hollow areas (bats need not be present). include a visual inspection of features within 200 feet of the work area for potential roosting features including trees, crevices, and hollow areas (bats need not be present). The draft SEIR should also include a section that discusses the results of the suitable habitat assessment and if any bats or signs of bats (feces or staining at entry/exit points) are discovered. The surveys should occur at least two seasons in advance of Project initiation. The draft SEIR should include:

- Bat Habitat Monitoring by a qualified biologist of suitable habitat from March 1 to April 1 or August 31 to October 15 prior to construction activities. If the focused survey reveals the presence of roosting bats, then the appropriate exclusionary or avoidance measures will be implemented prior to construction during the period between March 1 to April 15 or August 31 to October 15.
- Bat Project Avoidance: If active bat roosts are observed during environmental assessments or during construction, at any time, all Project activities should stop until the qualified biologist develops a bat avoidance plan to be implemented at the Project site. The bat avoidance plan should utilize seasonal avoidance, phased construction as well as temporary and permanent bat housing structures developed in coordination with CDFW.

COMMENT 3: Crotch's bumble bee

Crotch's bumble bee (*Bombus crotchii*) are candidate species under CESA (CEQA Guidelines, §15380, subds. (c)(1)). The draft SEIR does not address whether the proposed Project could result in impacts to Crotch's bumble bee. Crotch's bumble bee occurrences have been documented in the County (CDFW 2023). The Project location is within the Crotch's bumble bee range (<https://wildlife.ca.gov/Conservation/CESA>) and grassland within and adjacent to the Project area may contain potential habitat for Crotch's bumble bee.

The Project includes areas within ruderal grass and herbaceous vegetation and that may be potential Crotch's bumble bee nesting and foraging habitat. Potential impacts include direct mortality through crushing or filling of active bee colonies and hibernating bee cavities, reduced reproductive success, loss of suitable breeding and foraging habitats, loss of native vegetation that may support essential foraging habitat.

To evaluate and avoid for potential impacts to bumble bees, CDFW recommends incorporating the following mitigation measures, and that these measures be made conditions of approval for the Project:

- **Habitat Assessment.** A habitat assessment shall be conducted by a qualified entomologist knowledgeable with the life history and ecological requirements of Crotch's bumble bee. The habitat assessment shall include all suitable nesting, overwintering, and foraging habitats within the Project area and surrounding areas. Potential nest habitat (February through October) could include that of other *Bombus* species such as bare ground, thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs. Overwintering habitat (November through January) could include that of other *Bombus* species such as soft and disturbed soil or under leaf litter or other debris. The habitat assessment shall be conducted during peak bloom period for floral resources on which Crotch's bumble bee feed. Further guidance on habitat surveys can be found within *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (<https://wildlife.ca.gov/Conservation/CESA>).
- **Survey Plan:** If Crotch's bumble bee habitat is present within the Project area, a pre-construction survey plan shall be developed and be submitted to CDFW for review and approval. Surveys shall be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bee. If CESA candidate bumble bee will be captured or handled, surveyors should obtain a 2081(a) Memorandum of Understanding (MOU) from CDFW. Surveys shall be conducted during the colony active period (i.e. April through August) and when floral resources are in peak bloom. Bumble bees move nests sites each year, therefore, surveys shall be conducted each year that Project work activities will occur. Further guidance on presence surveys can be found within *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* referenced above.
- **Crotch's Bumble Bee Avoidance or Take Authorization:** If Crotch's bumble bee are detected during pre-construction surveys, a Crotch's bumble bee avoidance plan shall be developed and provided to CDFW for review prior to work activities involving ground disturbance or vegetation removal. If full take avoidance is not feasible, CDFW strongly recommends that the Project proponent apply to CDFW for take authorization under an ITP.

COMMENT 4: Western Burrowing Owl

Burrowing owl (*Athene cunicularia*) is designated by CDFW as a California State Species of Special Concern (SSC) due to population decline and breeding range

retraction. The species has also experienced a severe population decline in the County. Known populations of burrowing owl occur within and adjacent to the Project area.

The Project includes areas within ruderal grass and herbaceous vegetation that may be potential burrowing owl habitat. Direct mortality could occur through crushing of adults or young within burrows, loss of nesting burrows, loss of nesting habitat, loss of foraging habitat resulting in reduced nesting success (loss or reduced health or vigor of eggs or young), nest abandonment, and reduced frequency or duration of care for young resulting in reduced health or vigor of young.

To evaluate and avoid for potential impacts to burrowing owl, CDFW recommends incorporating the following mitigation measures, and that these measures be made conditions of approval for the Project:

- **Habitat Assessment and Surveys:** The draft SEIR should include a thorough habitat assessment of potential burrowing owl habitat within and adjacent to the Project area. A professional biologist experienced with burrowing owl and their habitat should conduct a field assessment that includes all areas that could be directly or indirectly impacted by the Project and include data such as vegetation type, vegetation structure and presence of burrows. Specific information on habitat assessment, burrowing owl survey methods, buffer distances and mitigation is provided in the CDFW Staff Report on Burrowing Owl Mitigation, dated March 7, 2012, and available at <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is

Jay Lee
City of Milpitas
August 13, 2024
Page 10

required in order for the underlying project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the draft SEIR to assist the Lead Agency in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Marcus Griswold, Senior Environmental Scientist (Specialist), at (707) 815-6451 or Marcus.Griswold@wildlife.ca.gov, or Jason Faridi, Senior Environmental Scientist (Supervisory), at Jason.Faridi@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell

B77E9A6211EF486

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Special-Status Species and Commercially/Recreationally Important Species

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024070432)
Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov

REFERENCES

California Department of Fish and Wildlife (CDFW). 2024. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed July 15, 2024.

ATTACHMENT 1:
Special-Status Species

Species	Status
Fish and Invertebrates	
Crotch's bumble bee (<i>Bombus crotchii</i>)	State Candidate (SC)
Birds	
burrowing owl (<i>Athene cunicularia</i>)	State Species of Special Concern (SSC)
Swainson's hawk (<i>Buteo swainsoni</i>)	State Threatened (ST)
tricolored blackbird (<i>Agelaius tricolor</i>)	
white-tailed kite (<i>Elanus leucurus</i>)	State Fully Protected (FP)
Mammals	
San Francisco dusky-footed woodrat (<i>Neotoma fuscipes annectens</i>)	SSC
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>)	SSC
western mastiff bat (<i>Eumops perotis californicus</i>)	SSC
Plants	
Congdon's tarplant (<i>Centromadia parryi</i> ssp. <i>congdonii</i>)	S2, 1B.1
Halls Mallow (<i>Malacothamnus hallii</i>)	S2, 1B.2



NATIVE AMERICAN HERITAGE COMMISSION

July 19, 2024

Jay Lee
City of Milpitas
455 E. Calaveras Blvd.
Milpitas CA 95035

CHAIRPERSON
Reginald Pagaling
Chumash

VICE-CHAIRPERSON
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

SECRETARY
Sara Dutschke
Miwok

PARLIAMENTARIAN
Wayne Nelson
Luiseño

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Laurena Bolden
Serrano

COMMISSIONER
Reld Milanovich
Cahuilla

COMMISSIONER
Bennae Calac
Pauma-Yuima Band of
Luiseño Indians

EXECUTIVE SECRETARY
**Raymond C.
Hitchcock**
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

Re: 2024070432, Gateway-Main Street Specific Plan Project, Santa Clara County

Dear Mr. Lee:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that 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. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- Avoidance and preservation of the resources in place, including, but not limited to:
 - Planning and construction to avoid the resources and protect the cultural and natural context.
 - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource.
 - Protecting the traditional use of the resource.
 - Protecting the confidentiality of the resource.
 - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
- The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cody.Campagne@NAHC.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

Cc: RE: Notice of Preparation of a Draft Subsequent Environmental Impact Report for the Gateway-Main Street Specific Plan Project, Milpitas
Tuesday, August 13, 2024 12:39:18 PM
Subject: [image002.png](#)
[image004.png](#)
Date: [FINAL Interim Water Pipeline Right of Way Policy.pdf](#)
Attachments: [FINAL-Amended Right of Way Integrated Vegetation Management Policy.pdf](#)

CAUTION: EXTERNAL SENDER

This email originated from outside the organization. Do NOT click links or open attachments unless you recognize the sender and know the content is safe. [Report suspicious messages](#) to the IT Helpdesk.

Dear Mr. Lee:

Thank you for the notice of Draft Subsequent Environmental Impact Report (SEIR) for the above-referenced project pursuant to the California Environmental Quality Act (CEQA). We appreciate the opportunity for the San Francisco Public Utilities Commission (SFPUC) to provide comments on the scope of the SEIR.

The City and County of San Francisco owns in fee several parcels, and one easement, within the project site for the Milpitas Gateway-Main Street Specific Plan (Plan). These parcels constitute the SFPUC's right-of-way (ROW) for its Bay Division Pipeline Nos. 3 and 4 and are identified by the following Assessor's Parcel Numbers:

083-20-005
083-13-014
083-13-009
086-25-010
086-25-006 (SFPUC Easement)

In the SEIR Notice of Preparation (NOP), Figure 2 depicts the SFPUC's ROW parcels within an existing zone, "Parks and Open Space (POS)". According to the NOP, the Milpitas General Plan 2040 includes policies to update and implement the Plan. While the Milpitas General Plan 2040 appears to simply designate the SFPUC ROW parcels as "MGSP-Milpitas Gateway-Main Street Specific Plan", the 1994 General Plan for Milpitas designates the SFPUC ROW between I-880 and Hammond Way as having an open space land use designation.

Since the Plan does not appear to have a physical effect on the SFPUC's ROW within the project site, the following comments are more general and concern the SFPUC's role in the Plan's environmental review process, the policies of the SFPUC that should be included in the land use analysis of the SEIR, and the process for reviewing future projects on the SFPUC's ROW.

SEIR Scoping Comments

The SFPUC should be listed as a responsible agency since it is foreseeable that improvements could be proposed on the SFPUC ROW property, which could result in a discretionary action by the SFPUC that would require the SFPUC to draft responsible agency findings pursuant to the California Environmental Quality Act (CEQA).

In addition, SFPUC land use policies should be included in the land use analysis of the SEIR. Land use and planning analyses under CEQA generally consider the compatibility of a project with neighboring areas, change to or displacement of existing uses, and consistency of a project with relevant local land use policies. The magnitude of land use conflicts or compatibility issues depends on the extent to which a project physically divides an established community or conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect such that an adverse impact on the environment occurs.

The SFPUC maintains policies to help inform how and in which instances its ROW can serve the needs of public agencies, private parties, nonprofit organizations, and developers while maintaining the safety and security of the pipelines that run underneath the ROW. SFPUC policies pertain to land use and structures, recreational use, utilities, vegetation, and water efficiency. Construction of structures on the ROW is generally prohibited, with prohibitions on structures or improvements that require excavation, bored footings, or concrete pads that are greater than 6 inches deep. No structures may be placed directly on top of a pipeline or within 20 feet of the edge of a pipeline. No utilities may be installed on the ROW running parallel to SFPUC's pipelines; utilities may run perpendicular to pipelines with SFPUC approval.

According to SFPUC's Interim Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties (copy

attached), the SFPUC typically issues 5-year licenses for use of its property, with a form of rent and insurance required upon signing. These licenses are revocable, meaning that the SFPUC can revoke them prior to the 5-year expiration. The licensee (user of SFPUC property) is to maintain landscaping and equipment to ensure that water is used efficiently. Water runoff leaving a landscaped area due to low head drainage, overspray, broken irrigation hardware, or other similar conditions is prohibited. Structures on the ROW are generally prohibited under SFPUC's policies.

The SFPUC's Right of Way Integrated Vegetation Management Policy (copy attached) was established to manage vegetation on the transmission, distribution, and collection systems within SFPUC's ROW so that it does not pose a threat or hazard to the system's integrity and infrastructure or impede utility maintenance and operations. These policies include regulations on the types of plantings that are permitted to occur within each zone of the ROW, regulations on annual grass and weed management, and policies pertaining to vegetation removal.

The SFPUC ROWs are primarily used for utility purposes and are vital to the reliable operation of a regional water system. The SFPUC has policies that limit third-party uses and improvements on San Francisco property due to the presence of high-pressure, subsurface water transmission lines and appurtenances and other infrastructure located above-grade. Please see the attached Interim Water Pipeline ROW Use Policy and Integrated Vegetation Management Policy for more information about restrictions on the ROW.

Certain secondary uses by third parties on SFPUC property are allowed under a fee-based lease or license agreement requiring payment of fair market value to the SFPUC. Such a secondary use may occur only if the SFPUC determines that the secondary use benefits the SFPUC and does not in any way interfere with, endanger, or damage existing or future SFPUC operations, security, or facilities.

The SFPUC prohibits any use on its ROW property that:

1. Cannot be removed promptly, to allow SFPUC construction, maintenance, or emergency repairs of its facilities.
2. Would conflict with SFPUC legal obligations to adjoining property owners or tenants. Some SFPUC parcels in the City of Milpitas could be subject to easements or other agreements held by adjoining landowners or third parties which may present conflicts with a proposed use. Further research by the SFPUC's Real Estate Services would be needed to determine whether certain SFPUC parcels are available for a proposed use.
3. Would conflict with the resolution of unauthorized third-party encroachments that currently exist on some SFPUC ROW parcels.
4. Would create an unreasonable burden for the SFPUC (or its ratepayers) in the use of its property for utility purposes. The SFPUC reasonably anticipates that its property in the City of Milpitas will be available for future utility infrastructure and capital projects. Revocable licenses and leases issued by the SFPUC contain standard language requiring any lessee or licensee of SFPUC lands to mitigate the effects for the disruption of its recreational use on SFPUC lands, even if the SFPUC is causing the disruption of the recreational use. This includes required mitigation under CEQA.
5. Is otherwise inconsistent with SFPUC plans and policies.

This list is not exhaustive. The SFPUC retains the right to disallow any use that, at the SFPUC's sole discretion, may interfere with, endanger or damage existing or future SFPUC operations, security, or facilities.

SFPUC Project Review Process

Proposed projects and other activities on any San Francisco property must undergo the Project Review Process if the project will include construction; digging or earth moving; clearing; installation; the use of hazardous materials; other disturbance to watershed and ROW resources; or the issuance of new or revised leases, licenses and permits. This review is done by the SFPUC's Project Review Committee (Committee).

The Committee is a multidisciplinary team with expertise in natural resources management, environmental regulatory compliance, engineering, water quality and real estate. Projects and activities are vetted by the Committee for consistency with SFPUC plans and policies.

In reviewing a proposed project, the Committee may conclude that modifications or avoidance and minimization measures are necessary. Large and/or complex projects may require several project review sessions to review the project at significant planning and design stages.

To initiate the Project Review process, please download and fill out a Project Review application at <https://www.sfpuc.gov/construction-contracts/lands-rights-of-way/project-review-and-land-use-bay-area>. Please submit the completed application to projectreview@sfwater.org and it will be scheduled for the next available Project Review meeting.

If you have any questions or need more information, please contact me.

Sincerely,

Joanne Wilson

Joanne Wilson
Senior Land and Resources Planner
Natural Resources and Lands Management Division
Water Enterprise
1657 Rollins Road
Burlingame, CA 94010

Please consider the environment before printing this email.

Hetch Hetchy Regional Water System
Operated by San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission



To: Valley Water File 26436 - Notice of Preparation of A Draft Subsequent Environmental Impact Report for the
Subject: Gateway-Main Street Specific Plan Project
Tuesday, August 13, 2024 4:41:50 PM
Date: [image001.png](#)
Attachments:

CAUTION: EXTERNAL SENDER

This email originated from outside the organization. Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Report suspicious messages to the IT Helpdesk.

Hi Jay,

The Santa Clara Valley Water District (Valley Water) has reviewed the Notice of Preparation (NOP) for the Draft Subsequent Environmental Impact Report (SEIR) for the proposed Gateway-Main Street Specific Plan, received on July 11, 2024.

Based on our review, we have the following comments:

1. The Gateway – Main Street Specific Plan will increase the allowable residential density in the project area. If the changes allow 500 additional housing units or more, the City should prepare a Water Supply Assessment to evaluate the proposal's consistency with the City's Urban Water Management Plan and available water supplies to serve the development. The City's Urban Water Management Plan assumes a substantial increase in water conservation to meet future water demand (as does the Urban Water Management Plan for Valley Water). Valley Water encourages the City to help meet this goal by requiring all available water conservation measures in new development and redevelopment. Valley Water has been working with jurisdictions throughout the county on a Model Water Efficient New Development Ordinance that the City may consider to ensure there are sufficient water supplies are available into the future.
2. Valley Water owns fee title property and easements for Valley Water's Milpitas Pipeline and Lower Penitencia Creek within the plan area. In accordance with Valley Water's Water Resources Protection Ordinance, any work within Valley Water fee title property or easements or that impacts Valley Water's facilities will require a Valley Water encroachment permit. Issuance of an encroachment permit is a discretionary act under CEQA. More information can be found on our website here:
<https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-working-district-land-or-easement/encroachment-permits>.

We appreciate the opportunity to review and provide comments on this NOP for the Draft SEIR for the Gateway-Main Street Specific Plan. Please include us on future review opportunities regarding this project.

This project has been assigned to Valley Water File 26436. Please reference this number on future correspondence regarding this project.

Thank you,

MATT SASAKI

Pronouns: he/him

Acting Associate Engineer - Civil

Community Projects Review Unit

msasaki@valleywater.org

Tel. (408) 630-3776

Santa Clara Valley Water District is now known as:



Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118

www.valleywater.org

Appendix B

Air Quality, Greenhouse Gas, and
Energy Model Calculations

Milpitas Summary Tables

Operational Criteria Air Pollutants

Proposed Gateway-Main Street Specific Plan Operations Table (daily ave)					
Emissions Source	ROG (lb/day)	NOx (lb/day)	CO (lb/day)	PM ₁₀ Exhaust (lb/day)	PM _{2.5} Exhaust (lb/day)
Mobile	138.0	87.7	1543.0	1.3	1.2
Area	184.0	3.8	186.0	0.2	0.2
Energy	1.8	3.4	21.4	2.5	2.5
Total Emissions	323.8	122.1	1754.4	4.0	3.9
Per service Population	0.0389	0.0058	0.0872	0.0002	0.0002

Operational GHG Emissions

Proposed Gateway-Main Street Specific Plan Annual GHG Emissions	
Emissions Sector	MTCO ₂ e
Mobile Source	54,163
Area Sources	258
Energy	10,983
Water Consumption	1,168
Wastewater Treatment	1,895
Refrigerants	52
Total Operational GHG Emissions	68,618
GHG Emissions per Service Population	3.3

Energy Summary

Proposed Gateway-Main Street Specific Plan Energy Summary				
Source	Gas (gal)	Diesel (gal)	kwh	kBTU
Mobile Sources	5,668,744	1,463,371		
Electricity			49,282,572	
Natural Gas				119,870,521
Usage Per Service Population	258.55	66.74	2,248	5,467

Metric	Consumption	Units
VMT	195,800,600	Annual Miles
Trips Generated	20,703,896	Annual Trips
VMT per Service Population	8930	VMT/SP
Gallons of Gasoline	5,668,744	Gallons
Gallons of Diesel	1,463,371	Gallons
Gallons of Gasoline per Service Population	258.6	Gallons/SP
Gallons of Diesel per Service Population	66.7	Gallons/SP

Plan	VMT (Annual)	Service Population	Jobs	Annual VMT per population	ADT
Adopted Milpitas Midtown Specific Plan	250,360,800	20,468	5,540	26,197	37,759
Proposed Gateway-Main Street Specific Plan	195,800,600	21,925	7,223	15,194	56,723
Change	-54,560,200	1,458	1,683	-11,003	18,964
Percent Change	-21.8%	7.1%	30.4%	-42.0%	50.2%

Adopted Milpitas Midtown Specific Plan Operations Table (daily ave)					
Emissions Source	ROG (lb/day)	NOx (lb/day)	CO (lb/day)	PM ₁₀ Exhaust (lb/day)	PM _{2.5} Exhaust (lb/day)
Mobile	94.2	59.8	1285.0	1.8	1.5
Area	188.0	2.5	179.0	0.3	0.2
Energy	2.3	4.1	28.9	2.2	3.2
Total Emissions	284.5	127.4	1492.9	5.0	4.9
Emissions Per Pop	0.0339	0.0087	0.0881	0.0002	0.0002

Adopted Milpitas Midtown Specific Plan Annual	
Emissions Sector	MTCO ₂ e
Mobile Source	68,317
Area Sources	292
Energy	34,937
Water Consumption	1,506
Wastewater Treatment	1,948
Refrigerants	53
Total Operational GHG Emissions	87,053
GHG Emissions per Service Population	4.25

Adopted Milpitas Midtown Specific Plan Energy Summary				
Source	Gas (gal)	Diesel (gal)	kwh	kBTU
Mobile Sources	7,248,350	1,871,142		
Electricity			70,920,025	
Natural Gas				156,176,855
Usage Per Service Population	354.17	91.43	3,465	7,631

Metric	Consumption	Units
VMT	250,360,800	Annual Miles
Trips Generated	13,782,035	Annual Trips
VMT per Service Population	12233	VMT/SP
Gallons of Gasoline	7,248,350	Gallons
Gallons of Diesel	1,871,142	Gallons
Gallons of Gasoline per Service Population	354.2	Gallons/SP
Gallons of Diesel per Service Population	91.4	Gallons/SP

CALEEMOD INPUTS

1. Land Use

Proposed Gateway-Main Street Specific Plan					
Land Use Type	Units	Acres	SF	Landscape	Source
Single Family Homes	48		24	57025	GP Capacity Assumptions for MSP • Proposed LU Parcel
High Rise Apartments	2771		87	2371909	
Condo Rise High	2357		107	2490491	
Office Park			113.1017971	880.397	
Heavy Industrial			109.9797157	1049258	
Library			76.94251414	129011.4	
parks			17.38251414	378591.2	
Total Non Residential SF		2058666.199			
Total Units		5176			
Total Acreage		535			

2. VMT and trip gen and population

VMT	Daily VMT	Annual VMT	Source
Adopted Milpitas Midtown Specific Plan	685920	250360800	Fehr & Peers Traffic Impact Analysis
Proposed Gateway-Main Street Specific Plan	536440	195800600	Fehr & Peers Traffic Impact Analysis
Trip Generation			
	Annual Trips	Annual Trips	Source
Adopted Milpitas Midtown Specific Plan	37,759	13782035	CalEEMod Default
Proposed Gateway-Main Street Specific Plan	56,723	20703895	CalEEMod Default
Population			
	Buildout Year 2040		Source
Adopted Milpitas Midtown Specific Plan	20466		Fehr & Peers Traffic Impact Analysis
Proposed Gateway-Main Street Specific Plan	21925		Fehr & Peers Traffic Impact Analysis

Adopted Milpitas Midtown Specific Plan					
Land Use Type	Units	Acres	SF	Landscape	Source
Apt Low Rise	1773	97.02	1879380		GP Capacity Assumptions for MSP
Apt Mid Rise	2065	106.76	1982400		
Office Park		140.92	2,075,943		
Heavy Industrial		105.23	1090349		
Library		72.15	126948		
parks		12.59		274210.2	
Total Non Residential SF	3,293,240				
Total Units	3838				
Total Acreage	534.67				

Project Details

Current Project: Gateway-Main Street Specific Plan
 Existing: Milpitas Midtown Specific Plan
 Current Project is updating the adopted Milpitas Midtown Specific Plan

The Specific Plan proposes a new project area boundary which includes additional areas that currently have other designations in the General Plan Land Use Element and removes areas south of Great Mall Parkway that were included in the Midtown Plan.

Land Use Type	General Plan	Proposed Specific Plan	Change	Residential SF (RP)	Residential SF (Proposed)	Change
Residential	3,838 DU	5,176 DU	1,338 DU	4919425		-101881.0576
Non-Residential	3,293,240 SF	2,058,666 SF	-1,234,574 SF		4917544.319	

Adopted Milpitas Midtown Specific Plan Land Uses by District		
District	Land Use	Acreage
Abbott	Commercial	23.52330352
	Industrial	20.8920755
Creekside	Industrial	27.80115869
	Mixed Use	0.618903116
Crossroads	Commercial	25.62169579
	Mixed Use	26.0693422
Curtis	Multi Family Res	34.88312591
	Parks	3.617841724
Elmwood	Institutional	62.1556693
Gateway	Commercial	22.06336865
	Institutional	5.49989409
Library	Mixed Use	7.091550917
	Parks	2.858719917
Main Street	Institutional	4.352593148
	Mixed Use	31.98687463
Main Street	Multi Family Res	14.77267041
	Parks	2.470819645
North Railyards	Industrial	77.36577319
	Multi Family Res	2.70058401
South Railyards	Industrial	77.33924966
	Multi Family Res	2.670058401
Transportation	Town Center	0.026523529
	Multi Family Res	51.5768425
Waterways	Transportation	19.29206289
West of Abel	Waterways	11.57071557
	Commercial	1.029356176
Total	Multi Family Res	33.17693374
	Parks	3.977779644
Total	Single Family Res	12.01506544
		528.9542847

Proposed Gateway-Main Street Specific Plan Land Uses by District		
District	Land Use	Acreage
Abbott	Commercial	43.39016505
	Parks	1.025213978
Creekside	Industrial	28.42006181
Crossroads	Mixed Use	51.69103799
Curtis	Multi Fam Res	34.88312591
	Parks	3.617841724
Elmwood	Institutional	62.1556693
Gateway	Mixed Use	22.06336865
	Parks	3.012890567
Library	Institutional	6.670412014
	Mixed Use	5.766952342
Main Street	Institutional	4.352593148
	mixed use	32.3509352
North Railyards	Multi Fam Res	14.40860984
	Parks	2.470819645
South Railyards	Industrial	77.36577319
	Parks	2.70058401
Transportation	Multi Family Res	51.5768425
	Industrial	19.29206289
Waterways	Industrial	5.704301708
	Waterways	5.866413864
West of Abel	Multi Family Res	30.74695406
	Commercial	1.029356176
Total	Parks	4.920850758
	Single Family Res	13.50197401
Total		528.9542847

Changes		
District	Land Use	Acreage Change
Abbott	Commercial	19.86686152
	Industrial	-19.86686152
Creekside	Industrial	0.618903116
	Mixed Use	-0.618903116
Crossroads	Commercial	-25.62169579
	Mixed Use	25.62169579
Curtis	Multi Family Res	0
	Parks	0
Elmwood	Institutional	0
	Commercial	-22.06336865
Gateway	Mixed Use	22.06336865
	Institutional	1.170427924
Library	Mixed Use	-1.324598574
	Parks	0.15417065
Main Street	Institutional	0
	Mixed Use	0.364060571
North Railyards	Multi Family Res	-0.364060571
	Parks	0
South Railyards	Industrial	0.026523529
	Multi Family Res	0
Transportation	Town Center	-0.026523529
	Multi Family Res	0
Waterways	Transportation	-19.29206289
	Industrial	19.29206289
West of Abel	Waterways	-5.704301708
	Commercial	0
Total	Multi Family Res	-2.42997968
	Parks	0.943071114
Total	Single Family Res	1.486908567
		1.13687E-13

Adopted Milpitas Midtown Specific Plan Land Uses by Acreage		
Land Use	Acreage	
Commercial	72.23772414	
Industrial	126.0324838	
Mixed Use (commercial)	65.76667085	
Multi Family Res	137.079631	
Parks	12.92516093	
Institutional	72.00824654	
Town Center	0.026523529	
Transportation	19.29206289	
Waterways	11.57071557	
Single Family Residential	12.01506544	
Total	528.9542847	
Dwelling Units	3838	
NON RES SF	3293240	
total res	214.8613673	

Proposed Gateway-Main Street Specific Plan Land Uses by Acreage		
Land Use	Acreage	
Commercial	44.41952122	
Industrial	130.7821996	
Mixed Use	111.8722942	
Multi Family Res	131.6155323	
Parks	17.71767507	
Institutional	73.17867446	
Town Center	0	
Transportation	0	
Waterways	5.866413864	
Single Family Residential	13.50197401	
Total	528.9542847	
Dwelling Units	5176	
NON RES SF	2058666	
total res	256.9898005	

Changes			
Land Use	Acreage	% of total Non Res Change	Change is SF
Commercial	-27.81820291	-39%	-1195546.05
Industrial	4.749715746	-4%	-41091.37308
Mixed Use	46.10562332		
Multi Family Res	-5.464098652		
Parks	4.792514143		
Institutional	1.170427924	2%	2063.423166
Town Center	-0.026523529		
Transportation	-19.29206289		
Waterways	-5.704301708		
Single Family Res	1.486908567		
Total	0		
Dwelling Units	1338		
NON RES SF	1234574		-1234574
total res	42.12943323		
Non res	-18.27597303		

	Daily VMT	Annual VMT	Trips (daily)	Trips (annual)	Population	Daily VMT per Population		Annual VMT per Population
Cumulative	685,920	250,360,800		37,759	13,782,035	20466	33.51509821	12233
Cumulative + Project	536,440	195,800,600		56,723	20,703,895	21925	24.46704675	8930
Difference	-149,480	-54,560,200		18,964	6,921,860	1,459	-9	-3,303
Source:	Fehr and Peers	Calculated	Fehr and Peers	Calculated	Fehr and Peers	Calculated	Calculated	

General Plan Assumptions for Midtown Specific Plan

General Plan* Use	Midtown Specific Plan Use	Density and Intensity	Total General Plan Acreage	Existing Housing Units	Net New Housing Units at Build-Out	Total Housing Units at Build-Out	Existing Non-Residential Area	Net New Non-Residential Area at Build-Out	Non-Residential Area at Build-Out
MFH - Multi-Family High Density	MFH - Multifamily Residential, High Density	12-20 units/acre (apts low rise)	32.17	674	5	679			0
VHD - Multi-Family Very High Density	VHD - Multifamily Residential, Very High Density	31-40 units/acre (apt mid rise)	106.76	1,593	472	2,065			0
MXD - Mixed Use	MXD - Mixed Use	21-30 units/acre; max. 0.75 FAR (Apt low ri	64.85	134	958	1,092	631,808	487,595	1,119,403
GNC - General Commercial	C2 - General Commercial	max. 0.5 FAR	66.47			0	604,874	389,409	994,283
MFG – Manufacturing/Heavy Industrial	M2 - Heavy Industrial	max. 0.4 FAR	105.23	2		2	383,073	705,336	1,088,409
RSC - Neighborhood Commercial	C1 - Neighborhood Commercial	max. 0.35 FAR	9.6			0	109,999		109,999
INP - Industrial Park	MP - Industrial Park	max 1.0 FAR	0.73			0	1,940		1,940
PF - Public Facilities	I- Institutional	none	72.15			0	126,948		126,948
POS - Parks and Open Space	POS - Parks and Open Space		12.59			0			0
Right-of-Way	Right-of-Way		14.28			0			0
Water Way	Water Way		11.86			0			0
Non-Conforming VHD Use	Non-Conforming VHD Use					0	147,742	-147,742	-147,742
Total	Total		496.69	2,403	1,435	3,838	1,858,642	1,434,598	3,293,240
						3,838			3,293,240

* Note: Based on Milpitas Midtown Specific Plan boundary

Mixed Use Assumptions:

- 64.85 Total acres

25 units per acre

1092 units

43.68 acres of residential

21.17 Acres of Commercial

168926.7792 SF of commercial
- 66.47 General Commercial Acreage

994,283 General Commercial SF

2895433.2 Acres to SF

34.3% SF of commercial as %

Milpitas Proposed Gateway-Main Street Specific Plan Detailed Report

Table of Contents

- 1. Basic Project Information
 - 1.1. Basic Project Information
 - 1.2. Land Use Types
 - 1.3. User-Selected Emission Reduction Measures by Emissions Sector
- 2. Emissions Summary
 - 2.4. Operations Emissions Compared Against Thresholds
 - 2.5. Operations Emissions by Sector, Unmitigated
- 4. Operations Emissions Details
 - 4.1. Mobile Emissions by Land Use
 - 4.1.1. Unmitigated
 - 4.2. Energy
 - 4.2.1. Electricity Emissions By Land Use - Unmitigated
 - 4.2.3. Natural Gas Emissions By Land Use - Unmitigated
 - 4.3. Area Emissions by Source
 - 4.3.1. Unmitigated

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

5. Activity Data

5.9. Operational Mobile Sources

5.9.1. Unmitigated

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

5.10.2. Architectural Coatings

5.10.3. Landscape Equipment

5.11. Operational Energy Consumption

5.11.1. Unmitigated

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

5.13. Operational Waste Generation

5.13.1. Unmitigated

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

5.16.2. Process Boilers

5.17. User Defined

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

5.18.2. Sequestration

5.18.2.1. Unmitigated

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

6.2. Initial Climate Risk Scores

6.3. Adjusted Climate Risk Scores

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

7.2. Healthy Places Index Scores

7.3. Overall Health & Equity Scores

7.4. Health & Equity Measures

7.5. Evaluation Scorecard

7.6. Health & Equity Custom Measures

8. User Changes to Default Data

1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Milpitas Proposed Gateway-Main Street Specific Plan
Operational Year	2040
Lead Agency	—
Land Use Scale	Plan/community
Analysis Level for Defaults	County
Windspeed (m/s)	3.00
Precipitation (days)	31.0
Location	37.4293904108645, -121.89580436347518
County	Santa Clara
City	Milpitas
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1999
EDFZ	1
Electric Utility	Pacific Gas & Electric Company
Gas Utility	Pacific Gas & Electric
App Version	2022.1.1.28

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Single Family Housing	48.0	Dwelling Unit	24.0	57,025	342,526	—	144	—

Apartments High Rise	2,771	Dwelling Unit	87.0	2,371,909	—	—	8,285	—
Condo/Townhouse High Rise	2,357	Dwelling Unit	107	2,490,491	—	—	7,047	—
Office Park	880	1000sqft	113	880,397	—	—	—	—
General Heavy Industry	1,049	1000sqft	110	1,049,258	—	—	—	—
Library	129	1000sqft	76.9	129,001	—	—	—	—
City Park	17.4	Acre	17.4	0.00	378,591	378,591	—	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

No measures selected

2. Emissions Summary

2.4. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	349	331	165	1,598	3.89	8.12	378	386	7.97	95.9	104	4,403	474,929	479,332	462	14.9	486	495,827
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	303	288	176	1,100	3.66	7.83	378	386	7.75	95.9	104	4,403	452,914	457,317	463	16.1	316	473,996
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	317	304	122	1,255	3.39	3.97	371	375	3.86	94.0	97.8	4,403	393,513	397,916	462	15.5	386	414,456
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Unmit.	57.8	55.4	22.3	229	0.62	0.73	67.7	68.4	0.70	17.2	17.9	729	65,150	65,880	76.4	2.56	64.0	68,618
--------	------	------	------	-----	------	------	------	------	------	------	------	-----	--------	--------	------	------	------	--------

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	132	122	79.5	1,170	3.35	1.28	378	380	1.20	95.9	97.1	—	341,194	341,194	9.78	11.4	175	345,009
Area	213	207	54.2	406	0.34	4.40	—	4.40	4.32	—	4.32	0.00	65,600	65,600	1.26	0.13	—	65,671
Energy	3.54	1.77	31.4	21.4	0.19	2.45	—	2.45	2.45	—	2.45	—	65,959	65,959	7.86	0.61	—	66,338
Water	—	—	—	—	—	—	—	—	—	—	—	1,132	2,176	3,308	116	2.80	—	7,054
Waste	—	—	—	—	—	—	—	—	—	—	—	3,271	0.00	3,271	327	0.00	—	11,445
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	311	311
Total	349	331	165	1,598	3.89	8.12	378	386	7.97	95.9	104	4,403	474,929	479,332	462	14.9	486	495,827
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	129	119	93.3	1,057	3.15	1.28	378	380	1.20	95.9	97.1	—	320,333	320,333	10.7	12.5	4.53	324,336
Area	170	167	50.8	21.6	0.32	4.11	—	4.11	4.11	—	4.11	0.00	64,447	64,447	1.21	0.12	—	64,514
Energy	3.54	1.77	31.4	21.4	0.19	2.45	—	2.45	2.45	—	2.45	—	65,959	65,959	7.86	0.61	—	66,338
Water	—	—	—	—	—	—	—	—	—	—	—	1,132	2,176	3,308	116	2.80	—	7,054
Waste	—	—	—	—	—	—	—	—	—	—	—	3,271	0.00	3,271	327	0.00	—	11,445
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	311	311
Total	303	288	176	1,100	3.66	7.83	378	386	7.75	95.9	104	4,403	452,914	457,317	463	16.1	316	473,996
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	128	118	87.7	1,043	3.18	1.28	371	372	1.20	94.0	95.2	—	323,221	323,221	10.3	12.1	75.4	327,148
Area	186	184	2.96	190	0.02	0.24	—	0.24	0.21	—	0.21	0.00	2,158	2,158	0.05	0.01	—	2,162
Energy	3.54	1.77	31.4	21.4	0.19	2.45	—	2.45	2.45	—	2.45	—	65,959	65,959	7.86	0.61	—	66,338

Water	—	—	—	—	—	—	—	—	—	—	—	1,132	2,176	3,308	116	2.80	—	7,054
Waste	—	—	—	—	—	—	—	—	—	—	—	3,271	0.00	3,271	327	0.00	—	11,445
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	311	311
Total	317	304	122	1,255	3.39	3.97	371	375	3.86	94.0	97.8	4,403	393,513	397,916	462	15.5	386	414,456
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	23.3	21.5	16.0	190	0.58	0.23	67.7	67.9	0.22	17.2	17.4	—	53,513	53,513	1.71	2.00	12.5	54,163
Area	33.9	33.6	0.54	34.7	< 0.005	0.04	—	0.04	0.04	—	0.04	0.00	357	357	0.01	< 0.005	—	358
Energy	0.65	0.32	5.74	3.91	0.04	0.45	—	0.45	0.45	—	0.45	—	10,920	10,920	1.30	0.10	—	10,983
Water	—	—	—	—	—	—	—	—	—	—	—	187	360	548	19.3	0.46	—	1,168
Waste	—	—	—	—	—	—	—	—	—	—	—	542	0.00	542	54.1	0.00	—	1,895
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	51.5	51.5
Total	57.8	55.4	22.3	229	0.62	0.73	67.7	68.4	0.70	17.2	17.9	729	65,150	65,880	76.4	2.56	64.0	68,618

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Mobile source emissions results are presented in Sections 2.6. No further detailed breakdown of emissions is available.

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Single Family Housing	—	—	—	—	—	—	—	—	—	—	—	—	166	166	0.03	< 0.005	—	168
Apartments High Rise	—	—	—	—	—	—	—	—	—	—	—	—	5,283	5,283	0.85	0.10	—	5,335
Condo/Townhouse High Rise	—	—	—	—	—	—	—	—	—	—	—	—	4,494	4,494	0.73	0.09	—	4,538
Office Park	—	—	—	—	—	—	—	—	—	—	—	—	10,415	10,415	1.68	0.20	—	10,518
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	—	6,398	6,398	1.03	0.13	—	6,461
Library	—	—	—	—	—	—	—	—	—	—	—	—	787	787	0.13	0.02	—	794
City Park	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	—	27,542	27,542	4.46	0.54	—	27,814
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	—	—	—	—	—	—	—	166	166	0.03	< 0.005	—	168
Apartments High Rise	—	—	—	—	—	—	—	—	—	—	—	—	5,283	5,283	0.85	0.10	—	5,335
Condo/Townhouse High Rise	—	—	—	—	—	—	—	—	—	—	—	—	4,494	4,494	0.73	0.09	—	4,538
Office Park	—	—	—	—	—	—	—	—	—	—	—	—	10,415	10,415	1.68	0.20	—	10,518

General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	—	6,398	6,398	1.03	0.13	—	6,461
Library	—	—	—	—	—	—	—	—	—	—	—	—	787	787	0.13	0.02	—	794
City Park	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	—	27,542	27,542	4.46	0.54	—	27,814
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	—	—	—	—	—	—	—	27.5	27.5	< 0.005	< 0.005	—	27.7
Apartments High Rise	—	—	—	—	—	—	—	—	—	—	—	—	875	875	0.14	0.02	—	883
Condo/Townhouse High Rise	—	—	—	—	—	—	—	—	—	—	—	—	744	744	0.12	0.01	—	751
Office Park	—	—	—	—	—	—	—	—	—	—	—	—	1,724	1,724	0.28	0.03	—	1,741
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	—	1,059	1,059	0.17	0.02	—	1,070
Library	—	—	—	—	—	—	—	—	—	—	—	—	130	130	0.02	< 0.005	—	132
City Park	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	—	4,560	4,560	0.74	0.09	—	4,605

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
----------	-----	-----	-----	----	-----	-------	-------	-------	--------	--------	--------	------	-------	------	-----	-----	---	------

Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Single Family Housing	0.07	0.03	0.56	0.24	< 0.005	0.05	—	0.05	0.05	—	0.05	—	711	711	0.06	< 0.005	—	713
Apartments High Rise	0.72	0.36	6.16	2.62	0.04	0.50	—	0.50	0.50	—	0.50	—	7,819	7,819	0.69	0.01	—	7,840
Condo/Townhouse High Rise	0.61	0.31	5.24	2.23	0.03	0.42	—	0.42	0.42	—	0.42	—	6,650	6,650	0.59	0.01	—	6,669
Office Park	0.62	0.31	5.62	4.72	0.03	0.43	—	0.43	0.43	—	0.43	—	6,701	6,701	0.59	0.01	—	6,720
General Heavy Industry	1.36	0.68	12.3	10.4	0.07	0.94	—	0.94	0.94	—	0.94	—	14,725	14,725	1.30	0.03	—	14,766
Library	0.17	0.08	1.52	1.27	0.01	0.12	—	0.12	0.12	—	0.12	—	1,810	1,810	0.16	< 0.005	—	1,815
City Park	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	3.54	1.77	31.4	21.4	0.19	2.45	—	2.45	2.45	—	2.45	—	38,417	38,417	3.40	0.07	—	38,523
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Single Family Housing	0.07	0.03	0.56	0.24	< 0.005	0.05	—	0.05	0.05	—	0.05	—	711	711	0.06	< 0.005	—	713
Apartments High Rise	0.72	0.36	6.16	2.62	0.04	0.50	—	0.50	0.50	—	0.50	—	7,819	7,819	0.69	0.01	—	7,840

Condo/Townhouse High Rise	0.61	0.31	5.24	2.23	0.03	0.42	—	0.42	0.42	—	0.42	—	6,650	6,650	0.59	0.01	—	6,669
Office Park	0.62	0.31	5.62	4.72	0.03	0.43	—	0.43	0.43	—	0.43	—	6,701	6,701	0.59	0.01	—	6,720
General Heavy Industry	1.36	0.68	12.3	10.4	0.07	0.94	—	0.94	0.94	—	0.94	—	14,725	14,725	1.30	0.03	—	14,766
Library	0.17	0.08	1.52	1.27	0.01	0.12	—	0.12	0.12	—	0.12	—	1,810	1,810	0.16	< 0.005	—	1,815
City Park	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	3.54	1.77	31.4	21.4	0.19	2.45	—	2.45	2.45	—	2.45	—	38,417	38,417	3.40	0.07	—	38,523
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Single Family Housing	0.01	0.01	0.10	0.04	< 0.005	0.01	—	0.01	0.01	—	0.01	—	118	118	0.01	< 0.005	—	118
Apartments High Rise	0.13	0.07	1.12	0.48	0.01	0.09	—	0.09	0.09	—	0.09	—	1,294	1,294	0.11	< 0.005	—	1,298
Condo/Townhouse High Rise	0.11	0.06	0.96	0.41	0.01	0.08	—	0.08	0.08	—	0.08	—	1,101	1,101	0.10	< 0.005	—	1,104
Office Park	0.11	0.06	1.02	0.86	0.01	0.08	—	0.08	0.08	—	0.08	—	1,109	1,109	0.10	< 0.005	—	1,113
General Heavy Industry	0.25	0.12	2.25	1.89	0.01	0.17	—	0.17	0.17	—	0.17	—	2,438	2,438	0.22	< 0.005	—	2,445
Library	0.03	0.02	0.28	0.23	< 0.005	0.02	—	0.02	0.02	—	0.02	—	300	300	0.03	< 0.005	—	301
City Park	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	0.65	0.32	5.74	3.91	0.04	0.45	—	0.45	0.45	—	0.45	—	6,360	6,360	0.56	0.01	—	6,378

4.3. Area Emissions by Source

4.3.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Hearths	5.94	2.97	50.8	21.6	0.32	4.11	—	4.11	4.11	—	4.11	0.00	64,447	64,447	1.21	0.12	—	64,514
Consumer Products	150	150	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	13.9	13.9	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Landscape Equipment	42.9	40.2	3.46	385	0.02	0.29	—	0.29	0.22	—	0.22	—	1,153	1,153	0.05	0.01	—	1,157
Total	213	207	54.2	406	0.34	4.40	—	4.40	4.32	—	4.32	0.00	65,600	65,600	1.26	0.13	—	65,671
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Hearths	5.94	2.97	50.8	21.6	0.32	4.11	—	4.11	4.11	—	4.11	0.00	64,447	64,447	1.21	0.12	—	64,514
Consumer Products	150	150	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	13.9	13.9	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	170	167	50.8	21.6	0.32	4.11	—	4.11	4.11	—	4.11	0.00	64,447	64,447	1.21	0.12	—	64,514

Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Hearths	0.03	0.01	0.23	0.10	< 0.005	0.02	—	0.02	0.02	—	0.02	0.00	263	263	< 0.005	< 0.005	—	263
Consumer Products	27.4	27.4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	2.53	2.53	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Landscape Equipment	3.86	3.62	0.31	34.6	< 0.005	0.03	—	0.03	0.02	—	0.02	—	94.2	94.2	< 0.005	< 0.005	—	94.5
Total	33.9	33.6	0.54	34.7	< 0.005	0.04	—	0.04	0.04	—	0.04	0.00	357	357	0.01	< 0.005	—	358

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	—	—	—	—	—	—	3.34	18.6	22.0	0.35	0.01	—	33.1
Apartments High Rise	—	—	—	—	—	—	—	—	—	—	—	193	364	556	19.8	0.48	—	1,193

Condo/Townhouse High Rise	—	—	—	—	—	—	—	—	—	—	—	164	309	473	16.8	0.41	—	1,015
Office Park	—	—	—	—	—	—	—	—	—	—	—	300	566	866	30.8	0.74	—	1,858
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	465	878	1,343	47.8	1.15	—	2,881
Library	—	—	—	—	—	—	—	—	—	—	—	7.73	14.6	22.3	0.80	0.02	—	47.9
City Park	—	—	—	—	—	—	—	—	—	—	—	0.00	24.8	24.8	< 0.005	< 0.005	—	25.0
Total	—	—	—	—	—	—	—	—	—	—	—	1,132	2,176	3,308	116	2.80	—	7,054
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	—	—	—	—	—	—	3.34	18.6	22.0	0.35	0.01	—	33.1
Apartments High Rise	—	—	—	—	—	—	—	—	—	—	—	193	364	556	19.8	0.48	—	1,193
Condo/Townhouse High Rise	—	—	—	—	—	—	—	—	—	—	—	164	309	473	16.8	0.41	—	1,015
Office Park	—	—	—	—	—	—	—	—	—	—	—	300	566	866	30.8	0.74	—	1,858
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	465	878	1,343	47.8	1.15	—	2,881
Library	—	—	—	—	—	—	—	—	—	—	—	7.73	14.6	22.3	0.80	0.02	—	47.9
City Park	—	—	—	—	—	—	—	—	—	—	—	0.00	24.8	24.8	< 0.005	< 0.005	—	25.0

Total	—	—	—	—	—	—	—	—	—	—	—	1,132	2,176	3,308	116	2.80	—	7,054
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	—	—	—	—	—	—	0.55	3.09	3.64	0.06	< 0.005	—	5.49
Apartments High Rise	—	—	—	—	—	—	—	—	—	—	—	31.9	60.2	92.1	3.28	0.08	—	198
Condo/Townhouse High Rise	—	—	—	—	—	—	—	—	—	—	—	27.1	51.2	78.3	2.79	0.07	—	168
Office Park	—	—	—	—	—	—	—	—	—	—	—	49.6	93.8	143	5.11	0.12	—	308
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	77.0	145	222	7.92	0.19	—	477
Library	—	—	—	—	—	—	—	—	—	—	—	1.28	2.42	3.70	0.13	< 0.005	—	7.94
City Park	—	—	—	—	—	—	—	—	—	—	—	0.00	4.11	4.11	< 0.005	< 0.005	—	4.15
Total	—	—	—	—	—	—	—	—	—	—	—	187	360	548	19.3	0.46	—	1,168

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Single Family Housing	—	—	—	—	—	—	—	—	—	—	—	20.3	0.00	20.3	2.03	0.00	—	70.9
Apartments High Rise	—	—	—	—	—	—	—	—	—	—	—	1,104	0.00	1,104	110	0.00	—	3,863
Condo/Townhouse High Rise	—	—	—	—	—	—	—	—	—	—	—	939	0.00	939	93.9	0.00	—	3,286
Office Park	—	—	—	—	—	—	—	—	—	—	—	441	0.00	441	44.1	0.00	—	1,544
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	701	0.00	701	70.1	0.00	—	2,453
Library	—	—	—	—	—	—	—	—	—	—	—	64.0	0.00	64.0	6.40	0.00	—	224
City Park	—	—	—	—	—	—	—	—	—	—	—	0.81	0.00	0.81	0.08	0.00	—	2.82
Total	—	—	—	—	—	—	—	—	—	—	—	3,271	0.00	3,271	327	0.00	—	11,445
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	—	—	—	—	—	—	20.3	0.00	20.3	2.03	0.00	—	70.9
Apartments High Rise	—	—	—	—	—	—	—	—	—	—	—	1,104	0.00	1,104	110	0.00	—	3,863
Condo/Townhouse High Rise	—	—	—	—	—	—	—	—	—	—	—	939	0.00	939	93.9	0.00	—	3,286
Office Park	—	—	—	—	—	—	—	—	—	—	—	441	0.00	441	44.1	0.00	—	1,544

General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	701	0.00	701	70.1	0.00	—	2,453
Library	—	—	—	—	—	—	—	—	—	—	—	64.0	0.00	64.0	6.40	0.00	—	224
City Park	—	—	—	—	—	—	—	—	—	—	—	0.81	0.00	0.81	0.08	0.00	—	2.82
Total	—	—	—	—	—	—	—	—	—	—	—	3,271	0.00	3,271	327	0.00	—	11,445
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	—	—	—	—	—	—	3.36	0.00	3.36	0.34	0.00	—	11.7
Apartments High Rise	—	—	—	—	—	—	—	—	—	—	—	183	0.00	183	18.3	0.00	—	640
Condo/Townhouse High Rise	—	—	—	—	—	—	—	—	—	—	—	156	0.00	156	15.5	0.00	—	544
Office Park	—	—	—	—	—	—	—	—	—	—	—	73.1	0.00	73.1	7.30	0.00	—	256
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	116	0.00	116	11.6	0.00	—	406
Library	—	—	—	—	—	—	—	—	—	—	—	10.6	0.00	10.6	1.06	0.00	—	37.1
City Park	—	—	—	—	—	—	—	—	—	—	—	0.13	0.00	0.13	0.01	0.00	—	0.47
Total	—	—	—	—	—	—	—	—	—	—	—	542	0.00	542	54.1	0.00	—	1,895

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.41	0.41
Apartments High Rise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	17.0	17.0
Condo/Townhouse High Rise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	17.8	17.8
Office Park	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2.14	2.14
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	273	273
Library	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.50	0.50
City Park	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	311	311
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.41	0.41
Apartments High Rise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	17.0	17.0

Condo/Townhouse	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	17.8	17.8
Office Park	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2.14	2.14
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	273	273
Library	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.50	0.50
City Park	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	311	311
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Single Family Housing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.07	0.07
Apartments High Rise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2.81	2.81
Condo/Townhouse High Rise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2.95	2.95
Office Park	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.35	0.35
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	45.2	45.2
Library	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.08	0.08
City Park	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	51.5	51.5

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipm ent Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipm ent Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
-------	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipm ent Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetati on	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Remove d	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequest ered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Remove d	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequest ered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Remove d	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMt/Weekday	VMt/Saturday	VMt/Sunday	VMt/Year
Total all Land Uses	56,723	56,723	56,723	20,703,895	536,440	536,440	536,440	195,800,600

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

Hearth Type	Unmitigated (number)
Single Family Housing	—
Wood Fireplaces	0
Gas Fireplaces	10
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	38
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0
Apartments High Rise	—
Wood Fireplaces	0
Gas Fireplaces	1413
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	1358
Conventional Wood Stoves	0
Catalytic Wood Stoves	0

Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0
Condo/Townhouse High Rise	—
Wood Fireplaces	0
Gas Fireplaces	1202
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	1155
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
9961835.625	3,320,612	3,144,773	1,048,258	—

5.10.3. Landscape Equipment

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO₂ and CH₄ and N₂O and Natural Gas (kBTU/yr)

Land Use	Electricity (kWh/yr)	CO ₂	CH ₄	N ₂ O	Natural Gas (kBTU/yr)
----------	----------------------	-----------------	-----------------	------------------	-----------------------

Single Family Housing	296,873	204	0.0330	0.0040	2,218,652
Apartments High Rise	9,453,130	204	0.0330	0.0040	24,396,081
Condo/Townhouse High Rise	8,040,790	204	0.0330	0.0040	20,751,196
Office Park	18,636,801	204	0.0330	0.0040	20,909,684
General Heavy Industry	11,447,558	204	0.0330	0.0040	45,946,070
Library	1,407,420	204	0.0330	0.0040	5,648,838
City Park	0.00	204	0.0330	0.0040	0.00

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Single Family Housing	1,740,787	4,475,472
Apartments High Rise	100,494,194	0.00
Condo/Townhouse High Rise	85,479,905	0.00
Office Park	156,476,259	0.00
General Heavy Industry	242,640,913	0.00
Library	4,036,300	0.00
City Park	0.00	8,994,004

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Single Family Housing	37.6	—
Apartments High Rise	2,049	—
Condo/Townhouse High Rise	1,743	—
Office Park	819	—

General Heavy Industry	1,301	—
Library	119	—
City Park	1.49	—

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Single Family Housing	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Single Family Housing	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00
Apartments High Rise	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Apartments High Rise	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00
Condo/Townhouse High Rise	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Condo/Townhouse High Rise	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00
Office Park	Household refrigerators and/or freezers	R-134a	1,430	0.02	0.60	0.00	1.00
Office Park	Other commercial A/C and heat pumps	R-410A	2,088	< 0.005	4.00	4.00	18.0
General Heavy Industry	Other commercial A/C and heat pumps	R-410A	2,088	0.30	4.00	4.00	18.0

Library	Household refrigerators and/or freezers	R-134a	1,430	0.02	0.60	0.00	1.00
Library	Other commercial A/C and heat pumps	R-410A	2,088	< 0.005	4.00	4.00	18.0
Library	Stand-alone retail refrigerators and freezers	R-134a	1,430	< 0.005	1.00	0.00	1.00
Library	Walk-in refrigerators and freezers	R-404A	3,922	< 0.005	7.50	7.50	20.0
City Park	Other commercial A/C and heat pumps	R-410A	2,088	< 0.005	4.00	4.00	18.0
City Park	Stand-alone retail refrigerators and freezers	R-134a	1,430	0.04	1.00	0.00	1.00

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
----------------	-----------	-------------	----------------	---------------	------------	-------------

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor
----------------	-----------	----------------	---------------	----------------	------------	-------------

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)
----------------	-----------	--------	--------------------------	------------------------------	------------------------------

5.17. User Defined

Equipment Type	Fuel Type
----------------	-----------

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres
--------------------------	----------------------	---------------	-------------

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres
--------------------	---------------	-------------

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)
-----------	--------	------------------------------	------------------------------

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	12.4	annual days of extreme heat
Extreme Precipitation	2.60	annual days with precipitation above 20 mm
Sea Level Rise	—	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about $\frac{3}{4}$ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters

Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	1	0	0	N/A
Sea Level Rise	1	0	0	N/A
Wildfire	1	0	0	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.

The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.

The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	1	1	1	2
Sea Level Rise	1	1	1	2

Wildfire	1	1	1	2
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.

The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.

The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	17.6
AQ-PM	21.2
AQ-DPM	86.5
Drinking Water	23.5
Lead Risk Housing	8.49
Pesticides	0.00
Toxic Releases	36.1
Traffic	79.1
Effect Indicators	—
CleanUp Sites	99.6
Groundwater	98.7

Haz Waste Facilities/Generators	96.8
Impaired Water Bodies	33.2
Solid Waste	0.00
Sensitive Population	—
Asthma	18.9
Cardio-vascular	32.6
Low Birth Weights	67.2
Socioeconomic Factor Indicators	—
Education	54.8
Housing	19.4
Linguistic	80.7
Poverty	19.6
Unemployment	5.57

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	69.04914667
Employed	6.274862056
Median HI	88.02771718
Education	—
Bachelor's or higher	84.30642885
High school enrollment	100
Preschool enrollment	86.26972924
Transportation	—
Auto Access	29.74464263
Active commuting	46.63159245

Social	—
2-parent households	57.97510586
Voting	55.67817272
Neighborhood	—
Alcohol availability	37.71333248
Park access	15.29577826
Retail density	87.11664314
Supermarket access	64.94289747
Tree canopy	36.21198511
Housing	—
Homeownership	46.24663159
Housing habitability	78.41652765
Low-inc homeowner severe housing cost burden	73.03990761
Low-inc renter severe housing cost burden	88.81047094
Uncrowded housing	52.91928654
Health Outcomes	—
Insured adults	92.73707173
Arthritis	99.0
Asthma ER Admissions	86.7
High Blood Pressure	98.3
Cancer (excluding skin)	98.2
Asthma	98.6
Coronary Heart Disease	99.0
Chronic Obstructive Pulmonary Disease	99.3
Diagnosed Diabetes	97.0
Life Expectancy at Birth	88.5
Cognitively Disabled	98.7
Physically Disabled	98.7

Heart Attack ER Admissions	63.5
Mental Health Not Good	92.6
Chronic Kidney Disease	98.6
Obesity	97.2
Pedestrian Injuries	19.6
Physical Health Not Good	98.5
Stroke	98.8
Health Risk Behaviors	—
Binge Drinking	38.6
Current Smoker	85.1
No Leisure Time for Physical Activity	79.1
Climate Change Exposures	—
Wildfire Risk	0.0
SLR Inundation Area	83.5
Children	16.3
Elderly	88.2
English Speaking	27.9
Foreign-born	87.8
Outdoor Workers	73.1
Climate Change Adaptive Capacity	—
Impervious Surface Cover	10.1
Traffic Density	74.5
Traffic Access	87.4
Other Indices	—
Hardship	15.7
Other Decision Support	—
2016 Voting	55.7

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	41.0
Healthy Places Index Score for Project Location (b)	67.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	No
Project Located in a Low-Income Community (Assembly Bill 1550)	No
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.
 b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification
Land Use	From changes in the GP Capacity Assumptions
Operations: Architectural Coatings	BAAQMD VOC Limit of 50 g/l for interior and 100 g/L for exterior
Operations: Water and Waste Water	No specified water usage

Milpitas Adopted Milpitas Midtown Specific Plan Detailed Report

Table of Contents

- 1. Basic Project Information
 - 1.1. Basic Project Information
 - 1.2. Land Use Types
 - 1.3. User-Selected Emission Reduction Measures by Emissions Sector
- 2. Emissions Summary
 - 2.4. Operations Emissions Compared Against Thresholds
 - 2.5. Operations Emissions by Sector, Unmitigated
- 4. Operations Emissions Details
 - 4.1. Mobile Emissions by Land Use
 - 4.1.1. Unmitigated
 - 4.2. Energy
 - 4.2.1. Electricity Emissions By Land Use - Unmitigated
 - 4.2.3. Natural Gas Emissions By Land Use - Unmitigated
 - 4.3. Area Emissions by Source
 - 4.3.1. Unmitigated

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

5. Activity Data

5.9. Operational Mobile Sources

5.9.1. Unmitigated

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

5.10.2. Architectural Coatings

5.10.3. Landscape Equipment

5.11. Operational Energy Consumption

5.11.1. Unmitigated

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

5.13. Operational Waste Generation

5.13.1. Unmitigated

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

5.16.2. Process Boilers

5.17. User Defined

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

5.18.2. Sequestration

5.18.2.1. Unmitigated

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

6.2. Initial Climate Risk Scores

6.3. Adjusted Climate Risk Scores

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

7.2. Healthy Places Index Scores

7.3. Overall Health & Equity Scores

7.4. Health & Equity Measures

7.5. Evaluation Scorecard

7.6. Health & Equity Custom Measures

8. User Changes to Default Data

1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Milpitas Adopted Milpitas Midtown Specific Plan
Operational Year	2040
Lead Agency	—
Land Use Scale	Plan/community
Analysis Level for Defaults	County
Windspeed (m/s)	3.00
Precipitation (days)	31.0
Location	37.42693310950128, -121.89802584520064
County	Santa Clara
City	Milpitas
Air District	Bay Area AQMD
Air Basin	San Francisco Bay Area
TAZ	1999
EDFZ	1
Electric Utility	Pacific Gas & Electric Company
Gas Utility	Pacific Gas & Electric
App Version	2022.1.1.28

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
Apartments Low Rise	1,773	Dwelling Unit	97.0	1,879,380	—	—	5,301	—

Apartments Mid Rise	2,065	Dwelling Unit	107	1,982,400	—	—	6,174	—
Office Park	2,076	1000sqft	141	2,075,943	—	—	—	—
General Heavy Industry	1,090	1000sqft	105	1,090,349	—	—	—	—
Library	127	1000sqft	72.2	126,948	—	—	—	—
City Park	12.6	Acre	12.6	0.00	274,210	274,210	—	—

1.3. User-Selected Emission Reduction Measures by Emissions Sector

No measures selected

2. Emissions Summary

2.4. Operations Emissions Compared Against Thresholds

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Un/Mit.	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	331	312	167	1,783	4.75	8.17	484	492	7.98	123	131	4,827	573,042	577,869	508	17.3	540	596,284
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	283	267	179	1,223	4.47	7.82	484	491	7.72	123	130	4,827	545,086	549,912	509	18.5	323	568,473
Average Daily (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	300	285	137	1,393	4.28	5.00	474	479	4.86	120	125	4,827	502,510	507,336	508	18.0	413	525,793
Annual (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Unmit.	54.8	52.0	25.1	254	0.78	0.91	86.5	87.4	0.89	21.9	22.8	799	83,196	83,995	84.1	2.97	68.5	87,051

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	109	97.7	84.9	1,376	4.24	1.56	484	485	1.46	123	124	—	431,317	431,317	9.89	12.7	223	435,585
Area	217	212	41.1	378	0.26	3.41	—	3.41	3.33	—	3.33	0.00	49,255	49,255	0.95	0.10	—	49,308
Energy	4.61	2.31	41.1	28.9	0.25	3.19	—	3.19	3.19	—	3.19	—	89,687	89,687	10.8	0.87	—	90,217
Water	—	—	—	—	—	—	—	—	—	—	—	1,465	2,784	4,248	151	3.62	—	9,093
Waste	—	—	—	—	—	—	—	—	—	—	—	3,362	0.00	3,362	336	0.00	—	11,763
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	317	317
Total	331	312	167	1,783	4.75	8.17	484	492	7.98	123	131	4,827	573,042	577,869	508	17.3	540	596,284
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	106	94.8	99.8	1,178	3.98	1.56	484	485	1.46	123	124	—	404,532	404,532	10.4	13.9	5.79	408,949
Area	172	170	37.9	16.1	0.24	3.06	—	3.06	3.06	—	3.06	0.00	48,083	48,083	0.91	0.09	—	48,133
Energy	4.61	2.31	41.1	28.9	0.25	3.19	—	3.19	3.19	—	3.19	—	89,687	89,687	10.8	0.87	—	90,217
Water	—	—	—	—	—	—	—	—	—	—	—	1,465	2,784	4,248	151	3.62	—	9,093
Waste	—	—	—	—	—	—	—	—	—	—	—	3,362	0.00	3,362	336	0.00	—	11,763
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	317	317
Total	283	267	179	1,223	4.47	7.82	484	491	7.72	123	130	4,827	545,086	549,912	509	18.5	323	568,473
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	106	94.2	93.8	1,185	4.01	1.56	474	476	1.46	120	122	—	408,276	408,276	10.1	13.5	96.5	412,636
Area	190	188	2.52	179	0.01	0.25	—	0.25	0.21	—	0.21	0.00	1,763	1,763	0.05	0.01	—	1,766
Energy	4.61	2.31	41.1	28.9	0.25	3.19	—	3.19	3.19	—	3.19	—	89,687	89,687	10.8	0.87	—	90,217
Water	—	—	—	—	—	—	—	—	—	—	—	1,465	2,784	4,248	151	3.62	—	9,093
Waste	—	—	—	—	—	—	—	—	—	—	—	3,362	0.00	3,362	336	0.00	—	11,763

Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	317	317
Total	300	285	137	1,393	4.28	5.00	474	479	4.86	120	125	4,827	502,510	507,336	508	18.0	413	525,793
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	19.3	17.2	17.1	216	0.73	0.29	86.5	86.8	0.27	21.9	22.2	—	67,595	67,595	1.68	2.23	16.0	68,317
Area	34.7	34.4	0.46	32.7	< 0.005	0.05	—	0.05	0.04	—	0.04	0.00	292	292	0.01	< 0.005	—	292
Energy	0.84	0.42	7.50	5.28	0.05	0.58	—	0.58	0.58	—	0.58	—	14,849	14,849	1.79	0.14	—	14,937
Water	—	—	—	—	—	—	—	—	—	—	—	242	461	703	24.9	0.60	—	1,506
Waste	—	—	—	—	—	—	—	—	—	—	—	557	0.00	557	55.6	0.00	—	1,948
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	52.5	52.5
Total	54.8	52.0	25.1	254	0.78	0.91	86.5	87.4	0.89	21.9	22.8	799	83,196	83,995	84.1	2.97	68.5	87,051

4. Operations Emissions Details

4.1. Mobile Emissions by Land Use

4.1.1. Unmitigated

Mobile source emissions results are presented in Sections 2.6. No further detailed breakdown of emissions is available.

4.2. Energy

4.2.1. Electricity Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	—	—	—	—	—	—	—	—	—	—	—	—	3,716	3,716	0.60	0.07	—	3,753

Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	—	3,937	3,937	0.64	0.08	—	3,976
Office Park	—	—	—	—	—	—	—	—	—	—	—	—	24,559	24,559	3.97	0.48	—	24,802
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	—	6,648	6,648	1.08	0.13	—	6,714
Library	—	—	—	—	—	—	—	—	—	—	—	—	774	774	0.13	0.02	—	782
City Park	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	—	39,634	39,634	6.41	0.78	—	40,026
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	—	—	—	—	—	—	—	—	—	—	—	—	3,716	3,716	0.60	0.07	—	3,753
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	—	3,937	3,937	0.64	0.08	—	3,976
Office Park	—	—	—	—	—	—	—	—	—	—	—	—	24,559	24,559	3.97	0.48	—	24,802
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	—	6,648	6,648	1.08	0.13	—	6,714
Library	—	—	—	—	—	—	—	—	—	—	—	—	774	774	0.13	0.02	—	782
City Park	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	—	39,634	39,634	6.41	0.78	—	40,026
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	—	—	—	—	—	—	—	—	—	—	—	—	615	615	0.10	0.01	—	621

Apartments	—	—	—	—	—	—	—	—	—	—	—	—	652	652	0.11	0.01	—	658
Office Park	—	—	—	—	—	—	—	—	—	—	—	—	4,066	4,066	0.66	0.08	—	4,106
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	—	1,101	1,101	0.18	0.02	—	1,112
Library	—	—	—	—	—	—	—	—	—	—	—	—	128	128	0.02	< 0.005	—	129
City Park	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00	0.00	0.00	—	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	—	6,562	6,562	1.06	0.13	—	6,627

4.2.3. Natural Gas Emissions By Land Use - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	1.05	0.52	8.93	3.80	0.06	0.72	—	0.72	0.72	—	0.72	—	11,341	11,341	1.00	0.02	—	11,373
Apartments Mid Rise	0.54	0.27	4.59	1.95	0.03	0.37	—	0.37	0.37	—	0.37	—	5,827	5,827	0.52	0.01	—	5,843
Office Park	1.46	0.73	13.2	11.1	0.08	1.01	—	1.01	1.01	—	1.01	—	15,801	15,801	1.40	0.03	—	15,845
General Heavy Industry	1.41	0.71	12.8	10.8	0.08	0.97	—	0.97	0.97	—	0.97	—	15,302	15,302	1.35	0.03	—	15,344
Library	0.16	0.08	1.49	1.25	0.01	0.11	—	0.11	0.11	—	0.11	—	1,782	1,782	0.16	< 0.005	—	1,786
City Park	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	4.61	2.31	41.1	28.9	0.25	3.19	—	3.19	3.19	—	3.19	—	50,052	50,052	4.43	0.09	—	50,191

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	1.05	0.52	8.93	3.80	0.06	0.72	—	0.72	0.72	—	0.72	—	11,341	11,341	1.00	0.02	—	11,373
Apartments Mid Rise	0.54	0.27	4.59	1.95	0.03	0.37	—	0.37	0.37	—	0.37	—	5,827	5,827	0.52	0.01	—	5,843
Office Park	1.46	0.73	13.2	11.1	0.08	1.01	—	1.01	1.01	—	1.01	—	15,801	15,801	1.40	0.03	—	15,845
General Heavy Industry	1.41	0.71	12.8	10.8	0.08	0.97	—	0.97	0.97	—	0.97	—	15,302	15,302	1.35	0.03	—	15,344
Library	0.16	0.08	1.49	1.25	0.01	0.11	—	0.11	0.11	—	0.11	—	1,782	1,782	0.16	< 0.005	—	1,786
City Park	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	4.61	2.31	41.1	28.9	0.25	3.19	—	3.19	3.19	—	3.19	—	50,052	50,052	4.43	0.09	—	50,191
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	0.19	0.10	1.63	0.69	0.01	0.13	—	0.13	0.13	—	0.13	—	1,878	1,878	0.17	< 0.005	—	1,883
Apartments Mid Rise	0.10	0.05	0.84	0.36	0.01	0.07	—	0.07	0.07	—	0.07	—	965	965	0.09	< 0.005	—	967
Office Park	0.27	0.13	2.42	2.03	0.01	0.18	—	0.18	0.18	—	0.18	—	2,616	2,616	0.23	< 0.005	—	2,623
General Heavy Industry	0.26	0.13	2.34	1.97	0.01	0.18	—	0.18	0.18	—	0.18	—	2,533	2,533	0.22	< 0.005	—	2,540
Library	0.03	0.01	0.27	0.23	< 0.005	0.02	—	0.02	0.02	—	0.02	—	295	295	0.03	< 0.005	—	296
City Park	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Total	0.84	0.42	7.50	5.28	0.05	0.58	—	0.58	0.58	—	0.58	—	8,287	8,287	0.73	0.02	—	8,310

4.3. Area Emissions by Source

4.3.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Source	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Hearths	4.43	2.22	37.9	16.1	0.24	3.06	—	3.06	3.06	—	3.06	0.00	48,083	48,083	0.91	0.09	—	48,133
Consumer Products	154	154	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	13.6	13.6	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Landscape Equipment	45.5	42.4	3.21	362	0.02	0.35	—	0.35	0.27	—	0.27	—	1,171	1,171	0.05	0.01	—	1,175
Total	217	212	41.1	378	0.26	3.41	—	3.41	3.33	—	3.33	0.00	49,255	49,255	0.95	0.10	—	49,308
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Hearths	4.43	2.22	37.9	16.1	0.24	3.06	—	3.06	3.06	—	3.06	0.00	48,083	48,083	0.91	0.09	—	48,133
Consumer Products	154	154	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	13.6	13.6	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	172	170	37.9	16.1	0.24	3.06	—	3.06	3.06	—	3.06	0.00	48,083	48,083	0.91	0.09	—	48,133

Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Hearths	0.02	0.01	0.17	0.07	< 0.005	0.01	—	0.01	0.01	—	0.01	0.00	196	196	< 0.005	< 0.005	—	196
Consumer Products	28.1	28.1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Architectural Coatings	2.47	2.47	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Landscape Equipment	4.09	3.82	0.29	32.6	< 0.005	0.03	—	0.03	0.02	—	0.02	—	95.6	95.6	< 0.005	< 0.005	—	96.0
Total	34.7	34.4	0.46	32.7	< 0.005	0.05	—	0.05	0.04	—	0.04	0.00	292	292	0.01	< 0.005	—	292

4.4. Water Emissions by Land Use

4.4.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	—	—	—	—	—	—	—	—	—	—	—	123	233	356	12.7	0.30	—	764
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	144	271	415	14.8	0.35	—	889
Office Park	—	—	—	—	—	—	—	—	—	—	—	707	1,335	2,042	72.7	1.75	—	4,381

General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	483	913	1,396	49.7	1.20	—	2,994
Library	—	—	—	—	—	—	—	—	—	—	—	7.61	14.4	22.0	0.78	0.02	—	47.2
City Park	—	—	—	—	—	—	—	—	—	—	—	0.00	18.0	18.0	< 0.005	< 0.005	—	18.1
Total	—	—	—	—	—	—	—	—	—	—	—	1,465	2,784	4,248	151	3.62	—	9,093
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	—	—	—	—	—	—	—	—	—	—	—	123	233	356	12.7	0.30	—	764
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	144	271	415	14.8	0.35	—	889
Office Park	—	—	—	—	—	—	—	—	—	—	—	707	1,335	2,042	72.7	1.75	—	4,381
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	483	913	1,396	49.7	1.20	—	2,994
Library	—	—	—	—	—	—	—	—	—	—	—	7.61	14.4	22.0	0.78	0.02	—	47.2
City Park	—	—	—	—	—	—	—	—	—	—	—	0.00	18.0	18.0	< 0.005	< 0.005	—	18.1
Total	—	—	—	—	—	—	—	—	—	—	—	1,465	2,784	4,248	151	3.62	—	9,093
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	—	—	—	—	—	—	—	—	—	—	—	20.4	38.5	58.9	2.10	0.05	—	126
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	23.8	44.9	68.6	2.44	0.06	—	147
Office Park	—	—	—	—	—	—	—	—	—	—	—	117	221	338	12.0	0.29	—	725

General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	80.0	151	231	8.23	0.20	—	496
Library	—	—	—	—	—	—	—	—	—	—	—	1.26	2.38	3.64	0.13	< 0.005	—	7.81
City Park	—	—	—	—	—	—	—	—	—	—	—	0.00	2.97	2.97	< 0.005	< 0.005	—	3.00
Total	—	—	—	—	—	—	—	—	—	—	—	242	461	703	24.9	0.60	—	1,506

4.5. Waste Emissions by Land Use

4.5.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	—	—	—	—	—	—	—	—	—	—	—	707	0.00	707	70.6	0.00	—	2,472
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	823	0.00	823	82.2	0.00	—	2,879
Office Park	—	—	—	—	—	—	—	—	—	—	—	1,040	0.00	1,040	104	0.00	—	3,640
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	729	0.00	729	72.8	0.00	—	2,549
Library	—	—	—	—	—	—	—	—	—	—	—	63.0	0.00	63.0	6.30	0.00	—	220
City Park	—	—	—	—	—	—	—	—	—	—	—	0.58	0.00	0.58	0.06	0.00	—	2.04
Total	—	—	—	—	—	—	—	—	—	—	—	3,362	0.00	3,362	336	0.00	—	11,763

Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	—	—	—	—	—	—	—	—	—	—	—	707	0.00	707	70.6	0.00	—	2,472
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	823	0.00	823	82.2	0.00	—	2,879
Office Park	—	—	—	—	—	—	—	—	—	—	—	1,040	0.00	1,040	104	0.00	—	3,640
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	729	0.00	729	72.8	0.00	—	2,549
Library	—	—	—	—	—	—	—	—	—	—	—	63.0	0.00	63.0	6.30	0.00	—	220
City Park	—	—	—	—	—	—	—	—	—	—	—	0.58	0.00	0.58	0.06	0.00	—	2.04
Total	—	—	—	—	—	—	—	—	—	—	—	3,362	0.00	3,362	336	0.00	—	11,763
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	—	—	—	—	—	—	—	—	—	—	—	117	0.00	117	11.7	0.00	—	409
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	136	0.00	136	13.6	0.00	—	477
Office Park	—	—	—	—	—	—	—	—	—	—	—	172	0.00	172	17.2	0.00	—	603
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	121	0.00	121	12.1	0.00	—	422
Library	—	—	—	—	—	—	—	—	—	—	—	10.4	0.00	10.4	1.04	0.00	—	36.5
City Park	—	—	—	—	—	—	—	—	—	—	—	0.10	0.00	0.10	0.01	0.00	—	0.34
Total	—	—	—	—	—	—	—	—	—	—	—	557	0.00	557	55.6	0.00	—	1,948

4.6. Refrigerant Emissions by Land Use

4.6.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	13.5	13.5
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14.2	14.2
Office Park	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	5.05	5.05
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	284	284
Library	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.49	0.49
City Park	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	317	317
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	13.5	13.5
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	14.2	14.2
Office Park	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	5.05	5.05

General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	284	284
Library	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.49	0.49
City Park	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	317	317
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Apartments Low Rise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2.23	2.23
Apartments Mid Rise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2.35	2.35
Office Park	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.84	0.84
General Heavy Industry	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	47.0	47.0
Library	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.08	0.08
City Park	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	52.5	52.5

4.7. Offroad Emissions By Equipment Type

4.7.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.8. Stationary Emissions By Equipment Type

4.8.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipment Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.9. User Defined Emissions By Equipment Type

4.9.1. Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Equipm ent Type	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10. Soil Carbon Accumulation By Vegetation Type

4.10.1. Soil Carbon Accumulation By Vegetation Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Vegetati on	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.2. Above and Belowground Carbon Accumulation by Land Use Type - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Land Use	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

4.10.3. Avoided and Sequestered Emissions by Species - Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Species	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Avoided	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sequestered	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Removed	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Subtotal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

5. Activity Data

5.9. Operational Mobile Sources

5.9.1. Unmitigated

Land Use Type	Trips/Weekday	Trips/Saturday	Trips/Sunday	Trips/Year	VMT/Weekday	VMT/Saturday	VMT/Sunday	VMT/Year
Total all Land Uses	37,759	37,759	37,759	13,782,035	685,920	685,920	685,920	250,360,800

5.10. Operational Area Sources

5.10.1. Hearths

5.10.1.1. Unmitigated

Hearth Type	Unmitigated (number)
Apartments Low Rise	—
Wood Fireplaces	0
Gas Fireplaces	904
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	869
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0
Apartments Mid Rise	—
Wood Fireplaces	0
Gas Fireplaces	1053
Propane Fireplaces	0
Electric Fireplaces	0
No Fireplaces	1012
Conventional Wood Stoves	0
Catalytic Wood Stoves	0
Non-Catalytic Wood Stoves	0
Pellet Wood Stoves	0

5.10.2. Architectural Coatings

Residential Interior Area Coated (sq ft)	Residential Exterior Area Coated (sq ft)	Non-Residential Interior Area Coated (sq ft)	Non-Residential Exterior Area Coated (sq ft)	Parking Area Coated (sq ft)
--	--	--	--	-----------------------------

7820104.5	2,606,702	4,980,992	1,660,331	—
-----------	-----------	-----------	-----------	---

5.10.3. Landscape Equipment

Season	Unit	Value
Snow Days	day/yr	0.00
Summer Days	day/yr	180

5.11. Operational Energy Consumption

5.11.1. Unmitigated

Electricity (kWh/yr) and CO2 and CH4 and N2O and Natural Gas (kBtu/yr)

Land Use	Electricity (kWh/yr)	CO2	CH4	N2O	Natural Gas (kBtu/yr)
Apartments Low Rise	6,649,615	204	0.0330	0.0040	35,387,853
Apartments Mid Rise	7,044,646	204	0.0330	0.0040	18,180,407
Office Park	43,944,876	204	0.0330	0.0040	49,304,248
General Heavy Industry	11,895,867	204	0.0330	0.0040	47,745,408
Library	1,385,021	204	0.0330	0.0040	5,558,939
City Park	0.00	204	0.0330	0.0040	0.00

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
Apartments Low Rise	64,300,327	0.00
Apartments Mid Rise	74,890,116	0.00
Office Park	368,965,130	0.00
General Heavy Industry	252,143,206	0.00
Library	3,972,064	0.00

City Park	0.00	6,514,277
-----------	------	-----------

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
Apartments Low Rise	1,311	—
Apartments Mid Rise	1,527	—
Office Park	1,931	—
General Heavy Industry	1,352	—
Library	117	—
City Park	1.08	—

5.14. Operational Refrigeration and Air Conditioning Equipment

5.14.1. Unmitigated

Land Use Type	Equipment Type	Refrigerant	GWP	Quantity (kg)	Operations Leak Rate	Service Leak Rate	Times Serviced
Apartments Low Rise	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Apartments Low Rise	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00
Apartments Mid Rise	Average room A/C & Other residential A/C and heat pumps	R-410A	2,088	< 0.005	2.50	2.50	10.0
Apartments Mid Rise	Household refrigerators and/or freezers	R-134a	1,430	0.12	0.60	0.00	1.00
Office Park	Household refrigerators and/or freezers	R-134a	1,430	0.02	0.60	0.00	1.00

Office Park	Other commercial A/C and heat pumps	R-410A	2,088	< 0.005	4.00	4.00	18.0
General Heavy Industry	Other commercial A/C and heat pumps	R-410A	2,088	0.30	4.00	4.00	18.0
Library	Household refrigerators and/or freezers	R-134a	1,430	0.02	0.60	0.00	1.00
Library	Other commercial A/C and heat pumps	R-410A	2,088	< 0.005	4.00	4.00	18.0
Library	Stand-alone retail refrigerators and freezers	R-134a	1,430	< 0.005	1.00	0.00	1.00
Library	Walk-in refrigerators and freezers	R-404A	3,922	< 0.005	7.50	7.50	20.0
City Park	Other commercial A/C and heat pumps	R-410A	2,088	< 0.005	4.00	4.00	18.0
City Park	Stand-alone retail refrigerators and freezers	R-134a	1,430	0.04	1.00	0.00	1.00

5.15. Operational Off-Road Equipment

5.15.1. Unmitigated

Equipment Type	Fuel Type	Engine Tier	Number per Day	Hours Per Day	Horsepower	Load Factor
----------------	-----------	-------------	----------------	---------------	------------	-------------

5.16. Stationary Sources

5.16.1. Emergency Generators and Fire Pumps

Equipment Type	Fuel Type	Number per Day	Hours per Day	Hours per Year	Horsepower	Load Factor
----------------	-----------	----------------	---------------	----------------	------------	-------------

5.16.2. Process Boilers

Equipment Type	Fuel Type	Number	Boiler Rating (MMBtu/hr)	Daily Heat Input (MMBtu/day)	Annual Heat Input (MMBtu/yr)
----------------	-----------	--------	--------------------------	------------------------------	------------------------------

5.17. User Defined

Equipment Type	Fuel Type
----------------	-----------

5.18. Vegetation

5.18.1. Land Use Change

5.18.1.1. Unmitigated

Vegetation Land Use Type	Vegetation Soil Type	Initial Acres	Final Acres
--------------------------	----------------------	---------------	-------------

5.18.1. Biomass Cover Type

5.18.1.1. Unmitigated

Biomass Cover Type	Initial Acres	Final Acres
--------------------	---------------	-------------

5.18.2. Sequestration

5.18.2.1. Unmitigated

Tree Type	Number	Electricity Saved (kWh/year)	Natural Gas Saved (btu/year)
-----------	--------	------------------------------	------------------------------

6. Climate Risk Detailed Report

6.1. Climate Risk Summary

Cal-Adapt midcentury 2040–2059 average projections for four hazards are reported below for your project location. These are under Representation Concentration Pathway (RCP) 8.5 which assumes GHG emissions will continue to rise strongly through 2050 and then plateau around 2100.

Climate Hazard	Result for Project Location	Unit
Temperature and Extreme Heat	12.4	annual days of extreme heat
Extreme Precipitation	2.60	annual days with precipitation above 20 mm

Sea Level Rise	—	meters of inundation depth
Wildfire	0.00	annual hectares burned

Temperature and Extreme Heat data are for grid cell in which your project are located. The projection is based on the 98th historical percentile of daily maximum/minimum temperatures from observed historical data (32 climate model ensemble from Cal-Adapt, 2040–2059 average under RCP 8.5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

Extreme Precipitation data are for the grid cell in which your project are located. The threshold of 20 mm is equivalent to about ¾ an inch of rain, which would be light to moderate rainfall if received over a full day or heavy rain if received over a period of 2 to 4 hours. Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

Sea Level Rise data are for the grid cell in which your project are located. The projections are from Radke et al. (2017), as reported in Cal-Adapt (Radke et al., 2017, CEC-500-2017-008), and consider inundation location and depth for the San Francisco Bay, the Sacramento-San Joaquin River Delta and California coast resulting different increments of sea level rise coupled with extreme storm events. Users may select from four scenarios to view the range in potential inundation depth for the grid cell. The four scenarios are: No rise, 0.5 meter, 1.0 meter, 1.41 meters

Wildfire data are for the grid cell in which your project are located. The projections are from UC Davis, as reported in Cal-Adapt (2040–2059 average under RCP 8.5), and consider historical data of climate, vegetation, population density, and large (> 400 ha) fire history. Users may select from four model simulations to view the range in potential wildfire probabilities for the grid cell. The four simulations make different assumptions about expected rainfall and temperature are: Warmer/drier (HadGEM2-ES), Cooler/wetter (CNRM-CM5), Average conditions (CanESM2), Range of different rainfall and temperature possibilities (MIROC5). Each grid cell is 6 kilometers (km) by 6 km, or 3.7 miles (mi) by 3.7 mi.

6.2. Initial Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A
Extreme Precipitation	1	0	0	N/A
Sea Level Rise	1	0	0	N/A
Wildfire	1	0	0	N/A
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	0	0	0	N/A

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.

The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.

The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores do not include implementation of climate risk reduction measures.

6.3. Adjusted Climate Risk Scores

Climate Hazard	Exposure Score	Sensitivity Score	Adaptive Capacity Score	Vulnerability Score
Temperature and Extreme Heat	N/A	N/A	N/A	N/A

Extreme Precipitation	1	1	1	2
Sea Level Rise	1	1	1	2
Wildfire	1	1	1	2
Flooding	N/A	N/A	N/A	N/A
Drought	N/A	N/A	N/A	N/A
Snowpack Reduction	N/A	N/A	N/A	N/A
Air Quality Degradation	1	1	1	2

The sensitivity score reflects the extent to which a project would be adversely affected by exposure to a climate hazard. Exposure is rated on a scale of 1 to 5, with a score of 5 representing the greatest exposure.

The adaptive capacity of a project refers to its ability to manage and reduce vulnerabilities from projected climate hazards. Adaptive capacity is rated on a scale of 1 to 5, with a score of 5 representing the greatest ability to adapt.

The overall vulnerability scores are calculated based on the potential impacts and adaptive capacity assessments for each hazard. Scores include implementation of climate risk reduction measures.

6.4. Climate Risk Reduction Measures

7. Health and Equity Details

7.1. CalEnviroScreen 4.0 Scores

The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Exposure Indicators	—
AQ-Ozone	17.6
AQ-PM	21.2
AQ-DPM	86.5
Drinking Water	23.5
Lead Risk Housing	8.49
Pesticides	0.00
Toxic Releases	36.1
Traffic	79.1
Effect Indicators	—

CleanUp Sites	99.6
Groundwater	98.7
Haz Waste Facilities/Generators	96.8
Impaired Water Bodies	33.2
Solid Waste	0.00
Sensitive Population	—
Asthma	18.9
Cardio-vascular	32.6
Low Birth Weights	67.2
Socioeconomic Factor Indicators	—
Education	54.8
Housing	19.4
Linguistic	80.7
Poverty	19.6
Unemployment	5.57

7.2. Healthy Places Index Scores

The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

Indicator	Result for Project Census Tract
Economic	—
Above Poverty	69.04914667
Employed	6.274862056
Median HI	88.02771718
Education	—
Bachelor's or higher	84.30642885
High school enrollment	100
Preschool enrollment	86.26972924
Transportation	—

Auto Access	29.74464263
Active commuting	46.63159245
Social	—
2-parent households	57.97510586
Voting	55.67817272
Neighborhood	—
Alcohol availability	37.71333248
Park access	15.29577826
Retail density	87.11664314
Supermarket access	64.94289747
Tree canopy	36.21198511
Housing	—
Homeownership	46.24663159
Housing habitability	78.41652765
Low-inc homeowner severe housing cost burden	73.03990761
Low-inc renter severe housing cost burden	88.81047094
Uncrowded housing	52.91928654
Health Outcomes	—
Insured adults	92.73707173
Arthritis	99.0
Asthma ER Admissions	86.7
High Blood Pressure	98.3
Cancer (excluding skin)	98.2
Asthma	98.6
Coronary Heart Disease	99.0
Chronic Obstructive Pulmonary Disease	99.3
Diagnosed Diabetes	97.0
Life Expectancy at Birth	88.5

Cognitively Disabled	98.7
Physically Disabled	98.7
Heart Attack ER Admissions	63.5
Mental Health Not Good	92.6
Chronic Kidney Disease	98.6
Obesity	97.2
Pedestrian Injuries	19.6
Physical Health Not Good	98.5
Stroke	98.8
Health Risk Behaviors	—
Binge Drinking	38.6
Current Smoker	85.1
No Leisure Time for Physical Activity	79.1
Climate Change Exposures	—
Wildfire Risk	0.0
SLR Inundation Area	83.5
Children	16.3
Elderly	88.2
English Speaking	27.9
Foreign-born	87.8
Outdoor Workers	73.1
Climate Change Adaptive Capacity	—
Impervious Surface Cover	10.1
Traffic Density	74.5
Traffic Access	87.4
Other Indices	—
Hardship	15.7
Other Decision Support	—

2016 Voting	55.7
-------------	------

7.3. Overall Health & Equity Scores

Metric	Result for Project Census Tract
CalEnviroScreen 4.0 Score for Project Location (a)	41.0
Healthy Places Index Score for Project Location (b)	67.0
Project Located in a Designated Disadvantaged Community (Senate Bill 535)	No
Project Located in a Low-Income Community (Assembly Bill 1550)	No
Project Located in a Community Air Protection Program Community (Assembly Bill 617)	No

a: The maximum CalEnviroScreen score is 100. A high score (i.e., greater than 50) reflects a higher pollution burden compared to other census tracts in the state.
b: The maximum Health Places Index score is 100. A high score (i.e., greater than 50) reflects healthier community conditions compared to other census tracts in the state.

7.4. Health & Equity Measures

No Health & Equity Measures selected.

7.5. Evaluation Scorecard

Health & Equity Evaluation Scorecard not completed.

7.6. Health & Equity Custom Measures

No Health & Equity Custom Measures created.

8. User Changes to Default Data

Screen	Justification
Land Use	GP Capacity Assumptions for MSP
Operations: Architectural Coatings	BAAQMD VOC Limit of 50 g/L for interior and 100 g/L for exterior
Operations: Water and Waste Water	No specified water usage

Appendix C

Noise Model Calculations

Day Cable Crossing Equipment (no helicopter)

Location	Distance to Nearest Receptor in feet	Combined Predicted Noise Level (L_{eq} dBA)	Equipment	Reference Emission Noise Levels (L_{max}) at 50 feet ¹	Usage Factor ¹
Threshold	80	80.0	Grader	85	0.4
Residence 1	300	68.5	Excavator	81	0.4
Residence 2	250	70.1	Dozer	82	0.4
			Dump Truck	76	0.4

Ground Type hard
 Source Height 8
 Receiver Height 5
 Ground Factor² 0.00

Predicted Noise Level ³	L_{eq} dBA at 50 feet ³
Grader	81.0
Excavator	77.0
Dozer	78.0
Dump Truck	72.0

Combined Predicted Noise Level (L_{eq} dBA at 50 feet)

84.1

Sources:

¹ Obtained from the FHWA Roadway Construction Noise Model, January 2006. Table 1.

² Based on Figure 6-5 from the Federal Transit Noise and Vibration Impact Assessment, 2006 (pg 6-23).

³ Based on the following from the Federal Transit Noise and Vibration Impact Assessment, 2006 (pg 12-3).

$$L_{eq}(\text{equip}) = E.L. + 10 \cdot \log(U.F.) - 20 \cdot \log(D/50) - 10 \cdot G \cdot \log(D/50)$$

Where: E.L. = Emission Level;

U.F. = Usage Factor;

G = Constant that accounts for topography and ground effects (FTA 2006: pg 6-23); and

D = Distance from source to receiver.

Day Cable Crossing Equipment (no helicopter)

Location	Distance to Nearest Receptor in feet	Combined Predicted Noise Level (L_{eq} dBA)	Equipment	Reference Emission Noise Levels (L_{max}) at 50 feet ¹	Usage Factor ¹
Reference Level	50	88.1	Grader	85	1
Residence	100	82.0	Excavator	81	1
Residence	100	82.0	Dozer	82	1
			Dump Truck	76	1

Ground Type hard
 Source Height 8
 Receiver Height 5
 Ground Factor² 0.00

Predicted Noise Level ³	L_{eq} dBA at 50 feet ³
Grader	85.0
Excavator	81.0
Dozer	82.0
Dump Truck	76.0

Combined Predicted Noise Level (L_{eq} dBA at 50 feet)
88.1

Sources:

¹ Obtained from the FHWA Roadway Construction Noise Model, January 2006, Table 1.

² Based on Figure 6-5 from the Federal Transit Noise and Vibration Impact Assessment, 2006 (pg 6-23).

³ Based on the following from the Federal Transit Noise and Vibration Impact Assessment, 2006 (pg 12-3).

$$L_{eq}(equip) = E.L. + 10 \cdot \log(U.F.) - 20 \cdot \log(D/50) - 10 \cdot G \cdot \log(D/50)$$

Where: E.L. = Emission Level;

U.F. = Usage Factor;

G = Constant that accounts for topography and ground effects (FTA 2006: pg 6-23); and

D = Distance from source to receiver.

Attenuation Calculations for Stationary Noise Sources

KEY: Orange cells are for input.

Grey cells are intermediate calculations performed by the model.

Green cells are data to present in a written analysis (output).

STEP 1: Identify the noise source and enter the reference noise level (dBA and distance).

STEP 2: Select the ground type (hard or soft), and enter the source and receiver heights.

STEP 3: Select the distance to the receiver.

Noise Source/ID	Reference Noise Level			Attenuation Characteristics				Attenuated Noise Level at Receptor		
	noise level (dBA)	@	distance (ft)	Ground Type (soft/hard)	Source Height (ft)	Receiver Height (ft)	Ground Factor	noise level (dBA)	@	distance (ft)
Helicopter	79.5	@	50	soft	6	5	0.65	79.5	@	50
chipper	99.0	@	3	soft	6	5	0.65	67.7	@	50
blasting (night lmax)	94.0	@	50	soft	6	5	0.65	65.0	@	620
helicopter (night leq)	68.0	@	492.00	soft	6	5	0.65	45.1	@	3600
blasting (day lmax)	94.0	@	50	soft	6	5	0.65	70.1	@	400
helicopter (day leq)	68.0	@	492	soft	6	5	0.65	55.0	@	1520
Blasting (SF Res)	94.0	@	50	soft	6	5	0.65	79.6	@	175
blasting	94.0	@	50	soft	6	5	0.65	86.0	@	100
construction	85.0	@	50	soft	6	5	0.65	93.0	@	25
construction	95.0	@	50	soft	6	5	0.65	103.0	@	25
							0.66			
							0.66			
							0.66			
							0.66			

Notes:

Estimates of attenuated noise levels do not account for reductions from intervening barriers, including walls, trees, vegetation, or structures of any type.

Computation of the attenuated noise level is based on the equation presented on pg. 12-3 and 12-4 of FTA 2006.

Computation of the ground factor is based on the equation presented in Figure 6-23 on pg. 6-23 of FTA 2006, where the distance of the reference noise level can be adjusted and the usage factor is not applied (i.e., the usage factor is equal to 1).

Sources:

Federal Transit Association (FTA). 2006 (May). Transit Noise and Vibration Impact Assessment. FTA-VA-90-1003-06. Washington, D.C. Available: <http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf>. Accessed: September 24, 2010.

Equipment Description	Acoustical Usage Factor (%)	Spec 721.560 Lmax @ 50ft (dBA slow)	Actual Measured Lmax @ 50ft (dBA slow)	No. of Actual Data Samples (count)	Spec 721.560 LmaxCalc	Spec 721.560 Leq	Distance	Actual Measured LmaxCalc	Actual Measured Leq
Auger Drill Rig	20	85	84	36	79.0	72.0	100	78.0	71.0
Backhoe	40	80	78	372	74.0	70.0	100	72.0	68.0
Bar Bender	20	80	na	0	74.0	67.0	100		
Blasting	na	94	na	0	88.0		100		
Boring Jack Power Unit	50	80	83	1	74.0	71.0	100	77.0	74.0
Chain Saw	20	85	84	46	79.0	72.0	100	78.0	71.0
Clam Shovel (dropping)	20	93	87	4	87.0	80.0	100	81.0	74.0
Compactor (ground)	20	80	83	57	74.0	67.0	100	77.0	70.0
Compressor (air)	40	80	78	18	74.0	70.0	100	72.0	68.0
Concrete Batch Plant	15	83	na	0	77.0	68.7	100		
Concrete Mixer Truck	40	85	79	40	79.0	75.0	100	73.0	69.0
Concrete Pump Truck	20	82	81	30	76.0	69.0	100	75.0	68.0
Concrete Saw	20	90	90	55	84.0	77.0	100	84.0	77.0
Crane	16	85	81	405	79.0	71.0	100	75.0	67.0
Dozer	40	85	82	55	79.0	75.0	100	76.0	72.0
Drill Rig Truck	20	84	79	22	78.0	71.0	100	73.0	66.0
Drum Mixer	50	80	80	1	74.0	71.0	100	74.0	71.0
Dump Truck	40	84	76	31	78.0	74.0	100	70.0	66.0
Excavator	40	85	81	170	79.0	75.0	100	75.0	71.0
Flat Bed Truck	40	84	74	4	78.0	74.0	100	68.0	64.0
Front End Loader	40	80	79	96	74.0	70.0	100	73.0	69.0
Generator	50	82	81	19	76.0	73.0	100	75.0	72.0
Generator (<25KVA, VMS signs)	50	70	73	74	64.0	61.0	100	67.0	64.0
Gradall	40	85	83	70	79.0	75.0	100	77.0	73.0
Grader	40	85	na	0	79.0	75.0	100		
Grapple (on Backhoe)	40	85	87	1	79.0	75.0	100	81.0	77.0
Horizontal Boring Hydr. Jack	25	80	82	6	74.0	68.0	100	76.0	70.0
Hydra Break Ram	10	90	na	0	84.0	74.0	100		
Impact Pile Driver	20	95	101	11	89.0	82.0	100	95.0	88.0
Jackhammer	20	85	89	133	79.0	72.0	100	83.0	76.0
Man Lift	20	85	75	23	79.0	72.0	100	69.0	62.0
Mounted Impact Hammer (hoe ram)	20	90	90	212	84.0	77.0	100	84.0	77.0
Pavement Scarafier	20	85	90	2	79.0	72.0	100	84.0	77.0
Paver	50	85	77	9	79.0	76.0	100	71.0	68.0
Pickup Truck	40	55	75	1	49.0	45.0	100	69.0	65.0
Pneumatic Tools	50	85	85	90	79.0	76.0	100	79.0	76.0
Pumps	50	77	81	17	71.0	68.0	100	75.0	72.0
Refrigerator Unit	100	82	73	3	76.0	76.0	100	67.0	67.0
Rivit Buster/chipping gun	20	85	79	19	79.0	72.0	100	73.0	66.0
Rock Drill	20	85	81	3	79.0	72.0	100	75.0	68.0
Roller	20	85	80	16	79.0	72.0	100	74.0	67.0
Sand Blasting (Single Nozzle)	20	85	96	9	79.0	72.0	100	90.0	83.0
Scraper	40	85	84	12	79.0	75.0	100	78.0	74.0
Shears (on backhoe)	40	85	96	5	79.0	75.0	100	90.0	86.0
Slurry Plant	100	78	78	1	72.0	72.0	100	72.0	72.0
Slurry Trenching Machine	50	82	80	75	76.0	73.0	100	74.0	71.0
Soil Mix Drill Rig	50	80	na	0	74.0	71.0	100		
Tractor	40	84	na	0	78.0	74.0	100		
Vacuum Excavator (Vac-truck)	40	85	85	149	79.0	75.0	100	79.0	75.0
Vacuum Street Sweeper	10	80	82	19	74.0	64.0	100	76.0	66.0
Ventilation Fan	100	85	79	13	79.0	79.0	100	73.0	73.0
Vibrating Hopper	50	85	87	1	79.0	76.0	100	81.0	78.0
Vibratory Concrete Mixer	20	80	80	1	74.0	67.0	100	74.0	67.0
Vibratory Pile Driver	20	95	101	44	89.0	82.0	100	95.0	88.0
Warning Horn	5	85	83	12	79.0	66.0	100	77.0	64.0
Welder / Torch	40	73	74	5	67.0	63.0	100	68.0	64.0
chipper		75							

Source:
FHWA Roadway Construction Noise Model, January 2006. Table 9.1
U.S. Department of Transportation
CA/T Construction Spec. 721.560

Project: Gateway-Main Street Specific Plan

*All modeling assumes average pavement, level roadways (less than 1.5% grade), constant traffic flow and does not account for shielding of any type or finite roadway adjustments. All levels are reported as A-weighted noise levels.

Cumulative Traffic Noise Spreadsheet Calculator

ASCENT

Project: Gateway-Main Street Specific Plan

Noise Level Descriptor: Ldn
 Site Conditions: Hard
 Traffic Input: ADT
 Traffic K-Factor: 10

Traffic K-Factor: 10				Distance to Directional Centerline, (feet) ₄										Ldn, (dBA) _{5,6,7}					Distance to Contour, (feet) ₃				
Segment Description and Location				Traffic Distribution Characteristics																			
Number	North-South	East-West	Roadway Segment	ADT	Speed (mph)	Near	Far	% Auto	% Medium	% Heavy	% Day	% Eve	% Night	75 dBA	70 dBA	65 dBA	60 dBA						
Existing Conditions																							
1	Park Victoria Dr	Calaveras Dr.	Calaveras West	24,514	45	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	67.8	19	60	189	596					
2	Hillview Dr	Calaveras Dr.	Calaveras West	33,031	45	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	69.1	25	80	254	804					
3	Hillview Dr	Calaveras Dr.	Calaveras East	33,787	45	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	69.1	26	82	260	822					
4	Milipitas Blvd	Calaveras Dr.	Calaveras West	33,139	45	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	69.1	25	81	255	806					
5	Milipitas Blvd	Calaveras Dr.	Calaveras East	39,236	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	63.5	7	22	70	221					
6	Abel St	Calaveras Dr.	Abel North	14,258	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	59.1	3	8	25	80					
7	Abel St	Sierra Way	Abel South	10,629	45	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	64.1	8	26	82	259					
8	Abel St	Calaveras Dr.	Calaveras West	42,481	45	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	70.1	33	103	327	1034					
9	Abel St	Marylinn Dr	Abel North	13,503	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	58.8	2	8	24	76					
10	Abel St	Marylinn Dr	Abel South	12,673	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	58.5	2	7	23	71					
11	Abbott Ave	Calaveras Dr.	Calaveras West	48,960	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	64.4	9	28	87	276					
12	Abbott Ave	Calaveras Dr.	Calaveras East	47,130	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	64.2	8	27	84	266					
13	Abel St	Sierra Way	Abel South	10,629	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	57.8	2	6	19	60					
14	Abel St	Corning Ave	Abel South	10,370	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	57.7	2	6	18	58					
15	Abel St	Curtis Ave	Abel South	13,861	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	58.9	2	8	25	78					
16	Main St	Curtis Ave	Main South	7,210	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	56.1	1	4	13	41					

*All modeling assumes average pavement, level roadways (less than 1.5% grade), constant traffic flow and does not account for shielding of any type or finite roadway adjustments. All levels are reported as A-weighted noise levels.

Cumulative + Project Traffic Noise Spreadsheet Calculator

ASCENT

Project: Gateway-Main Street Specific Plan

Noise Level Descriptor: Ldn
 Site Conditions: Hard
 Traffic Input: ADT
 Traffic K-Factor: 10

Segment Description and Location				Input										Output				
Number	North-South	East-West	Roadway Segment	ADT	Speed (mph)	Distance to Directional Centerline, (feet) ₄		Traffic Distribution Characteristics						Ldn, (dBA) _{5,6,7}	Distance to Contour, (feet) ₃			
Existing + Project Conditions						Near	Far	% Auto	% Medium	% Heavy	% Day	% Eve	% Night		70 dBA	65 dBA	60 dBA	55 dBA
1	Park Victoria Dr	Calaveras Dr.	Calaveras West	24,670	45	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	67.8	60	190	600	1898
2	Hillview Dr	Calaveras Dr.	Calaveras West	31,623	45	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	68.9	77	243	769	2433
3	Hillview Dr	Calaveras Dr.	Calaveras East	30,958	45	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	68.8	75	238	753	2382
4	Milipitas Blvd	Calaveras Dr.	Calaveras West	31,063	45	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	68.8	76	239	756	2390
5	Milipitas Blvd	Calaveras Dr.	Calaveras East	37,067	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	63.2	21	66	209	661
6	Abel St	Calaveras Dr.	Abel North	12,932	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	58.6	7	23	73	231
7	Abel St	Sierra Way	Abel South	9,615	45	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	63.7	23	74	234	740
8	Abel St	Calaveras Dr.	Calaveras West	40,880	45	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	70.0	99	315	995	3145
9	Abel St	Marylinn Dr	Abel North	12,700	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	58.6	7	23	72	227
10	Abel St	Marylinn Dr	Abel South	11,871	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	58.3	7	21	67	212
11	Abbott Ave	Calaveras Dr.	Calaveras West	47,006	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	64.2	27	84	265	838
12	Abbott Ave	Calaveras Dr.	Calaveras East	44,856	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	64.0	25	80	253	800
13	Abel St	Sierra Way	Abel South	9,615	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	57.3	5	17	54	172
14	Abel St	Corning Ave	Abel South	9,849	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	57.4	6	18	56	176
15	Abel St	Curtis Ave	Abel South	12,558	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	58.5	7	22	71	224
16	Main St	Curtis Ave	Main South	6,182	25	100	100	97.0%	2.0%	1.0%	80.0%	15.0%	5.0%	55.4	3	11	35	110

*All modeling assumes average pavement, level roadways (less than 1.5% grade), constant traffic flow and does not account for shielding of any type or finite roadway adjustments. All levels are reported as A-weighted noise levels.

Intersection #	Street Name		Road Segment	ADT*		Project Traffic			Factor	ADT**	
	North-South	East-West		2015-No Project	2040-No Project	AM Peak	PM Peak	Total		2015-Plus Project	2040-Plus Project
1	SR 113/Birds Landing Rd	SR 12	SR 113 North	6,890	10,452	10	32	42	6.8	7,176	10,738
			SR 113 South	250	378	0	0	0	6.8	250	378
			SR 12 West	16,700	23,388	91	237	328	6.8	18,930	25,618
			SR 12 East	23,234	33,008	251	165	416	6.8	26,063	35,837
2	Azevedo Rd	SR 12	Azevedo Rd North	18	1,904	0	0	0	5.5	18	1,904
			Azevedo Rd South	61	132	0	0	0	5.5	61	132
			SR 12 West	23,247	32,946	101	269	370	6.8	25,763	35,462
			SR 12 East	23,215	30,990	251	165	416	6.8	26,044	33,819
3	Azevedo Rd	Canright Rd	Azevedo Rd South	18	1,904	0	0	0	5.5	18	1,904
			Canright Rd West	35	125	0	0	0	5.5	35	125
			Canright Rd East	18	1,917	0	0	0	5.5	18	1,917
5	Project Driveway	McCormack Rd	McCormack Rd West	10	21	9	32	41	6.1	260	271
			McCormack Rd East	10	21	10	31	41	6.1	260	271
6	Summerset Rd	SR 12	Summerset Rd North	2,497	4,402	362	236	598	7.1	6,743	8,648
			SR 12 West	23,222	30,999	101	269	370	6.8	25,738	33,515
			SR 12 East	22,995	30,644	152	377	529	6.8	26,592	34,241
7	Province Path	Canright Rd	Province Path South	1,432	2,656	119	333	452	6.7	4,460	5,684
			Canright Rd West	21	1,920	76	92	168	5.5	945	2,844
			Canright Rd East/Liberty Island Road	1,447	4,515	7	19	26	6.3	1,611	4,679
8	Hillside Terrace	SR 12	Hillside Ter North	1,494	2,957	0	0	0	6.3	1,494	2,957
			SR 12 West	23,418	31,586	355	231	586	6.8	27,403	35,571
			SR 12 East	19,719	25,255	129	365	494	6.8	23,078	28,614
9	SR 84 (River Rd)/N Front St	SR 12	SR 84 (River Rd) North	339	457	46	132	178	6.3	1,460	1,578
			SR 12 West	21,189	27,284	214	140	354	6.8	23,596	29,691
			SR 12 East	20,852	26,827	83	233	316	6.8	23,001	28,976

*- From Solano Napa Travel Demand Model

**-ADT from Travel Model + Project ADT (Estimated from AM and PM peak hour)

Source: Kittelson & Associates 2024

Appendix D

Gateway-Main Street Vehicle Miles
Traveled for Environmental Review

WC21-3846

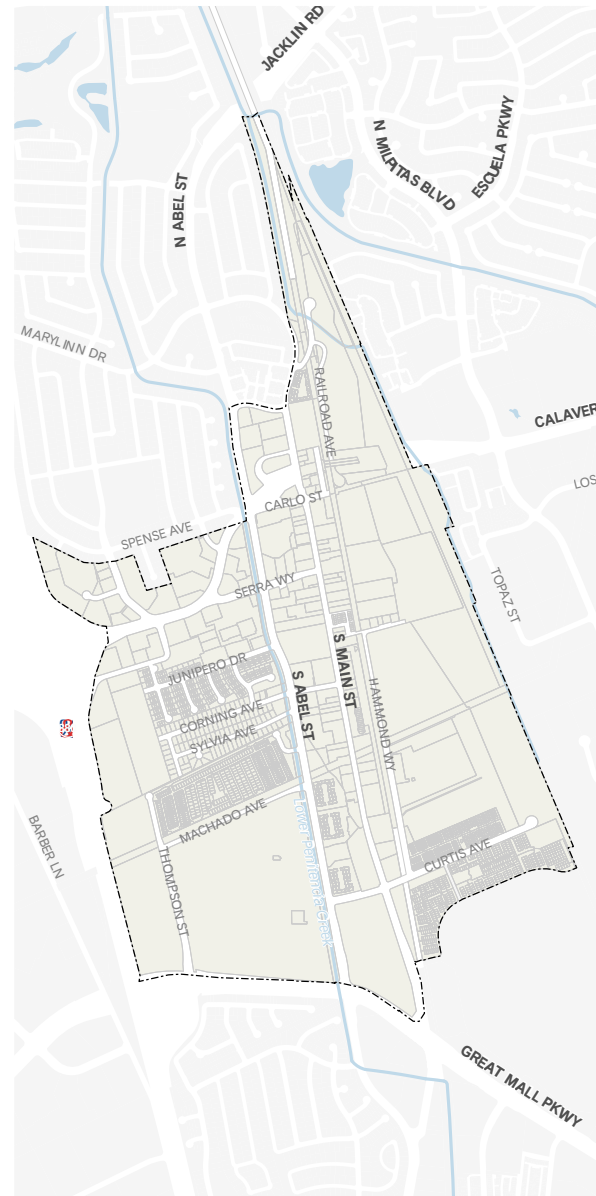
MILPITAS GATEWAY -
MAIN STREET SPECIFIC PLAN:

Vehicle Miles Traveled (VMT) for the Environmental Review

PREPARED FOR

ASCENT ENVIRONMENTAL
CITY OF MILPITAS

NOVEMBER 2024



FEHR PEERS

Table of Contents

1. Introduction and Project Description	1
1.1 Purpose.....	1
1.2 Project Description.....	3
1.2.1 Districts	3
1.2.2 Land Use Framework	3
1.2.3 Mobility Overview	5
1.3 Recent Changes to CEQA Transportation Analysis	10
1.4 Analysis Scenarios.....	10
1.5 Report Organization	10
2. VMT Approach and Analysis Methods.....	11
2.1 Overview of Senate Bill 743 and Legal Framework	11
2.2 Approach.....	12
2.2.1 Summary of VMT Methods Decisions	14
2.3 VMT Accounting Methods	16
2.3.1 Project Generated VMT	17
2.3.2 Project's Effect on VMT (Using Boundary VMT)	17
3. Significance Criteria.....	20
3.1 VMT Significance Criteria.....	20
3.1.1 Project-Generated VMT Impact Thresholds and Impact Criteria.....	21
3.1.2 Project's Effect on VMT Thresholds and Impact Criteria	22
4. Vehicle Miles Traveled Forecasts.....	24
4.1 Daily VMT Forecasts.....	24
4.1.1 Total Project Generated VMT Forecasts.....	24
4.1.2 Boundary VMT Forecasts	25
4.2 City of Milpitas Travel Model	26
4.2.1 City of Milpitas Travel Model Documentation	26
4.2.2 Model Input Adjustments.....	27
5. Environmental Impacts and Mitigation Assessment	29
5.1 VMT Analysis	29
5.1.1 Total Project Generated VMT Assessment.....	29

5.1.2 Project's Effect on VMT Analysis (Cumulative Analysis)	34
--	----

List of Figures

Figure 1: Milpitas Gateway–Main Street Specific Plan Boundary	2
Figure 2: Milpitas Gateway–Main Street Focus Areas.....	4
Figure 3: Mobility Framework.....	7
Figure 4: Existing Transit Routes.....	8
Figure 5: Bicycle and Micro-Mobility Framework	9
Figure 6: Measuring Vehicle Miles Traveled	19
Figure 7: Transportation-Related GHG Reduction Measures.....	31

List of Tables

Table 1: Specific Plan Land Use Comparison.....	5
Table 2: Specific Plan Population Comparison	5
Table 3: VMT Significance Thresholds.....	20
Table 4: Project Generated VMT Threshold	22
Table 5: Project's Effect on VMT (Boundary VMT) Cumulative Threshold	23
Table 6: Project Generated VMT Forecasts	24
Table 7: Boundary VMT Forecasts.....	25
Table 8: External Station Adjustments at Bay Area Regional Boundary	28
Table 9: Total Project-Generated VMT Assessment	30
Table 10: Project's Effect (Boundary) VMT Assessment	35
Table A-1: Project Generated VMT Forecasts.....	37

1. Introduction and Project Description

This report presents results of the vehicle miles traveled (VMT) analysis conducted to evaluate the environmental effects of the proposed Milpitas Gateway-Main Street Specific Plan (referred to as the Specific Plan). The Specific Plan includes a combination of land uses and revises the previously approved Midtown Specific Plan (adopted in 2002 and updated in 2010) included in Milpitas's General Plan. The Specific Plan results in an increase in dwelling units and a decrease in non-residential square footage compared to the Midtown Specific Plan. The Specific Plan boundaries have also expanded (including the area bounded by Calaveras Boulevard, S Abbott Avenue, Alvarez Common, and S Abel Street, and the residential area between the Great Mall and Curtis Avenue) from Midtown to focus on planning efforts to revitalize Main Street and Calaveras.

Figure 1 shows the Gateway-Main Street Specific Plan boundary and location within the City of Milpitas and the surrounding transportation network.

This chapter outlines the report purpose, project description, recent changes in the California Environmental Quality Act (CEQA) regarding transportation analyses, the analysis scenarios, and report organization.

1.1 Purpose

The primary purpose of this report is to present the VMT analysis for compliance with CEQA, including identification of potentially significant impacts and applicable recommended mitigation for inclusion in the Environmental Impact Report (EIR). Specifically, this report includes a VMT impact analysis. Project effects on the environment were evaluated following CEQA guidelines along with guidance from the City of Milpitas *Transportation Analysis Guidelines* (March 2022).



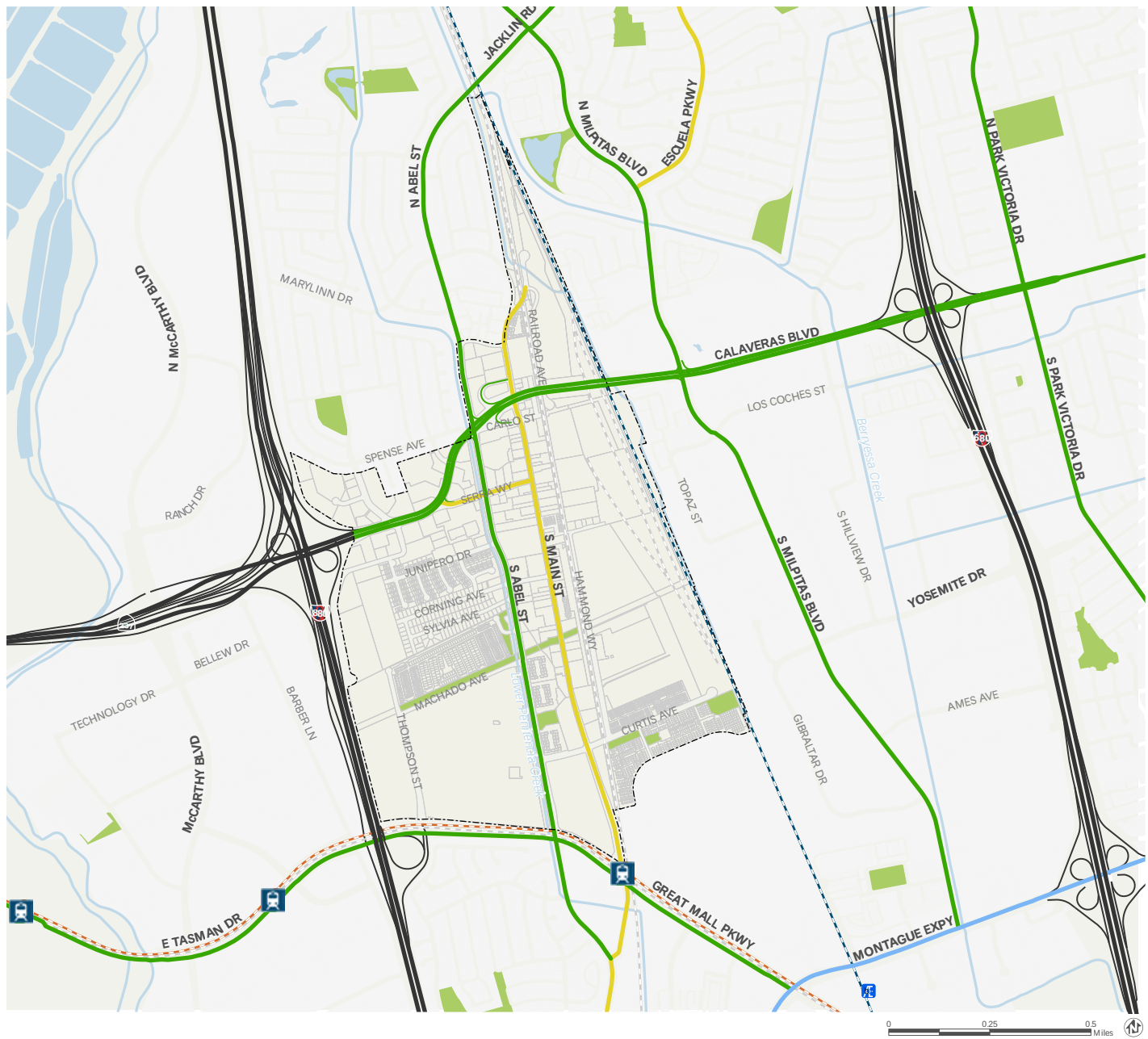


Figure 1
Roadway Network

1.2 Project Description

The Gateway-Main Street Specific Plan Area (Specific Plan Area), formerly Midtown Milpitas, includes the historic commercial core of the City of Milpitas, centered on Main Street and the Calaveras Gateway at I-880. The Gateway-Main Street Specific Plan (Specific Plan) updates the vision, standards, and policies of the Midtown Specific Plan, first adopted in 2002 and last updated in 2010. It implements the General Plan vision to rebrand Midtown Milpitas to the Gateway-Main Street area, with a renewed focus on revitalizing Main Street as the city's historic core and improving Calaveras Boulevard as an important western gateway into the city.

The Specific Plan Area (or Plan Area) is located west of the Union Pacific Railroad (UPRR) line, as shown in Figure 1, and covers approximately 605 acres in the center of Milpitas. It encompasses Calaveras Boulevard, Main Street, and the former Midtown Milpitas area bordered by I-880 to the west, the UPRR tracks to the east, and Great Mall Parkway to the south. Two heavy rail lines, the UPRR freight line and Bay Area Rapid Transit (BART) commuter rail line, traverse the Plan Area to the east. The Santa Clara Valley Transportation Authority (VTA) operates light rail transit (LRT) service nearby, with an adjacent stop along Great Mall Parkway at Main Street; the stop and interconnecting bus lines serve the Plan Area.

1.2.1 Districts

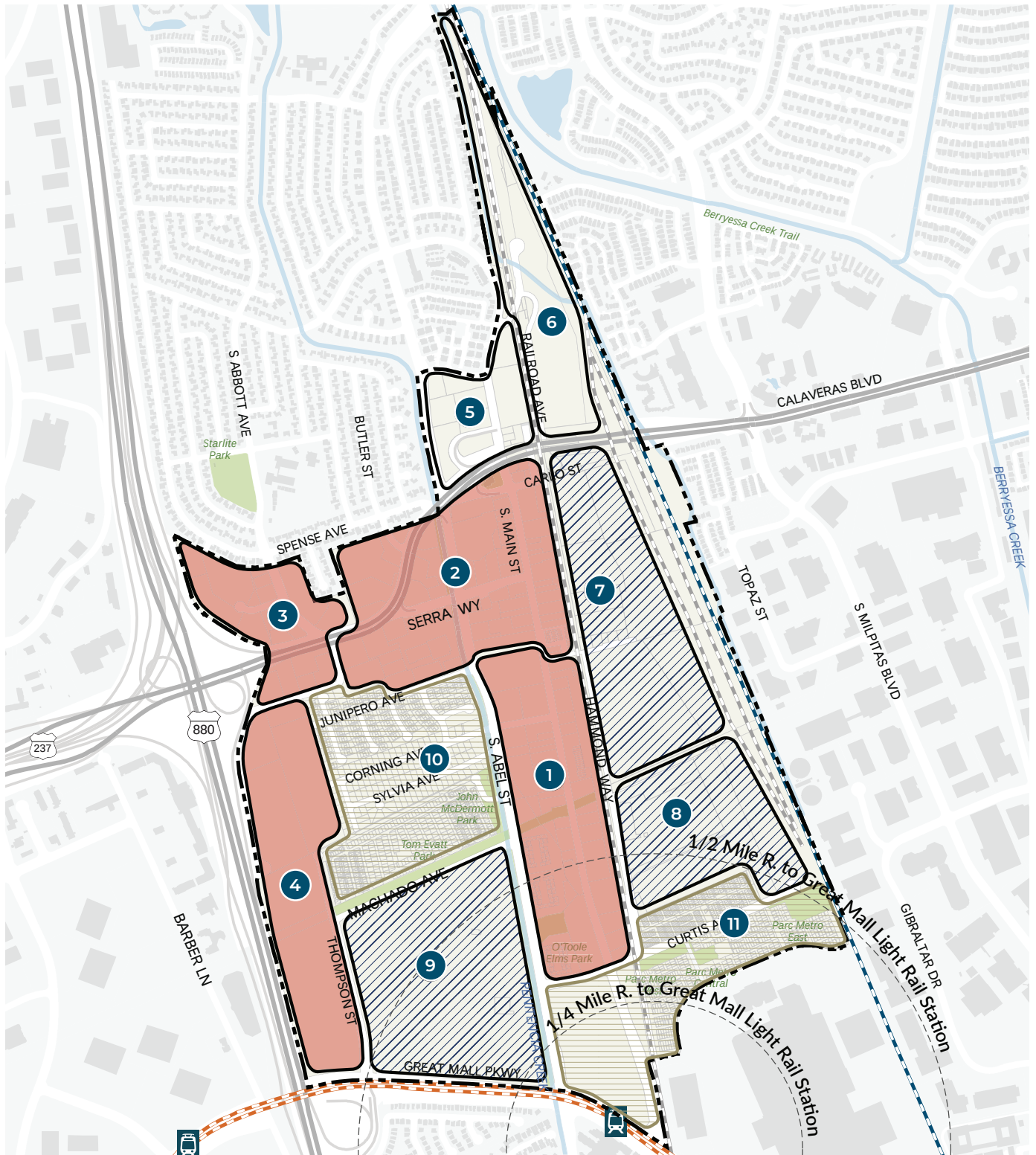
For planning purposes, the Plan Area has been organized into four priority focus areas: Main Street, Crossroads, Gateway, and Abbott districts, as shown in **Figure 2**. The Plan Area includes two other districts, the Library District and Creekside Industrial District, as well three urban reserve areas, the Elmwood Correctional Facility (Elmwood), the north Union Pacific Railroad yard (North Railyards), and the south Union Pacific Railroad yard (South Railyards). There are also existing single-family residential neighborhoods within and adjacent to the Plan Area, and those are considered neighborhood preservation areas.

1.2.2 Land Use Framework

The Specific Plan Land Use Framework is described in **Table 1**. The Land Use Framework implements the vision for the Specific Plan focus areas through a series of tailored and place-based Specific Plan zones, as well as existing applicable citywide zones and new Urban Reserve Areas. Areas not expected to change in land use or character will continue to be regulated through the existing land use and development regulations in the City of Milpitas Zoning Ordinance.

Compared to the Existing Conditions (2020), the Specific Plan would add 2,773 residential dwelling units and approximately 200,000 square feet of non-residential development. As presented in **Table 1**, the Gateway-Main Street Specific Plan proposes an additional 1,338 dwelling units in addition to the previously approved 1,435 dwelling units projected in the Milpitas 2040 General Plan for the Midtown Specific Plan. However, the Gateway-Main Street Specific Plan proposes reducing the non-residential square footage from the approximately 1.4 million square feet identified in the General Plan to about 200,000 square feet, accounting for greater mixed-use and redevelopment on existing sites.





Source: Ascent Environmental, August 2024

0 300' 600' 1,200'

- | | | | |
|---|---|--|--|
| FOCUS AREAS | OTHER DISTRICTS | URBAN RESERVE AREAS | EXISTING NEIGHBORHOODS |
| 1. Main Street District | 5. Library District | 7. North Railyards District | 10. West of Abel Neighborhood |
| 2. Crossroads District | 6. Creekside Industrial District | 8. South Railyards District | 11. Curtis Neighborhood |
| 3. Gateway District | | 9. Elmwood District | |



Figure 2
Milpitas Gateway-Main Street Specific Plan Focus Areas

Similarly, **Table 2** shows the Gateway-Main Street Specific Plan results in about 6,500 more residents and 250 more employees than Existing Conditions.

Table 1: Specific Plan Land Use Comparison

Location	Existing Conditions (2020)	Midtown Specific Plan ¹	Project: Gateway-Main Street Specific Plan	Project – Existing ²	
				Change	% Change
Residential Dwelling Units	2,403	3,838	5,176	2,773	215.4%
Non-Residential Square Footage	1,858,642	3,293,240	2,058,666	200,024	10.7%

Note:

1. In Milpitas 2040 General Plan

2. Change (Project – Existing) = Project Conditions column – Existing Conditions column.

Source: Fehr & Peers, June 2024.

Table 2: Specific Plan Population Comparison

Location	Existing Conditions (2020)	Midtown Specific Plan ¹	Project: Gateway-Main Street Specific Plan	Project – Existing ²	
				Change	% Change
Residents	9,480	12,568	16,384	6,904	172.8%
Employees	4,642	7,898	5,541	899	19.4%

Note:

1. In Milpitas 2040 General Plan

2. Change (Project – Existing) = Project Conditions column – Existing Conditions column.

Source: Fehr & Peers, June 2024.

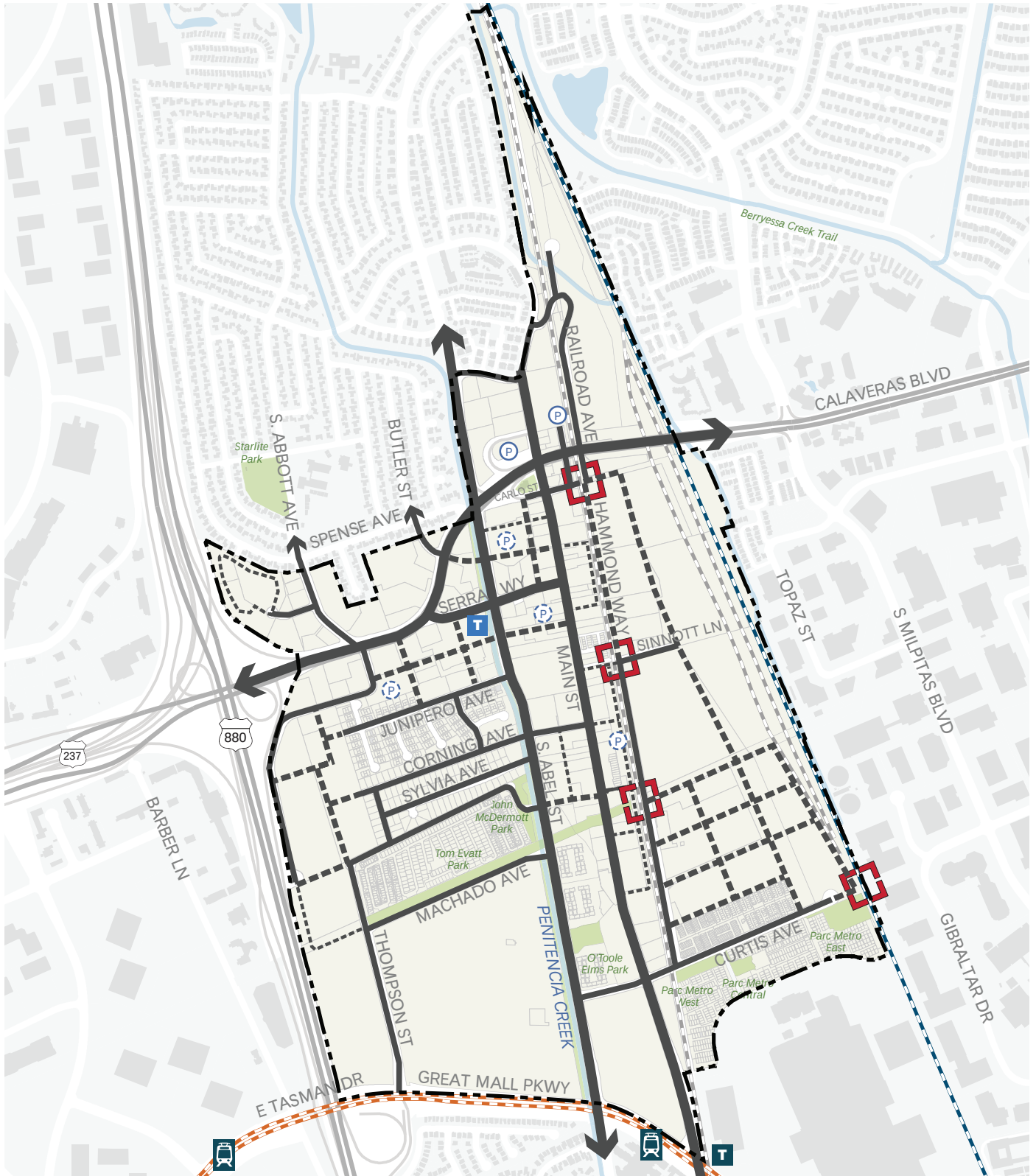
1.2.3 Mobility Overview

The Gateway-Main Street area lies between two freeways, I-880 and I-680 to the west and east, respectively. SR 237 turns into Calaveras Boulevard and runs through the area connecting the two freeways, and thus carries a significant amount of regional traffic, as shown in **Figure 3**. Abel Street serves as a north-south connector that runs through the area. Great Mall Parkway serves as an east-west connector that runs to the south of the area and has Class II Bike Lanes. The VTA Orange Line light rail system and VTA Bus Routes 44 and 66 run along Great Mall Parkway, as shown in **Figure 4**. The City's Simple Mobile Access to Reliable Transit (SMART) on-demand rideshare service supports VTA as a first/last mile connection within Milpitas. SMART has numerous stops within the Plan area, primarily along Main Street. There are existing Class I bike paths through O'Toole Elms Park and adjacent to Machado Avenue from Thompson Street to Hammond Way, as shown in **Figure 5**. The goal of the mobility framework is to promote the use of roadways by all modes of transportation, including walking, biking, shared-use micro-mobility, transit, and vehicles.



Proposed high level features of the Specific Plan promote the use of the roadways by all modes of transportation through multimodal community corridors, future streets and alleys to reduce block sizes and enhance walkability, reducing vehicle travel lane widths where possible, a proposed bikeway network and micromobility infrastructure, and central transit hubs and shuttle routes. Main Street from Railroad Avenue to Curtis Avenue is proposed to be a shared street. There are proposed Class I bike paths on Machado Avenue, Calaveras Boulevard, Abel Street, and Thompson Street. There are proposed Class II bike lanes on Curtis Avenue, Corning Avenue, Hammond Way, Sinnott Lane, and Carlo Street. There are proposed Class IV separated bikeways on Abbott Avenue and Serra Way. Micromobility hubs are proposed for locations along Main Street, west of Serra Way, and along Thompson Street shown in **Figure 5**.





Source: Ascent Environmental, August 2024

0 300' 600' 1,200'

- | | | | | | |
|--|----------------------------|--|-----------------------------|--|---|
| | Existing Street | | Existing Transit Hub | | Existing Railway |
| | Future Street | | Future Transit Hub | | Existing Light Rail Line |
| | Future Service Alley | | Existing Light Rail Station | | Existing BART Line |
| | Future Public Parking Area | | | | Potential Future At-Grade Rail Crossing (To Be Studied) |



Figure 3
Mobility Framework

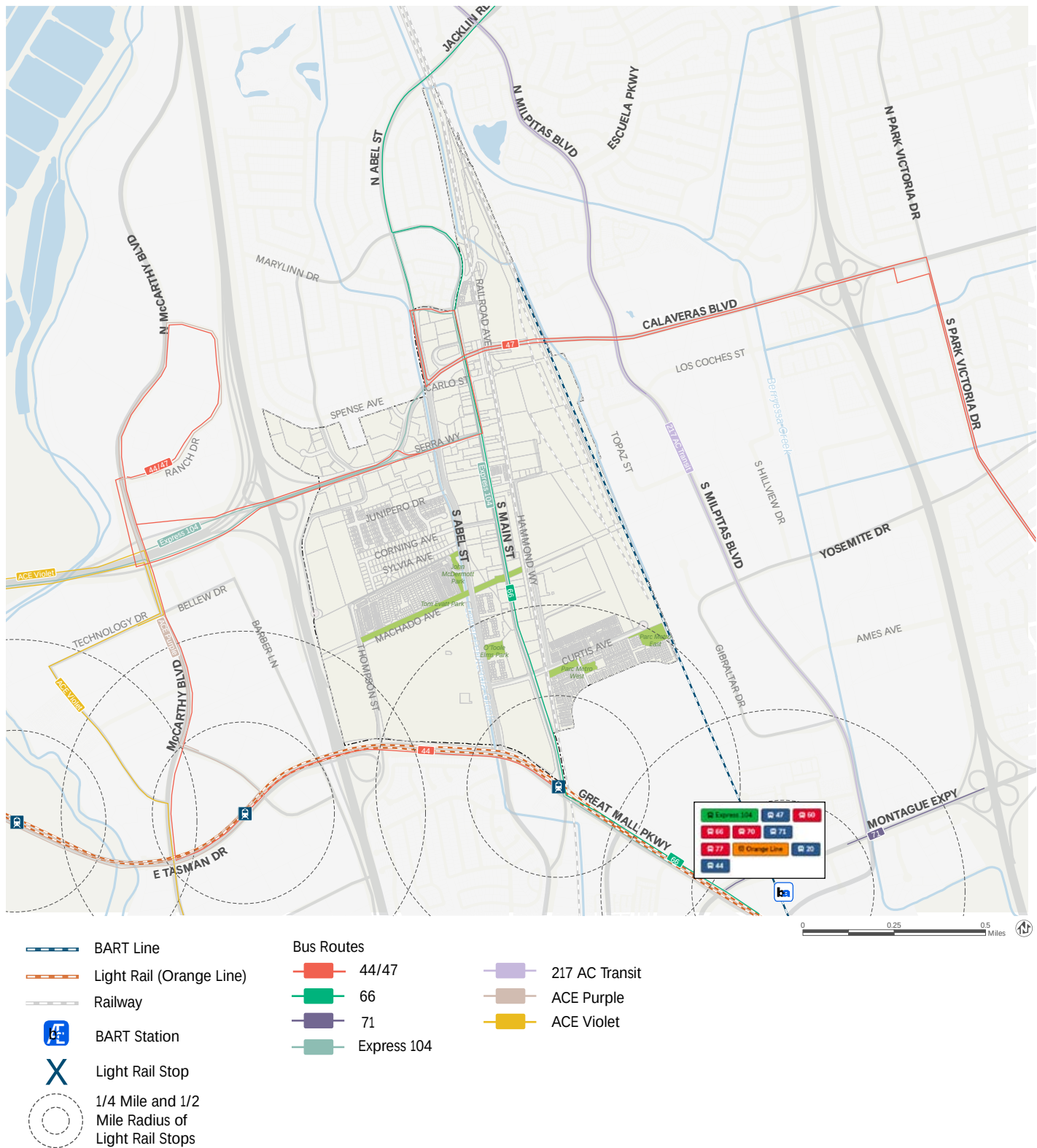
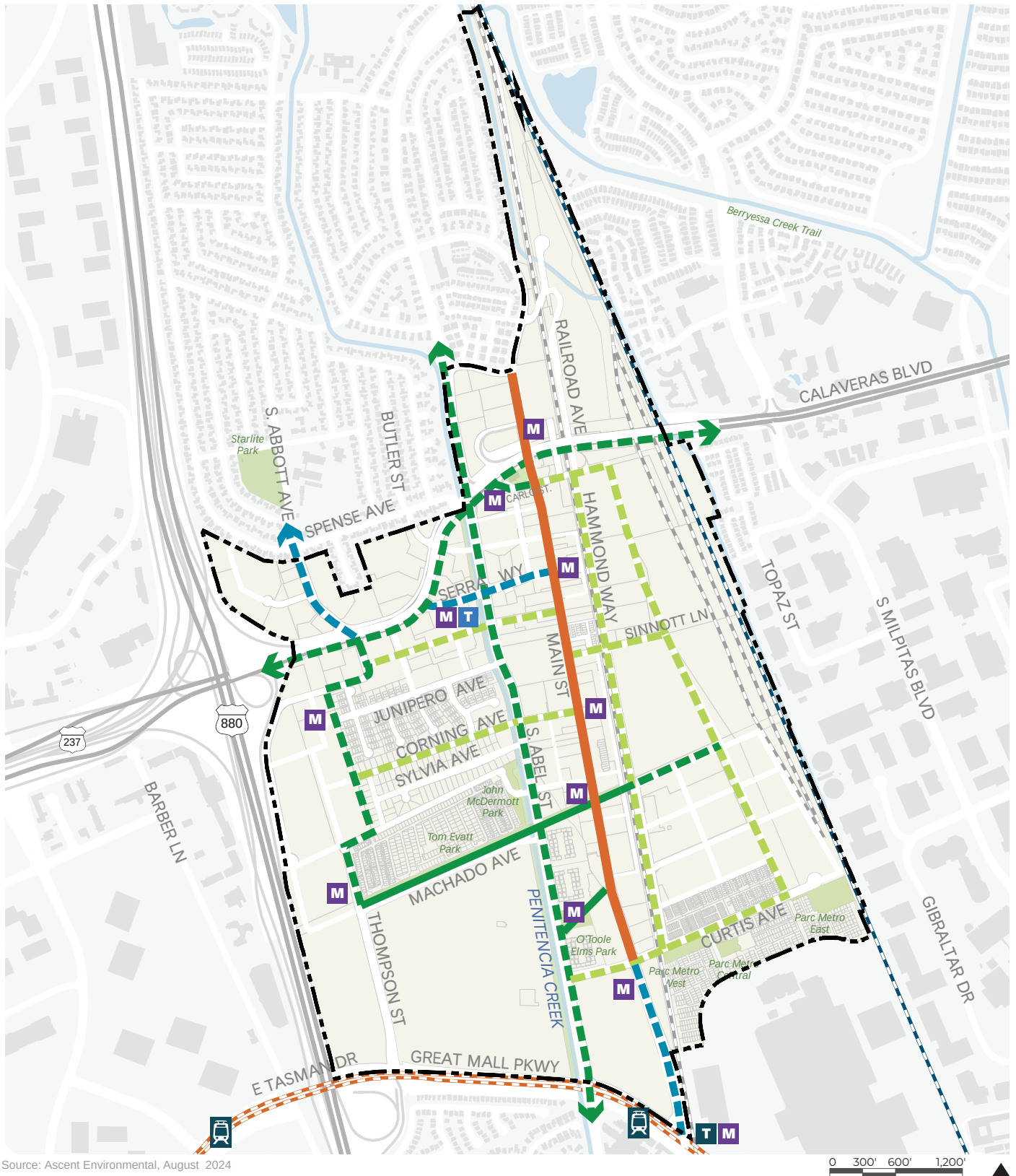


Figure 4
Transit Routes



Source: Ascent Environmental, August 2024

- | | | |
|---|---|---|
|  Existing Class I Bike Path |  Future Micro-Mobility Hub |  Main Street Shared Street |
|  Proposed Class I Bike Path |  Future Transit Hub |  Parks and Open Space |
|  Proposed Class II Bike Lane |  Existing Transit Hub | |
|  Proposed Class IV Separated Bikeway |  Existing Light Rail Station | |



Figure 5
Bicycle and Micro-Mobility Framework

1.3 Recent Changes to CEQA Transportation Analysis

Senate Bill (SB) 743 changed how transportation impacts under CEQA are analyzed. SB 743 removed the use of automobile delay or traffic congestion for determining transportation impacts in environmental review. The latest *CEQA Statute & Guidelines* specify that VMT is the appropriate metric to evaluate transportation impacts (**Chapter 2** provides additional context). In short, SB 743 changes the focus of transportation impact analysis in CEQA from measuring impacts to drivers to measuring the impact of driving.

The Gateway-Main Street Specific Plan is a large project that will increase the density of dwelling units and reduce the non-residential square footage compared to the previously approved Midtown Specific Plan, which will influence the total VMT within Milpitas and nearby.

1.4 Analysis Scenarios

The VMT analysis includes the following study scenarios:

- **Scenario 1: Existing Conditions** – Existing (2020) travel characteristics.
- **Scenario 2: Cumulative Conditions** – Year 2040 travel behavior based on the 2040 travel model, *Plan Bay Area 2040* Association of Bay Area Governments (ABAG) land use projections, and planned and funded transportation system improvements noted in the *Valley Transportation Plan (VTP) 2040*. The Specific Plan area would reflect the approved General Plan (which includes the Midtown Specific Plan) land uses.
- **Scenario 3: Cumulative with Project Conditions** – Scenario 2 travel characteristics plus the replacement of the Midtown Specific Plan land uses with the Gateway-Main Street Specific Plan land uses.

1.5 Report Organization

This report is divided into five chapters:

- **Chapter 1 – Introduction and Project Description** discusses the report purpose, proposed project description, a description of recent changes to CEQA transportation analysis, a summary of the analysis scenarios, and report organization.
- **Chapter 2 – VMT Approach and Analysis Methods** discusses the approach for a comprehensive VMT assessment, the forecasting methods used to estimate total VMT per service population rate, and the project's effect on VMT using boundary VMT per service population.
- **Chapter 3 – Significance Criteria** lists the significance criteria used for the environmental impact analysis.
- **Chapter 4 – Vehicle Miles Traveled Forecasts** summarizes the VMT forecast methods including the City of Milpitas travel model overview.
- **Chapter 5 – Environmental Impacts and Mitigation Assessment** includes a VMT analysis.



2. VMT Approach and Analysis Methods

This chapter provides an overview of SB 743 and the legal framework, and VMT assessment approach decisions and analysis methods.

2.1 Overview of Senate Bill 743 and Legal Framework

On September 27, 2013, Governor Jerry Brown signed SB 743 into law and started a process intended to fundamentally change transportation impact analysis as part of CEQA compliance. Specifically, the legislation directed the State of California's OPR to look at different metrics for identifying transportation impacts and make corresponding revisions to the *CEQA Statute & Guidelines*. The initial bill included two legislative intent statements (emphasis and bullets added):

- **New methodologies** under the California Environmental Quality Act are **needed for evaluating transportation impacts** that are better able to promote the state's goals of reducing greenhouse gas emissions and traffic-related air pollution, promoting the development of a multimodal transportation system, and providing clean, efficient access to destinations.
- More appropriately balance the needs of congestion management with statewide goals related to **infill development**, promotion of public health through **active transportation**, and **reduction of greenhouse gas emissions**.

These statements provided direction to OPR and lead agencies. For OPR, the direction is about what the new metrics should achieve. For lead agencies, the direction is about expected changes in transportation analysis (and related technical areas) and what factors to consider for significance thresholds.

To implement this intent, SB 743 contains amendments to current congestion management law that allow cities and counties to opt out of the LOS standards that would otherwise apply. SB 743 does not prevent a lead agency from continuing to analyze delay or LOS as part of other plans (e.g., a general plan), fee programs, or ongoing network monitoring. However, automobile delay as described by LOS is no longer considered a significant impact on the environment for purposes of CEQA. Lead agencies may still consider vehicle LOS outside of the CEQA process if they determine it is an important part of their transportation planning process. The most common applications will occur for jurisdictions wanting to use vehicle LOS to plan roadways in their general plans or determine nexus relationships for their impact fee programs. Jurisdictions can also continue to condition projects to build transportation improvements through the entitlement process in a variety of ways.

Following several years of draft proposals and related public comments, OPR settled upon VMT as the preferred metric for assessing passenger vehicle-related impacts and issued revised *CEQA Statute & Guidelines* in December 2018, along with a *Technical Advisory on Evaluating Transportation Impacts in*



CEQA (December 2018) (OPR *Technical Advisory*) to assist practitioners in implementing the *CEQA Statute & Guidelines* revisions. Under the revised *CEQA Statute & Guidelines*, vehicle LOS is no longer used to determine significant environmental impacts under CEQA, and analysis of a project's impacts will now be based on assessment of VMT.

The OPR *Technical Advisory* provides guidance and recommendations for SB 743 implementation. However, lead agencies must still make their own specific decisions about metrics, methods, thresholds, and mitigation. Further, the OPR guidance is primarily tied to statewide goals for greenhouse gas (GHG) reduction and does not attempt to balance or resolve potential conflicts between state and lead agency goals, such as those expressed in local agency general plans and/or climate action plans.

The use of VMT as a metric focuses on the total *amount* of driving, rather than the driving *experience*. This new view presents an impact filter intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. VMT can help identify how projects (land development and infrastructure) influence accessibility (i.e., access to places and people), noise, and emissions; thus, its selection as a metric is aligned with the objectives of SB 743.

Many jurisdictions find it useful to express VMT as an efficiency metric (e.g., VMT per person or VMT per employee). This form of the metric is unrelated to the level of activity in a particular location and more about how efficiently the people at that location travel. A project that contributes to a more efficient use of the transportation system would reduce the total VMT per person as compared to a no-project scenario. A commonly used efficiency metric is "total VMT per service population," in which the denominator, called "service population," includes all the variables that generate vehicle trips in the models that estimate VMT; in most instances, this will be the total number of all residents and employees in the analysis area or project. However, it may also include other categories of people, such as visitors or students, if those categories are used in the trip generation estimates in the model. Based on the background context outlined above, the remainder of this chapter provides information about key decisions the City of Milpitas staff made regarding VMT metrics, calculation methods, and impact thresholds.

2.2 Approach

Under CEQA, agencies must decide what constitutes a significant environmental impact. The *CEQA Statute & Guidelines* encourage local agencies to adopt thresholds of significance. The thresholds for VMT can be quantitative (i.e., a measured value such as the concentration of GHG emissions in the atmosphere) or qualitative performance standards (e.g., VMT on local streets) by which the agency can measure the relative magnitude of an impact caused by a project to determine if the project's impacts are significant. In fact, the new *CEQA Statute & Guidelines* Section 15064.3(b)(4) empower lead agencies to choose the most appropriate VMT methods for transportation impact analysis:

Methodology. A lead agency has discretion to choose the most appropriate methodology to evaluate a project's vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household, or in any other measure. A lead agency may use



models to estimate a project's vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.

The City of Milpitas updated their *Transportation Analysis Guidelines* in March 2022 to provide guidance for CEQA-compliant transportation analyses pursuant to SB 743 for all projects in the city. Considering the information and options provided in the *Transportation Analysis Guidelines*, city staff chose to prepare a comprehensive VMT assessment to evaluate the effect of this large land use project. The comprehensive VMT assessment (i.e., VMT including all vehicle trips, vehicle types, and trip purposes without separation by land use) presented in this report considers the project's long-term effect on VMT¹ based on direct and indirect impacts under cumulative conditions. This VMT approach was prepared by transportation engineers and support staff with a strong understanding of CEQA practice and a focus on consistency and compliance with *CEQA Statute & Guidelines*.

The OPR *Technical Advisory* provides a blueprint for organizing key decisions regarding SB 743 methods: the decisions listed later in this section follow the basic structure of the OPR *Technical Advisory*. The OPR *Technical Advisory* recommends considering a project's short-term, long-term, and cumulative effects on VMT but provides limited recommendations on how to prepare a comprehensive VMT assessment for large land use projects.

City staff considered the substantial evidence presented in the OPR *Technical Advisory* and the *Transportation Analysis Guidelines* to make key decisions about the VMT forecasting model, VMT accounting methods, calculation of the baseline and cumulative regional VMT estimates, and VMT thresholds required for a comprehensive analysis.

The inclusion of a project's effects on VMT for retail projects in the OPR *Technical Advisory* is one of the reasons the analysis presented here includes all trip purposes and vehicle types, without separation of VMT by land use, and an evaluation of a project's effects on VMT (i.e., total project-generated VMT per service population and boundary VMT).

The expectations of a CEQA impact analysis to provide a complete picture of the VMT effects on the environment are highlighted within the *CEQA Statute & Guidelines* in the following sections.

¹ This is in contrast with the OPR *Technical Advisory* recommendation to use partial VMT for transportation impact analysis (Governor's Office of Planning and Research, *Technical Advisory: On Evaluating Transportation Impacts in CEQA*, pages 15 and 16). Using partial VMT for project generated VMT screening may not tell the full story of the project's benefits. For example, mixed-use projects help reduce VMT by shortening vehicle trip lengths or reducing vehicle trips because of the convenience of walking, bicycling, or using transit between project destinations. A comprehensive VMT analysis is a more complete evaluation.



- **CEQA Guidelines – Expectations for Environmental Impact Analysis**
 - § 15003 (F) = fullest possible protection of the environment...
 - § 15003 (I) = adequacy, completeness, and good-faith effort at full disclosure...
 - § 15125 (C) = EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated...
 - § 15144 = an agency must use its best efforts to find out and disclose...
 - § 15151 = sufficient analysis to allow a decision which intelligently takes account of environmental consequences...

All of these suggest that completeness and accuracy is important when judging an adequate analysis. Furthermore, to understand the effects of a project, VMT inputs for air quality, GHG emissions, and energy consumption already require a comprehensive analysis of total “project-generated” VMT and “project’s effect on VMT” using local or regional travel forecasting models:

- **Total (project-generated) VMT per service population (Direct/Project Impacts):** The sum of the “VMT from” and “VMT to” and within a specific geographic area are divided by the sum of the number of residents and employees in the same geographic area.
- **Project’s effects on VMT per service population (Cumulative Impacts):** An evaluation of the change in travel between Without and With Project Conditions on all roadways within a geographic area under Cumulative Conditions divided by the sum of the number of residents and employees in the same geographic area.

Both total VMT and the project’s effects on VMT are needed to fully account for VMT effects that may include changes to VMT generation from neighboring land uses. The importance of a comprehensive analysis using all VMT per service population and that considers a project’s effects on VMT is that land use projects can influence the routing of existing trips and the VMT generation of surrounding land uses.²

2.2.1 Summary of VMT Methods Decisions

Implementation of a comprehensive VMT assessment requires certain methodological decisions. The following steps were taken to establish SB 743 VMT thresholds:

- Select a VMT calculation tool
 - Use the City of Milpitas’s version of the Santa Clara Valley Transportation Authority (VTA) - City/County of Governments of San Mateo County (C/CAG) Bi-County Travel Model (City of Milpitas- Travel Model)
- Select the VMT accounting method(s)

² Typical CEQA practice focuses on environmental effects that occur on a typical weekday, so all references to VMT in this document are intended to mean VMT that occurs on a typical weekday.



- Total (project-generated) VMT per service population (Direct/Project Impacts): The sum of the VMT within the specified geographic area (internal-internal trips), "VMT from" the specified geographic area (internal-external trips), and "VMT to" the specified geographic area (external-internal trips), divided by the sum of the number of residents and employees, in the same geographic area.
- Home-based (project generated) VMT per resident (Direct/Project Impacts): The sum of the VMT generated by light-duty vehicles that start or end from a residential land use within the specified geographic area (internal-internal trips), "VMT from" the specified geographic area (internal-external trips), and "VMT to" the specified geographic area (external-internal trips), divided by the sum of the number of residents in the same geographic area.
- Home-based work (project generated) VMT per employee (Direct/Project Impacts): The sum of the VMT generated by light-duty vehicles that start or end from an employment land use within the specified geographic area (internal-internal trips), "VMT from" the specified geographic area (internal-external trips), and "VMT to" the specified geographic area (external-internal trips), divided by the sum of the number of employees in the same geographic area.
- Project's effects on VMT per service population (Cumulative Impacts): An evaluation of the change in travel between Without and With Project Conditions on all roadways within a geographic area under the Cumulative Conditions scenario, divided by the sum of the number of residents and employees in the same geographic area.
- Calculate the baseline and cumulative regional VMT estimates
 - The analysis presented here uses VMT from all trip purposes and vehicle types (i.e., there is no separation of VMT by land use) for Santa Clara County or region (defined as Santa Clara County, Alameda County, and San Mateo County) with a baseline set as Existing Conditions VMT on all roadways in Santa Clara County and in the region, and cumulative set as VMT on all roadways in Santa Clara County and in the region under Cumulative Conditions (refer to the VMT Accounting Methods sections for detailed descriptions).
- Set the VMT threshold(s)
 - The threshold to be applied in assessing project-specific impacts is 15% below the existing total VMT per service population rate, home-based VMT per resident rate, and home-based work VMT per employee rate for the county. (Refer to **Table 3** and **Table 4** in **Chapter 3** for additional details about this threshold.)
 - The threshold to be applied in assessing cumulative impacts (project's effect on VMT) is no change in the cumulative conditions (future) boundary VMT per service population for the region. (Refer to **Table 3** and **Table 5** in **Chapter 3** for additional details about this threshold.)

For direct impacts, total VMT per service population is the metric used to evaluate how the project VMT changes (increases or decreases) between the Without Project and With Project scenarios, considering



both VMT increases due to growth and VMT reductions due to changes in travel behavior. Total VMT per service population is used to evaluate if the VMT rate due to the project (i.e., the direct impacts) is greater than a specified VMT threshold; however, it does not evaluate a project's effect on VMT on the entire roadway system,³ which is evaluated as part of the cumulative analysis.⁴

Regarding the cumulative analysis, the Specific Plan land use changes are minor in the context of the regional residential population and employment; therefore, it is to be expected that the project's effect on VMT (cumulative impact) would have localized VMT effects. Therefore, the project's effect on VMT, as evaluated by the cumulative effects of the project's land use and transportation changes, compares the changes in boundary VMT per service population⁵ between the Cumulative Condition and the Cumulative with Project Condition. Each scenario is described in **Chapter 1**.

For the reasons listed above, the analysis presented in this report focuses on the VMT for all trip purposes and vehicle types without separation of VMT by land use. For the project analysis, the total project-generated VMT threshold was developed using the Existing Conditions total VMT for the region because the net increase in residents would be within Milpitas. As a result, most of the Specific Plan total VMT would be within the region and, therefore, impacts assessed against the regionwide baseline is the most appropriate assessment of the project's direct impact. Like the total VMT baseline rate, the boundary VMT baseline uses the regionwide boundary VMT to evaluate the project's effects on VMT because the project effects are likely to be localized near the Specific Plan area and within the region.

2.3 VMT Accounting Methods

To understand the VMT forecasts and VMT impact analysis, this section defines important VMT terms and analysis methods. The City of Milpitas travel model was used to develop daily VMT forecasts for the following metrics:

- **Project Generated VMT:** The sum of VMT associated with travel from, to, and within a project site.
- **Project's Effect on VMT (within a selected geographic boundary):** An evaluation of the change in total vehicle travel within a defined geographic area boundary, compared between the Without Project and With Project conditions. The boundary for a project's analysis will be selected based on project characteristics such as size and location.

Project generated VMT per service population is the metric used to evaluate how the project VMT changes (increases or decreases) between the Without Project and With Project scenarios, considering

³ An often-cited example of how a project can affect VMT is the addition of a grocery store in a food desert. Residents of a neighborhood without a grocery store often travel a great distance to an existing grocery store. Adding the grocery store to that neighborhood will shorten many of the grocery shopping trips and reduce the VMT to/from the neighborhood. This concept is likely to occur with the addition of housing in Milpitas.

⁴ For this analysis, service population is defined as the sum of all residents and employees.

⁵ Boundary VMT captures all VMT on a roadway network within a specified geographic area, including local trips plus inter-regional travel, which does not have an origin or destination within the area.



both VMT increases due to growth and VMT reductions due to changes in travel behavior. As noted earlier, project generated VMT per service population is used to evaluate if the VMT rate due to the project is greater than a specified VMT threshold; however, it does not evaluate a project's effect on VMT across an entire roadway system. The project's effect on VMT compares the changes in boundary VMT per service population between the Cumulative Condition and Cumulative with Project Conditions. The analysis presented in this report focuses on the VMT for all trip purposes and vehicle types (i.e., there is no separation of VMT by land use).

2.3.1 Project Generated VMT

The project generated VMT is calculated by summing the "VMT within" the specified geographic area (internal-internal trips), "VMT from" the geographic area (internal-external trips), and "VMT to" the geographic area (external-internal trips), as follows:

$$\text{Project Generated VMT} = (II + IX) + (II + XI) = 2 * II + IX + XI$$

- **Internal-internal (II):** The full length of all trips made entirely within the specified geographic study area limits.
- **Internal-external (IX):** The full length of all trips with an origin within the specified geographic study area and destination outside of the area.
- **External-internal (XI):** The full length of all trips with an origin outside of the specified geographic study area and destination within the area.

The intra-zonal VMT and VMT between traffic analysis zones, or TAZs, that are in the specified geographic study area cause some double counting, an expected result when summing the trip end based VMT. To ensure a VMT rate is expressed properly (i.e., that the numerator and denominator include the generators of both trip ends of the VMT), the VMT is divided by the generator (residential population and/or employees) of both trip ends of the VMT. The VMT estimates are also presented on a per service population basis to account for both the effects of population and/or employment growth and the effects of changes in personal travel behavior. For example, population growth may cause an increase in overall VMT, while travelers changing their behavior by using different travel modes or decreasing their vehicle trip lengths (such as a higher percentage of residents living and working within the Specific Plan Area) would cause decreases in the amount of VMT each person generates.

2.3.2 Project's Effect on VMT (Using Boundary VMT)

A project's effect on VMT is evaluated using the boundary VMT, which captures all VMT on the roadway network within a specified geographic area, including local trips plus inter-regional travel that does not have an origin or destination within the study area. The geographical boundary method only considers traffic within the physical limits of the selected study area and does not include the impact of vehicles once they travel outside the area limits. The use of boundary VMT is a more comprehensive evaluation of the potential effects of a project because it captures the combined effect of new VMT, shifts in existing VMT to/from other neighborhoods, and/or shifts in existing traffic to alternate travel routes or modes. The

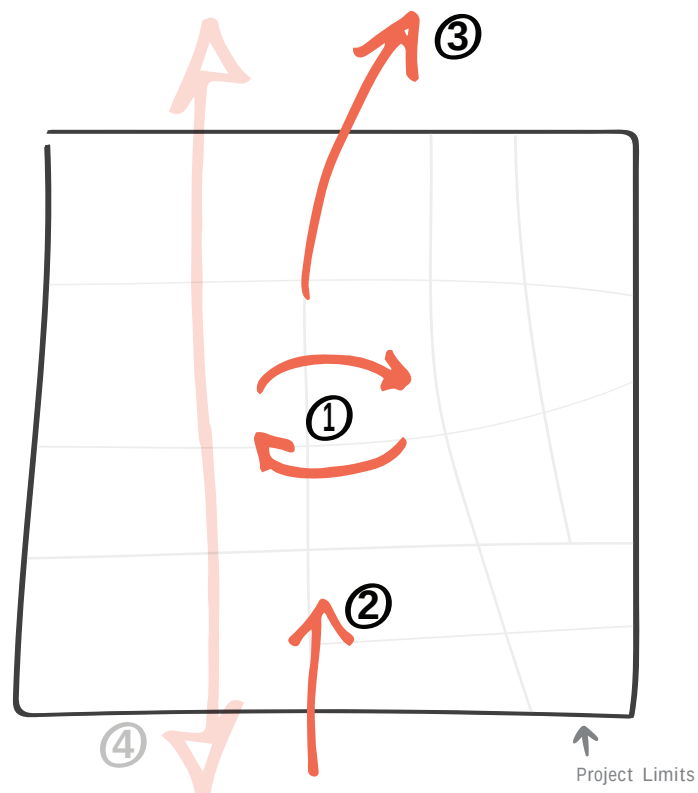


boundary VMT is also divided by the service population (sum of residents and employees) to account for the effects of population and/or employment growth and the effects of changes in personal travel behavior within the specified geographic area.

Figure 6 presents a representation of both project generated VMT and boundary VMT. Both metrics are needed for a comprehensive evaluation of a project's VMT effects.



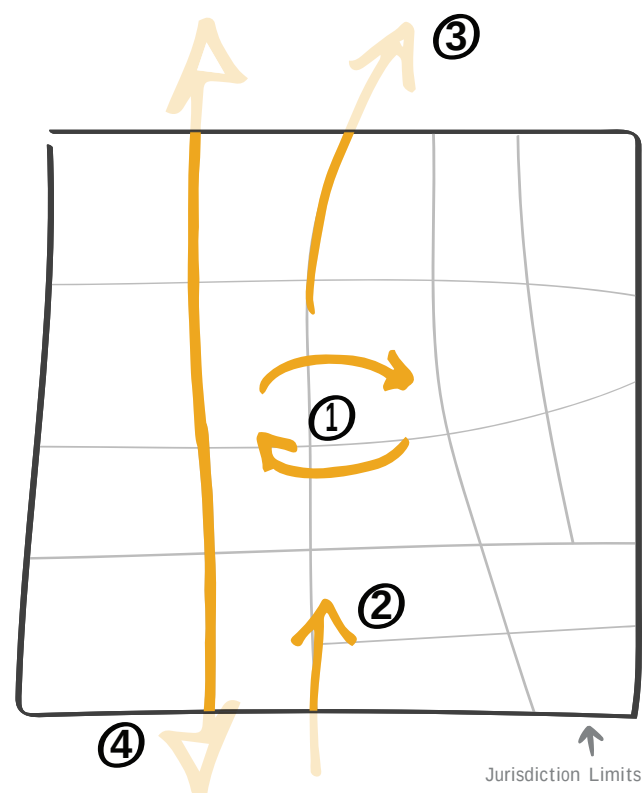
Total VMT (Project Generated VMT)



- ① 2x Internal to Internal (2xII) VMT ③ Internal to External (IX) VMT
- ② External to Internal (XI) VMT ④ External to External (XX) VMT

Notes: External to External (XX) trips (shown as transparent arrow 4) are excluded from this VMT metric. Adjustments to total VMT made to include the full length of trips that leave the project limits to capture inter-jurisdiction travel.

Project Effect on VMT (Boundary VMT)



- ① Internal to Internal VMT ③ Internal to External (IX) VMT
- ② External to Internal (XI) VMT ④ External to External (XX) VMT

Notes: Boundary VMT is all the VMT on the streets within the Jurisdiction Limits. Transparent portions of arrows 2, 3 and 4 are not included in the VMT metric.



3. Significance Criteria

The detailed impact criteria for VMT and other transportation-related items are described below. The project's potential impacts are presented in **Chapter 5**.

3.1 VMT Significance Criteria

The *Transportation Analysis Guidelines (TA Guidelines)* provides guidance for the preparation of CEQA-compliant transportation impact analyses pursuant to SB 743 and is the reference guide for this transportation analysis.

The VMT impact analysis presented in this report considers the project's direct impacts relative to total VMT per service population, home-based VMT per resident, and home-based per employee as well the project's long-term effect on VMT using boundary VMT per service population evaluated under Cumulative Conditions. The project would result in a VMT-related impact as described below in **Table 3**.

Table 3: VMT Significance Thresholds

Impact Category	Significance Threshold	Calculated Numeric Threshold for Project
Project Impact	The threshold for assessing project-specific impacts is 15% below the existing total VMT per service population rate of 29.88 miles.	The project would result in a significant project-specific impact if the project total VMT per service population under Cumulative with Project Conditions is greater than 25.40 miles.
	The threshold for assessing project-specific impacts is 15% below the existing home-based VMT per resident rate of 13.97 miles.	The project would result in a significant project-specific impact if the project home-based VMT per resident under Cumulative with Project Conditions is greater than 11.87 miles.
	The threshold for assessing project-specific impacts is 15% below the existing home-based work VMT per employee rate of 16.84 miles.	The project would result in a significant project-specific impact if the project home-based work VMT per employee under Cumulative with Project Conditions is greater than 14.31 miles.
Project Effect	The threshold for assessing cumulative impacts is no change in the Cumulative Conditions (future) boundary VMT per service population for 2040.	The project would result in a significant cumulative impact if it causes the cumulative regionwide daily boundary VMT per service population to be greater than 13.40 miles.

Source: City of Milpitas *Transportation Analysis Guidelines*, March 2022, and Fehr & Peers, 2024.

Each of these criteria is discussed further below.



3.1.1 Project-Generated VMT Impact Thresholds and Impact Criteria

As discussed in the VMT Approach and Analysis Methods chapter (**Chapter 2**), the significance threshold for determining the project's direct impact is a total VMT per service population rate that is 15% below the Existing Conditions total VMT per service population for the county (Santa Clara County). The threshold applied in this analysis is 15% below the existing total VMT per service population of 29.88, which, as shown in **Table 4**, is the existing total VMT of 92,685,100 divided by the service population of 3,101,410. This results in a total VMT per service population threshold of 25.40 miles ($29.88 \text{ miles} * 85\% = 25.40 \text{ miles}$).

The significance threshold for determining the project's direct impact is a home-based VMT per resident rate that is 15% below the Existing Conditions home-based VMT per resident threshold for the county (Santa Clara County). The threshold applied in this analysis is 15% below the existing home-based VMT per resident of 13.97, which, as shown in **Table 4**, is the existing home-based VMT of 27,937,530 divided by the resident population of 1,999,110. This results in a home-based VMT per resident threshold of 11.87 miles ($13.97 \text{ miles} * 85\% = 11.87 \text{ miles}$).

The significance threshold for determining the project's direct impact is a home-based work VMT per employee rate that is 15% below the Existing Conditions home-based work VMT per employee threshold for the county (Santa Clara County). The threshold applied in this analysis is 15% below the existing home-based work VMT per employee of 16.84, which, as shown in **Table 4**, is the home-based work VMT of 18,561,410 divided by the service population of 1,102,300. This results in a home-based work VMT per employee threshold of 14.31 miles ($16.84 \text{ miles} * 85\% = 14.31 \text{ miles}$).



Table 4: Project Generated VMT Threshold

	Project Generated VMT Threshold
<i>Total VMT per Service Population Threshold</i>	
Total Vehicle Miles Traveled (A) ¹	92,685,100
Service Population (B) ^{1,2}	3,101,410
Total VMT per Service Population (A/B = C)	29.88
Total VMT per Service Population Threshold (C*85% = D)	25.40
<i>Home-Based VMT per Resident Threshold</i>	
Home-Based Vehicle Miles Traveled (A) ¹	27,937,530
Residents (B) ^{1,2}	1,999,110
Home-Based VMT per Resident (A/B = C)	13.97
Home-Based VMT per Resident Threshold (C*85% = D)	11.87
<i>Home-Based Work VMT per Employee Threshold</i>	
Home-Based Work Vehicle Miles Traveled (A) ¹	18,561,410
Employees (B) ^{1,2}	1,102,300
Home-Based Work VMT per Employee (A/B = C)	16.84
Home-Based Work VMT per Employee Threshold (C*85% = D)	14.31

Notes:

1. Rounded service population and VMT to nearest 10.
2. Service population is defined as the sum of all residents and employees.

Source: Fehr & Peers, 2024.

Therefore, the project would cause a significant project-generated VMT impact if the Specific Plan total VMT per service population under Cumulative with Project Conditions is greater than 25.40 miles, if the Specific Plan home-based VMT per resident under Cumulative with Project Conditions is greater than 11.87 miles, or if Specific Plan home-based work VMT per employee under Cumulative with Project Conditions is greater than 14.31 miles.

3.1.2 Project's Effect on VMT Thresholds and Impact Criteria

The impact threshold for the project's effect on VMT, or the project's cumulative impact, is the regional⁶ boundary VMT per service population, or 13.40 miles (see **Table 5**).

⁶ The region is defined as Santa Clara County, Alameda County, and San Mateo County.



Table 5: Project's Effect on VMT (Boundary VMT) Cumulative Threshold

	Boundary VMT Threshold
Boundary Vehicle Miles Traveled (A) ¹	111,997,600
Service Population (B) ^{1,2}	8,357,810
Boundary VMT per Service Population (A/B = C)	13.40
Boundary VMT per Service Population Threshold (C)	13.40

Notes:

1. Rounded service population and VMT to nearest 10.
2. Service population is defined as the sum of all residents and employees.

Source: Fehr & Peers, 2024.

Therefore, the project's effect on VMT would result in a significant cumulative impact if it causes the cumulative regionwide daily boundary VMT per service population to be greater than 13.40 miles.



4. Vehicle Miles Traveled Forecasts

The City of Milpitas Travel Model was used to develop daily VMT and traffic forecasts for the Milpitas Gateway-Main Street Specific Plan. VMT forecasts were prepared for the SB 743 VMT assessment.

4.1 Daily VMT Forecasts

This section summarizes the project generated VMT and boundary VMT forecasts for the Gateway-Main Street Specific Plan under the four study scenarios.

4.1.1 Total Project Generated VMT Forecasts

The total project generated VMT forecasts for the Specific Plan presented in **Table 6** is the expected VMT growth “budget” established by the Specific Plan land use growth assumptions. The Specific Plan’s project-generated VMT grows at a slower rate than its service population, and thus the Specific Plan total VMT per service population rate decreases with the introduction of the Specific Plan. This downward trend in the total VMT per service population in the Specific Plan Area is an important observation: it means Milpitas could consider the results of a baseline total VMT per service population sufficient for some land use project types. The full table comparing Existing, Cumulative, and Cumulative with Project Conditions can be found in Attachment A.

The Specific Plan’s home-based VMT grows slower than its resident population, and thus the Specific Plan home-based VMT per resident rate decreases with the introduction of the Specific Plan. Between Existing and Cumulative Conditions, the Santa Clara County home-based VMT per resident rate decreases.

The Specific Plan’s home-based work VMT decreases more than its employee population, and thus the Specific Plan home-based work VMT per employee rate decreases with the introduction of the Specific Plan. Between Existing and Cumulative Conditions, the Santa Clara County home-based work VMT per employee rate increases.

Table 6: Project Generated VMT Forecasts

Land Use	Existing Conditions ³	Cumulative with Project Conditions
<i>Milpitas Gateway-Main Street Specific Plan¹</i>		
Total Project Generated VMT (A)	362,160	536,440
Service Population (B)	14,122	21,925
<i>Total VMT per Service Population (A/B = C)</i>	25.65	24.47
Home-Based VMT (X)	99,410	171,770
Residents (Y)	9,480	16,384
<i>Home-Based VMT per Resident (X/Y = Z)</i>	10.49	10.48



Home-Based Work VMT (X)	182,090	107,360
Employees (Y)	4,642	5,541
<i>Home-Based Work VMT per Employee (X/Y = Z)</i>	39.23	19.38
Santa Clara County²		
Total Project Generated VMT (A)	92,685,100	114,809,550
Service Population (B)	3,101,410	3,935,270
<i>Total VMT per Service Population (A/B = C)</i>	29.88	29.17
Home-Based VMT (X)	27,937,530	34,148,330
Residents (Y)	1,999,110	2,594,170
<i>Home-Based VMT per Resident (X/Y = Z)</i>	13.97	13.16
Home-Based Work VMT (X)	18,561,410	23,249,540
Employees (Y)	1,102,300	1,341,110
<i>Home-Based Work VMT per Employee (X/Y = Z)</i>	16.84	17.34

Notes: Population values rounded to nearest 10.

1. TAZs included in this summary: 35, 252, 281, 283, 284, 301, 305, 313, 314, 315, 320, 321.

2. TAZs included in this summary: 1-1490.

3. Existing Conditions represent 2020 conditions, which was interpolated from the 2015 base year and 2040 horizon year.

Source: City of Milpitas Travel Model land use summary prepared by Fehr & Peers, 2024.

4.1.2 Boundary VMT Forecasts

Boundary VMT is a VMT metric that measures VMT on a jurisdiction's roadway system and is presented in **Table 7**. Boundary VMT is then divided by the service population (sum of all residential population and employment population) to calculate boundary VMT per service population. The South Bay Region's boundary VMT per service population slightly decreases with the introduction of the Specific Plan. The change in boundary VMT with the introduction of the Specific Plan captures the effect of shifting VMT due to new connections with project land uses (e.g., increased housing density) and VMT efficiency of land use in the project's location.

Table 7: Boundary VMT Forecasts

Land Use	Cumulative Conditions ¹	Cumulative with Project Conditions
South Bay (Santa Clara County + Alameda County + San Mateo County)		
Total Project Generated VMT (A)	111,997,600	111,890,030
Service Population (B)	8,357,810	8,359,030
Total VMT per Service Population (A/B = C)	13.40	13.39

Notes: Population values rounded to nearest 10.

1. Cumulative Conditions represent 2040 conditions.

Source: City of Milpitas Travel Model land use summary prepared by Fehr & Peers, 2024.



4.2 City of Milpitas Travel Model

The City of Milpitas Travel Model was used to develop the VMT forecasts for this study. A description of the City of Milpitas travel model, land use inputs, and transportation network inputs are discussed in the following sections.

4.2.1 City of Milpitas Travel Model Documentation

The project uses the City of Milpitas Travel Model received from Kittelson & Associates for the Milpitas Metro Specific Plan, which is based on the Santa Clara Valley Transportation Authority (VTA) -/ City/County of Governments of San Mateo County (C/CAG) Bi-County Travel Model. This version of the City of Milpitas Travel Model uses 2015 as its base year, and 2040 as its cumulative horizon year. To reflect 2020 as the base year for the analysis, the model was interpolated between 2015 and 2040. Kittelson had updated the model to include the full buildout of the Milpitas General Plan (which includes the Midtown Specific Plan) and Milpitas Metro Specific Plan in 2040.

The City of Milpitas Travel Model includes the regional roadways and major arterials of the nine-county Bay Area, the Association of Monterey Bay Area Governments (AMBAG) region (Santa Cruz County, Monterey County, and San Benito County), and portions of the San Joaquin Valley. It also contains additional transportation network detail and refined transportation analysis zones (TAZs)⁷ in San Mateo County and Santa Clara County. The City of Milpitas Travel Model land use inputs are based on Association of Bay Area Governments (ABAG) 2017 land use projections (*Plan Bay Area 2040* land use projections), 2010 Census socio-economic data (with some additional refinements in 2019), and a future regional transportation infrastructure consistent with *Plan Bay Area 2040* (July 2017). The City of Milpitas Travel Model has a 2040 horizon year.

The TAZ size influences the types of streets vehicle traffic is typically assigned to. For the City of Milpitas Travel Model, an arterial or minor arterial is the lowest street level traffic is assigned to because the TAZ structure in Milpitas has moderate detail. The City of Milpitas Travel Model has a mode share model that can be used to express changes in mode share.

The future year City of Milpitas Travel Model is used to develop forecasts for Cumulative (2040) Conditions and includes projected growth to Year 2040. Planned and funded roadway improvements associated with the *Valley Transportation Plan (VTP) 2040* (adopted in October 2014) are also included. VTP projects near the City of Milpitas include the following:

- BART Silicon Valley: The Berryessa Extension (VTP ID: T1)
- BART Silicon Valley: The Santa Clara Extension (VTP ID: T2)
- BART Berryessa Connector (VTP ID: T6)

⁷ Transportation analysis zones, also referred to as TAZs, are small geographic areas within the City of Milpitas Travel Model. As defined by *NCHRP Report 716, Travel Demand Forecasting: Parameters and Techniques*, TRB, 2012, "TAZ boundaries are usually major roadways, jurisdictional borders, and geographic boundaries and are defined by homogeneous land uses to the extent possible."



- Tasman Express Light Rail Improvement Project (Long T) (VTP ID: T11)
- I-880 Express Lanes: Alameda County line to US 101 (VTP ID: H7)
- I-680 Express Lanes: Calaveras Boulevard to Montague Expressway (VTP ID: H14)
- Calaveras Boulevard Widening (VTP ID: R6)
- South Milpitas Blvd. from Calaveras Boulevard to Montague Expressway Bicycle Path and Sidewalk on east side (1.5 miles) (VTP ID: B84)
- South Milpitas Boulevard SMART Corridor (VTP ID: S17)

The City of Milpitas Travel Model has four time periods to address travel during congested morning and evening peak periods and uncongested mid-day and midnight time periods. During congested times, the average trip length and speed of travel change.

4.2.2 Model Input Adjustments

For the purpose of this VMT analysis, the baseline (2015) City of Milpitas Travel Model land use and population were updated by Kittelson & Associates to reflect the development of the Milpitas General Plan (which includes the Midtown Specific Plan) and Metro Specific Plan in the City of Milpitas. In addition, the Year 2040 City of Milpitas Travel Model was updated to reflect the full buildout of the Milpitas General Plan and Metro Specific Plan.

4.2.2.1 Including Inter-Regional Travel for VMT Analysis

The OPR *Technical Advisory* cites the importance of not truncating (i.e., ending or omitting a trip outside off the geographic boundary; truncating has the effect of shortening a trip to/from a destination) trip lengths based on travel forecasting model or political boundaries:

Considerations for All Projects. Lead agencies should not truncate any VMT analysis because of jurisdictional or other boundaries, for example, by failing to count the portion of a trip that falls outside the jurisdiction or by discounting the VMT from a trip that crosses a jurisdictional boundary. CEQA requires environmental analyses to reflect a "good faith effort at full disclosure." (CEQA Statute & Guidelines, § 15151.) Thus, where methodologies exist that can estimate the full extent of vehicle travel from a project, the lead agency should apply them to do so. Where those VMT effects will grow over time, analyses should consider both a project's short-term and long-term effects on VMT. (Quote from page 6 of the Technical Advisory: On Evaluating Transportation Impacts in CEQA, December 2018).

The City of Milpitas Travel Model extends south beyond the Bay Area regional boundary into the AMBAG region (Santa Cruz County, Monterey County, and San Benito County) and east into San Joaquin County. However, the travel model stops at the Bay Area regional boundary and does not include inter-regional travel to Mendocino County, Lake County, Yolo County, and Merced County, which shortens the vehicle travel to those counties. This truncation results in a lower total project generated VMT estimate for the region and Santa Clara County and affects baseline regional or county baseline VMT values used to establish VMT thresholds.



The California statewide travel demand model (CSTDm) was used to estimate and forecast trip lengths that occur outside the City of Milpitas Travel Model boundary. These trip lengths have been appended to the external stations⁸ (refer to **Table 8**) and are reflected in the VMT estimates and forecasts contained in this analysis.

Table 8: External Station Adjustments at Bay Area Regional Boundary

External Station (Connecting County)	Distance (Miles)
SR 1 – Mendocino County	9.4
US 101 – Mendocino County	48.4
SR 29 – Lake County	21.4
I-505 – Yolo County	101.2
SR 113 – Yolo County	12.9
I-80 – Yolo County	39.2
SR 12 – San Joaquin County	No adjustment made to these external station distances because the City of Milpitas Travel Model area includes San Joaquin County.
SR 4 – San Joaquin County	
I-205 – San Joaquin County	
SR 152 – Merced County	162.9
SR 25 – San Benito County	No adjustment made to these external station distances because the City of Milpitas Travel Model area includes San Benito County.
US 101 – San Benito County	
SR 152 – Santa Cruz County	No adjustment made to these external station distances because the City of Milpitas Travel Model area includes Santa Cruz County.
SR 17 – Santa Cruz County	
SR 9 – Santa Cruz County	
SR 1 – Santa Cruz County	

Notes: External station adjustments rounded to nearest tenth of a mile.

Source: California statewide travel demand model (CSTDm) was used to develop the external station adjustments.

Fehr & Peers, 2024.

⁸ External stations are located on the major transportation routes into and out of the City of Milpitas Travel Model boundary. These stations are used to load traffic generated from and/or destined to locations outside of the City of Milpitas Travel Model boundary.



5. Environmental Impacts and Mitigation Assessment

This section describes the analysis methods, assumptions, and results used to identify potential significant impacts of the proposed project on the transportation system per the significance criteria described in **Section 5.1.1**. Transportation/traffic impacts are described and assessed, and mitigation measures are recommended for impacts identified as significant.

5.1 VMT Analysis

This section presents an analysis of the project's impacts relative to VMT. Both direct (project-generated) and cumulative (project's effect) VMT impacts were evaluated. Direct VMT impacts were evaluated using total VMT per service population rate, home-based VMT per resident rate, and home-based work VMT per employee rate of the Specific Plan under Cumulative with Project Conditions. Indirect and cumulative VMT impacts were evaluated using boundary VMT per service population under Cumulative with Project Conditions. The results of the project-generated VMT and project's effect on VMT analyses are presented in **Table 9** and **Table 10**, respectively.

5.1.1 Total Project Generated VMT Assessment

The results of the project generated VMT analysis is presented in **Table 9** below and determined as follows:

- For the Cumulative (2040) with Project Conditions, the Specific Plan would generate 536,440 daily total VMT, or 24.47 miles on a per service population basis. This value would be about 4% less than the VMT threshold (25.40 total VMT per service population) and would be considered a **less-than-significant** impact.
- For the Cumulative (2040) with Project Conditions, the Specific Plan would generate 171,770 home-based VMT, or 10.48 miles on a per resident basis. This value would be approximately 12% less than the VMT threshold (11.87 home-based VMT per resident) and would be considered a **less-than-significant** impact.
- For the Cumulative (2040) with Project Conditions, the Specific Plan would generate 107,360 home-based work VMT, or 19.38 miles on a per employee basis. This value would be approximately 35% more than the VMT threshold (14.31 home-based work VMT per employee) and would be considered a **significant** impact.

Implementation of the proposed Specific Plan would result in excessive home-based work VMT per employee under Cumulative (2040) with Project Conditions due to employment growth planned within the city and would be considered a *significant* impact.



Table 9: Total Project-Generated VMT Assessment

	Total Project Generated VMT
<i>Total VMT per Service Population</i>	
Total Project Generated Vehicle Miles Traveled (A) ¹	536,440
Service Population (B) ^{1,2}	21,925
Total Project Generated VMT per Service Population (A/B = C)	24.47
<i>Initial Impact Assessment for Total VMT per Service Population</i>	
Total VMT per Service Population Threshold	25.40 (4% below the threshold)
(Initial Impact Conclusion)	Less-Than-Significant
<i>Home-Based VMT per Resident</i>	
Home-Based VMT (A) ¹	171,770
Residents (B) ^{1,2}	16,384
Home-Based VMT per Resident (A/B = C)	10.48
<i>Initial Impact Assessment for Home-Based VMT per Resident</i>	
Home-Based VMT per Resident Threshold	11.87 (12% below the threshold)
(Initial Impact Conclusion)	Less-Than-Significant
<i>Home-Based Work VMT per Employee</i>	
Home-Based Work VMT (A) ¹	107,360
Employees (B) ^{1,2}	5,541
Home-Based Work VMT per Employee (A/B = C)	19.38
<i>Initial Impact Assessment for Home-Based Work VMT per Employee</i>	
Home-Based Work VMT per Employee Threshold	14.31 (35% greater than threshold)
(Initial Impact Conclusion)	Significant

Notes:

1. Rounded service population and VMT to nearest 10.
2. Service population is defined as the sum of all residents and employees.

Source: Fehr & Peers, 2024.

5.1.1.1 VMT Mitigation

This finding accords with the Milpitas General Plan, which describes an impact for the home-based work VMT per employee. A goal of the *Milpitas General Plan* (March 2021) is to provide a transportation system that minimizes vehicle miles traveled (VMT) (Goal CIR-1).

VMT mitigation effectiveness depends on its scale (how much VMT the mitigation acts on) and its ability to reduce VMT in different VMT reduction programs. The biggest effects of VMT mitigation actions (and resultant emissions reductions) derive from statewide or region-wide policies that increase the cost, or



reduce the convenience, of using vehicles. Other region-wide actions include improving land use location efficiency and infrastructure investments that support transit, walking, and bicycling. While there are many VMT mitigation actions that can influence VMT and emissions, individual site level VMT mitigation actions (such as TDM measures) typically have the smallest effect on VMT reductions because they are applied to new VMT generated by new buildings, while region-wide level programs have the greatest effect on VMT reduction. Additionally, the available research indicates that the effectiveness of TDM measures varies substantially depending on the context in which they are applied. TDM is most effective in urban areas where urban character (land use and built environment) and land use mix are most supportive of vehicle trip reduction. TDM programs are less effective in suburban areas where the built environment and transportation network are more dispersed and where modes are typically limited to personal vehicles.

Figure 7 presents a conceptual illustration of the relative importance of scale.

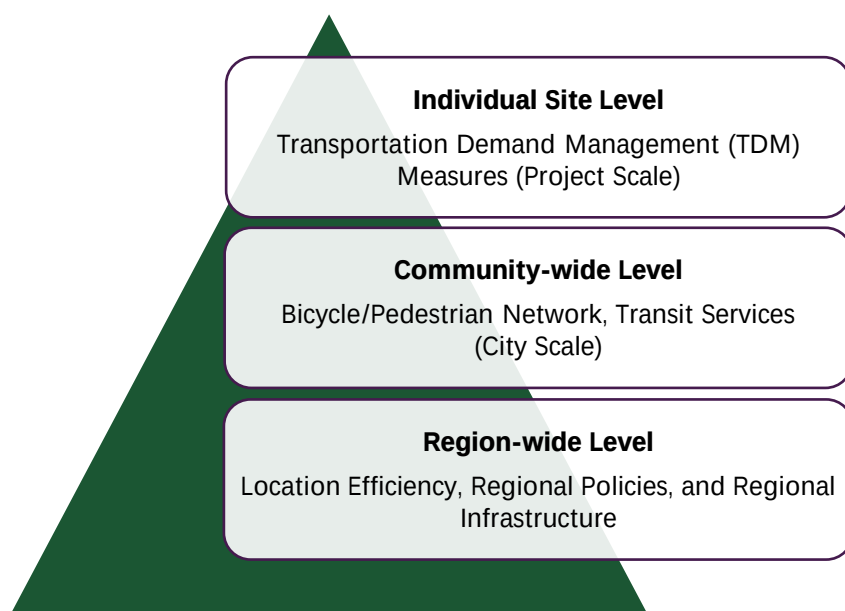


Figure 7: Transportation-Related GHG Reduction Measures

Due to these individual site level implementation barriers, ad-hoc project-by-project mitigation is less effective at reducing VMT compared with larger scale community-wide level and region-wide VMT mitigation actions. The City of Milpitas would require implementation of individual site level, community-wide, and region-wide VMT mitigation actions to reduce VMT. These mitigation actions may be implemented through TDM programs, a transportation management association (TMA) that runs a community-wide VMT mitigation actions, a VMT mitigation program, in-lieu fee programs, and other land use project conditions to reduce VMT.

The current standard for calculating VMT reduction efficacy from TDM strategies is the California Air Pollution Control Officers Association (CAPCOA) 2021 *Handbook for Analyzing GHG Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity*. The handbook quantifies the effects of



numerous land use and design strategies including travel incentives and disincentives. Feasible home-based work VMT reduction measures for this project are listed below. The estimated reduction in VMT come from California Air Pollution Control Officers Association (CAPCOA) *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (August 2021). The CAPCOA VMT reductions presented below are associated with the affected project population. All employers would be required to implement the project-level VMT reduction measures, and coordinate with the relevant agencies for the community- and regional-level VMT reduction measures.

Project-Level VMT Reduction Measures

1. Employ marketing and encouragement strategies to promote non-drive-alone travel: This measure encompasses the aspects of typical TDM programs that rely on providing customized information and incentives to encourage use of transportation alternatives in place of single occupancy vehicles. The process is typically a residential-based approach for each community. This measure could reduce employee commute / home-based work VMT up to 4%.
2. Encourage telecommuting and alternative work schedules: This measure relies on effective Internet access and speeds to individual project sites/buildings to provide the opportunity for telecommuting. The effectiveness of the measure depends on the ultimate building tenants and this should be a factor when considering the potential VMT reduction (while this measure certainly reduces commute-related VMT, recent research has shown that total VMT from telecommuters can exceed VMT from non-telecommuters).
3. Require employer-based shuttle or vanpool service: This measure involves working with individual employers or building managers to offer shuttle services. For large employers with corporate campuses, this may include running private shuttles to and from neighborhoods where employees live. For smaller employers, or buildings with multiple employer tenants, it may involve a shuttle connecting to regional transit, such as a Caltrain station, funded through an organization such as a Transportation Management Association (TMA). This measure could reduce employee commute / home-based work VMT up to 7%.

Community-Level VMT Reduction Measures:

4. Provide ridesharing programs: This measure focuses on encouraging carpooling and vanpooling by project site/building tenants and has similar limitations to encouraging telecommuting and alternate work schedules measure earlier. This measure could reduce employee commute / home-based work VMT up to 8%.
5. Implement car-sharing program: This measure reduces the need to own a vehicle or reduces the number of vehicles owned by a household by making it convenient to access a shared vehicle for trips where vehicle use is essential. Examples include programs such as ZipCar, Car2Go, and Gig. This measure could reduce home-based work VMT up to .15%.
6. Implement Bikeshare, Electric Bikeshare, and Scootershare Program: This measure will establish a bikeshare and scootershare program. The projects provide users with on-demand access to bicycles, electric pedal assist bicycles, and electric scooters for short-term rentals. The Specific Plan identifies micromobility strategies such as a study to consider integrating micromobility hubs and potentially consider integrating car-share services and mode shifts with transit. They



encourage mode shift from vehicles to bicycles and scooters, displacing VMT and thus reducing GHG emissions. These three programs could reduce VMT up to .02%, .06%, and .07%, respectively.

7. Implement on-street market pricing for parking: This measure focuses on implementing a pricing measure for parking by pricing all on-street parking in central business districts, employment centers, and retail centers. Priced parking would encourage “park once” behavior and may also result in area-wide mode shifts. This measure is recommended as a future action in the Specific Plan. This measure could reduce home-based work VMT up to 30%.

Regional-Level VMT Reduction Measures:⁹

8. Increase transit service frequency and speed: This measure focuses on improving transit service convenience and travel time competitiveness with driving. Given existing land use density in Milpitas, this measure may be limited to traditional commuter transit where trips can be pooled at the start and end locations, or it may require new forms of demand-responsive transit service. A demand-responsive service could be provided as subsidized trips by contracting private transportation network companies (TNCs) or taxi companies. The Specific Plan could allocate curb space for SMART. Alternatively, a public transit operator could provide subsidized service but would need to improve on traditional cost effectiveness. Note that implementation of this measure would require regional or local agency implementation, substantial changes to current transit practices, and would not likely be applicable for individual development projects. This measure could reduce VMT by up to 11.3%.

The VMT reduction measures listed above were developed in consultation with City staff. These VMT reduction measures are complementary to those identified in the Specific Plan organized by implementation scale. Several factors, including costs, feasibility, and effectiveness, were considered when developing this list of VMT reduction measures.

When determining the VMT reduction needed, other available evidence related to VMT trends in California was considered; specifically, CARB’s *2017 Climate Change Scoping Plan Update*¹⁰ and *2022 Scoping Plan Update*,¹¹ which assumes all regions in the state will meet the GHG reduction targets set in their Regional Transportation Plans and Sustainable Communities Strategies (RTP/SCS). Thus far, there is no indication that all regions are meeting those targets, and vehicular travel in California (at least prior to the COVID-19 pandemic) has been increasing rather than decreasing over the past several years (see CARB’s *Improved Program Measurement Would Help California Work More Strategically to Meet Its Climate Change Goals*, February 2021, and CARB’s *2018 Progress Report: California’s Sustainable Community and Climate Protection Act*, November 2018). The *2020 Mobile Source Strategy* (California Air Resources Board

⁹ Regional-level VMT Reduction Measures include Location Efficiency, Community-wide and Regional Policies, and Community-wide and Regional Infrastructure.

¹⁰ California Air Resources Board’s *2017 Climate Change Scoping Plan Update: The Strategy for Achieving California’s 2030 Greenhouse Gas Target* (January 2019)

¹¹ California Air Resources Board’s *2022 Scoping Plan Update* (November 2022)



2021) also acknowledges the challenge of VMT reduction and states, “Without additional policy intervention, VMT may continue to rise.”

Further, the VMT reduction needed does not account for any future increases in the use of TNCs (such as Uber and Lyft) or commercial delivery services, nor does it envision the potential for development of autonomous vehicles or any other emerging transportation innovations. These emerging transportation innovations will alter the effectiveness of VMT mitigation action, some increasing VMT reduction effectiveness while others decrease VMT reduction effectiveness.

Based on the discussion above, there is growing evidence that demonstrates the challenge of reducing VMT when background conditions are contributing to higher VMT generation rates, suggesting greater action is needed by the state to meet the state’s GHG and VMT reduction goals. Without further action by the state to discourage vehicle travel (i.e., increasing the cost of driving and providing provisions for bus services to avoid congestion delays) while reducing the barriers or constraints that prevent more efficient use of vehicles and greater use of transit, walking, and bicycling, VMT trends are unlikely to reverse, regardless of the steps and measures the City implements through its Land Use map and General Plan transportation policies. The Specific Plan includes a comprehensive approach to reducing VMT through implementation of numerous policies and actions, that through this Specific Plan establishes a land use map that prioritizes higher density development near transit stations. However, in order to reduce VMT to a less than significant level, the City must rely on additional assistance from regional and state-level agencies to affect major changes in driving patterns and behaviors throughout the greater Bay Area region. The biggest effects of VMT mitigation actions (and resultant emissions reductions) derive from statewide or region-wide policies that increase the cost, or reduce the convenience, of using vehicles. The City of Milpitas cannot effectively or practically implement statewide or region-wide policies, other than to be supportive of and complimentary to these efforts in the City’s General Plan and Specific Plan, which the City has done, as described above. There are no additional feasible mitigation strategies available to the City to reduce this impact to a less than significant level. As a result, the VMT impacts associated with employment-based uses allowed by the proposed Specific Plan would be considered **significant and unavoidable**.

5.1.2 Project’s Effect on VMT Analysis (Cumulative Analysis)

5.1.2.1 Project’s Effect on VMT Assessment (using Boundary VMT)

To evaluate the project’s effect on VMT between the Cumulative Condition and Cumulative with Project Condition, the boundary VMT for the region (i.e., Santa Clara County, Alameda County, and San Mateo County) is divided by the service population (sum of all residential population and employment population). The change in boundary VMT captures the combined effect of:

- shifts in existing VMT due to land use and transportation network changes in the region,
- shifts in existing traffic to alternate travel routes or modes, and
- new VMT from additional land use development in the region.



The Cumulative Condition for the area is presumed to be the full buildout of the Milpitas General Plan, which includes the Midtown Specific Plan, whereas in the Cumulative with Project Condition the Midtown Specific Plan is replaced by the Gateway-Main Street Specific Plan. As shown in **Table 10**, this analysis evaluated whether the project would result in an increase in the regionwide boundary VMT from Cumulative Conditions to Cumulative with Project Conditions. The boundary VMT per service population slightly decreases from Cumulative Conditions to Cumulative with Project Conditions. The regional impact threshold for the project's effect on VMT is the regionwide Cumulative Conditions boundary VMT per service population of 13.40 miles per service population.

Under Cumulative with Project Conditions the regionwide boundary VMT per service population is 13.39, which is below the applicable threshold of 13.40. Therefore, the impact of the project's effect on VMT under Cumulative with Project Conditions would be *less-than-significant*.

Table 10: Project's Effect (Boundary) VMT Assessment

	Cumulative Condition	Cumulative with Project Condition
<i>South Bay Area</i> ¹		
Boundary Vehicle Miles Traveled (A) ¹	111,997,600	111,890,030
Service Population (B) ^{1,2}	8,357,810	8,359,030
Boundary VMT per Service Population (A/B = C)	13.40	13.39
Boundary VMT per Service Population Threshold		13.40
(Initial Impact Conclusion)		Less-Than-Significant

Notes:

1. Rounded service population and VMT to nearest 10.
2. Service population is defined as the sum of all residents and employees.

Source: Fehr & Peers, 2024.



Attachment A: Project Generated VMT Forecasts



Table A-1: Project Generated VMT Forecasts

Land Use	Existing Conditions ³	Cumulative Conditions ⁴	Cumulative with Project Conditions
<i>Milpitas Gateway-Main Street Specific Plan¹</i>			
Total Project Generated VMT (A)	362,160	685,920	536,440
Service Population (B)	14,122	20,466	21,925
<i>Total VMT per Service Population (A/B = C)</i>	25.65	33.52	24.47
Home-Based VMT (X)	99,410	127,030	171,770
Residents (Y)	9,480	12,568	16,384
<i>Home-Based VMT per Resident (X/Y = Z)</i>	10.49	10.11	10.48
Home-Based Work VMT (X)	182,090	142,120	107,360
Employees (Y)	4,642	7,898	5,541
<i>Home-Based Work VMT per Employee (X/Y = Z)</i>	39.23	17.99	19.38
<i>Santa Clara County²</i>			
Total Project Generated VMT (A)	92,685,100	114,828,140	114,809,550
Service Population (B)	3,101,410	3,933,820	3,935,270
<i>Total VMT per Service Population (A/B = C)</i>	29.88	29.19	29.17
Home-Based VMT (X)	27,937,530	34,047,470	34,148,330
Residents (Y)	1,999,110	2,590,350	2,594,170
<i>Home-Based VMT per Resident (X/Y = Z)</i>	13.97	13.14	13.16
Home-Based Work VMT (X)	18,561,410	23,245,810	23,249,540
Employees (Y)	1,102,300	1,343,460	1,341,110
<i>Home-Based Work VMT per Employee (X/Y = Z)</i>	16.84	17.30	17.34

Notes: Population values rounded to nearest 10.

1. TAZs included in this summary: 35, 252, 281, 283, 284, 301, 305, 313, 314, 315, 320, 321.

2. TAZs included in this summary: 1-1490.

3. Existing Conditions represent 2020 conditions, which was interpolated from the 2015 base year and 2040 horizon year.

4. Cumulative Conditions represent 2040 conditions (Midtown Specific Plan).

Source: City of Milpitas Travel Model land use summary prepared by Fehr & Peers, 2024.



Appendix E

Draft Gateway-Main Street Water Supply Assessment



Gateway-Main Street Specific Plan Water Supply Assessment

Prepared for:

City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035

April 2025

Gateway-Main Street Specific Plan Water Supply Assessment

Prepared for:



City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035

Contact:

Jay Lee
Planning Director
408.586.3077

Prepared by:



Ascent Environmental, DBA Ascent
455 Capitol Mall, Suite 300
Sacramento, CA 95814

Contact:

Patrick Angell
Principal
916.732.3324

April 2025

20210060.01

TABLE OF CONTENTS

Section	Page
EXECUTIVE SUMMARY	1
ES.1 Introduction	1
ES.2 Summary Description of the Project	1
ES.3 Summary of Water Supply Assessment Conclusions	1
1 INTRODUCTION	1-1
1.1 Purpose of Water Supply Assessment	1-1
1.2 Project Overview	1-1
1.3 Relationship of the Water Supply Assessment to The City Urban Water Management Plan	1-2
1.4 Water Supply Assessment Organization	1-2
1.5 Standard Terminology	1-3
2 PROJECT DESCRIPTION AND WATER DEMANDS	2-1
2.1 Project Description	2-1
2.2 Estimated Project Water Demands	2-3
2.3 City Water Demands	2-3
3 CITY WATER SUPPLY	3-1
3.1 Current Water Supply Sources	3-1
3.2 Groundwater	3-2
3.3 Future Water Supply Sources and Reliability	3-2
4 WATER SUPPLY SUFFICIENCY ANALYSIS	4-1
4.1 Project Water Demands and Future Water Supply	4-1
4.2 Water Supply Reliability	4-2
5 REPORT PREPARERS	5-1
6 REFERENCES	6-1

Figures

Figure 2-1	Specific Plan Area Boundary	2-2
------------	-----------------------------------	-----

Tables

Table 2-1	Changes in Buildout Under Gateway-Main Street Specific Plan	2-1
Table 2-2	Comparison of Adopted General Plan to the Gateway-Main Street Specific Plan Water Demands ..	2-3
Table 2-3	Current Water Use Demand by Customer Type (Million Gallons)	2-3
Table 2-4	2020 UWMP Projected Water Demand Projections by Customer Type (Million Gallons)	2-4
Table 3-1	City Water Supplies (AFY)	3-3
Table 4-1	City Water Supplies and Demands with Project – Normal Year (Million Gallons)	4-1
Table 4-2	City Water Supplies and Demands with Project – Single Dry Year (Million Gallons)	4-1
Table 4-3	City Water Supplies and Demands with Project – Multiple Dry Years (Million Gallons)	4-1

LIST OF ABBREVIATIONS

AFY	acre-feet per year
BAWSCA	Bay Area Water Supply & Conservation Agency
Bay Delta Plan	San Francisco Bay/Sacramento-San Joaquin Delta Estuary
CEQA	California Environmental Quality Act
City	City of Milpitas
EIR	Environmental Impact Report
GWMP	Groundwater Management Plan
IWRP	Integrated Water Resources Planning Study
mgd	million gallons per day
project	Gateway-Main Street Specific Plan
RWS	Regional Water System
SBWR	South Bay Water Recycling
sf	square feet
SFPUC	San Francisco Public Utilities Commission
Specific Plan	Milpitas Gateway-Main Street Specific Plan
SWP	State Water Project
UWMP	Urban Water Management Plan
Valley Water	Santa Clara Valley Water District
Water Code	California Water Code
WSA	water supply assessment

EXECUTIVE SUMMARY

ES.1 INTRODUCTION

Division 6, Part 2.10 (1995) of the California Water Code (Water Code), requires coordination between land use lead agencies and public water purveyors. The purpose of this coordination is to ensure that prudent water supply planning has been conducted, and that planned water supplies are adequate to meet both existing demands and demands of planned development.

Water Code Sections 10910 – 10915 (inclusive) require land use lead agencies: 1) to identify the responsible public water purveyor for a proposed development project, and 2) to request a “Water Supply Assessment” (WSA) from the responsible purveyor. The objective of a WSA is to demonstrate the sufficiency of a purveyor's water supplies to satisfy the water demands of a proposed development project while still meeting the current and projected water demands of existing customers. Water Code Sections 10910 – 10915 delineate specific information that must be included in a WSA. This WSA was prepared consistent with Water Code Sections 10910 – 10915.

ES.2 SUMMARY DESCRIPTION OF THE PROJECT

The proposed Gateway-Main Street Specific Plan would change the development currently allowed under the General Plan. The Specific Plan would require amendments to the General Plan as changes to the boundaries and land use and development standards of the adopted Midtown Plan Area are proposed. The Gateway-Main Street Specific Plan proposes a new project area boundary that removes the portion of the Midtown Specific Plan Area south of the Great Mall Parkway, and adds area in the northwestern portion of the Specific Plan Area.

The Gateway-Main Street Specific Plan would allow for additional residential development beyond what is allowed under the General Plan through increases in density and implementation of an incentive program. This would also include alterations in nonresidential development potential through mixed-use development.

ES.3 SUMMARY OF WATER SUPPLY ASSESSMENT CONCLUSIONS

Pursuant to Section 10910 of the Water Code and based on the analysis detailed in this report, the City of Milpitas has determined that its existing water supply sources result in shortfalls in supply in 2025, 2030, and 2045 under single dry-year and multiple dry year conditions, as shown in Table 4-2 and 4-3. During these conditions, the City would implement its Water Shortage Plan that consists of voluntary and mandatory water conservation measures that would address water supply shortfalls.

Specifically, the Water Shortage Contingency Plan Table 3-2 identifies water demand reduction actions that include a range of measures (e.g., restrictions on operation of water features, landscaping irrigation, public information campaigns, reductions of system water loss) that are identified to reduce the water supply shortage gap from 1 to 70 percent. The Plan also includes Table 3-3 that identifies water augmentation through the installation of five additional groundwater wells by 2025 and two additional groundwater wells by 2040 each with a 1.2 mgd production capacity. Based on the shortfalls identified in Table 4-2 and 4-3, this additional groundwater production would be adequate to offset water supply shortages identified in for 2030 and 2045 (project approval is anticipated in 2025).

This page is intentionally left blank.

1 INTRODUCTION

1.1 PURPOSE OF WATER SUPPLY ASSESSMENT

The Water Code (Section 10910 et. seq.), based on Senate Bill 610 of 2001 (SB 610), requires a project proponent to prepare a water supply assessment (WSA) to evaluate the reliability of a project's water supply as part of the California Environmental Quality Act (CEQA) process. If the City of Milpitas (City) potable water supply does not have sufficient existing water supply to meet the project demands of the project, the development of additional water supplies must be addressed in the WSA and in the project Environmental Impact Report (EIR).

Under the Government Code (Section 66473.7), based on SB 221 of 2001, proposed subdivisions adding 500 dwelling units are also required to receive written verification of the available water supply from the project's water supplier. The Gateway-Main Street Specific Plan (project) does not include the creation of a subdivision or a subdivision tract map, so a written verification of supply is not required.

This report is meant to serve as the WSA for the project to meet the Water Code and Government Code requirements. This WSA documents the City's existing and future water supplies for the project and compares them to the City's total projected water demands for the next twenty (20) years.

SB 610 requires the following steps be taken to identify the need and scope of a project's WSA:

1. Determine whether the project is subject to CEQA.
2. Determine whether the project meets the definition of a "project" per SB 610.
3. Determine the public water agency that will serve the project.
4. Determine whether any current Urban Water Management Plan considers the projected water demand for the project area.
5. Determine whether groundwater is used by the public water agency to serve the project area.

1.2 PROJECT OVERVIEW

The Gateway-Main Street Specific Plan Area (Specific Plan Area) is approximately 605 acres within the City. The City, located in northern Santa Clara County, within the South San Francisco Bay Area, is situated north of San Jose and east of Santa Clara, Sunnyvale, and Mountain View along State Route 237 (Highway 237) (Figure 2-1). The City is served by three major freeways: Interstate (I)-880, I-680, State Route 237 (Highway 237)/Calaveras Boulevard, and the County-managed Montague Expressway.

Specific plans are a land use planning tool for the further implementation of the General Plan for individual development proposals in a defined geographic area. They give local land use agencies the ability to establish land use and design regulations to create development that is consistent with site-specific physical constraints and opportunities as well as available infrastructure. All subsequent development within the boundaries of the specific plan area is subject to the requirements of the specific plan. Sections 65450 through 65457 of the California Government Code grant authority to the City for the development and adoption of specific plans.

The purpose of the proposed Specific Plan is to guide land use and development consistent with the General Plan; implement the City's economic development strategy and help facilitate investment in the Specific Plan's Focus Areas; preserve and enhance existing neighborhoods; and plan for the future transition of Urban Reserve lands. The Specific Plan identifies four focus areas: Gateway District, Crossroads District, Main Street District, and Abbot District.

The proposed Specific Plan implements the General Plan policies that would change the development currently allowed under the General Plan. Table 2-4 identifies development buildout within the Midtown Plan Area under the General Plan and the proposed development buildout that would be allowed with implementation of the Specific Plan. The maximum

residential development capacity under the General Plan within the Midtown Plan Area is 3,838 units. A total of 1,338 additional units would be allowed under the Specific Plan beyond what is allowed under the General Plan currently. The nonresidential development area allowed under the General Plan is 3,293,240 square feet (sf) which would be reduced to 2,058,666 sf with implementation of the proposed Specific Plan. This WSA addresses this change in development potential. Land uses and general development potential of project are identified in the City's 2020 Urban Water Management Plan (UWMP) as well as overall City growth through 2045 (City of Milpitas 2021a:27).

The proposed increase of 1,338 residential units triggers the need for the preparation of a WSA pursuant to Water Code Section 1092(a). The City municipal water system that serves the project uses water purchased from the Santa Clara Valley Water District (Valley Water) and the San Francisco Public Utilities Commission (SFPUC). Recycled water is provided to the City by South Bay Water Recycling (SBWR). The project is located within both Valley Water and SFPUC water service areas.

This WSA is being prepared in accordance with SB 610 for the City's CEQA work in connection with the project.

1.3 RELATIONSHIP OF THE WATER SUPPLY ASSESSMENT TO THE CITY URBAN WATER MANAGEMENT PLAN

Urban water management plans are considered by the California Department of Water Resources as a fundamental document for compliance with both SB 610 and SB 221. Thorough and complete UWMPs allow water suppliers to use UWMPs as a foundation to fulfill the specific requirements of these two statutes. The UWMP provides information detailing water supplies available during normal, single dry, and multiple dry water years during a 20-year projection, and the existing and projected future water demand during a 20-year projection. The UWMP presents projected supplies and demands in 5-year increments for the 20-year projection. Supplies from all sources, including wholesaler supplies, are documented in the UWMP. This documentation includes identifying and quantifying water rights, contracts, and/or entitlements to the supply; associated capital outlay programs; federal, state and local permits for constructing infrastructure for conveying the supply; and any necessary regulatory approvals required for conveyance.

Data from the City's 2020 UWMP was utilized to complete this WSA. The 2020 UWMP shows projected water supplies available during normal, single dry, and multiple dry water years in 5-year increments through the year 2045.

1.4 WATER SUPPLY ASSESSMENT ORGANIZATION

This WSA is organized into chapters, as identified and briefly described below. Chapters are further divided into sections (e.g., Chapter 3, "City Water Supply" and Section 3.1, "Current Water Supply Sources"):

- ▶ The "Executive Summary": This chapter introduces the project; provides a summary of the of the project, and a summary of the WSA conclusions.
- ▶ Chapter 1, "Introduction": This chapter provides a description of the purposed of the WSA, a project overview, a review of the previous WSA and its relationship the City's UWMP, and the WSA organization.
- ▶ Chapter 2, "Project Description": This chapter describes the location, background, and project water demands for the project, City water demands, and describes the project elements in detail.
- ▶ Chapter 3, "City Water Supply": The sections within this chapter describe the City's current and future water supply and reliability from the following existing sources: SFPUC, Valley Water, and recycled water from SBWR.
- ▶ Chapter 4, "Water Supply Sufficiency Analysis": This chapter evaluates the water supply reliability and the anticipated project water demands to determine if the future water supply can adequately meet the project water demands.
- ▶ Chapter 5, "Conclusions": This chapter summarizes the conclusions of the WSA.
- ▶ Chapter 6, "Report Preparers": This chapter identifies the preparers of the document.
- ▶ Chapter 7, "References": This chapter identifies the organizations and persons consulted during preparation of this WSA and the documents and individuals used as sources for the analysis.

1.5 STANDARD TERMINOLOGY

This WSA uses the following standard terminology:

“CEQA” means the California Environmental Quality Act.

“project” means proposed Gateway-Main Street Specific Plan.

This page is intentionally left blank.

2 PROJECT DESCRIPTION AND WATER DEMANDS

2.1 PROJECT DESCRIPTION

The Midtown Plan, adopted in 2002 and updated in 2010, is the predecessor plan to the proposed Milpitas Gateway-Main Street Specific Plan. Its aim was to respond to a series of development activities in the Midtown area, including the construction of new housing, reinvestment in the Great Mall, and the future extension of the VTA Light Rail Transit line and BART to the area by creating a cohesive Specific Plan for Midtown.

The Milpitas General Plan Update, adopted in 2021, is the guiding, long-term plan and policy document for the physical development of the city through 2040. The City's General Plan Land Use Element designates the adopted Midtown Plan area as Milpitas Gateway-Main Street Specific Plan (Specific Plan). The General Plan includes the following actions related to the development of the proposed Specific Plan: Action LU-2A to maintain and implement the Gateway-Main Street Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community 'gathering place' while maintaining needed industrial, service and commercial uses; and Action ED-3H to work with property owners to facilitate development of vacant and underutilized properties on Main Street to achieve the highest and best use.

The Specific Plan Area includes the historic commercial core of the city, centered on Main Street and the Calaveras Gateway. The proposed Specific Plan would update the vision, standards, and policies of the Midtown Plan. The project would implement the General Plan goals and policies to update the Midtown Plan with a focus on revitalizing Main Street as the city's historic core and improving Calaveras Boulevard as a western gateway into the city.

Existing land uses in the Specific Plan Area consist of single-family residential, multi-family residential, retail, office, civic/institutional, park/open space, and industrial uses. Commercial uses (retail, office, and hospitality) are located throughout the Specific Plan Area. A mix of single-family and multi-family housing is scattered throughout the Specific Plan Area. Public uses, including religious, educational, and cultural facilities, comprise a portion of the Specific Plan Area, including the County-operated Elmwood Correctional Facility. Transportation and industrial uses, in the Specific Plan Area, are primarily focused between the two railroad lines. There are currently 2,403 residential units and 1,858,642 square feet of nonresidential uses in the Specific Plan Area.

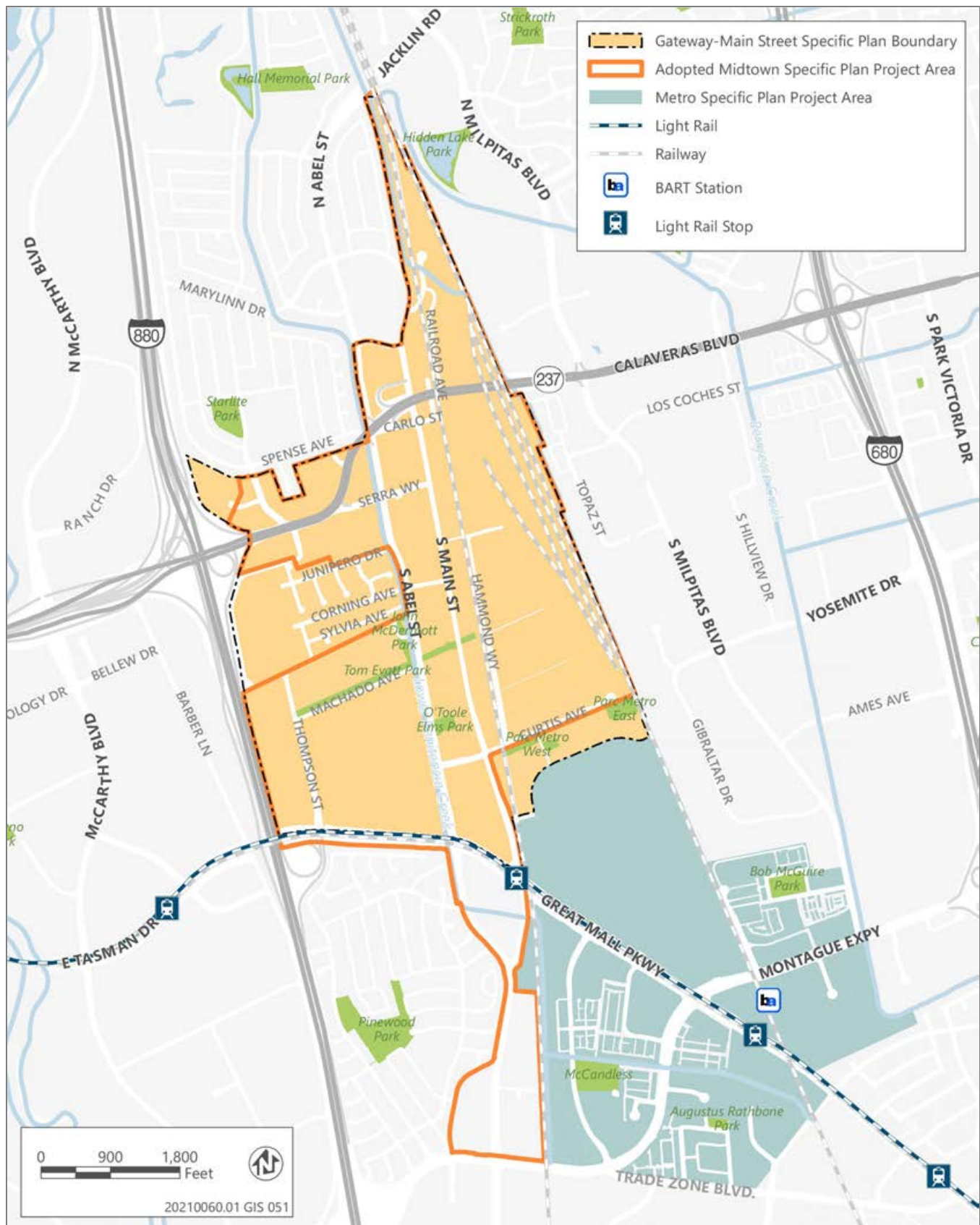
The Specific Plan proposes a new project area boundary, as shown in Figure 2-1, which includes additional areas that currently have other designations in the General Plan Land Use Element and removes areas south of Great Mall Parkway that were included in the Midtown Plan. The proposed Specific Plan Land Use Framework would implement the vision for the Specific Plan focus areas through Specific Plan Zoning Districts and existing Citywide Zoning Districts. The proposed Specific Plan implements the General Plan policies that would change the development currently allowed under the General Plan. Table 2-1 identifies development buildout within the Midtown Plan Area under the General Plan and the proposed development buildout that would be allowed with implementation of the Specific Plan. The maximum residential development capacity under the General Plan within the Midtown Plan Area is 3,838 units. A total of 1,338 additional units would be allowed under the Specific Plan beyond what is allowed under the General Plan currently. The nonresidential development area allowed under the General Plan is 3,293,240 square feet (sf) which would be reduced to 2,058,666 sf with implementation of the proposed Specific Plan.

Table 2-1 Changes in Buildout Under Gateway-Main Street Specific Plan

Land Use Type	General Plan	Proposed Specific Plan	Change
Residential	3,838 DU	5,176 DU	1,338 DU
Non-Residential	3,293,240 SF	2,058,666 SF	-1,234,574 sf

Note: The allowable development numbers under the General Plan include the development assumptions of the adopted Midtown Plan.

Source: Data Compiled by Ascent 2024.



Source: Adapted by Ascent in 2024.

Figure 2-1 Specific Plan Area Boundary

2.2 ESTIMATED PROJECT WATER DEMANDS

Table 2-2 provides an estimate of project water demands.

Table 2-2 Comparison of Adopted General Plan to the Gateway-Main Street Specific Plan Water Demands

Project	Land Use Type Residential Dwelling units	Land Use Type Non-Residential Square feet	Water Demand Factors Residential (gpd/du) ¹	Water Demand Factors Non-Residential (gpd/ksf) ²	Water Demands (Gallons Per Day) Residential	Water Demands (Gallons Per Day) Non-Residential	Total (Gallons Per Day)
General Plan Land Uses for Specific Plan Area ³	3,838	3,293,240	170	270	652,460	889,175	1,541,635
Proposed Specific Plan	5,176	2,058,666	170	270	879,920	555,840	1,435,760
Increase	1,338	-1,234,574	-	-	227,460	-333,335	-105,875

¹ Assumed gallons per dwelling unit based on the City of Sunnyvale Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Water Supply Assessment (City of Sunnyvale 2020) as the 2020 UWMP and the City of Milpitas Water Master Plan do not provide water demand factors on a per unit basis.

² Assumed gallons per 1,000 square feet of non-residential use for a mix commercial, industrial and institutional uses based on the City of Sunnyvale Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Water Supply Assessment (City of Sunnyvale 2020) as the 2020 UWMP and the City of Milpitas Water Master Plan do not provide water demand factors on a square footage basis.

³ The allowable development numbers under the General Plan include the development assumptions of the adopted Midtown Plan

Source: Compiled by Ascent 2024.

2.3 CITY WATER DEMANDS

2.3.1 Historic and Current Water Demands

Table 2-3 summarizes the 2020 water use in the City divided by sector.

Table 2-3 Current Water Use Demand by Customer Type (Million Gallons)

Customer Type	2020 Water Use
Single Family Residential	965
Multi-Family Residential	724
Commercial	276
Industrial	355
Industrial – Industrial Cooling Tower Using Recycled Water	16
Institutional/Governmental	146
Landscape	290
Landscape Irrigation Using Recycled Water	341
Other	15
Losses (Fire)	302
Total Water Use	3,430

Source: 2020 UWMP, Table 4-1 and 6-4 (City of Milpitas 2021a).

2.3.2 Future Water Demands

Table 2-4 summarizes the projected water demand for the City divided by 5-year increments provided in the 2020 UWMP using California Department of Finance growth projections for the City that identifies a population of 120,400 residents in 2045. In comparison, General Plan buildout (without the project) is estimated to consist of 113,530 residents (City of Milpitas 2020). Water demand growth is assumed to occur under normal water year conditions.

Table 2-4 2020 UWMP Projected Water Demand Projections by Customer Type (Million Gallons)

Customer Type	Year 2025	Year 2030	Year 2035	Year 2040	Year 2045
Single Family Residential	1,110	1,110	1,080	1,070	1,070
Multi-Family Residential	810	900	1,000	1,090	1,170
Commercial	530	540	540	550	560
Industrial	450	460	460	470	480
Industrial – Industrial Cooling Tower Using Recycled Water	20	20	20	20	20
Institutional/Governmental	210	230	250	270	280
Landscape	390	400	430	440	460
Landscape Irrigation Using Recycled Water	380	380	380	380	380
Losses	420	440	460	480	490
Other (Fire)	5	5	6	6	7
Total Water Use	4,325	4,475	4,626	4,776	4,917

Source: 2020 UWMP Table 4-3 and 6-4 (City of Milpitas 2021a).

3 CITY WATER SUPPLY

The following provides an overview of City water supply sources based on Chapter 6, “Water Supply Characterization,” of the 2020 UWMP (City of Milpitas 2021a).

3.1 CURRENT WATER SUPPLY SOURCES

The City obtains its water supply from three sources: purchased water from SFPUC and Valley Water and recycled water from SBWR. The project is located within both the SFPUC and Valley Water water service areas.

3.1.1 San Francisco Public Utility Commission

Approximately 60 percent of the City’s water supply is provided from SFPUC. The City receives imported water from the City and County of San Francisco’s Regional Water System (RWS), operated by SFPUC. This supply is predominantly from the Sierra Nevada, delivered through the Hetch Hetchy aqueducts, but also includes treated water produced by the SFPUC from its local watersheds and facilities in Alameda and San Mateo Counties. Water from the RWS is treated before delivery and supplied to City from two connections, Bay Division Pipelines (BDPL) 1 and 2, and the Crystal Springs Bypass Tunnel.

The amount of imported water available to the SFPUC’s retail and wholesale customers is constrained by hydrology, physical facilities, and the institutional parameters that allocate the water supply of the Tuolumne River. Due to these constraints, the SFPUC is very dependent on reservoir storage to ensure ongoing reliability of its water supplies.

On June 2, 2009, the City entered into a 25-year Water Supply Agreement with SFPUC. This agreement affirms the City’s perpetual right to purchase up to 9.23 million gallons per day (mgd) of treated potable water unless SFPUC has a water shortage.

3.1.2 Valley Water

Valley Water began providing treated surface water from Valley Water in August 1993 under a September 1984 contract between the City and Valley Water (previously known as Santa Clara Valley Water District). The supply delivery is adjusted annually based on a binding 3-year annual delivery schedule. The City’s annual purchase must be at least 90 percent of the delivery schedule and the City’s monthly “supply guarantee” is at least 15 percent of the annual delivery schedule. Valley Water provides treated water from its Penitencia and Santa Teresa treatment plant via its Milpitas Pipeline which terminates in the City.

Although the City purchases are currently limited to surface water largely purchased by Valley Water from the State Water Project (SWP) and Central Valley Project CVP (Valley Water has a contract for 152,500 acre-feet per year [AFY] from the CVP and 100,000 AFY from the SWP), Valley Water’s overall water supply comes from a variety of sources. Nearly half is from local groundwater aquifers, and more than half is imported from the Sierra Nevada through pumping stations in the Sacramento-San Joaquin River Delta. Both groundwater and imported water are sold to retailers. Valley Water also manages the groundwater basin to the benefit of agricultural users and other independent users who pump groundwater. Local runoff is captured in Valley Water reservoirs for recharge into the groundwater basin or treatment at one of Valley Water’s water treatment plants. The total storage capacity of these reservoirs is about 170,000 acre-feet. According to the City’s Water Master Plan, a new Valley Water turnout near Piper Drive and a two mgd storage reservoir and 4,000 gallon per minute pump station in the Valley Water service area is anticipated to be constructed between 2031 and 2035 (Silveira 2025, pers comm). Further, according to the City’s Water Master Plan, a new emergency pressure reducing valve at the intersection of Cedar Way and South Main Street to allow flows between zone SF1 and zone VW1, as identified in Section 7.3 of the Specific Plan, is anticipated to be constructed between 2031 and 2035 (Silveira, pers. comm., 2025).

3.1.3 Recycled Water

The recycled water use identified in Table 2-2 and Table 2-3 include projects currently underway to convert potable users within the vicinity of the existing recycled water system, irrigation and conversion of cooling towers as identified through a SBWR Cooling Tower Initiative and extension of the recycled water system to capture additional irrigation use. Every year, the City purchases approximately 300 million gallons of recycled water from the San Jose/Santa Clara Regional Wastewater Facility, through SBWR. The recycled water undergoes an extensive tertiary treatment process (including filtration and disinfection) and is delivered to more than 220 recycled water customers in the City, for landscape irrigation and industrial uses. The recycled water system is part of the South Bay Water Recycling Strategic Master Planning Report completed in 2014. The Strategic Plan was divided into two phases, near-term (2015-2020) and long term (2020-2035). Master Planning would provide basis for identifying alternative governance frameworks and associated funding strategies for non-potable water (i.e. recycled water). The SBWR system is currently developed to reflect near term recycled water demands. The long term plan is currently being studied, and future allocations have not been identified. Projected recycled water use is limited by the future supply allocations outlined by SBWR.

3.2 GROUNDWATER

The City does not use groundwater to meet customer demands under normal conditions. The City has one existing fully developed well, Pinewood Well and two planned or in development: Curtis Well and McCandless Well. These wells are located in the southwestern part of the city. The Curtis Well was drilled in 2003, but the well was not equipped with above-grade infrastructure required for a functioning well, and the facility was never completed. As a result, bringing the Curtis Well online requires installing a submersible pump, piping and treatment components, as well as conducting testing and permitting. The well is currently inactive, but the City Water Master Plan identifies that this well will be improved and operational on or after 2035. The McCandless Well is anticipated to have its construction complete by 2026 and operational in 2027 with a 0.58 mgd capacity. Operation of McCandles Well alone could provide approximately 649 AFY of supplemental water supply that would offset the UWMP projected dry year conditions through the year 2040. There is no plan for an additional well at this time. As mentioned in the UWMP, a fourth well is needed for a 5th dry year by 2035 or 3rd dry year by 2045. The City will continue to evaluate The need for a fourth well in future UWMPs and Water Master Plans will continue to be evaluated by the City (Silveira, pers. comm., 2025).

The future use of these well facilities as emergency wells or fully functioning wells was not identified in the 2020 UWMP. Potential expansion of the City's water portfolio to include groundwater wells could supplement loss of supply as a result of wholesale cutbacks in the event of prolonged droughts. Pinewood Well is permitted for use as a standby emergency well. The City currently reserves groundwater supply for emergency use in the event that SFPUC and Valley Water cannot deliver contract treated water supplies.

The Santa Clara Valley Subbasin is not adjudicated and has not been identified to be in overdraft by California Department of Water Resources. Valley Water manages the groundwater basin, monitoring the basin for local subsidence, managing surface recharge, and working with local retailers to prevent subsidence consistent with the Valley Water's Groundwater Management Plan. The subbasin is not subject to a groundwater sustainability plan as required under the Sustainable Groundwater Management Act.

3.3 FUTURE WATER SUPPLY SOURCES AND RELIABILITY

Table 3-1 shows the projected water supplies for the City through the year 2045.

Table 3-1 City Water Supplies (AFY)

Supply Source	Year 2025	Year 2030	Year 2035	Year 2040	Year 2045
SFPUC Purchased Water	2,410	2,470	2,570	2,660	2,750
Valley Water Purchased Water	1,445	1,505	1,536	1,586	1,637
Recycled Water	400	400	400	400	400
Total	4,325	4,475	4,626	4,776	4,917

Source: 2020 UWMP Table 6-9 (City of Milpitas 2021a).

3.3.1 San Francisco Public Utility Commission

In December 2018, the State Water Resources Control Board adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay Delta Plan) to establish water quality objectives to maintain the health of the Bay-Delta ecosystem. The adopted Bay Delta Plan was developed with the stated goal of increasing salmonid populations in three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay Delta. The Bay Delta Plan Amendment requires the release of 30 to 50 percent of the “unimpaired flow” on these tributaries from February through June in every year type. As noted above, SFPUC obtains surface water from the Tuolumne River.

The SFPUC has initiated an Alternative Water Supply Planning Program to ensure that San Francisco can meet its Retail and Wholesale Customer water needs, address projected dry years shortages, and limit rationing to a maximum 20 percent system-wide in accordance with adopted SFPUC policies. This program is intended to meet future water supply challenges and vulnerabilities such as environmental flow needs and other regulatory changes; earthquakes, disasters, and emergencies; increases in population and employment; and climate change.

Since the City’s water supply relies partially on the SFPUC RWS, impacts from the potential implementation of the Bay Delta Plan, is anticipated to impact the City’s service reliability. The City would be able to meet the projected water demands in normal years through 2045 but would experience supply shortages in single dry years and multiple dry years. Such implementation of the Bay Delta Plan would require rationing in all single dry years and multiple dry years. For the preparation of local UWMPs, SFPUC provided two scenarios, using hydrologic models with and without the Bay Delta Plan Amendment. This included Bay Area Water Supply & Conservation Agency (BAWSCA) drought cutback allocations based on the information about projected water supply availability for the wholesale customers from SFPUC. All of BAWSCA’s allocation tables assume that the wholesale customers can purchase up to 184 mgd from SFPUC’s RWS through 2045. In normal years 100 percent of the City’s ISG is available to the City, that is 9.232 mgd. The reader is referred to Chapter 4, “Water Supply Sufficiency Analysis,” for a further discussion of anticipated supply shortages for the City in dry and multiple dry year conditions.

3.3.2 Valley Water

To maintain water supply reliability and flexibility, Valley Water’s water supply includes a variety of sources including local groundwater, imported water, and local surface water. Valley Water has an active conjunctive water management program to optimize the use of groundwater and surface water, and to prevent groundwater overdraft and land subsidence.

Long-term planning and modeling analysis performed by Valley Water as part of its Integrated Water Resources Planning Study (IWRP) indicates that if additional investments are made, future countywide demands can reliably be met. It is the intent of Valley Water to invest in accordance with the IWRP framework to develop a flexible resource mix. This flexibility will allow Valley Water to respond to uncertain future conditions. The 2003 IWRP developed a planning framework and supporting modeling tools to help Valley Water identify and select specific water resource investments. The 2003 IWRP evaluation was based on a best estimate of the water demand and water supply outlook through 2040. Future water demand was estimated based on data from ABAG, Department of Finance and general

plans from cities and Santa Clara County. The demand projection for the cities in Santa Clara County did not distinguish between Valley Water or SFPUC supplies.

The key findings from the 2003 IWRP are: (1) securing baseline supplies is top priority for ensuring reliability, 2) a mix of three types of new water supply investments makes the best water supply portfolio, and 3) local supplies decrease vulnerability.

Modeling conducted for the Water Supply Master Plan 2040 (Master Plan) indicates shortages during droughts in all demand years, with shortages increasing in severity and frequency as demands increase and Delta-conveyed supplies decrease. By 2040, without new supplies or conservation savings, shortages could occur in about 40 percent of years. The Master Plan identifies that 2040 available water supplies would range from 250,000 AFY to 399,000 AFY depending on the water year that could result in water supply shortfalls as high as 140,000 AFY during extended drought conditions (Valley Water 2019).

To improve the reliability of water supplies, the Master Plan includes the Valley Water's Ensure Sustainability water supply strategy that consists of securing existing supplies and infrastructure; increasing water conservation and water reuse; and optimizing the use of existing supplies and infrastructure. The following projects would be implemented as part of this strategy:

- ▶ Delta Conveyance Project,
- ▶ Additional Conservation and Stormwater Projects and Programs,
- ▶ Potable Reuse Program,
- ▶ Pacheco Reservoir Expansion,
- ▶ Transfer-Bethany Pipeline, and
- ▶ South County Recharge.

Implementation of these projects would provide a reliable water supply that would meet 2040 demands during a non-drought year. During drought conditions, water supplies would be sufficient to meet 100 percent of demand during the first five years of drought and more than 90 percent in the last year (Valley Water 2019).

3.3.3 Groundwater

Groundwater is managed under guidance from Valley Water and in accordance with the 2016 Groundwater Management Plan (GWMP). California Department of Water Resources has determined that the GWMP satisfies the objectives of the SGMA. The goals are the 2016 GWMP area to manage and optimize groundwater supply reliability and minimize land subsidence and to protect groundwater from contamination and saltwater intrusion. Groundwater well pumping may be adjusted slightly in the future to meet future water demands during drought years and emergencies. Countywide water supplies are generally sufficient to meet demands in normal years through 2040, but significant shortages may occur during multiple dry years without additional investments. Total natural groundwater recharge assumed for total Valley Water supplies consists of 61,000 AFY long term average and 47,000 AFY during a crucial drought (Valley Water 2019).

3.3.4 Recycled Water

As described above, recycled water provision to the City is addressed in the South Bay Water Recycling Strategic Master Planning Report completed in 2014. The Strategic Plan was divided into two phases, near-term (2015-2020) and long term (2020-2035). Master Planning would provide basis for identifying alternative governance frameworks and associated funding strategies for non-potable water (i.e., recycled water). The SBWR system is currently developed to reflect near term recycled water demands. The long term plan is currently being studied, and future allocations have not been identified. Projected recycled water use is limited by the future supply allocations outlined by SBWR.

4 WATER SUPPLY SUFFICIENCY ANALYSIS

4.1 PROJECT WATER DEMANDS AND FUTURE WATER SUPPLY

The project's water estimated water demands are provided in Table 2-2 and identifies a total demand of 1,435,760 gallons per day (approximately 524 million gallons per year) that would result in a net decrease anticipated water demand of 105,875 gallons per day (approximately 39 million gallons per year) as compared to existing land uses under the General Plan.

Tables 4-1 through 4-3 identify City water demands and supplies under normal, single dry, multiple dry year conditions between 2025 and 2045. These water demands associated with growth factor the project (City of Milpitas 2021a). The project's population increases over the General Plan buildout (i.e., an additional 3,816 residents to the General Plan buildout of 113,530 residents) would be within the growth projections used in the 2020 UWMP of 120,400 residents in 2045. The project would also reduce nonresidential development potential under the General Plan by 1,234,574 square feet (see Table 2-1).

Table 4-1 City Water Supplies and Demands with Project – Normal Year (Million Gallons)

Supply Source	Year 2025	Year 2030	Year 2035	Year 2040	Year 2045
City Water Supply Total ¹	4,325	4,475	4,626	4,776	4,917
City Water Demands (including project)	4,325	4,475	4,626	4,776	4,917
Difference	0	0	0	0	0

¹ Consists of water supplied by SFPUC, Valley Water, and recycled water from SBWR.

Source: 2020 UWMP Table 7-2 (City of Milpitas 2021a).

Table 4-2 City Water Supplies and Demands with Project – Single Dry Year (Million Gallons)

Supply Source	Year 2025	Year 2030	Year 2035	Year 2040	Year 2045
City Water Supply Total ¹	3,460	4,475	4,626	4,776	4,917
City Water Demands (including project)	4,325	4,475	4,626	4,776	4,917
Difference	(865)	0	0	0	0

¹ Consists of water supplied by SFPUC, Valley Water, and recycled water from SBWR.

Source: 2020 UWMP Table 7-2 (City of Milpitas 2021a).

Table 4-3 City Water Supplies and Demands with Project – Multiple Dry Years (Million Gallons)

	Supply Source	Year 2025	Year 2030	Year 2035	Year 2040	Year 2045
First Year	City Water Supply Total ¹	3,460	4,475	4,626	4,776	4,917
	City Water Demands (including project)	4,325	4,475	4,626	4,776	4,917
	Difference	(865)	0	0	0	0
Second Year	City Water Supply Total ¹	3,230	4,475	4,626	4,776	4,917
	City Water Demands (including project)	4,325	4,475	4,626	4,776	4,917
	Difference	(1,095)	0	0	0	0
Third Year	City Water Supply Total ¹	2,940	4,370	4,626	4,776	4,917
	City Water Demands (including project)	4,325	4,475	4,626	4,776	4,917
	Difference	(1,385)	(105)	0	0	0

Supply Source		Year 2025	Year 2030	Year 2035	Year 2040	Year 2045
Fourth Year	City Water Supply Total ¹	2,940	4,370	4,626	4,776	4,870
	City Water Demands (including project)	4,325	4,475	4,626	4,776	4,917
	Difference	(1,385)	(105)	0	0	(47)
Fifth Year	City Water Supply Total ¹	2,940	4,370	4,626	4,776	4,870
	City Water Demands (including project)	4,325	4,475	4,626	4,776	4,917
	Difference	(1,385)	(105)	0	0	(47)

¹ Consists of water supplied by SFPUC, Valley Water, and recycled water from SBWR.

Source: 2020 UWMP Table 7-4 (City of Milpitas 2021a).

4.2 WATER SUPPLY RELIABILITY

As shown in Tables 4-2 and 4-3, City's existing water supply sources result in shortfalls in supply in 2025, 2030, and 2045 under single dry-year and multiple dry year conditions. During these conditions, the City would implement its Water Shortage Contingency Plan that consists of voluntary and mandatory water conservation measures that would address water supply shortfalls.

Specifically the Water Shortage Contingency Plan Table 3-2 identifies water demand reduction actions that include a range of measures (e.g., restrictions on operation of water features, landscaping irrigation, public information campaigns, reductions of system water loss) that are identified to reduce the water supply shortage gap from 1 to 70 percent (City of Milpitas 2021b).

The Water Shortage Contingency Plan also includes Table 3-3 that identifies water augmentation through the installation of five additional groundwater wells by 2025 and two additional groundwater wells by 2040 each with a 1.2 mgd production capacity. This could include involve a managed groundwater well extraction program similar to neighboring water agencies, Alameda County Water District to the north and City of Santa Clara and San Jose Water Company to the south. The south-western portion of the City of Milpitas overlays a groundwater aquifer that has been determined to be adequately productive. In-pipe blending of groundwater with SFPUC and Valley Water has been identified viable option for augmenting supply shortages. Four wells at an average withdrawal rate of 1.2 million gallons per day (450 million gallons per year) would produce up to 5 million gallons per day of supplemental water supply for the City. The extraction rate and volume is based on preliminary production tests of McCandless Well and Curtis Well which have indicated the aquifer in this zone produces 500 to 1,200 gallons per minute or an average of 850 gallons per minute. The potential provision of future wells, while an increase to the infrastructure costs, would improve long-term supply reliability by expanding the City's water supply portfolio during dry-year conditions when SFPUC and Valley Water supplies may be reduced. Based on the shortfalls identified in Table 4-3, groundwater production by four wells would be adequate to offset water supply shortages identified for 2030 and 2045 (project approval is anticipated in 2025). Sustainability of wells and groundwater aquifers are based on aquifer recharge, as currently performed by Valley Water. The City in concert with Valley Water could study the feasibility of offsetting SFPUC supply reductions, as identified in the 2020 UWMP during various drought scenarios (City of Milpitas 2021b).

In addition to these measures, California Code of Regulations, title 23, division 3, chapter 3.5, which go into effect in 2025, establish new water conservation measures to be implemented by public water service providers that would provide additional reductions to future water demands.

5 REPORT PREPARERS

Ascent
Patrick Angell..... Principal
Claudia Watts Project Manager

This page intentionally left blank.

6 REFERENCES

Chapter 1 Introduction

City of Milpitas. 2021a (July). *City of Milpitas 2020 Urban Water Management Plan*. Prepared by Maddaus Water Management, Inc.

Chapter 2 Project Description and Water Demands

City of Milpitas. 2020 (November). *General Plan Update Draft Environmental Impact Report*. Prepared by De Novo Planning Group.

———. 2021a (July). *City of Milpitas 2020 Urban Water Management Plan*. Prepared by Maddaus Water Management, Inc.

City of Sunnyvale. 2020 (August). *City of Sunnyvale Lawrence Station Area Plan Update/Intuitive Surgical Corporate Campus Project Water Supply Assessment*. Prepared by Ascent Environmental.

Chapter 3 City Water Supply

City of Milpitas. 2021a (July). *City of Milpitas 2020 Urban Water Management Plan*. Prepared by Maddaus Water Management, Inc.

Silveira, Michael, P.E. City engineer. City of Milpitas, Milpitas, CA. March 2025—email messages to Pat Angell of Ascent Environmental regarding water supply and infrastructure.

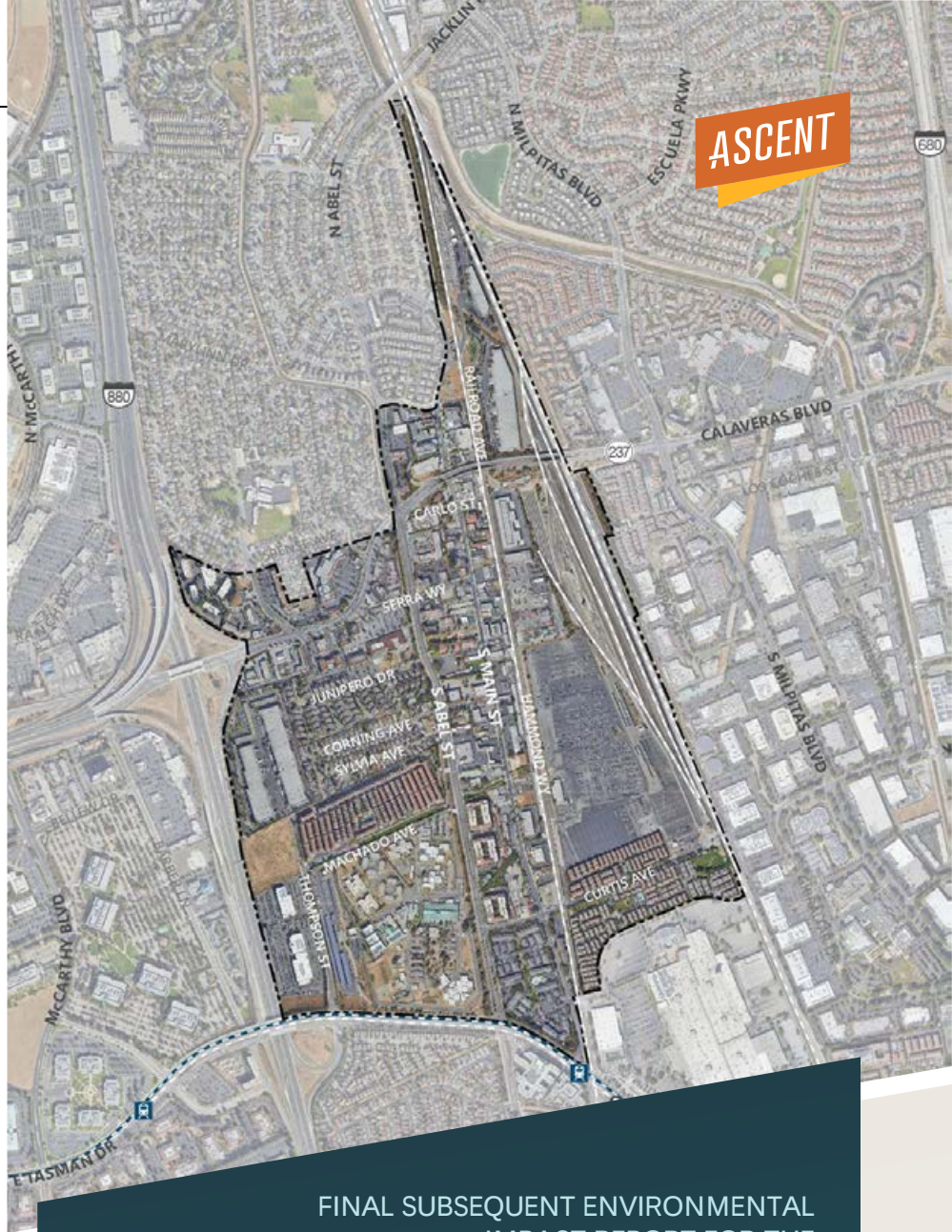
Valley Water. 2019 (November). *Water Supply Master Plan 2040*.

Chapter 4 Water Supply Sufficiency Analysis

City of Milpitas. 2021a (July). *City of Milpitas 2020 Urban Water Management Plan*. Prepared by Maddaus Water Management, Inc.

———. 2021b. *City of Milpitas 2020 Water Shortage Contingency Plan*. Prepared by Maddaus Water Management, Inc.

This page is intentionally left blank.



FINAL SUBSEQUENT ENVIRONMENTAL
IMPACT REPORT FOR THE

Gateway-Main Street Specific Plan

State Clearinghouse No. 2024070432

PREPARED FOR:

City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95030

ATTENTION:

Jay Lee
Planning Director

September 2025

Gateway-Main Street Specific Plan

State Clearinghouse No. 2024070432

PREPARED FOR:



City of Milpitas – Planning Department
455 E. Calaveras Boulevard
Milpitas, CA 95030

CONTACT:

Jay Lee
Planning Director
jlee@milpitas.gov

PREPARED BY:



Ascent Environmental, Inc., DBA Ascent
455 Capitol Mall, Suite 300
Sacramento, CA 95814

CONTACT:

Pat Angell
Principal
916.732.3324
pat.angell@ascent.inc

TABLE OF CONTENTS

Section	Page
LIST OF ABBREVIATIONS	ii
1 INTRODUCTION	1-1
1.1 Purpose and Intended Uses of this Final SEIR	1-1
1.2 Project Location	1-1
1.3 Project Objectives	1-1
1.4 Summary Description of the Project	1-2
1.5 Major Conclusions of the Environmental Analysis	1-2
1.6 CEQA Public Review Process	1-2
1.7 Organization of the Final SEIR	1-3
2 RESPONSES TO COMMENTS	2-1
2.1 List of Commenters on the Draft SEIR	2-1
2.2 Comments and Responses	2-1
3 REFERENCES	3-1
4 LIST OF PREPARERS	4-1
 Appendix	
A Comment Letters	
B CEQA Findings and MMRP	
 Figure	
Figure 2-1 VMT & GHG Reduction Strategies	2-5
 Table	
Table 2-1 List of Commenters	2-1

LIST OF ABBREVIATIONS

Caltrans	California Department of Transportation
CAPCOA	California Air Pollution Control Officers Association
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
City	City of Milpitas
Draft SEIR	Draft Subsequent Environmental Impact Report
Final SEIR	Final Subsequent Environmental Impact Report
GHG	greenhouse gas
I	Interstate
Specific Plan	Gateway-Main Street Specific Plan
TDM	Transportation Demand Management
VMT	vehicle miles traveled
VTA	Valley Transportation Authority

1 INTRODUCTION

This final subsequent environmental impact report (Final SEIR) has been prepared by the City of Milpitas (City), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (California Code of Regulations [CCR] Section 15132). This Final SEIR contains responses to comments received on the draft subsequent environmental impact report (Draft SEIR) for the Gateway-Main Street Specific Plan (Specific Plan). The Final SEIR consists of the Draft SEIR and this document (response to comments document), which includes comments on the Draft SEIR, responses to those comments, and revisions to the Draft SEIR.

1.1 PURPOSE AND INTENDED USES OF THIS FINAL SEIR

CEQA requires a lead agency that has prepared a Draft EIR to consult with and obtain comments from responsible and trustee agencies that have jurisdiction by law with respect to the project, and to provide the public with an opportunity to comment on the Draft EIR. The Final EIR is the mechanism for responding to these comments. This Final SEIR has been prepared to respond to comments received on the Draft SEIR, which are reproduced in this document; and to present corrections, revisions, and other clarifications and amplifications to the Draft SEIR, including project updates, made in response to these comments and as a result of the City's ongoing planning efforts. The Final SEIR will be used to support the City's decision regarding whether to approve the Specific Plan.

This Final SEIR will also be used by CEQA responsible agencies to ensure that they have met their requirements under CEQA before deciding whether to approve or permit project elements over which they have jurisdiction.

This SEIR provides a programmatic evaluation of the proposed Specific Plan. Implementation of the proposed Specific Plan (i.e., approval of future projects) could involve many responsible agencies, depending on the details of a future project.

1.2 PROJECT LOCATION

The Gateway-Main Street Specific Plan Area (Specific Plan Area) is approximately 605 acres within the City. The City, located in northern Santa Clara County, within the South San Francisco Bay Area, is situated north of San Jose and east of Santa Clara, Sunnyvale, and Mountain View along State Route 237 (Highway 237) (Figure 2-1). The City is served by three major freeways: Interstate (I)-880, I-680, State Route 237 (Highway 237)/Calaveras Boulevard, and the County-managed Montague Expressway.

1.3 PROJECT OBJECTIVES

The objectives are based on the proposed Specific Plan vision and are intended to achieve the following:

- ▶ Develop a center for the City composed of districts and neighborhoods organized around hubs of activity to improve the character of the area with high quality development, landscaping, and streetscape design.
- ▶ Integrate a mix of land uses throughout Main Street and the surrounding districts to create a walkable downtown supported by commercial retail and office uses, civic and cultural anchors, and infill residential and neighborhood service nodes.
- ▶ Improve mobility and access for infill and mixed-use development in the community, through creation of complete streets, trails and transit improvements to support a walkable and bikeable urban community.
- ▶ Create diverse and meaningful public open space that builds on the assets of its location to support new public realm streetscape improvements, urban parks, plazas, special gathering places, and connected open space

1.4 SUMMARY DESCRIPTION OF THE PROJECT

Specific plans are a land use planning tool for the further implementation of the General Plan for individual development proposals in a defined geographic area. They give local land use agencies the ability to establish land use and design regulations to create development that is consistent with site-specific physical constraints and opportunities as well as available infrastructure. All subsequent development within the boundaries of the specific plan area is subject to the requirements of the specific plan. Sections 65450 through 65457 of the California Government Code grant authority to the City for the development and adoption of specific plans.

The purpose of the proposed Specific Plan is to guide land use and development consistent with the General Plan; implement the City's economic development strategy and help facilitate investment in the Specific Plan's Focus Areas; preserve and enhance existing neighborhoods; and plan for the future transition of Urban Reserve lands. The Specific Plan identifies four focus areas: Gateway District, Crossroads District, Main Street District, and Abbot District.

The Specific Plan proposes a new project area boundary, which includes additional areas that currently have other designations in the General Plan Land Use Element and removes areas south of Great Mall Parkway that were included in the Midtown Plan. The proposed Specific Plan Land Use Framework would implement the vision for the Specific Plan focus areas through Specific Plan Zoning Districts and existing Citywide Zoning Districts.

1.5 MAJOR CONCLUSIONS OF THE ENVIRONMENTAL ANALYSIS

The Draft SEIR identified the following significant and unavoidable impacts under project and cumulative conditions:

Cultural and Tribal Cultural Resources

- ▶ Impact 3.4-1 (Cause a Substantial Adverse Change in the Significance of a Historical Resource)
- ▶ Impact 3.4-2 (Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources)
- ▶ Impact 3.4-3 (Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource)

Transportation

- ▶ Impact 3.8-2 (Generate a Substantial Increase in Long-Term Transportation Noise Levels)

Cumulative

- ▶ Cumulative Impact 4.4.4-1 (Contribute to Cumulative Impacts to Historical Resources, Archaeological, and Tribal Cultural Resources)
- ▶ Cumulative Impact 4.4.8-2 (Contribute to Cumulative Traffic Noise Impacts)
- ▶ Cumulative Impact 4.4.11-1 (Contribute to Cumulative Impacts Related to Vehicle Miles Traveled)

1.6 CEQA PUBLIC REVIEW PROCESS

The City published the Draft SEIR for public and agency review on April 17, 2025. A 45-day public review was provided, ending on June 2, 2025. The Draft SEIR was submitted to the State Clearinghouse for distribution to reviewing agencies; posted on the Gateway-Main Street Specific Plan Project's website (<https://www.milpitasmainstreet.org/>). A notice of availability of the Draft SEIR was distributed by the City. The City extended the comment period to July 24, 2025.

As a result of these notification efforts, written and verbal comments were received from two local agencies (California Department of Transportation and Santa Clara Valley Transportation Authority) on the content of the Draft

SEIR. Chapter 3, “Responses to Comments,” identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute “significant new information” by CEQA standards (State CEQA Guidelines CCR Section 15088.5).

Final SEIR Appendix B includes the CEQA Findings of Fact and Statement of Overriding Considerations (findings) that have been prepared consistent with State CEQA Guidelines Section 15091 through 15093. The Milpitas City Council will be required to make these findings regarding the environmental impact conclusions of the SEIR as part of the City’s actions to adopt the Gateway-Main Street Specific Plan. These findings are based on the technical analysis and conclusions of the Draft SEIR and this Final SEIR.

1.7 ORGANIZATION OF THE FINAL SEIR

This Final SEIR is organized as follows:

Chapter 1, “Introduction,” describes the purpose of the Final SEIR, summarizes the Gateway-Main Street Specific Plan and the major conclusions of the Draft SEIR, provides an overview of the CEQA public review process, and describes the content of the Final SEIR.

Chapter 2, “Responses to Comments,” contains a list of all parties who submitted comments on the Draft SEIR during the public review period, copies of the comment letters received, and responses to the comments.

Chapter 3, “References,” identifies the documents used as sources for the analysis.

Chapter 4, “List of Preparers,” identifies the lead agency contacts as well as the preparers of this Final SEIR.

This page is intentionally left blank.

2 RESPONSES TO COMMENTS

This chapter contains comment letters received during the public review period for the Draft Subsequent Environmental Impact Report (Draft SEIR), which concluded on July 24, 2025. In conformance with Section 15088(a) of the State CEQA Guidelines, written responses were prepared addressing comments on environmental issues received from reviewers of the Draft SEIR.

2.1 LIST OF COMMENTERS ON THE DRAFT SEIR

Table 3-1 presents the list of commenters, including the numerical designation for each comment letter received, the author of the comment letter, and the date of the comment letter.

Table 2-1 List of Commenters

Letter No.	Commenter	Date
STATE AGENCIES (S)		
S1	California Department of Transportation (Caltrans), District 4 Yunsheng Luo, District Branch Chief	June 2, 2025
LOCAL AGENCIES (L)		
L1	Santa Clara Valley Transportation Authority, Triana Crighton, Senior Transportation Planner	May 30, 2025

2.2 COMMENTS AND RESPONSES

The individual comments received on the Draft SEIR and the responses to those comments are provided below. Actual comment letters are provided in Appendix A.

2.2.1 State Agencies

Letter S1 California Department of Transportation (Caltrans, District 4)

Yunsheng Luo, District Branch Chief
June 2, 2025

Comment S1-1

Per the DEIR, this project is found to have a significant VMT impact. Please consider the following measures to mitigate the project's VMT impact.

Mitigation Strategies

Caltrans Smart Mobility Framework Guide defines a place type based on four physical elements: built form, land use, mobility options, and people. We encourage the project applicant to develop and implement an effective Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions from future development in this area. TDM programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take to achieve those targets.

Response S1-1

Caltrans recommends that the City develop and implement an effective Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions. The VMT mitigation options identified in the Draft SEIR include a commute trip reduction program (Mitigation Measure 3.11-2a). The program would include elements such as a ridesharing program, subsidized or discounted transit passes, employer-sponsored vanpool, and a guaranteed ride home program. The City of Milpitas General Plan includes implementing a Transportation Demand Management Plan as a circulation goal (Goal CIR-5). TDM is also listed as an important tool to achieve all of Caltrans' Smart Mobility 2010's performance measures of location efficiency, reliable mobility, health and safety, environmental stewardship, social equity, and robust economy.

The City has also adopted a VMT Policy, which establishes screening criteria reflecting TDM measures prioritizing density, mixed-use, and multimodal transportation. The VMT Policy also references the VTA VMT Evaluation Tool, which prioritizes similar TDM measures for mitigation, as a resource for evaluation. Additionally, the City has adopted the Comprehensive Zoning Ordinance Update, which establishes citywide TDM requirements for certain types of new development.

Comment S1-2

Please also consider the measures listed below are quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT:

- ▶ Increase Residential Density
- ▶ Increase Job Density
- ▶ Provide Transit-Oriented Development
- ▶ Integrate Affordable and Below Market Rate Housing
- ▶ Improve Street Connectivity
- ▶ Locate Project/Developments in Area with High Destination Accessibility
- ▶ Improve Destination Accessibility in Underserved Areas
- ▶ Orient Project/Developments Toward Transit, Bike, or Pedestrian Facility
- ▶ Locate Project/Developments near Bike Path/Bike Lane
- ▶ Provide Pedestrian Network Improvement
- ▶ Construct or Improve Bike Facility
- ▶ Construct or Improve Bike Boulevard

- ▶ Expand Bikeway Network
- ▶ Implement Shared Vehicle Program (car/bike/E-bike/scooter)
- ▶ Provide Traffic Calming Measures
- ▶ Create Urban Non-motorized zones
- ▶ Dedicate Land for Bike Trails
- ▶ Extend Transit Network Coverage or Hours
- ▶ Increase Transit Service Frequency
- ▶ Implement Transit-Supportive Roadway Treatments
- ▶ Provide Bus Rapid Transit
- ▶ Reduce Transit Fares
- ▶ Improve Transit Access, Safety, and Comfort
- ▶ Provide Bike Parking Near Transit
- ▶ Provide Electric Vehicle Charging Infrastructure
- ▶ Limit Residential Parking Supply
- ▶ Implement Market Price Public Parking (On-Street)
- ▶ Provide Secure Bike Parking
- ▶ Implement Area or Cordon Pricing
- ▶ Replace Traffic Controls with Roundabout
- ▶ Required Project Contributions to Transportation Infrastructure Improvement
- ▶ Install Park-and-Ride Lots

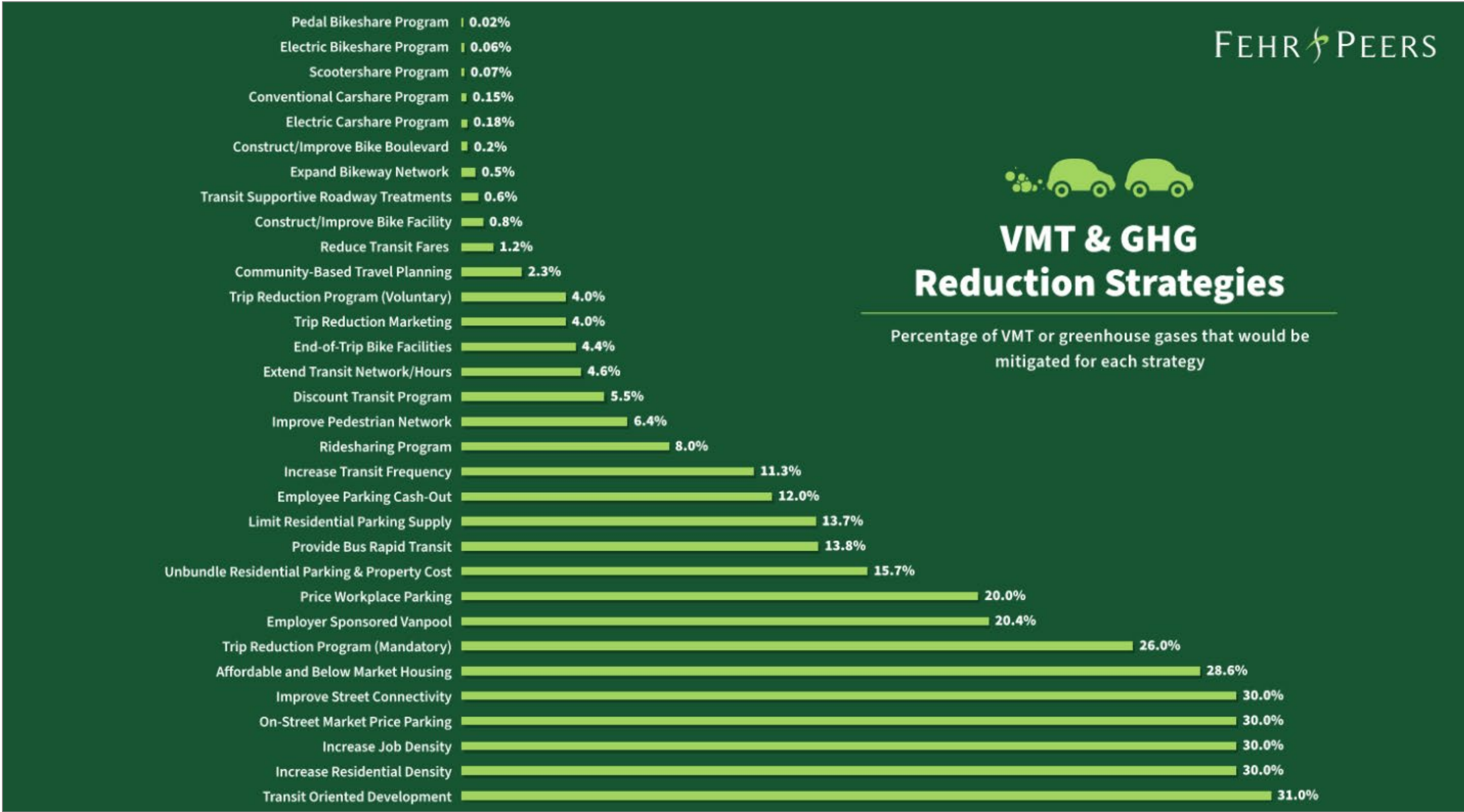
Response S1-2

Caltrans suggests the City consider the measures quantified by CAPCOA that are shown to have different efficiencies reducing regional vehicle miles traveled (VMT).

The Specific Plan includes a comprehensive approach to reducing VMT through implementation of numerous VMT reduction measures listed in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (August 2021), along with their respective potential VMT reductions. Figure 1 below shows the VMT and greenhouse gas (GHG) reduction measures and their associated maximum VMT/ GHG reduction. As shown below in Figure 2-1, the most effective VMT reduction measures are increased residential and employment density. Building dense development is integral to reducing VMT and other VMT reduction projects have lower reductions as they support the denser urban environment.

Furthermore, through the City's development review process for new development and redevelopment projects, including those in the Plan Area, the City will require projects to implement many of the measures related to TDM and transportation public improvements listed in Comment S1-2.

This page is intentionally left blank.



Source: Fehr & Peers 2025

Figure 2-1 VMT & GHG Reduction Strategies

Comment S1-3**VMT Mitigation Program**

Please note that the Valley Transportation Authority's (VTA) Equitable VMT Mitigation Program for Santa Clara County (link) was awarded through Caltrans' Sustainable Transportation Planning Program to assist local agencies in identifying and quantifying mitigations to VMT impacts and improve multimodal transportation to serve Santa Clara's residents. The County is encouraged to collaborate with Caltrans and VTA to assess and develop a regional VMT mitigation program to reduce VMT in an effective and feasible manner.

Response S1-3

Caltrans notes that VTA's Equitable VMT Mitigation Program for Santa Clara County was awarded through Caltrans' Sustainable Transportation Planning Program. Caltrans suggests Santa Clara County collaborate with them and VTA to assess and develop a regional VMT mitigation program.

The Equitable VMT Mitigation Program for Santa Clara County was accepted by the Santa Clara Valley Transportation Authority (VTA) board in March 2025. The board accepted a framework which offers considerations and recommendations for (1) types of VMT reduction projects that could be funded by a program, (2) the structure of a program, and (3) who would sponsor a program, along with other elements. The detailed specifications for a program would be determined in a potential future implementation phase, based on input from staff and legal counsel of the VMT mitigation Program Sponsor and participating local jurisdictions. The intent of the VMT mitigation program is to reduce driving and expand travel options for Santa Clara County residents in a way that works across jurisdictional lines and improves outcomes for communities that need it most. VTA will develop a conceptual scope for an implementation phase in consultation with local jurisdiction staff and solicit interest from local jurisdictions on whether to opt in to an implementation phase. The City of Milpitas was an active participant in the Equitable VMT Mitigation Program and looks forward to further discussions about a countywide VMT mitigation program and/or a regional VMT mitigation program.

2.2.2 Local Agencies

Letter L1 Santa Clara Valley Transportation Authority

Triana Crighton, Senior Transportation Planner
May 30, 2025

Comment L1-1

VTA recommends that the City should clearly specify the responsible parties, schedule, and monitoring / reporting procedures for Mitigation Measures 3.11-2a through 3.11-2f in the project's Mitigation Monitoring and Reporting Program. To the greatest extent possible, VTA recommends having monitoring of these VMT mitigation measures performed by an independent third-party, paid for by future developers and/or property managers, rather than through self-reporting. Mitigation Measure 3.11-2b regarding Employer-Sponsored Vanpool or Shuttle Service mentions that a Transportation Management Association (TMA) could play a role in coordinating funding for a shuttle program; VTA notes that forming a TMA would help implement and monitor many of the VMT mitigation measures identified in the DSEIR.

Response L1-1

VTA recommends that the City clearly specify the details for the monitoring / reporting procedures for the Mitigation Measures 3.11-2a through 3.11-2f in the project's Mitigation Monitoring and Reporting Program (MMRP) to lessen the significant and unavoidable VMT impact.

The mitigation measures for reducing the VMT impact are from California Air Pollution Control Officers Association (CAPCOA) and the mitigation discussion includes who would implement the mitigation measures. MMRP will be adopted with the Gateway-Main Street Specific Plan will identify implementation of these mitigation measures. The MMRP identifies Mitigation Measures 3.11-2a through 3.11-2d would be triggered through subsequent project applications and implementing as part of subsequent project approvals consistent with the City's Transportation Analysis Guidelines (TAG) Tier 4 (Mitigation) Transportation Demand Management provisions. Mitigation Measures 3.11-2e through 3.11-2f would be completed by the City through its overall implementation of the specific plan.

Comment L1-2

For Mitigation Measure 3.11-2a (Implement Commute Trip Reduction Program) VTA recommends that any such program should coordinate with and promote programs that already exist in Santa Clara County, including the VTA / MTC Vanpool Subsidy Program, VTA Guaranteed Ride Home Program, and transit incentive programs such as VTA SmartPass, Clipper START, and Clipper BayPass.

Response L1-2

VTA recommends that the City coordinate with and promote programs that already exist in Santa Clara County for Mitigation Measure 3.11-2a.

The reader is referred to responses to Comment Li-1. Mitigation Measure 3.11-2a requires future employers to develop and implement a commute trip reduction program that will be presented to the City of Milpitas for review and approval. This coordination is required and would occur as each future project under the Specific Plan is implemented. Approval of future commute trip reduction programs would need to demonstrate consideration of elements that reduce commute trips, which may include programs that already exist in Santa Clara County, including the VTA / MTC Vanpool Subsidy Program, VTA Guaranteed Ride Home Program, and transit incentive programs such as VTA SmartPass, Clipper START, and Clipper BayPass. This mitigation measure would be implemented through compliance with the City of Milpitas Transportation Analysis Guidelines (TAG) Tier 4 (Mitigation) Transportation Demand Management Provisions. This is discussed on Draft SEIR Page 3.11-8. Therefore, this comment does not identify a significant environmental impact that needs to be addressed further.

3 REFERENCES

Chapter 1, “Introduction”

No citations were used in this chapter.

Chapter 2, “Response to Comments”

California Air Pollution Control Officers Association. 2021. *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity*. Available: https://www.caleemod.com/documents/handbook/full_handbook.pdf. Accessed: July 28, 2025.

CAPCOA. See California Air Pollution Control Officers Association.

Santa Clara Valley Transportation Authority. 2025 (March). *Equitable VMT Mitigation Program for Santa Clara County*. Available: <https://www.vta.org/projects/equitable-vmt-mitigation-program-santa-clara-county>. Accessed: July 28, 2025.

This page is intentionally left blank.

4 LIST OF PREPARERS

LEAD AGENCY

City of Milpitas (Lead Agency)

Jay Lee Planning Director
Lillian VanHua.....Principal Planner

PREPARERS OF THE ENVIRONMENTAL DOCUMENT

Ascent (CEQA Compliance)

Pat Angell..... Principal
Claudia Watts Project Manager
Nicole Wang Environmental Planner

Fehr and Peers (Transportation)

Mark Soendjojo..... Senior Transportation Engineer / Planner
Daniel Rubins..... Senior Transportation Specialist

This page is intentionally left blank.

Appendix A

Comment Letters

TABLE OF CONTENTS

STATE AGENCIES 3

California Department of Transportation (Caltrans), District 4 3

LOCAL AGENCIES 6

Santa Clara Valley Transportation Authority 6

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



June 2, 2025

SCH #: 2024070432
GTS #: 04-SCL-2024-01408
GTS ID: 33347
Co/Rt/Pm: SCL/237/VAR

Jay Lee, Planning Director
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035

Re: Gateway-Main Street Specific Plan Project — Draft Environmental Impact Report (DEIR)

Dear Jay Lee:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Gateway-Main Street Specific Plan Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the April 2025 DEIR.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project will guide the land use and development of the Specific Plan's Focus Area. The Plan will implement the City's economic development strategy and will plan for high-density, transit-oriented housing to create a mixed-use community. The project area is located along State Route (SR)- 237 and Interstate 880 (I-880).

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)).

The project VMT analysis and significance determination are undertaken in a manner consistent with the Office of Land Use and Climate Innovation's (LCI) Technical Advisory. Per the DEIR, this project is found to have a significant VMT impact. Please consider the following measures to mitigate the project's VMT impact.

Mitigation Strategies

Caltrans Smart Mobility Framework Guide defines a place type based on four physical elements: built form, land use, mobility options, and people. We encourage the project applicant to develop and implement an effective Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions from future development in this area. TDM programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take to achieve those targets.

Please also consider the measures listed below are quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT:

- Increase Residential Density
- Increase Job Density
- Provide Transit-Oriented Development
- Integrate Affordable and Below Market Rate Housing
- Improve Street Connectivity
- Locate Project/Developments in Area with High Destination Accessibility
- Improve Destination Accessibility in Underserved Areas
- Orient Project/Developments Toward Transit, Bike, or Pedestrian Facility
- Locate Project/Developments near Bike Path/Bike Lane
- Provide Pedestrian Network Improvement
- Construct or Improve Bike Facility
- Construct or Improve Bike Boulevard
- Expand Bikeway Network
- Implement Shared Vehicle Program (car/bike/E-bike/scooter)
- Provide Traffic Calming Measures
- Create Urban Non-motorized zones
- Dedicate Land for Bike Trails
- Extend Transit Network Coverage or Hours
- Increase Transit Service Frequency
- Implement Transit-Supportive Roadway Treatments
- Provide Bus Rapid Transit
- Reduce Transit Fares
- Improve Transit Access, Safety, and Comfort
- Provide Bike Parking Near Transit

"Provide a safe and reliable transportation network that serves all people and respects the environment."

- Provide Electric Vehicle Charging Infrastructure
- Limit Residential Parking Supply
- Implement Market Price Public Parking (On-Street)
- Provide Secure Bike Parking
- Implement Area or Cordon Pricing
- Replace Traffic Controls with Roundabout
- Required Project Contributions to Transportation Infrastructure Improvement
- Install Park-and-Ride Lots

VMT Mitigation Program

Please note that the Valley Transportation Authority's (VTA) Equitable VMT Mitigation Program for Santa Clara County ([link](#)) was awarded through Caltrans' Sustainable Transportation Planning Program to assist local agencies in identifying and quantifying mitigations to VMT impacts and improve multimodal transportation to serve Santa Clara's residents. The County is encouraged to collaborate with Caltrans and VTA to assess and develop a regional VMT mitigation program to reduce VMT in an effective and feasible manner.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Marley Mathews, Associate Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please visit Caltrans LDR website ([link](#)) or contact LDR-D4@dot.ca.gov.

Sincerely,



YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse



May 30, 2025

City of Milpitas
455 E. Calaveras Blvd
Milpitas CA 95035
Attn: Jay Lee

Dear Jay,

VTA appreciates the opportunity to review and provide comments on the draft Subsequent Environmental Impact Report (SEIR) for the Gateway-Main Street Specific Plan for the City of Milpitas.

VTA has reviewed the document and has the following comments:

Mitigation Measures for Vehicle Miles Traveled (VMT) Impact

The Draft Subsequent EIR identifies a Significant and Unavoidable impact regarding VMT, Impact 3.11-2, which was also identified in the Milpitas General Plan Update EIR in 2021. The DSEIR includes several mitigation measures (Mitigation Measures 3.11-2a through 3.11-2f) to lessen this VMT impact, which VTA supports.

VTA recommends that the City should clearly specify the responsible parties, schedule, and monitoring / reporting procedures for Mitigation Measures 3.11-2a through 3.11-2f in the project's Mitigation Monitoring and Reporting Program. To the greatest extent possible, VTA recommends having monitoring of these VMT mitigation measures performed by an independent third-party, paid for by future developers and/or property managers, rather than through self-reporting. Mitigation Measure 3.11-2b regarding Employer-Sponsored Vanpool or Shuttle Service mentions that a Transportation Management Association (TMA) could play a role in coordinating funding for a shuttle program; VTA notes that forming a TMA would help implement and monitor many of the VMT mitigation measures identified in the DSEIR.

For Mitigation Measure 3.11-2a (Implement Commute Trip Reduction Program) VTA recommends that any such program should coordinate with and promote programs that already exist in Santa Clara County, including the VTA / MTC Vanpool Subsidy Program, VTA Guaranteed Ride Home Program, and transit incentive programs such as VTA SmartPass, Clipper START, and Clipper BayPass.

Thank you again for the opportunity to review this plan and serve on the plan's Technical Advisory Committee. If you have any questions, please do not hesitate to contact me at [triana.crighton@vta.org](mailto: triana.crighton@vta.org), or the VTA Land Use and Development Review team at [plan.review@vta.org](mailto: plan.review@vta.org)

Sincerely,

A handwritten signature in black ink, appearing to read 'Triana Crighton', with a long horizontal line extending to the right.

Triana Crighton
Senior Transportation Planner
[ML2401]

CEQA Findings of Fact and
Statement of Overriding Considerations
of the City of Milpitas
for the
Gateway-Main Street Specific Plan

September 2025

TABLE OF CONTENTS

Section	Page
1 INTRODUCTION	1
2 PROJECT DESCRIPTION	1
2.1 Background and Location	1
2.2 Project Overview	1
2.3 Project Objectives	9
2.4 Proposed Amendments	10
2.5 Anticipated Actions	10
3 ENVIRONMENTAL REVIEW PROCESS.....	10
4 GENERAL CEQA FINDINGS.....	11
4.1 Mitigation Monitoring and Reporting Program	11
4.2 CEQA Guidelines Section 15091 and 15092 Findings.....	11
4.3 City Council Independent Judgment	12
4.4 Nature of Findings.....	12
4.5 Reliance on Record.....	12
4.6 Certification of the Final Environmental Impact Report	14
5 FINDINGS REQUIRED UNDER CEQA.....	14
6 RELATIONSHIP WITH FINDINGS MADE ASSOCIATED WITH GATEWAY-MAIN STREET SPECIFIC PLAN SEIR AND THE GENERAL PLAN UPDATE EIR	15
7 EFFECTS DETERMINED NOT TO BE SIGNIFICANT.....	16
7.1 Agriculture and Forestry Resources	16
7.2 Geology and Soils	16
7.3 Hazards and Hazardous Materials.....	16
7.4 Hydrology and Water Quality	17
7.5 Mineral Resources.....	18
7.6 Wildfire.....	18
8 LESS-THAN-SIGNIFICANT IMPACTS	18
8.1 Section 3.1: Aesthetics.....	19
8.2 Section 3.2: Air Quality	20
8.3 Section 3.3: Biological Resources	21
8.4 Section 3.4: Cultural and Tribal Cultural Resources.....	24
8.5 Section 3.5: Energy	24
8.6 Section 3.6: Greenhouse Gas Emissions and Climate Change	25
8.7 Section 3.7: Land Use and Planning	26
8.8 Section 3.8: Noise and Vibration	27
8.9 Section 3.9: Population, Employment, and Housing	28
8.10 Section 3.10: Public Services and Recreation	29
8.11 Section 3.11: Transportation	30
8.12 Section 3.12: Utilities and Service Systems	32
9 CUMULATIVE IMPACTS	34

10	FINDINGS REGARDING IMPACTS THAT CANNOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE	45
10.1	Section 3.4: Cultural and Tribal Cultural Resources.....	45
10.2	Section 3.8: Noise	51
10.3	Section 3.11: Transportation.....	51
10.4	Section 4: Cumulative Impacts.....	54
11	FINDINGS REGARDING ALTERNATIVES	58
11.1	No Project Alternative	58
11.2	Increased Residential Development for Main Street and Crossroads Districts Alternative	59
12	STATEMENT OF OVERRIDING CONSIDERATIONS.....	60

Attachments

Attachment A Mitigation Monitoring and Reporting Program

Attachment B General Plan Update CEQA Findings and Statement of Overriding Considerations

Tables

Table 1	Proposed New Specific Plan Zoning Districts.....	4
Table 2	Changes in Buildout Under Gateway-Main Street Specific Plan.....	4
Table 3	Available Incentives	9
Table 4	Summary of Modeled Traffic Noise Levels under Cumulative No Project and Cumulative Plus Project Conditions	55
Table 5	Cumulative and Cumulative Plus Project VMT Assessment.....	57

1 INTRODUCTION

The City of Milpitas (City), as lead agency, prepared a Subsequent Environmental Impact Report (SEIR) for the proposed Gateway-Main Street Specific Plan (Specific Plan). The document consists of the April 2025 Draft SEIR and the August 2025 Final SEIR (State Clearinghouse No. 2024070432) (collectively referred to as the SEIR). The SEIR for the proposed Specific Plan provides an assessment of the reasonably foreseeable and potentially significant adverse environmental effects that may occur beyond what was evaluated in the City of Milpitas General Plan Update EIR (State Clearinghouse No. 2020070348). These findings have been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.) and its implementing guidelines (CEQA Guidelines) (California Code of Regulations [CCR] Title 14, Section 15000 et seq.). The City is the lead agency under CEQA, and the City of Milpitas City Council (City Council) is the decision-making authority for the project. The City Council adopts these findings in that capacity.

2 PROJECT DESCRIPTION

2.1 BACKGROUND AND LOCATION

The Gateway-Main Street Specific Plan Area (Specific Plan Area) is approximately 605 acres within the City. The City, located in northern Santa Clara County, within the South San Francisco Bay Area, is situated north of San Jose and east of Santa Clara, Sunnyvale, and Mountain View along State Route 237 (Highway 237) (Figure 2-1). The City is served by three major freeways: Interstate (I)-880, I-680, State Route 237 (Highway 237)/Calaveras Boulevard, and the County-managed Montague Expressway.

The Midtown Plan, adopted in 2002 and updated in 2010, is the predecessor plan to the proposed Milpitas Gateway-Main Street Specific Plan. Its aim was to respond to a series of development activities in the Midtown area, including the construction of new housing, reinvestment in the Great Mall, and the future extension of the Valley Transportation Authority (VTA) Light Rail Transit line and BART to the area by creating a cohesive Specific Plan for Midtown.

The Milpitas General Plan Update, adopted in 2021, is the guiding, long-term plan, and policy document for the physical development of the city through 2040. The City's General Plan Land Use Element designates the adopted Midtown Plan area as Milpitas Gateway-Main Street Specific Plan (Specific Plan). The General Plan includes the following actions related to the development of the proposed Specific Plan: Action LU-2A to maintain and implement the Gateway-Main Street Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community 'gathering place' while maintaining needed industrial, service and commercial uses; and Action ED-3H to work with property owners to facilitate development of vacant and underutilized properties on Main Street to achieve the highest and best use.

The Specific Plan Area includes the historic commercial core of the city, centered on Main Street and the Calaveras Gateway. The proposed Specific Plan would update the vision, standards, and policies of the Midtown Plan. The project would implement the General Plan goals and policies to update the Midtown Plan with a focus on revitalizing Main Street as the city's historic core and improving Calaveras Boulevard as a western gateway into the city.

2.2 PROJECT OVERVIEW

Specific plans are a land use planning tool for the further implementation of the General Plan for individual development proposals in a defined geographic area. They give local land use agencies the ability to establish land use and design regulations to create development that is consistent with site-specific physical constraints and opportunities as well as available infrastructure. All subsequent development within the boundaries of the specific plan area is subject to the requirements of the specific plan. Sections 65450 through 65457 of the California Government Code grant authority to the City for the development and adoption of specific plans.

The purpose of the proposed Specific Plan is to guide land use and development consistent with the General Plan; implement the City's economic development strategy and help facilitate investment in the Specific Plan's Focus Areas; preserve and enhance existing neighborhoods; and plan for the future transition of Urban Reserve lands. The Specific Plan identifies four focus areas: Gateway District, Crossroads District, Main Street District, and Abbot District.

The Specific Plan proposes a new project area boundary, which includes additional areas that currently have other designations in the General Plan Land Use Element and removes areas south of Great Mall Parkway that were included in the Midtown Plan. The proposed Specific Plan Land Use Framework would implement the vision for the Specific Plan focus areas through Specific Plan Zoning Districts and existing Citywide Zoning Districts.

Specific Plan Areas

Existing neighborhoods would be preserved and enhanced with future improvements in the Specific Plan Area. Neighborhoods are intended to benefit from local area improvements, such as new street, streetscape, and open space trail improvements that would connect residents to adjacent area shops, businesses, parks, and open space. No new development is planned or anticipated in these areas. The proposed Specific Plan provides guidance for the design of edges adjacent to the existing neighborhoods, to create compatible transitions, landscaping, and neighborhood connectivity.

Urban Reserve Areas are areas subject to longer-term planning and further study in the event that future changes of use should occur on these sites. The Elmwood Correctional Facility, North Railyards, and South Railyards are Urban Reserve Areas within the Specific Plan. If it is determined that the Urban Reserve Areas or their associated facilities are no longer needed for their current purpose, redevelopment would be coordinated to ensure consistency with the Specific Plan.

Focus Areas are areas of the Specific Plan targeted to support redevelopment and infill, including streetscape and open space improvements, connectivity improvements, and district branding. The Specific Plan includes four proposed focus areas, Main Street District, Crossroads District, Gateway District, and Abbott District.

Proposed General Plan Zoning and Land Use

Residential and non-residential land use designations in the adopted General Plan are proposed within the Specific Plan Area. Existing residential uses include low density residential (LDR), medium density residential (MDR), and high density residential (HDR); non-residential land use designations include general commercial (GNC), industrial park (INP), and permanent open space (POS).

The Specific Plan Land Use Framework is depicted in Figure 2-7 of the Draft SEIR. The Land Use Framework, described in Chapter 3 of the proposed Specific Plan, guides future development in the Specific Plan focus areas through a series of Specific Plan Zoning Districts, as well as existing applicable Citywide zones, and Urban Reserve Areas. Areas not expected to change in land use or character would continue to be regulated through the land use and development regulations in the City of Milpitas Zoning Ordinance (ZO) for the following Citywide Zones:

- ▶ Single Family Residential (R1),
- ▶ Multi-Family High Density Residential (R3) and Multi-Family Very High Density Residential (R4),
- ▶ General Commercial (C2),
- ▶ Heavy Industrial (M2),
- ▶ Institutional (I), and
- ▶ Parks and Open Space (POS).

A citywide overlay zone, the Freeway Corridor (FC) Overlay Zone, established in the Zoning Ordinance, may be combined with any nonresidential zoned property within 300 feet of a freeway corridor, including I-880 and Highway

237 within the Specific Plan Area, to allow for an increase in the maximum floor area ratio to support new and infill developments.

The Specific Plan also identifies three potential Urban Reserve Areas, the County-owned Elmwood Correctional Facility, North Railyards, and South Railyards depicted as an overlay in Figure 2-6. The existing zoning for these areas would continue to remain in-place until these areas are ready to be redeveloped and planned for new uses. The proposed Specific Plan does not propose land use changes for these areas but establishes policies to ensure the orderly development and integration of these projects within the Specific Plan Area.

The proposed Specific Plan mixed-use zones and overlays are described below.

MAIN STREET MIXED-USE (MS-MU)

The MS-MU zone would include a mix of residential infill and smaller pedestrian-oriented retail shops, restaurants, services, and office uses, as well as urban parks, plazas, and open space uses within the framework of an active streetscape environment. Active retail, restaurant, and residential uses generate pedestrian activity at the street level, with office and residential uses above the ground floor encouraged.

CROSSROADS MIXED-USE IV (XR-MU)

The XR-MU zone would include a commercial mixed-use focus and supports a mix of retail, entertainment, and office, with urban multifamily residential, civic, and recreational uses. The XR-MU zone is a pedestrian oriented streetscape environment, with ground-floor commercial uses prioritized along Retail Priority Streets and Corners, as identified in Section 3.7.2 of the Specific Plan.

LIBRARY DISTRICT MIXED-USE (LU-MU)

The LD-MU zone, centered around the Milpitas Library on N. Main Street, supports a compatible mix of retail, office, multifamily residential, and civic uses within a pedestrian-oriented streetscape environment.

GATEWAY MIXED-USE (GW-MU)

The GW-MU zone supports a freeway and commercial corridor service orientation along Calaveras Boulevard and I-880, transitioning to a neighborhood-oriented residential focus to the north, and a commercial/mixed-use focus adjacent to Crossroads Mixed-Use.

ABBOTT DISTRICT BUSINESS PARK (AD-PB)

The AD-BP zone allows for a compatible mix of commercial, office, light industrial, open space, and public uses, organized within a campus setting.

URBAN RESERVE OVERLAY (URO)

The URO is applied as an overlay for areas that will be subject to future study when these uses are ready for redevelopment. The policies of the Specific Plan found in Section 3.8 of the Specific Plan apply within these areas.

The proposed Specific Plan includes regulations for development, including density, intensity, height, setbacks, historic and cultural resources, housing resources, and development incentives, applicable to several new proposed Specific Plan mixed-use zones.

The proposed Specific Plan would allow for additional residential development beyond what is allowed under the General Plan through increases in density and implementation through an incentive program. This would also include alterations in nonresidential development potential through mixed-use development. Within the Specific Plan Area, rezoning would be required to clarify locations of the different types of allowable land uses. The allowable land uses, maximum building heights, residential densities, and nonresidential floor area ratios (FARs) would also change within the proposed Specific Plan Area. The Specific Plan would increase the maximum density allowance (in dwelling units per acre – du/ac) for residential and non-residential areas (from 40 du/ac to 65 du/ac) as identified in Table 1.

Table 1 Proposed New Specific Plan Zoning Districts

Specific Plan Area District	Zoning	Maximum Density	FAR (maximum)	Maximum Building Height (feet)	Maximum Number of Stories	Minimum Ground Floor Height
Main Street District	MS-MU	65 du/ac	2.5	65	5	Main Street: 15 ft Other Areas: 12 ft
Crossroads District	XR-MU	85 du/ac	3.0	85	7	Serra Way: 15 ft Commercial Uses: 15 ft
Gateway District	GW-MU	65 du/ac	2.0	65	5	Calaveras Blvd: 15 ft Commercial Uses: 15 ft
Abbott District	AD-BP	N/A	1.5	65	N/A	Commercial Uses: 15 ft
Library District	LD-MU	65 du/ac	2.0	65	5	Main Street: 15 ft Other Areas: 12 ft
All Other Areas	See applicable existing Zoning					

Source: City of Milpitas 2024.

The proposed Specific Plan implements the General Plan policies that would change the development currently allowed under the General Plan. Table 2 identifies development buildout within the Midtown Plan Area under the General Plan and the proposed development buildout that would be allowed with implementation of the Specific Plan. The maximum residential development capacity under the General Plan within the Midtown Plan Area is 3,838 units. A total of 1,338 additional units would be allowed under the Specific Plan beyond what is allowed under the General Plan currently. The nonresidential development area allowed under the General Plan is 3,293,240 square feet (sf) which would be reduced to 2,058,666 sf with implementation of the proposed Specific Plan.

Table 2 Changes in Buildout Under Gateway-Main Street Specific Plan

Land Use Type	General Plan	Proposed Specific Plan	Change
Residential	3,838 dwelling units	5,176 dwelling units	1,338 dwelling units
Non-Residential	3,293,240 square feet	2,058,666 square feet	-1,234,574 square feet

Note: The allowable development numbers under the General Plan include the development assumptions of the adopted Midtown Plan.

Source: Data compiled by Ascent 2024.

As shown in Table 2, it is estimated that the proposed Specific Plan at buildout could result in a population of 16,384 residents and 5,541 jobs, as opposed to 9,557 residents and 11,555 jobs in the plan area as identified in the General Plan.

Specific Plan Components

OBJECTIVE DESIGN STANDARDS

The proposed Specific Plan includes Objective Design Standards that provide criteria for site planning, urban form, and building design in the Specific Plan Area, as well as pedestrian-level design. The Objective Design Standards are tailored to development within the Specific Plan Area, with a focus on requirements for commercial and pedestrian-oriented mixed-use development.

The planning and design of the site and arrangement of activities identified in the proposed Specific Plan aim to activate a mixed-use Downtown environment and create walkable communities that support a mix of uses and activities. The Building Design and Architecture section of the proposed Objective Design Standards address the overall building form and massing, as well as primary building architectural features, including building entries, windows, roofs, materials, and colors. A complete list of Objective Design Standards is included in Chapter 4 of the proposed Specific Plan.

MOBILITY

The proposed Specific Plan includes a mobility chapter (Chapter 5) that addresses mobility, transportation, and parking within the Specific Plan Area and sets the standards and street designs that would support a complete street travel environment. The proposed Specific Plan addresses both the mobility and parking needs of existing uses while accommodating future development planned for the area. The mobility framework, illustrated in Figure 5-1 in Section 5.1 of the proposed Specific Plan, identifies the new circulation elements of the Specific Plan. It includes existing streets as well as new streets and alleys parallel to Main Street to provide business and neighborhood access while improving the bike and pedestrian quality and character of Main and Abel Streets. The Specific Plan supports new streets with redevelopment of the Serra Center and other large neighborhood blocks to connect to existing roadways and supports a more walkable neighborhood grid pattern. Components of the mobility framework are described briefly below, and a complete description is included in Chapter 5 of the proposed Specific Plan.

Traffic Improvements

The proposed Specific Plan emphasizes pedestrian and bicycle safety improvements to improve safety for all roadway users. The Specific Plan does not include increases to roadway capacity; however Caltrans' Calaveras Boulevard Improvement Project would include changes to roadway capacity along Calaveras Boulevard as well as other traffic and intersection improvements as described below.

The Calaveras Boulevard Improvement Project would result in the following improvements to Calaveras Boulevard between South Abel Street and Milpitas Boulevard:

1. Add pedestrian and bicycle facilities, including elevated cycle tracks in both directions.
2. Implement complete streets improvements on Calaveras Boulevard, including widening existing sidewalks on the north side of Calaveras Boulevard and providing new sidewalks along the south side of Calaveras Boulevard.
3. Widen Calaveras Boulevard and provide three through lanes between I-880 and I-680 in both directions.
4. Replace the existing structures over the UPPR/BART tracks with a wider structure and replace or widen the existing structures over North Main Street and the Union Pacific Railroad track with a wider structure or have the existing structure widened and seismically retrofitted.
5. Improve the intersection safety for bicyclists and pedestrians.

Public Transit Improvements

The Public Transit Framework for the Specific Plan Area is illustrated in Figure 5-16 in Section 5.5 of the proposed Specific Plan. The goal of the transit framework is to connect the Specific Plan Area to local and regional transit service directly and provide a comfortable, efficient, and safe experience for transit users. Figure 5-16 of the proposed Specific Plan illustrates the existing transit networks and proposed public transit improvements in the Specific Plan area, described in more detail below.

The Specific Plan Area is served by several transit services, including Santa Clara VTA buses and light rail, and BART commuter rail. The city has a shuttle program known as Simple Mobile Access to Reliable Transit (SMART) that provides on-demand rideshare service from various pick-up / drop-off locations and provides first-mile / last-mile connections with the Milpitas BART Station and VTA's bus and light rail stations.

The Specific Plan proposes a shuttle loop along Main Street, Weller Lane, North / South Abel Street, Thompson Street, and Great Mall Parkway to connect the Specific Plan Area with existing transit that may be coordinated with the SMART program and can build upon existing bus stop facilities, as well as serve underserved locations in the Plan Area, including at:

- a. Existing bus stops on South Main Street at Curtis Avenue.
- b. Existing bus stops on South Main Street south of Tom Evatt Park.
- c. Existing bus stops on South Main Street at Corning Avenue.

- d. Existing bus stops on South Main Street at Serra Way.
- e. Existing bus stops on North Main Street at the Milpitas Library.
- f. Existing bus stops on North Abel Street at Weller Lane.
- g. Existing bus stops on Serra Way between Calaveras Boulevard and South Abel Street.
- h. At the intersection of South Abbott Avenue and the extension of Thompson Street north.
- i. At the intersection of Thompson Street and Machado Avenue.

Pedestrian Network

The Pedestrian Framework for the Specific Plan Area is illustrated in Figure 5-17 in Section 5.6 of the proposed Specific Plan which illustrates the pedestrian intersection improvement priorities proposed. The Specific Plan includes traffic signal and intersection crossing improvements that support safe pedestrian roadway crossings, prioritizing the existing signalized intersections and new signalized intersections shown in Figure 5-17 of the proposed Specific Plan. All new intersections created by the intersection of two future streets would be required to comply with the design standards identified in Section 5.6.2 of the proposed Specific Plan.

Bicycles and Micro-Mobility

The Bicycle and Micro-Mobility Framework for the Specific Plan Area is illustrated in Figure 5-18 in Section 5.7 of the proposed Specific Plan, which illustrates the proposed bicycle infrastructure improvements and proposed micro-mobility hubs. The proposed bicycle infrastructure network would provide a continuous bicycle connection from local neighborhoods to the commercial and mixed-use zones within the Specific Plan Area.

The Specific Plan for shared-use micro-mobility infrastructure provides strategically located micro-mobility hubs that provide a safe alternative transportation means within the Specific Plan Area. Micro-mobility hubs are proposed at the following locations:

- | | |
|-------------------------------------|---|
| ▶ Main Street / Serra Way, | ▶ N. Abel Street / Calaveras Boulevard, |
| ▶ Main Street / Corning Avenue, | ▶ N. Abel Street / O'Toole Elms Park, |
| ▶ Main Street / Machado Avenue, | ▶ Calaveras Boulevard / Serra Way, |
| ▶ Main Street / Curtis Avenue, | ▶ S. Abbott Avenue / Junipero Avenue, and |
| ▶ Main Street / Great Mall Parkway, | ▶ Thompson Street / Machado Avenue. |

Parking

The proposed Specific Plan aims to provide enough parking spaces in centralized areas without encouraging or incentivizing vehicular travel or providing unused or underutilized parking spaces. The proposed Specific Plan aims to provide sufficient parking in the four focus area districts, while reducing the demand for additional parking and providing a system to provide access to walking, biking, or transit. All development in the Specific Plan Area would be required to conform to the parking standards identified in Section 5.8.2 and the parking ratios set forth in Table 3-9 of the Specific Plan.

Public parking is proposed at the following locations:

- ▶ At the southeast corner of South Abbott Avenue and north of Junipero Avenue (within Serra Center).
- ▶ To the south of Serra Way between South Main Street and South Abel Street.
- ▶ To the south of Calaveras Boulevard between South Main Street and South Abel Street.
- ▶ To the east of South Main Street adjacent to the railroad tracks.

PUBLIC REALM

The Public Realm chapter (Chapter 6) of the proposed Specific Plan addresses the network of parks, open space, and public spaces that would provide a sense of place for the Specific Plan Area. Quality public open spaces are an essential part of the urban fabric, particularly in higher-density urban neighborhoods where private outdoor spaces may be more limited. The Specific Plan Area proposes a variety of parks and shared public spaces that would act as focal points to activate districts and neighborhoods and meet the diverse needs of the community for recreation, social gathering spaces, and neighborhood connections. Parks and open space are envisioned to include neighborhood parks, urban parks, linear parks, and paseos, as well as smaller privately owned pocket parks, plazas, and urban alleys/greenways, as described in Chapter 6 of the Specific Plan.

The City's General Plan establishes an overall goal of 3.5 acres of parkland per 1,000 residents in the Specific Plan Area. To achieve this, the proposed Specific Plan identifies new parks and open space to support build-out of the Plan Area as shown in Figure 6-2 in Section 6.3 of the proposed Specific Plan. Requirements would be met through a combination of public parks and plazas, privately-owned open space (up to the total allowed by the Zoning Ordinance), and park in-lieu fees.

The Specific Plan proposes new parks and plazas, illustrated in Figure 6-2, to support existing and future development in the Specific Plan Area and serve as district focal points for activity. The following parks and plazas are proposed:

1. **N. Main St. Park** - Implement a new neighborhood park north of the Library with an anchor civic gathering space, such as an amphitheater or farmer's market pavilion, a community museum, and flexible program spaces to host activities and community events.
2. **Crossroads Square** - Anchor the historic crossroads at the end of Serra Way and Main Street with a new civic plaza or "Crossroads Square."
3. **Carlo Park** - Create Carlo Park, as a new urban plaza and mobility hub located along Carlo Street, west of Main Street, including:
 - a. Conversion of unused City-owned right-of-way and vacant land.
 - b. Preservation of existing trees to the extent possible with the future plaza design.
 - c. Providing pedestrian amenities, such as seating, planters, and lighting.
4. **Serra Center** - Require the integration of new parks, plazas, and open spaces as part of the redevelopment of the Serra Center, including:
 - a. Creation of a new neighborhood park to provide open space supporting future residents or a linear park to serve as a community activity hub within the Crossroads District.
 - b. Recreational amenities serving the local neighborhood area, which may include:
 - ▶ play spaces,
 - ▶ pedestrian seating,
 - ▶ pedestrian scale lighting,
 - ▶ wayfinding signage,
 - ▶ landscaping,
 - ▶ fountains/drinking fountains, and
 - ▶ bicycle racks.

5. **Tom Evatt Park** - Expand and activate Tom Evatt Park along the Hetch Hetchy right-of-way as a linear pen space, including:
 - a. New open space at the areas identified as the Tom Evatt Park West Expansion and Tom Evatt Park East Expansion.
 - b. Community trail connections to neighborhoods east of S. Main Street and south of Curtis Avenue.
 - c. Recreational amenities serving the local neighborhood area, such as:
 - ▶ benches,
 - ▶ distinctive paving,
 - ▶ bicycle racks, and
 - ▶ directional/wayfinding signage.
 - d. Coordinate all expanded Tom Evatt Park spaces and amenities with the requirements within the Hetch Hetchy right-of-way easement.
6. **South Railyards Park** - Integrate new urban parks, plazas, and open spaces in conjunction with future development of the South Railyards, north of the Parc Metro community that incorporates inspiration from the rail themed historic use of the site, including in the development of South Railyards Park and the Tom Evatt Park East Expansion.

INFRASTRUCTURE AND PUBLIC SERVICES

The Infrastructure and Public Services chapter (Chapter 7) of the proposed Specific Plan outlines the infrastructure needed to support public services within the Specific Plan Area. It sets forth policies and improvement projects for enhancing and expanding public facilities, including the following:

- ▶ storm drainage,
- ▶ flooding,
- ▶ water supply and distribution system,
- ▶ sewer,
- ▶ solid waste,
- ▶ energy and technology,
- ▶ fire protection and emergency response,
- ▶ police services,
- ▶ schools, and
- ▶ libraries, and childcare.

Development Incentives

The Specific Plan would establish a bonus system to allow for additional floor area and/or residential density for qualified projects beyond the base development potential under the Specific Plan identified in Table 2-5. The purpose of bonuses is to incentivize the provision of certain project attributes, such as providing sustainable design features and/or open space, furthering economic development, and supporting the rehabilitation of existing buildings. Bonuses would only be available within the Specific Plan focus areas, as identified in Table 3. The following describes the available bonuses, while Table 3 identifies the specific incentives available. The provision of development bonuses would be subject to review and demonstration of the achievement of the criteria in Table 3. Development bonuses shall not exceed the following maximum allowances:

- ▶ Maximum FAR or Density Bonus Increase of 50 percent in the Crossroads District and 40 percent within the Main Street and Library Districts and parcels directly fronting Calaveras Boulevard in the Gateway District.; and
- ▶ Maximum Height Increase of 2 stories in the Crossroads District and for parcels directly fronting Calaveras Boulevard in the Gateway District. Maximum Height Increase of 1 Story in the Main Street and Library Districts.

Maximum density, intensity, and/or bonuses may not be achievable on all sites, as superseding development regulations or site constraints may reduce development potential. Prior to issuance of a planning permit for a

development project receiving a development bonus, the project developer would be required to sign a community benefit agreement, committing to the provision of the agreed upon project attributes in exchange for the development bonus. If the developer does not fulfill the obligations specified in the agreement, the developer would be subject to a financial penalty equal in cost to the value of the project attribute at the time that the occupancy is granted.

Table 3 Available Incentives

Green Roof or Eco-Roof	
Option 1: 30% of Total Roof Footprint	10% density bonus or FAR increase.
Option 2: 31-60% of Total Roof Footprint	15% density bonus or FAR increase.
Option 3: Over 60% of Total Roof Footprint	20% density bonus or FAR increase.
Economic Development	
Space for Small Businesses, Non-Profits, and Arts Organizations or Business Expansion	Temporarily reduce or defer application and impact fees for development and remove parking minimums within the Crossroads, Main Street, and Library Districts
Business Retention	Temporarily reduce or defer application and impact fees and allow 20% FAR increase
Retail Ready Ground Floor Commercial Space	A one-story height increase, subject to the standards in Sections 3.6 and 4.3.2 of the Specific Plan
Lot Consolidation	
Lot Consolidation	20% density bonus or FAR increase.
District Public Parking	
District Parking Lot or Garage Spaces	10% density bonus or FAR for every 20 public parking spaces; up to the allowed district maximum bonus
Publicly Accessible Open Space	
Option 1: Additional 50 square foot per unit	10% density bonus or FAR increase.
Option 2: Additional 100 square foot per unit	15% density bonus or FAR increase.
Option 3: Additional 150 square foot per unit	20% density bonus or FAR increase.
Promote the City's History	
Through Preservation, Storefront Façade Improvements, or Interpretation	Eligible for City Storefront Improvement Program Grants, Mills Act Program.

Source: City of Milpitas 2024.

2.3 PROJECT OBJECTIVES

The objectives are based on the proposed Specific Plan vision and are intended to achieve the following:

- ▶ Develop a center for the City composed of districts and neighborhoods organized around hubs of activity to improve the character of the area with high quality development, landscaping, and streetscape design.
- ▶ Integrate a mix of land uses throughout Main Street and the surrounding districts to create a walkable downtown supported by commercial retail and office uses, civic and cultural anchors, and infill residential and neighborhood service nodes.
- ▶ Improve mobility and access for infill and mixed-use development in the community, through creation of complete streets, trails and transit improvements to support a walkable and bikeable urban community.
- ▶ Create diverse and meaningful public open space that builds on the assets of its location to support new public realm streetscape improvements, urban parks, plazas, special gathering places, and connected open space.

2.4 PROPOSED AMENDMENTS

The proposed Specific Plan would require amendments to the City's General Plan and Zoning Ordinance (ZO). A summary of the proposed amendments to these documents is provided below.

City of Milpitas General Plan Amendments

The City's General Plan would be amended to update the residential buildout for the Specific Plan and land use/density descriptions. An amendment would also be required as changes to the boundaries and land use and development standards of the adopted Midtown Plan Area are proposed. The Specific Plan proposes a new project area boundary that removes the portion of the Midtown Specific Plan Area south of the Great Mall Parkway and adds area in the northwestern portion of the Specific Plan Area.

City of Milpitas Zoning Ordinance Amendments

The Specific Plan would function as zoning for the Specific Plan Area. There would be new zoning designations established for certain areas to clarify site-specific land use and buildout expectations. Potential amendments to the City's Zoning Ordinance would be needed to include various text amendments for changes in development standards associated with the proposed project.

2.5 ANTICIPATED ACTIONS

City actions would include the following:

- ▶ Certification of the Gateway-Main Street Specific Plan EIR
- ▶ Adoption of the Gateway-Main Street Specific Plan and associated amendments to the General Plan to reflect the Gateway-Main Street Specific Plan
- ▶ Milpitas Zoning Code and Zoning Map Amendments

3 ENVIRONMENTAL REVIEW PROCESS

In accordance with Section 15082 of the State CEQA Guidelines, the City prepared a Notice of Preparation (NOP) of an SEIR on July 15, 2024. It was submitted to the California State Clearinghouse and distributed to interested and affected federal, state, and local agencies; interested parties; and organizations. The NOP was circulated for 30 days, through August 13, 2024. A public scoping meeting was held on August 1, 2024. Concerns raised in response to the NOP were considered during preparation of the Draft SEIR. The NOP and all comments received on the NOP are presented in Appendix A of the Draft SEIR.

The Draft SEIR includes an analysis of the following issue areas:

- ▶ aesthetics,
- ▶ air quality,
- ▶ cultural and tribal cultural resources,
- ▶ biological resources,
- ▶ energy,
- ▶ greenhouse gas emissions and climate change,
- ▶ land use and planning,

- ▶ noise and vibration,
- ▶ population and housing,
- ▶ public services and recreation,
- ▶ transportation, and
- ▶ utilities and service systems.

The City published the Draft SEIR for public and agency review on April 17, 2025. A 45-day public review period was provided, ending on June 2, 2025 and extended to July 24, 2025. During the public review period, the City received two comment letters. Those comments relevant to CEQA were addressed in compliance with the State CEQA Guidelines (Sections 15088 and 15132). The Final SEIR was made available for public review in September 2025.

The Final SEIR includes comments received on the Draft SEIR and responses to these comments. No revisions to the Draft SEIR in response to the comments were necessary. The Draft and Final SEIR were made available for public review on the internet at: <https://www.milpitasmainstreet.org/>.

As discussed in Section 4, below, the comments did not include “significant new information” requiring recirculation of the Draft SEIR pursuant to PRC Section 21092.1 and State CEQA Guidelines Section 15088.5.

4 GENERAL CEQA FINDINGS

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

Based on the entire record before the City Council and having considered the significant impacts of the project, the City Council hereby determines that all feasible mitigation within the responsibility and jurisdiction of the City of Milpitas has been adopted to reduce or avoid the potentially significant impacts identified in the Final SEIR. The feasible mitigation measures are discussed below in the findings and are set forth in the Mitigation Monitoring and Reporting Program (MMRP).

Section 21081.6 of the PRC requires the City Council to adopt a monitoring or compliance program regarding the changes in the project and mitigation measures imposed to lessen or avoid significant effects on the environment. The MMRP for the Gateway-Main Street Specific Plan project (Attachment A) is hereby adopted by the City Council because it fulfills the CEQA mitigation monitoring requirements:

- ▶ The MMRP is designed to ensure compliance with the changes in the project and mitigation measures imposed on the project during project implementation.
- ▶ measures to mitigate or avoid significant effects on the environment are fully enforceable through conditions of approval, permit conditions, agreements, or other measures.

4.2 CEQA GUIDELINES SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the administrative record, the City Council has made one or more of the following findings with respect to each of the significant effects of the project:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final SEIR.

Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing:

1. All significant effects on the environment due to the project have been eliminated or substantially lessened where feasible.
2. Any remaining significant effects that have been found to be unavoidable are acceptable due to the overriding considerations set forth herein.

4.3 CITY COUNCIL INDEPENDENT JUDGMENT

The Final SEIR reflects the City Council's independent judgment. The City Council has exercised independent judgment in accordance with PRC Section 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the SEIR, as well as reviewing, analyzing, and revising material prepared by the consultant.

Having received, reviewed, and considered the information in the Final SEIR and all other information in the record, the City Council hereby makes findings pursuant to and in accordance with Sections 21081, 21081.5, and 21081.6 of the PRC.

4.4 NATURE OF FINDINGS

Any findings made by the City Council shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by the City Council, whether or not any particular sentence or clause includes a statement to that effect. The City Council intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross-reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the City Council with respect to any particular subject matter of the Final SEIR, shall be deemed to be made if it appears in any portion of these findings.

4.5 RELIANCE ON RECORD

Each and all of the findings and determinations contained herein are based on substantial evidence, both oral and written, contained in the administrative record relating to the project.

Record of Proceedings

In accordance with PRC Section 21167.6(e), the record of proceedings for the City Council's decision on the project includes the following documents:

- ▶ The NOP for the project and all other public notices issued in conjunction with the project;
- ▶ All comments submitted during the comment period on the NOP;
- ▶ The Draft SEIR for the project and all appendices;
- ▶ All comments submitted during the comment period on the Draft SEIR;
- ▶ The Final SEIR for the project, including comments received on the Draft SEIR, responses to those comments, and appendices;
- ▶ Documents cited or referenced in the Draft SEIR and Final SEIR;
- ▶ The MMRP for the project;
- ▶ All findings and resolutions adopted by the City Council in connection with the project and all documents cited or referred to therein;
- ▶ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared in compliance with the requirements of CEQA and with respect to the City Council's action on the project;

- ▶ All documents submitted by other public agencies or members of the public in connection with the project, up through the close of the final public hearing;
- ▶ Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held in connection with the project;
- ▶ Any documentary or other evidence submitted at such information sessions, public meetings, and public hearings;
- ▶ Any and all resolutions adopted by the City regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- ▶ Matters of common knowledge, including, but not limited to federal, state, and local laws and regulations;
- ▶ Any documents expressly cited in these findings and any documents incorporated by reference, in addition to those cited above;
- ▶ Any other written materials relevant to the City Council's compliance with CEQA or its decision on the merits of the project, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the project, or included in the City Council non-privileged retained files for the SEIR or project;
- ▶ Any other materials required for the record of proceedings by PRC Section 21167.6(e); and
- ▶ The Notice of Determination.

The City Council intends that only those documents relating to the project and its compliance with CEQA and prepared, owned, used, or retained by the City Council and listed above shall comprise the administrative record for the project. Only that evidence was presented to, considered by, and ultimately before the City Council prior to reviewing and reaching its decision on the SEIR and project.

Custodian of Records

The custodian of the documents or other material that constitute the record of proceedings upon which the City Council's decision is based is identified as follows:

City of Milpitas
City Clerk
455 E. Calaveras Boulevard
Milpitas, CA 95035

Recirculation Not Required

CEQA Guidelines Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when "significant new information" is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification (CEQA Guidelines Section 15088.5[a]). "Significant new information," as defined in CEQA Guidelines Section 15088.5(a), means information added to an EIR that changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a "substantial adverse environmental effect" or a "feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

An example of significant new information provided by the CEQA Guidelines is a disclosure showing that a "new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented"; that a "substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance"; or that a "feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it" (CEQA Guidelines Section 15088.5[a][1]-[3]).

Recirculation is not required where “the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR” (CEQA Guidelines Section 15088.5[b]). Recirculation also is not required simply because new information is added to the EIR. Indeed, new information is often added given CEQA’s public/agency comment and response process and CEQA’s post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies.

The Gateway-Main Street Specific Plan document was refined with minor edits and text clarifications since completion of the Draft SEIR that do not alter the extent or the intensity of planned development under the specific plan. In this legal context, the City Council finds that recirculation of the Draft SEIR prior to certification is not required

In sum, the Final SEIR demonstrates that the project would not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft SEIR. The changes reflected in the Final SEIR also do not indicate that meaningful public review of the Draft SEIR was precluded in the first instance. Accordingly, recirculation of the SEIR is not required as revisions to the SEIR are not significant as defined in Section 15088.5 of the State CEQA Guidelines.

4.6 CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The City Council certifies that the Final SEIR has been completed in compliance with CEQA and the CEQA Guidelines, that the SEIR was presented to the City Council, and that the City Council reviewed and considered the information contained therein before approving the proposed Gateway-Main Street Specific Plan, and that the SEIR reflects the independent judgment and analysis of the City Council (CEQA Guidelines Section 15090).

5 FINDINGS REQUIRED UNDER CEQA

This statement of Findings of Fact (Findings) and Statement of Overriding Considerations addresses the environmental effects associated with the Gateway-Main Street Specific Plan. These Findings are made pursuant to CEQA under Sections 21081, 21081.5, and 21081.6 of the PRC and Sections 15091 and 15093 of the CEQA Guidelines. The potentially significant impacts were identified in the Final SEIR, which includes the Draft SEIR.

PRC Section 21081 and Section 15091 of the CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The City is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines. Section 15091 of the CEQA Guidelines states, in part:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with PRC Section 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as

applicable, the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines.

Section 15093 of the State CEQA Guidelines states:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final SEIR for the project identified potentially significant effects that could result from project implementation. However, the City finds that the inclusion of mitigation measures as part of the project approval would reduce most, but not all, of those effects to a less-than-significant level. Those impacts that are not reduced to a less-than-significant level are identified and overridden due to specific project benefits in a Statement of Overriding Considerations.

In accordance with CEQA and the CEQA Guidelines, the City Council adopts these Findings as part of its certification of the Final SEIR for the project. Pursuant to Section 21082.1(c)(3) of the PRC, the City Council also finds that the Final SEIR reflects the City Council's independent judgment as the lead agency for the project. As required by CEQA, the City, in adopting these Findings, also adopts an MMRP for the project. The City finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of Section 21081.6 of the PRC by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

6 RELATIONSHIP WITH FINDINGS MADE ASSOCIATED WITH GATEWAY-MAIN STREET SPECIFIC PLAN SEIR AND THE GENERAL PLAN UPDATE EIR

The City certified the Milpitas General Plan Update EIR (General Plan Update EIR) and approved the General Plan Update in December 2021. As part of this action, the City made CEQA Findings and a Statement of Overriding Considerations that addressed significant unavoidable impacts identified in the General Plan Update EIR.

The Gateway-Main Street Specific Plan would amend the General Plan Update EIR, which would involve changing its boundaries and increasing its residential development potential. The Final SEIR identified environmental effects that would be substantially more severe than the impacts identified in the General Plan Update EIR. The impacts identified in the Final SEIR are disclosed in these findings.

The City Council hereby makes the same CEQA Findings and Statement of Overriding Considerations for the Gateway-Main Street Specific Plan for impacts for which the Final SEIR did not identify any new significant environment effects or a substantial increase in severity of environmental effects disclosed in the General Plan Update

EIR. The General Plan Update CEQA Findings and Statement of Overriding Considerations are provided in Attachment B.

7 EFFECTS DETERMINED NOT TO BE SIGNIFICANT

Section 15128 of the State CEQA Guidelines requires an EIR to contain a statement briefly indicating the reasons why various possible significant effects of a project were determined not to be significant and, therefore, why they were not discussed in detail in the EIR. Implementation of the project was determined to result in no potentially significant impacts related to the following issues; consequently, these issues were not discussed in detail in the SEIR.

7.1 AGRICULTURE AND FORESTRY RESOURCES

The Specific Plan Area is located within the City of Milpitas, an urbanized area in northern Santa Clara County, within the South San Francisco Bay Area. The Specific Plan Area is fully developed and no agricultural, forestry, or timber resources exist on or adjacent to the Specific Plan Area. In addition, the Specific Plan Area is currently zoned for industrial, commercial, and residential purposes. Therefore, the project would not convert farmland, conflict with any zoning for agricultural uses or forest land, result in loss or conversion of forest land or involve other changes in the environment that would result in conversion of farmland or forest land. There would be no impact to agriculture or forestry resources. (Draft SEIR page 1-3)

7.2 GEOLOGY AND SOILS

There are known active faults that have been mapped within the city and numerous faults located in the region as illustrated. In addition, the California Geological Survey has established an Alquist-Priolo Earthquake Fault Zone, the Hayward Fault Zone, which traverses the city, east of the Specific Plan Area. All projects would be required to comply with the provisions of the California Building Standards Code (CBSC), which requires development projects to perform geotechnical investigations in accordance with State law, engineer improvements to address potential seismic and ground failure issues, and use earthquake-resistant construction techniques to address potential earthquake loads when constructing buildings and improvements. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the CBSC, General Plan, and other regulations. In addition to the requirements associated with the CBSC and the Municipal Code, the General Plan includes policies and actions to ensure that development projects address potential geologic hazards, at-risk buildings and infrastructure is evaluated for potential risks, and site-specific studies are completed for area subject to liquefaction.

In addition, it is important to note that environmental impact analyses under CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents unless the proposed project might cause or risk exacerbating environmental hazards or conditions that already exist (State CEQA Guidelines, section 15126.2(a)). In those specific instances, it is the project's impact on the environment and not the environment's impact on the project that compels an evaluation of how future residents or users may be affected by exacerbated conditions (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369). New development would not create new seismic events or exacerbate existing seismic hazards, because limited ground disturbance would not alter seismic and fault conditions in the region. (Draft SEIR page 1-3)

7.3 HAZARDS AND HAZARDOUS MATERIALS

The use, transportation, and disposal of hazardous materials is regulated and monitored by local fire departments, Certified Unified Program Agencies (CUPA), the California Division of Occupational Safety and Health and the Department of Toxic Substances Control consistent with the requirements of Federal, State, and local regulations and policies. Facilities that store hazardous materials on-site are required to maintain a Hazardous Materials Business Plan

in accordance with State regulations. In the event of an accidental release of hazardous materials, the local CUPA and emergency management agencies (e.g., Police and Fire) would respond. All future projects allowed under the Specific Plan would be required to comply with the provisions of Federal, State, and local requirements related to hazardous materials. In addition to the requirements associated with Federal and State regulations and the Municipal Code, the General Plan includes policies and actions to address potential impacts associated with hazardous materials among other issues. These policies and actions in the General Plan would ensure that potential hazards are identified on a project site, that development is located in areas where potential exposure to hazards and hazardous materials can be mitigated to an acceptable level, and that business operations comply with Federal and State regulations regarding the use, transport, storage, and disposal of hazardous materials. Specifically, Action SA-5a would require that applications for discretionary development projects provide detailed information regarding the potential for the historical use of hazardous materials on the site, using information from databases identifying past soil and/or groundwater contaminations, including the Cortese list. If warranted, identify and require mitigation measures to ensure the exposure to hazardous materials from historical uses has been mitigated to acceptable levels consistent with EPA and/or DTSC standards. As identified in the General Plan Update EIR, there are no hazardous materials release sites located in the General Plan Update Planning Area listed on the Cortese List (City of Milpitas 2021). The General Plan also includes policies and actions to ensure that the City has adequate emergency response plans and measures to respond in the event of an accidental release of a hazardous substance (City of Milpitas 2021). Therefore, impacts related to hazards and hazardous materials would be less than significant. (Draft SEIR page 1-4)

7.4 HYDROLOGY AND WATER QUALITY

Existing regulatory requirements that manage water quality and implement the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) include requirements to obtain approval from the Regional Water Quality Control Boards for National Pollutant Discharge Elimination System permits, other discharge permits, Water Quality Management Plans, Storm Water Pollution Prevention Plans, and to implement Best Management Practices. These regulatory requirements are intended to ensure that water quality does not degrade to levels that would violate water quality standards.

Future development projects under the Specific Plan would result in new impervious surfaces and could reduce rainwater infiltration and groundwater recharge. However, most developable areas within the Santa Clara Plain Recharge Area and Specific Plan Area are currently developed with urban uses. The amount of new pavement and impervious surfaces, and the extent to which they affect infiltration, depends on the site-specific features and soil types of a given project site. However, all new development would be subject to stormwater quality requirements and the implementation of Low Impact Development (LID) measures that would reduce impervious surfaces and promote the use of infiltration in drainage improvements. Projects located within the Specific Plan Area would have less of an impact than projects converting open lands and spaces. Implementation and future development under the proposed Specific Plan would not appreciably add to the volume of impervious surfaces in the Specific Plan Area or the Santa Clara Plain Recharge Area, when compared to the overall size of the regional groundwater basin recharge area. The proposed Specific Plan contains standards to reduce impacts associated with flooding including standards to minimize damage associated with flooding events and comply with regulations stipulated by FEMA and the National Flood Insurance Program and require that new development within a FEMA-designated flood hazard zone must follow the City's construction standards for such areas as currently laid out in the Milpitas Municipal Code Section XI-15 (Floodplain Management Regulations).

The City manages local storm drain facilities and the Santa Clara Valley Water District (SCVWD) is responsible for regional flood control planning within the County. The City is a participant in the National Flood Insurance Program (NFIP). The NFIP provides property owners and renters with federally backed flood insurance, reduces flood damage through a mandatory local floodplain management ordinance, and identifies and maps flood hazards. The NFIP requires the City to maintain a floodplain management ordinance based upon current FEMA Flood Insurance Rate Maps (FIRMs). The City meets this requirement through the implementation of Floodplain Management Regulations specified in Section XI Chapter 15 of the Milpitas Municipal Code. The 2021 Storm Drain Master Plan outlines proposed land uses for portions of the Specific Plan Area, but not others. Areas with no defined land uses were

assigned subbasin-specific hydrology parameters. The Storm Drain Master Plan highlights three low-priority improvements within the Specific Plan Area at: Main Street and Sierra Way; on Comet Drive; and a short segment of Railroad Avenue. Additionally, the report identifies four Capital Improvement Plan storm drain main extensions along Main Street. The proposed Specific Plan contains standards to reduce impacts associated with stormwater and drainage including standards to provide storm drain infrastructure that is designed to serve new development and meets City standards; construct the improvements within the Specific Plan Area that were identified in the 2021 Storm Drainage Master Plan; and Upgrade and expand the storm drain system in accordance with the Storm Drain Master Plan and as required along new roads within the Specific Plan Area, ensuring it meets the needs of new development to the satisfaction of the City Engineer.

Compliance with mandatory Federal and State regulations, and compliance with the existing City standards and regulations for the SCVURPPP, the City of Milpitas Storm Drainage Master Plan, General Plan policies and the Milpitas Municipal Code requirements, and proposed Specific Plan standards that address drainage and flooding would ensure that impacts to drainage patterns, erosion, and water quality would be less than significant. Therefore, impacts related to hydrology and water quality would be less than significant. (Draft SEIR page 1-5)

7.5 MINERAL RESOURCES

There are no active mines, no known areas with mineral resource deposits, or mineral or aggregate resources areas of statewide importance located in the City (City of Milpitas 2021). Therefore, no impact to mineral resources would occur. (Draft SEIR page 1-5)

7.6 WILDFIRE

While all of California is subject to some degree of wildfire hazard, the project site is surrounded by urban uses and, therefore, less prone to wildfire.

"Local responsibility areas," which are under the jurisdiction of local entities (e.g., cities, counties), are required to identify very high fire hazard severity zones. Local Responsibility Areas (LRA) are concentrated in the incorporated areas of Milpitas. Milpitas is an LRA that is served by the Milpitas Fire Department. The City of Milpitas or the general vicinity is not categorized as a "Very High" FHSZ by California Department of Forestry and Fire Protection (CAL FIRE). State Responsibility are found to the east of the city limits in the hilly terrain. There are no State Responsibility areas within the city limits of Milpitas, however areas east of the city are designated as "high" FHSZ by CAL FIRE. There are no areas that are designated as a "Very High Fire Hazard" area within the city. New construction is subject to the City Municipal Code and the California Fire Code, which includes safety measures to minimize the threat of fire. Thus, the project would have no impact related to wildfire risk would occur. (Draft SEIR page 1-5)

8 LESS-THAN-SIGNIFICANT IMPACTS

This section identifies those topics for which the Final SEIR did not identify any new significant environmental effects or a substantial increase in the severity of environmental effects disclosed in the General Plan Update EIR (i.e., less than significant impacts).

The City Council finds that, based upon substantial evidence in the record, including information in the Final SEIR, the following impacts have been determined be less than significant and no mitigation is required pursuant to PRC Section 21081(a) and CEQA Guidelines Section 15091(a).

8.1 SECTION 3.1: AESTHETICS

Impact 3.1-1: Have a Substantial Adverse Effect on a Scenic Vista

The General Plan Update EIR (Impact 3.1-1) determined that impacts related to scenic vistas as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. Similarly, implementation of the proposed Specific Plan would increase the level and potential height of development within the Specific Plan Area. However, long distance views of and through the Specific Plan Area are largely precluded by existing development landscaping, and no expansive areas of open space would be removed as a result of project implementation. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with Milpitas General Plan Community Design Element Policies and Actions, zoning regulations, standard development conditions, Citywide Design Guidelines, and Specific Plan policies and guidelines.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.1-2: Conflict with Applicable Zoning and Other Regulations Governing Scenic Quality in an Urbanized Area

The General Plan Update EIR (Impact 3.1-3) determined that impacts related to conflicts with zoning or other regulations governing scenic quality as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. Implementation of the Specific Plan would result in the construction and operation of development within the Specific Plan Area and could result in alteration of views, primarily due to potential development of high-rise residential structures. However, the Specific Plan Objective Design Standards would be implemented, consistent with General Plan policies regarding urban design. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with Milpitas General Plan policies, zoning regulations, standard development conditions, Citywide Design Guidelines, and Specific Plan policies and guidelines.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.1-3: Light and Glare Impacts

The General Plan Update EIR (Impact 3.1-4) determined that impacts related to new sources of nighttime lighting and daytime glare as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. The proposed Specific Plan would increase nighttime lighting within the Specific Plan Area as a result of new light sources attributed to proposed residential and mixed-use development. The Specific Plan would be subject to the Milpitas General Plan 2040 policies and City lighting standards in the Municipal Code that address

lighting and glare. As a result, no new significant or substantially more severe impact would occur compared to the Milpitas General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with Milpitas General Plan Community Design Element Policies and Actions, zoning regulations, standard development conditions, Citywide Design Guidelines, and Specific Plan policies and guidelines.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

8.2 SECTION 3.2: AIR QUALITY

Impact 3.3-1: Conflict With or Obstruct Implementation of the Applicable Air Quality Plan, or Result in a Cumulatively Considerable Net Increase of Criteria Pollutants

The General Plan Update EIR (Impact 3.3-1) concluded that implementation of the General Plan would be consistent with all federal and state guidelines including the 2017 Clean Air Plan. It was concluded in the General Plan Update EIR that population would increase while VMT per service population would decrease, and thus implementation of the General Plan would have a less-than-significant impact. The proposed Specific Plan would be consistent with the General Plan policies and the Bay Area Air Quality Management District (BAAQMD) 2017 Clean Air Plan because the proposed Specific Plan would increase service population and decrease VMT, thus it would continue to be consistent with the 2017 Clean Air Plan and General Plan policies. Thus, this impact would remain as less than significant consistent with General Plan Update EIR.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with Milpitas General Plan Minimization Measures, including Land Use Element Policies, Circulation Element Policies, Community Design Element Policies, Conservation Element Policies, Circulation Element Actions, Land Use Element Actions, Community Design Element Actions, and Conservation Element Actions.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.2-2: Expose Sensitive Receptors to Substantial TAC Concentrations

The General Plan Update EIR (Impact 3.3-2) concluded that the General Plan would comply with the applicable policies and programs in the General Plan as well as applicable BAAQMD rules and regulations, that would minimize the potential exposure of sensitive receptors to substantial concentrations of toxic air contaminants (TACs) and PM2.5 within the City. Therefore, this impact was concluded to be less than significant. The proposed Specific Plan would decrease nonresidential SF within the Specific Plan Area and would not add additional TAC or PM2.5 emission sources that were not identified in the General Plan Update EIR. Thus, this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with Milpitas General Plan Minimization Measures, including Conservation Element Policies and Conservation Element Actions.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.2-3: Result in Other Emissions (Such as Those Leading to Odors) Adversely Affecting a Substantial Number of People

The General Plan Update EIR (Impact 3.3-3) concluded that the General Plan would not propose any land uses within the vicinity of this or any other potential source of objectionable odors. Individual projects that have the potential to generate significant objectionable odors would be required to undergo individual CEQA review. Additionally, the General Plan Update EIR stated that the General Plan would incorporate General Plan policies and actions that would further minimize the potential for other emissions (such as odors) to adversely affect a substantial number of people, and therefore a less-than-significant impact was concluded. The proposed Specific Plan would reduce the nonresidential SF in the Specific Plan Area and would not introduce any new or substantial odor sources as identified in the General Plan Update EIR. Thus, this impact would remain less than significant.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

8.3 SECTION 3.3: BIOLOGICAL RESOURCES

Impact 3.3-1: Substantially Affect Special-Status Species Either Directly or Through Habitat Modifications

The General Plan Update EIR (Impact 3.4-1) identified less-than-significant impacts on special-status plant species through compliance with existing state and federal regulations and General Plan Update actions and policies. Implementation of the Specific Plan would result in future development that may result in loss of or disturbance to Congdon's tarplant, alkali milk-vetch, brittlescale, lesser saltscale, Hoover's button-celery, San Joaquin spearscale, prostrate vernal pool navarretia, California alkali grass, long-styled sand-spurrey, and saline clover if present in or near a project area. Adherence to General Plan Action CON-3b would provide protection for special-status plants through pre-construction surveys, implementation of mitigation measures identified by a qualified biologist such as avoidance and protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with Milpitas General Plan Minimization Measures, including the Conservation and Sustainability Element Policies and Conservation and Sustainability Element Actions.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.3-2: Substantially Affect Special-Status Wildlife Species Either Directly or Through Habitat Modifications

The General Plan Update EIR (Impact 3.4-1) identified less-than-significant impacts on special-status wildlife species through compliance with existing state and federal regulations and General Plan Update actions and policies. Implementation of the Specific Plan may result in future development that could result in disturbance, injury, or mortality of several special-status wildlife species, if present; reduced breeding productivity of these species; and loss of species habitat. Adherence to General Plan Action CON-3b would provide protection for special-status wildlife by requiring preconstruction surveys, implementing mitigation measures identified by a qualified biologist such as avoidance and protective barriers, and pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. As a result, no new significant or substantially more severe impacts on special-status wildlife would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with Milpitas General Plan Minimization Measures, including the Conservation and Sustainability Element Policies and Conservation and Sustainability Element Actions.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.3-3: Substantially Affect any Riparian Habitat or Other Sensitive Natural Community Identified in Local or Regional Plans, Policies, or Regulations or by CDFW or USFWS

The General Plan Update EIR (Impact 3.4-2) identified less than significant impacts on riparian habitat and sensitive natural communities through compliance with existing local, state, and federal regulations and General Plan Update actions and policies. Implementation of future development under the Specific Plan could result in the degradation or loss of riparian habitat, other sensitive natural communities, or the reduction in the function of these habitats, if present. Adherence to General Plan Action CON-3b would provide protection for riparian habitat and sensitive natural communities by requiring protective barriers for any sensitive habitats identified, reducing soil compaction, and providing pre-construction training for contractors and sub-contractors to identify and avoid protected species and habitat. Further protections under Policies CON 3-1, CON 3-2, CON 3-3, and CON 3-5 and Actions CON-3c, CON-3d, CON-3e, CON-3f, CON-3g, and CON-3h of the General Plan would minimize impacts on riparian habitat and sensitive natural communities. As a result, no new significant or substantially more severe impacts on these resources would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with Milpitas General Plan Minimization Measures, including the Conservation and Sustainability Element Policies and Conservation and Sustainability Element Actions.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.3-4: Interfere With or Impede the Use of Wildlife Nurseries

The General Plan Update EIR (Impact 3.4-4) identified less-than-significant impacts on wildlife nurseries through compliance with existing federal, state, and local regulations and General Plan Update actions and policies. Construction of new buildings or infrastructure, or changes to existing buildings or infrastructure under the Specific Plan could adversely affect potential bat maternity roosts, especially if they involve the removal of large or riparian trees, older buildings, or bridges. Adherence to General Plan Action CON-3b would provide protection for bat roosts, and CON 2-3 would minimize impacts on bat roosts by requiring future development to avoid removing large, mature trees that provide wildlife habitat, and, if avoidance is not feasible, replacement trees would be prioritized on-site and chosen to provide similar habitat benefits. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.3-5: Have A Substantial Adverse Effect on State or Federally Protected Wetlands and Waters

The General Plan Update EIR (Impact 3.4-3) identified less-than-significant impacts on wetlands through compliance with existing federal, state, and local regulations and General Plan Update actions and policies. Future development implemented under the Specific Plan may include ground disturbance, vegetation removal, and land development, which could result in adverse effects to water quality, or in fill or discharge into wetlands, Penitencia Creek, and Wrigley Ford Creek if present within or adjacent to the development. Implementation of existing federal, state, and local regulations and General Plan actions and policies would reduce significant impacts on state and federally protected wetlands as a result of ground disturbance, vegetation removal, and construction because they would require a biological resources evaluation to identify sensitive habitats, avoidance of wetlands and riparian areas, and implementation of appropriate mitigation to preserve and enhance these habitats as required by local, state, and federal law. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.3-6: Conflict with Local Policies and Ordinances

General Plan Update EIR Impact 3.4-5 relates to a conflict with local policies and ordinances and was identified as less than significant because the General Plan Update, as a foundational policy document, inherently aligns with the local policies and ordinances that are established from it. Future development implemented under the Specific Plan could result in the removal of trees, which would conflict with the City Milpitas Tree Protection Regulations (Municipal Code Title X, Chapter 2). City of Milpitas ordinance codes and policies are developed to reflect and support the goals of the General Plan Update. Future development under the Specific Plan would comply with Objective Design Standards related to removal of trees, and the measures outlined in the General Plan Update, therefore, they will inherently

comply with local ordinance codes and policies, including City of Milpitas Tree Protection Regulations. In addition, projects would adhere to General Plan Action CON-2b, which aims to strengthen City of Milpitas Tree Protection Regulations by establishing stricter criteria for tree removal, detailed tree replacement requirements, enhanced penalties for unpermitted removals, and additional protections for high-value trees. It also proposes expanding the list of protected tree species and setting construction guidelines to minimize impacts on significant trees. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

8.4 SECTION 3.4: CULTURAL AND TRIBAL CULTURAL RESOURCES

Impact 3.4-4: Disturb Human Remains

The General Plan Update EIR (Impact 3.5-2) determined that impacts related to the disturbance of human remains, including the Gateway-Main Specific Plan, would be less than significant. Based on documentary research, there is ample evidence that suggests that unmarked human interments are present within or in the immediate vicinity of the Specific Plan Area. While known burials can be avoided, ground-disturbing construction activities could uncover previously unknown human remains. Compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 would be required. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No mitigation is required for this impact.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

8.5 SECTION 3.5: ENERGY

Impact 3.5-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy during Project Construction or Operation

The General Plan Update EIR (Impact 3.7-3) concluded that buildout of the General Plan would be in compliance with all applicable federal, state, and local regulations regulating energy usage and would not result in any significant adverse impacts related to project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for during buildout of the General Plan, including during construction, operations, maintenance, and/or removal. Because of this, the General Plan Update EIR concluded that the impact would be less than-significant. Since the adoption of the General Plan Update EIR, building energy efficiency has improved, vehicles and offroad equipment have become cleaner and more efficient, and VMT will continue to decrease. The proposed Specific Plan would continue to be consistent with relevant federal, state, and local regulations and thus,

implementation of the proposed Specific Plan would not consume energy in a wasteful, inefficient, or unnecessary manner during construction or operation of future development allowed under the proposed Specific Plan. This impact would remain less than significant.

MITIGATION MEASURES

No mitigation is required for this impact.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.5-2: Conflict with or Obstruction of a State or Local Plan for Renewable Energy or Energy Efficiency

The General Plan Update EIR (Impact 3.7-2) concluded that the General Plan did not conflict with state or local plans for renewable energy or energy efficiency. The Specific Plan would not conflict with General Plan policies, the Milpitas CAP, and Appendix D of the 2022 Scoping Plan. Each of these documents have various policies, strategies, measures, and standards the proposed Specific Plan would need to align with to expand renewable energy and energy efficiency in the Specific Plan area. Because the proposed Specific Plan would be consistent with each of these documents and it would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, this impact would be less-than-significant.

MITIGATION MEASURES

No mitigation is required for this impact.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

8.6 SECTION 3.6: GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Impact 3.6-1: Generate GHG Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment

The General Plan Update EIR (Impact 3.7-1) concluded that implementation of the General Plan would reduce VMT per service population and would be consistent with the then 2013 Milpitas CAP and thus the General Plan Update EIR concluded the impact to be less than significant. Implementation of the proposed Specific Plan would further reduce VMT per service population and would reduce GHG emissions in the Specific Plan Area and would be subject to the updated CAP. Thus, the proposed Specific Plan would not result in a more severe impact than that identified in the General Plan Update EIR, would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and would meet the State's goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045. This impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with Milpitas General Plan Update EIR Land Use Element Policies, Circulation Element Policies, Community Design Element Policies, Conservation Element Policies, Circulation Element Actions, Land Use Element Actions, Community Design Element Actions, and Conservation Element Actions.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.6-2: Consistent with Local Greenhouse Gas Reduction Strategies and Plans

The General Plan Update EIR (Impact 3.7-1) concluded that the General Plan would be consistent with the qualified local GHG reduction plan (the Milpitas 2013 CAP), CARB's 2022 Scoping Plan, ABAG's Plan Bay Area 2040, and with relevant general plan policies. Since the certification of the General Plan Update EIR, the Milpitas 2013 CAP was updated to the current Milpitas 2022 CAP and the Plan Bay Area 2040 was updated to the Plan Bay Area 2050. The proposed Specific Plan would be consistent with and implement all applicable CAP GHG reduction strategies and would not create a more severe impact than that identified in the General Plan Update EIR. This impact would remain less than significant.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

8.7 SECTION 3.7: LAND USE AND PLANNING

Impact 3.7-1: Physically Divide an Established Community

The General Plan Update EIR (Impact 3.10-1) determined that impacts related to physically dividing an established community would be less than significant. Similarly, adoption and implementation of the proposed Specific Plan would not physically divide an established community as the Specific Plan aims to foster growth within targeted areas while preserving existing neighborhoods, establish unique districts with specific characteristics and development standards, improve connectivity through its mobility framework, and create complete streets that incorporate both the built and pedestrian environments. All future development under the proposed Specific Plan would be developed on established parcels within the City's current land use pattern. Future roadways are envisioned to be built to connect to existing roadways, such as Main Street, to improve transportation mobility and would not extend into new, undeveloped areas of the city that could physically divide or isolate other areas of the city. For these reasons, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with Milpitas General Plan Update EIR Land Use Element Policies and Land Use Element Actions.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.7-2: Conflict with Any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect

The General Plan Update EIR (Impact 3.10-2) determined that impacts related to causing 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 would be less than significant. Similarly, adoption and implementation of the proposed Specific Plan would not cause a significant environmental impact due to an inconsistency with an applicable State, regional, or local plan, policy, or ordinance. For this reason, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with Milpitas General Plan Update EIR Land Use Element Policies and Land Use Element Actions.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

8.8 SECTION 3.8: NOISE AND VIBRATION

Impact 3.8-1: Generate Substantial Short-Term (Construction) Noise

The General Plan Update EIR (Impact 3.12-4) determined that construction noise impacts as a result of General Plan implementation would be less than significant through implementation of General Plan Policy N 1-8 and Action N-1c and N-1d. Implementation of the proposed Specific Plan would result in the generation of construction noise. However, future development under the Specific Plan would be subject to compliance with the specific requirements of Action N-1c and N-1d. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with adopted General Plan Minimization Measure Policy N1-8 and Actions N1c and N1d.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.8-3: Generate a Substantial Increase in Long-Term Stationary Operational Noise

The General Plan Update EIR (Impact 3.12-3) determined that stationary noise impacts as a result of General Plan implementation would be less than significant through implementation of General Plan Policies N 1-11 through N 1-14 and Actions N-1a and N-1b. Implementation of the proposed Specific Plan would allow future development that would create new stationary noise sources. However, future development under the Specific Plan would be subject to compliance with requirements of General Plan Policies N 1-11 through N 1-14 and Actions N-1a and N-1b. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with adopted General Plan Minimization Measure Policies N1-11 through N1-14 and Actions N1a and N1b.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.8-4: Generate Substantial Short-Term (Construction) Vibration

The General Plan Update EIR (Impact 3.12-5) determined that construction vibration impacts as a result of General Plan implementation would be less than significant through implementation of General Plan Action N-1d. Implementation of the proposed Specific Plan could result in the generation of construction vibration impacts. However, development under the Specific Plan would be subject to compliance with the specific requirements of Action N-1d and with Section 17.52.060.G of the City Municipal Code, which limits construction hours to the less sensitive hours of the day. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with adopted General Plan Minimization Measure Action N-1d.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

8.9 SECTION 3.9: POPULATION, EMPLOYMENT, AND HOUSING

Impact 3.9-1: Induce Substantial Unplanned Population Growth

The General Plan Update EIR (Impact 3.10-3) determined that impacts related to unplanned population growth as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. Similarly, implementation of the proposed Specific Plan would accommodate up to 5,176 new dwelling units, which is 1,338 units net new units beyond the General Plan. It would also result in a population of 16,384 residents, which is an increase of 3,816 people beyond the General Plan. This growth would exceed projections assumed under the City's General Plan for the Specific Plan Area; however, it would not exceed population projections for the City of Milpitas as a whole. The proposed Specific Plan would also result in a reduction in nonresidential development as compared to the General Plan that would result in 2,357 fewer jobs than the General Plan at buildout. Therefore, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. Growth inducement impacts would be less than significant.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.9-2: Displace Substantial Numbers of Existing People or Housing

The General Plan Update EIR (Impact 3.10-4) determined that impacts related to displacement of existing people or housing as a result of General Plan implementation, including the Gateway-Main Street Specific Plan, would be less than significant. Similarly, implementation of the proposed Specific Plan would accommodate up to 5,176 new dwelling units and support the development of increased densities and intensities of mixed uses that would increase housing supply in the City. The Specific Plan would not displace substantial numbers of existing people or housing. Therefore, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. Impacts would be less than significant.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

8.10 SECTION 3.10: PUBLIC SERVICES AND RECREATION

Impact 3.10-1: Result in Substantial Adverse Physical Impacts Associated with the Provision of New Fire Facilities

The General Plan Update EIR (Impact 3.13-1) determined that impacts related to the need for additional fire facilities would be less than significant. Similarly, implementation of the proposed Specific Plan would alter the level of development within the Specific Plan Area, including the creation of additional housing opportunities that would increase the population in the area. All new development would be required to meet Milpitas Fire Department (MFD) standards and code requirements, such that substantial additional demand for service within the Specific Plan Area is not anticipated. Further, the current level of calls for service at local fire stations does not indicate the potential need for an additional fire station. As a result, the anticipated increase in population and development within the Specific Plan Area would not trigger the need for additional fire facilities. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with adopted General Plan Minimization Measure Safety Element Policies and Actions and Utilities and Public Services Policies and Actions.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.10-2: Result in Substantial Adverse Physical Impacts Associated with the Provision of New Police Facilities

The General Plan Update EIR (Impact 3.13-1) determined that impacts related to the need for additional police facilities would be less than significant. Implementation of the proposed Specific Plan would increase the density of development within the Specific Plan area, including the creation of additional residential uses that would increase

the population in the Specific Plan Area. While this could lead to an increased demand for police services, all new development would be required to contribute appropriate fees to the City's General Fund for any potential expansion of staffing or facilities. Additionally, new development would contribute property tax revenues that would be allocated through the City's General Fund for police protection services, both maintenance and expansion. As a result, the anticipated increase in population and development within the Specific Plan Area would not trigger the need for additional police facilities. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with adopted General Plan Minimization Measure Safety Element Policies and Actions and Utilities and Public Services Policies and Actions.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.10-3: Result in Substantial Adverse Physical Impacts Associated with the Provision of New School Facilities

The General Plan Update EIR (Impact 3.13-1) determined that impacts related to the need for additional school facilities would be less than significant. Implementation of the proposed Specific Plan would increase the level of development within the Specific Plan Area, including additional residences that would result in higher population and more students that would attend area schools. With respect to the schools that currently serve the Specific Plan Area, none of the schools are considered at capacity or beyond prior service levels. However, all development within the Specific Plan Area would be required to pay applicable school fees, which are deemed full and complete mitigation for impacts on schools. As a result, no new significant or substantially more severe impact related to school facilities would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with adopted General Plan Minimization Measure Safety Element Policies and Actions and Utilities and Public Services Policies and Actions.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

8.11 SECTION 3.11: TRANSPORTATION

Impact 3.14-1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle, and Pedestrian Facilities

The General Plan Update EIR (Impact 3.14-1) identified that the policies included in the General Plan would help further the implementation of City transportation plans, support interjurisdictional coordination, and link the development of transportation facilities to surrounding land uses and result in less-than-significant impact. Implementation of the Specific Plan would develop a transportation network for users of all modes of transportation including pedestrians, bicyclists, and transit riders. The standards and policies proposed under the Specific Plan would support multi-modal transportation, improve non-vehicular access throughout the Specific Plan Area, and encourage

transit-oriented land use development, consistent with policies and standards in relevant transportation plans. In addition, new project-generated demand for transit, bicycle, and pedestrian facilities would be satisfied by the multimodal improvements proposed under the Specific Plan. For these reasons, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with adopted General Plan Minimization Measure Circulation Element Policies.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.11-3: Substantially Increase Hazards Due to a Geometric Design Feature or Incompatible Uses

The General Plan Update EIR (Impact 3.14-3) determined that implementation of the General Plan would result in a less-than-significant impact on transportation hazards because future development would be required to meet applicable federal, state, and City design standards. All new transportation infrastructure and improvements under the proposed Specific Plan would improve multimodal circulation and access and minimize the potential for transportation hazards (e.g., conflicts between vehicles and pedestrians). Future development associated with the Specific Plan would be designed in accordance with applicable design and safety standards and subject to review by City staff ensuring implementation of the Specific Plan would not substantially increase hazards due to a geometric design feature or incompatible uses. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with the General Plan Update EIR's circulation element policies CIR 2-2 and CIR 2-4.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.11-4: Result in Inadequate Emergency Access

The General Plan Update EIR (Impact 3.14-4) determined that implementation of the General Plan would result in a less-than-significant impact on emergency access because all future development would be subject to the City Design and Construction Standards, which include requirements for emergency access, and would be reviewed by public safety officials. The Specific Plan proposes streetscape improvements and standards that were developed in coordination with the MFD. Future development under the Specific Plan would be required to adhere to the California Fire Code, as adopted by reference in Title V, Chapter 300 of the City Municipal Code. Adherence to the California Fire Code would ensure that future developments provide adequate emergency access. In addition, future development projects under the Specific Plan would be subject to review by the MFD to ensure that adequate emergency access is provided. For these reasons, implementation of the Specific Plan would not result in inadequate emergency access. The Specific Plan would not result in a new or substantially more severe impact on emergency access than identified in the General Plan Update EIR. This impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with the General Plan Update EIR Minimization Measures policies CIR 1-1, CIR 1-7, CIR 1-11, and CIR 1-13.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

8.12 SECTION 3.12: UTILITIES AND SERVICE SYSTEMS

Impact 3.12-1: Construction Impacts of New or Expanded Water, Wastewater Treatment, or Storm Water Drainage, Electric Power, Natural Gas, or Telecommunications Facilities

The General Plan Update EIR (Impacts 3.15-1 through 3.15-6) determined that impacts related to environmental impacts from utility improvements as a result of General Plan implementation would be less than significant. Implementation of the proposed Specific Plan could require the construction of utility extensions to serve future development. Development within the Specific Plan Area could include retention of existing infrastructure as well as installation of new utility lines and infrastructure. Because these improvements are needed to accommodate the water demand, wastewater generation, stormwater runoff, and electricity and natural gas demand associated with buildout of the proposed Specific Plan, the potential impacts associated with construction of utilities were analyzed throughout the Draft SEIR. Implementation of the proposed Specific Plan would not itself trigger construction of new or expanded off-site utilities to serve the project's demand that are not planned for under the City's infrastructure master plans. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.12-2: Have Sufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development

The General Plan Update EIR (Impact 3.15-1) determined that General Plan implementation would result in sufficient water supplies available to serve the City and reasonably foreseeable future development during normal, dry, and multiple dry years and that this impact would be less than significant. Based on the WSA, implementation of the Specific Plan would decrease water demand by 105,875 gpd as compared to buildout under the General Plan. However, the 2020 UWMP identifies that the City would have shortfalls in supply in 2025, 2030, and 2045 under single dry-year and multiple dry year conditions if contract water supply sources provided by the San Francisco Public Utilities Commission and Valley Water are reduced. This water supply shortage would apply city-wide and would not directly occur because of the proposed Specific Plan. Although the potential water demand would decrease under the proposed Specific Plan compared to the land uses assumed in the General Plan Update EIR, implementation of the proposed Specific Plan would contribute to water supply shortages that would potentially trigger the need to construct additional groundwater wells, the construction and operation of which could result in significant environmental impacts. However, the City is implementing drought contingency measures identified in the UWMP

through the construction of additional groundwater wells to offset water supply shortages identified for 2030 and 2045. Therefore, sufficient water supplies would be available to serve the Specific Plan and reasonably foreseeable future development during normal, dry, and multiple dry years. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No mitigation is needed.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.12-3: Have Adequate Wastewater Treatment Capacity

The General Plan Update EIR (Impact 3.15-3) determined that adequate wastewater treatment capacity would be available to accommodate General Plan implementation and that this impact would be less than significant. The proposed land use changes within the Specific Plan Area would result in a decrease in water demand by 105,875 gpd, as compared to buildout under the General Plan. Assuming a 1 to 1 ratio of water consumption to wastewater generation, the proposed Specific Plan would result in a corresponding decrease in wastewater of 105,875 gpd as compared to buildout under the General Plan. Additionally, the proposed Specific Plan includes provisions intended to ensure that sewer infrastructure is able to support future growth in the Specific Plan Area. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with adopted General Plan Minimization Measure Utilities Policies and Community Services UCS 3-1, UCS 3-2, and UCS 3-3, and Utilities and Community Services Actions UCS-3a through UCS-3d.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

Impact 3.12-4: Solid Waste Facilities and Compliance with Solid Waste Statutes and Regulations

The General Plan Update EIR (Impact 3.15-6) determined that General Plan implementation would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, would not 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, and that this impact would be less than significant. Future construction and demolition activities associated with development under the proposed Specific Plan would generate solid waste, including metals, plastics, wood, concrete, and other building materials. However, future construction activities would be required to comply with applicable waste diversion requirements, including CALGreen Divisions 4.4 and 5.4, which requires a minimum of 65 percent of all non-hazardous construction and demolition waste for residential and non-residential development, respectively, to be recycled and/or salvaged for reuse. Additionally, implementation of the proposed Specific Plan would generate approximately 8.3 fewer tons of operation-related solid waste per day and 3,037 fewer tons of operation-related solid waste per year compared to what was identified in the General Plan Update EIR. As such, Kirby Canyon Landfill would have sufficient capacity to accommodate solid waste generated from buildout of the Specific Plan, and the Specific Plan would not contribute to

an exceedance of the landfill's disposal capacity. Furthermore, future development under the Specific Plan would be required to comply with all applicable state and local management and reduction statutes and regulations related to solid waste, including AB 939, AB 341, AB 1826, and the Milpitas Municipal Code, which would reduce the amount of operation-related solid waste that would be disposed of at Kerby Canyon Landfill. Finally, the proposed Specific Plan includes several provisions intended to ensure that solid waste facilities would be able to support future growth in the Specific Plan Area and that waste continues to be collected and disposed of safely. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain less than significant.

MITIGATION MEASURES

No mitigation is needed.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than significant, and no additional mitigation measures are required.

9 CUMULATIVE IMPACTS

Impact 4.4.1-1: Contribute to Cumulative Visual Character Impacts

The General Plan Update EIR (Impact 4.1-1) evaluated whether buildout of the General Plan would result in a significant contribution to the cumulative degradation of the existing visual character of the region. The General Plan Update EIR determined this impact would be less than cumulatively considerable because the General Plan would be implemented in an already urbanized area. The Specific Plan Area is located within a built-out area of the city, and continued implementation of the General Plan, as well as recent development trends in the region, would encourage the further redevelopment of existing uses within higher density and elevation project. Future development would be subject to design standards identified in the Objective Design Standards included in Chapter 4 of the proposed Specific Plan. Section 4.2 of the proposed Specific Plan identifies standards for site planning, urban form, and building design including the overall building form and massing, as well as primary building architectural features, including building entries, windows, roofs, materials, and colors, organized. The proposed Specific Plan Objective Design Standards would implement, and be consistent with, General Plan policies CD 1-1, CD 3-1 through CD 3-10, and LU 5-1 through LU 5-3. Through implementation of the proposed Specific Plan Objective Design Standards and adherence to the City's design review process, the existing views and character throughout the City, including within the Specific Plan Area, would be maintained. Therefore, future development would not detract from the existing visual character present within the Specific Plan Area. Thus, the project would not result in a new or greater contribution to cumulative visual character or quality impacts beyond what was identified in the General Plan Update EIR. This impact would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with Milpitas General Plan Community Design Element Policies and Actions, zoning regulations, standard development conditions, Citywide Design Guidelines, and Specific Plan policies and guidelines.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.1-2: Contribute to Cumulative Light and Glare Impacts

Impact 4.1 of the General Plan Update EIR evaluated whether buildout of the General Plan would result in a significant contribution to the cumulative increase in lighting. The General Plan Update EIR determined this impact would be less than cumulatively considerable because buildout of the General Plan would occur in an already urbanized area, in compliance with the General Plan policies and actions and adopted regulations pertaining to lighting.

Cumulative effects of lighting are visible over a wide area, because of the potential for lighting from a number of projects to create skyglow. Under existing conditions, the Specific Plan Area, and surrounding areas, experience lighting in the form of streetlights, or illumination for paths, buildings, and other noteworthy structures. As described in Impact 3.1-3 of this Draft SEIR, implementation of the proposed Specific Plan would introduce new lighting sources; however, while these fixtures would be similar in nature to existing lighting, and would not contribute to new high, intensity lighting (i.e., field lighting) that could contribute substantially to night lighting conditions. Further, future development would be subject to lighting standards identified in the Objective Design Standards included in Chapter 4 of the proposed Specific Plan. Section 4.3.5 of the proposed Specific Plan identifies standards to reduce light pollution and glare. Therefore, the project would not result in a new or greater contribution to cumulative effects of light and glare beyond what was identified in the General Plan Update EIR. This impact would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with Milpitas General Plan Community Design Element Policies and Actions, zoning regulations, standard development conditions, Citywide Design Guidelines, and Specific Plan policies and guidelines.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.2-1: Contribute to Cumulative Conflicts with or Obstruction of Implementation of an Applicable Air Quality Plan

As described under Impact 3.3-1 of the SEIR, the proposed Specific Plan would not conflict with the 2017 Clean Air Plan and the relevant 2040 General Plan policies. Therefore, the proposed Specific Plan's contribution to cumulative conflicts with the relevant air quality plan would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.2-2: Contribute to Cumulative Exposure of TACs

Emissions of TACs and PM is a localized impact and there are no existing or planned land uses adjacent to the project that would be large stationary sources of local TACs or odors. As identified in the discussion of Impact 3.3-2 of this SEIR, the proposed Specific Plan would not introduce any new TAC or PM_{2.5} emission sources but would continue to require all new sources of TAC emissions within the City would be required to obtain an air permit from BAAQMD that includes analysis of any TAC or PM_{2.5} emissions created from the new source and the potential health impacts

to the nearest sensitive receptor. Therefore, the proposed Specific Plan's contribution to cumulative exposure to TACs impacts would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.2-3: Contribute to Cumulative Exposure of Odors

As discussed for Impact 3.3-3, construction, and operation of land uses under the proposed Specific Plan would not result in the development of new odor sources atypical of developed urban areas, and odor-generating construction activity would be temporary. Therefore, the proposed Specific Plan's contribution to cumulative exposure to odor impacts would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.3-1: Contribute to Cumulative Impacts on Biological Resources

Impact 4.4 of the General Plan Update EIR determined buildout of the General Plan, in combination with other development projects in the surrounding region, would result in a less than cumulatively considerable contribution on biological resources because buildout of the General Plan would occur in an already urbanized area and would be consistent with policies and actions of the General Plan and comply with Federal and State regulations to reduce, avoid, or compensate for potential impacts. The proposed Specific Plan would not result in a new or greater contribution to cumulative biological resources beyond what was identified in the General Plan Update EIR. This impact would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.6-1: Contribute to Cumulative Impacts Related to Greenhouse Gas Emissions and Climate Change

As stated above, the issue of global climate change is inherently cumulative because the GHG emissions of individual projects cannot be shown to have any material effect on global climate. Therefore, the Specific Plan's impact on climate change is addressed only as a cumulative impact. Impact 3-6.1 of this SEIR stated that because the proposed Specific Plan would reduce VMT and VMT per service population and reduce GHG emissions throughout the Specific

Plan Area, the proposed Specific Plan would meet the State's goals to reduce emissions to 40 percent below 1990 levels by 2030 and carbon neutrality by 2045. Impact 3-6.2 of this SEIR stated that the proposed Specific Plan would increase efficiency throughout the proposed Specific Plan Area and thus would align with the local GHG reduction strategies and plans such as the Milpitas 2022 CAP, the general plan policies, the 2022 Scoping Plan, and the Plan Bay Area 2050+. Therefore, the proposed Specific Plan's contribution to cumulative GHG and climate change impacts would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.7-1: Contribute to Cumulative Impacts Related to Physically Dividing an Established Community

Impact 4.10 of the General Plan Update EIR analyzed whether buildout of the General Plan would contribute to cumulative land use impacts associated with the division of an established community. The General Plan Update EIR determined urban growth that would occur in the City as a result of General Plan buildout would occur at in-fill locations within existing urbanized areas and would not create physical division within existing communities. Therefore, the General Plan Update EIR concluded that the General Plan would have a less than cumulatively considerable contribution to regional land use impacts.

The cumulative study area is characterized as an urbanized city developed with a clear land use pattern demarcated by parcel boundaries and roadways. As discussed in Section 4.3.3, "Related Projects," cumulative projects within the cumulative study area consists of residential, mixed-use, and hotel projects, all of which are proposed on established parcels under the City's jurisdiction and are not anticipated to include the construction of a physical feature that would physically divide the city. As the city is an urban, developed environment, these cumulative projects most likely would involve infill development or redevelopment within an already-established residential or hotel area. These projects would also not construct physical features that function as barriers to travel between two or more parts of an existing established community. In addition, these projects would not involve permanent street or sidewalk closures that would interfere with or impair access within established communities. Therefore, cumulative effects related to physically dividing an established community are considered less than significant within the cumulative study area.

As discussed in Section 3.7, "Land Use and Planning," of this Draft SEIR, the proposed Specific Plan would be applied to already established parcels within the City's land use pattern and would not include any new areas of the city or surrounding area. All future development would be located on demarcated parcels within the proposed Specific Plan Area. In addition, while the Specific Plan's Mobility Framework (Chapter 5 of the Specific Plan) supports the construction of new roadways and service alleys, the Specific Plan envisions these roadway and alleys to improve mobility throughout the Specific Plan Area. The Specific Plan also supports new streets with redevelopment of the Serra Center and other large neighborhood blocks to connect to existing roadways and support a more walkable neighborhood grid pattern. Therefore, while new roadway infrastructure could be developed under the proposed Specific Plan, the introduction of such infrastructure would not physically divide or obstruct any other parts of the Specific Plan Area or the city. Therefore, the proposed Specific Plan would not physically divide an established community and as such, would not result in a new significant cumulative effect, and the cumulative impact would not be more severe than the impact identified in the General Plan Update EIR. The Specific Plan's impact would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.7-2: Contribute to Cumulative Impacts Related to Conflict with any Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect

Impact 4.10 of the General Plan Update EIR analyzed whether buildout of the General Plan would contribute to cumulative land use impacts associated with conflicts with land use plans and regulations that provide environmental protection. The General Plan Update EIR determined that implementation of General Plan policies and actions were intended to guide growth to appropriate areas and provide services necessary to accommodate growth. Therefore, the General Plan Update EIR concluded that the General Plan would have a less than cumulatively considerable contribution to regional land use impacts.

All development and redevelopment projects within the city are required to be consistent with the existing General Plan land use designations and applicable Zoning Ordinances designations, including other Specific Plans. The City would review each cumulative project listed in Table 4-2 as part of the development review process to ensure consistency with the policies of the General Plan and Zoning Ordinances unless there is a proposed land use policy amendment to the General Plan and/or Zoning Ordinance with a project application. At the time that an amendment to a land use policy to the General Plan and/or Zoning Ordinance is submitted, the City would need to evaluate if the proposed change to the land use policy would result in environmental impacts. Cumulative projects requiring discretionary approval would be subject to CEQA, which would require incorporation of feasible mitigation measures to reduce significant environmental impacts associated with conflicting with an applicable land use plan, policy, or regulation. With the safeguards of the City's development review process and the environmental review process under CEQA in place, development of cumulative projects within the city would not result in foreseeable environmental impacts associated with conflicting with applicable land use plans, policies, or regulations. Therefore, cumulative effects related to conflicting with a land use plan, policy or regulation adopted for the purposes of avoiding or mitigating an environmental effect are considered less than significant within the cumulative study area.

As discussed in Section 3.7, "Land Use and Planning," the proposed Specific Plan is consistent with all applicable land use plans, policies, and ordinances adopted to avoid or mitigate an environmental effect, including the Plan Bay Area 2050, the City's 2040 General Plan, and the Comprehensive Zoning Ordinance Update upon adoption. Upon adoption of the proposed Specific Plan, the goals, policies, and development standards of the plan would govern future development proposed within the Specific Plan Area. All future development within the Specific Plan Area would be reviewed for compliance with the Specific Plan during the City's design review and building permit processes. In addition, future development proposed under the Specific Plan that requires discretionary review would be subject to CEQA, which would ensure any potentially significant land use impacts are mitigated to the greatest extent possible. Therefore, the proposed Specific Plan would not conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating environmental effects and as such, its incremental contribution to this less-than-significant cumulative impact would not be cumulatively considerable. This cumulative impact would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.8-1: Contribute to Cumulative Construction Noise and Vibration Impacts

Construction-related noise and vibration are typically considered localized impacts that affect only receptors close to construction activities. Therefore, unless construction of cumulative projects, including construction associated with the project, occurs on sites close to one another (i.e., less than 500 feet apart) and at the same time, noise and vibration from individual construction projects have little chance of combining to create cumulative impacts. There are no reasonably foreseeable projects within 500 feet of the Specific Plan Area that would be an additional source of construction noise or vibration. Therefore, the Specific Plan's contribution to cumulative construction noise and vibration impacts would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.8-3: Contribute to Cumulative Operational Noise Impacts

Similar to construction-related noise impacts, stationary source noise impacts are generally localized. As a result, the context for cumulative stationary noise sources is within 500 feet of the Specific Plan area. Future development under the Specific Plan would potentially include new stationary heating, ventilation, and air conditioning (HVAC) equipment. However, noise from these sources would be localized and would not combine with noise from other projects. As discussed under Impact 3.11-3 of this SEIR, noise from the proposed HVAC equipment is a consideration only within a project site's immediate vicinity, at distances less than 30 feet. Therefore, operational noise sources on the project site would not combine with noise from other area sources to result in a substantial increase in ambient noise.

Therefore, the Specific Plan's contribution to cumulative operational noise impacts would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4-9-1: Contribute to Cumulative Inducement of Unplanned Growth or Displacement

As described in Section 3.9, "Population and Housing" of this Draft SEIR, the Specific Plan would Specific Plan would accommodate up to 5,176 new dwelling units, which is 1,338 units net new units beyond the General Plan. It would also result in a population of 12,887 residents, which is an increase of 3,330 people beyond the General Plan. This growth would exceed projections assumed under the City's General Plan for the Specific Plan Area; however, it would not exceed projections for the City of Milpitas as a whole. The Specific Plan also would not indirectly induce unplanned population growth or residential development.

The proposed Specific Plan does not include proposed changes in land use or zoning that would directly or indirectly result in displacement of substantial numbers of people or housing. The Specific Plan could accommodate anticipated housing growth in the City. This responsiveness to existing and forecast demand would not induce

population growth beyond that planned for and considered in local and regional documents and implementation of the Specific Plan would not result in a new or substantially more severe cumulative impact than what was identified in the General Plan Update EIR. Although cumulative development in Milpitas, including the Specific Plan, would result in a cumulative increase in population and housing in Milpitas, the Specific Plan's contribution to unplanned population growth would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.10-1: Contribute to Cumulative Impacts on Public Services and Recreation

Impact 4.13 of the General Plan Update EIR evaluated the cumulative demand for public services, including fire protection, law enforcement, schools, parks, libraries, and other public and government services and concluded that the General Plan's contribution would be less than cumulatively considerable.

As described in Section 3.10, "Public Services and Recreation" of this Draft SEIR, buildout of the Specific Plan would result in a less than significant impact to public services because applicants of subsequent development projects under the Specific Plan would be required to pay applicable City development fees. Further, the Specific Plan, itself, would not expand the service area of these existing public service providers within the City of Milpitas and is not anticipated to result in substantial demand for public services such that new facilities would be required as a result of plan implementation. Cumulative development in the region, including development elsewhere within the city, would result in the concentration of persons and structures within these local public service jurisdictions and could increase demands for such services and recreation/park facilities. Although the Specific Plan would also increase demand for public services and recreation, no additional facilities would be needed to serve the project site, and development under the Specific Plan would be required to pay impact fees as required by the City and MUSD to ensure the adequate provision of public services in the future. The contribution of fees for the provision of services to the City and MUSD as a whole would reduce a project's incremental contribution to the need for public services and recreation/park facilities within the cumulative context such that the project would not result in a cumulatively considerable contribution. As a result, a significant cumulative public services and recreation impact would not occur with implementation of the Specific Plan and other development. Therefore, the project's contribution to public service and recreation demands would remain less than cumulatively considerable, and implementation of the Specific Plan would not result in a new or substantially more severe cumulative impact than what was identified in the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.11-1: Contribute to Cumulative Impacts Related to Transit Service and Facilities, Bicycle Facilities, and Pedestrian Facilities

Development associated with the proposed Specific Plan would occur incrementally over time. Combined with other development in the area, the demand for transit service and facilities, bicycle facilities, and pedestrian facilities is anticipated to increase. Implementation of the Specific Plan would result in improved transit, bicycle, and pedestrian facilities and enhanced connectivity within the Specific Plan Area. In addition, the design standards included in the Specific Plan Update promote alternative transportation, consistent with City General Plan, Trail, Pedestrian, and Bicycle Master Plan, and Climate Action Plan policies applicable to transit, bicycle, and pedestrian facilities and services. As detailed in Chapter 2, "Project Description," of this Draft SEIR, subsequent development projects under the Specific Plan would be subject to all applicable City guidelines, standards, and specifications related to transit, bicycle, and pedestrian facilities. Therefore, implementation of the Specific Plan, when combined with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative impacts related to transit service and facilities, bicycle facilities, and pedestrian facilities. Impacts would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.11-3: Contribute to Cumulative Impacts Related to Geometric Design Hazards

Development associated with the Specific Plan would occur incrementally over time. In general, transportation hazards are site-specific and not cumulative in nature. As detailed in Section 3.11-3, of this SEIR, new streets would be constructed in the Specific Plan Area and modification of existing roadways including streetscape, bicycle, pedestrian, and transit facility improvements would occur as the Specific Plan is implemented. All transportation related infrastructure improvements constructed under the Specific Plan would be constructed in accordance with applicable standards to ensure that development would not result in transportation hazards or incompatible uses. Other development projects surrounding the Specific Plan Area would also be required to comply with all applicable design and safety standards, thus minimizing the potential for cumulative transportation-related hazards. With continued regulatory compliance, implementation of the Specific Plan when combined with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to cumulative transportation hazard impacts. Impacts would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No additional mitigation is required beyond compliance with the General Plan Update EIR's circulation element policies CIR 2-2 and CIR 2-4.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.11-4: Contribute to Cumulative Impacts Related to Emergency Access

Implementation of the individual developments under the Specific Plan would be subject to and constructed in accordance with applicable roadway design guidelines and would be subject to review by the Milpitas Fire Department to ensure that adequate emergency access is provided and maintained. Other nearby development projects would also be required to comply with all applicable emergency access standards. Therefore, the Specific Plan's contribution to cumulative effects related to emergency access would remain less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required beyond compliance with the General Plan Update EIR Minimization Measures policies CIR 1-1, CIR 1-7, CIR 1-11, and CIR 1-13.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.12-1: Contribute to Cumulative Impacts Related to Water Supply

Impact 4.15 of the General Plan Update EIR evaluated whether buildout of the General Plan would contribute to cumulative water supply impacts. Impact 4.15 of the General Plan Update EIR concluded that because the projected water demands associated with General Plan buildout would not exceed the projected water supplies, and that the General Plan includes a comprehensive set of goals, policies, and actions to ensure an adequate and reliable source of clean potable water, cumulative water supply impacts would be less than cumulatively considerable.

Since certification of the General Plan Update EIR, the City adopted the 2020 UWMP in June 2021, which provides updates to the water demand and supply projections for the city from the 2015 UWMP relied on in the General Plan Update EIR. The 2020 UWMP identified citywide water supply shortages during dry year conditions for 2025, 2030, 2045 that would occur as a result of cumulative growth and development throughout the SFPUC and Valley Water service area, including the city. The City's 2020 Water Shortage Contingency Plan, which would be implemented during dry year conditions, identifies the installation of five additional groundwater wells by 2025 and two additional groundwater wells by 2040 to help offset the water supply shortages identified for 2030 and 2045. The construction of these additional groundwater wells would have the potential to result in direct environmental effects, including potential impacts on air quality, biological resources, cultural and tribal cultural resources, water quality, and noise, as well as secondary environmental effects such as aquifer depletion, changes in groundwater flow, and subsidence.

As discussed in Section 3.15, "Utilities and Service Systems," of this Draft SEIR, implementation of the proposed Specific Plan would result in an increase in the number of residential units that could be developed within the Specific Plan Area, resulting in additional new residents beyond the number anticipated in the General Plan Update EIR. However, this increase in residential density would decrease the amount of commercial development that could occur within the Specific Plan Area compared to what was evaluated in the General Plan Update EIR. Implementation of the Specific Plan would decrease water demand by 105,875 gpd, resulting in a decrease of 119 AFY compared to the land uses assumed for the Specific Plan Area in the General Plan Update EIR. Although the dry year water supply shortages identified in the 2020 UWMP would not directly occur because of the proposed Specific Plan, the proposed land uses and development projections in the Specific Plan were accounted for in the 2020 UWMP. Therefore, the proposed Specific Plan would contribute to the water supply shortage during these dry year conditions that would potentially trigger the need to construct additional groundwater wells, the construction and operation of which could result in significant environmental impacts. However, the City is implementing drought contingency measures identified in the UWMP through the construction of additional groundwater wells to offset water supply shortages

identified for 2030 and 2045. McCandless Well, located in Delango Manaong Park along McCandless Drive, is a new production well under construction. The well casing was completed in 2021, and is expected to be completed by summer 2026 and operational in 2027. Pinewood well is an existing standby well that may be converted into production. According to the City Water Master Plan, Curtis well, designated to be a production well, is anticipated to be constructed between 2031 and 2035 (Silveira, pers. Comm., 2025). Operation of McCandles Well alone could provide approximately 649 AFY of supplemental water supply that would offset the UWMP projected dry year conditions through the year 2040. Therefore, sufficient water supplies would be available to serve the Specific Plan and reasonably foreseeable future development during normal, dry, and multiple dry years.

All future development associated with the Specific Plan would be required to comply with the provisions identified in Chapter 7 of the proposed Specific Plan. The full list of water infrastructure provisions is provided in Chapter 7, Section 7.3.2 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 2-1 and USC 2-4 and associated Action USC-2f. The proposed water infrastructure provisions would help to reduce water demand associated with buildout of the Specific Plan. Therefore, the Specific Plan's contribution to cumulative water supply impacts, when combined with past, present, and reasonably foreseeable growth and development, would be less than cumulatively considerable as identified in the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.12-2: Contribute to Cumulative Impacts Related to Wastewater

Impact 4.15 of the General Plan Update EIR evaluated whether buildout of the General Plan would contribute to cumulative impacts related to wastewater generation and treatment capacity. Impact 4.15 of the General Plan Update EIR concluded that because projected wastewater generation volumes associated with General Plan buildout would not exceed the projected wastewater treatment capacity, and that the proposed General Plan includes a comprehensive set of goals, policies, and actions to ensure an adequate and reliable wastewater collection and treatment system, cumulative impacts associated with wastewater treatment and compliance with waste discharge requirements would be less than cumulatively considerable.

Past, present, and reasonably foreseeable future projects within the city would generate wastewater requiring treatment at the San José-Santa Clara Regional Wastewater Facility (RWF), which treats approximately 110 million gallons per day (mgd) of wastewater and has a treatment capacity of 167 mgd. The City has rights to discharge up to 14.25 mgd to the RWF under its current allotment (City of Milpitas 2021b). Based on the growth and development projections evaluated in the General Plan Update EIR, there would be approximately 2.4 mgd of wastewater treatment capacity available following buildout of the General Plan. As the city continues to develop in the future, there will be an increased need for water and wastewater services, including a reliable source of recycled water. Since certification of the General Plan Update EIR, the City adopted a comprehensive update to its Sewer Master Plan in 2021 that identifies CIP projects to address existing deficiencies throughout the city as well as accommodate projected growth in the city.

As discussed in Section 3.15, "Utilities and Service Systems," of this Draft SEIR, implementation of the proposed Specific Plan would result in a decrease in water demand by 105,875 gpd, as compared to buildout under the General Plan. Assuming a 1 to 1 ratio of water consumption to wastewater generation, the proposed Specific Plan would result in a corresponding decrease in wastewater of 105,875 gpd as compared to buildout under the General Plan. Additionally, the proposed Specific Plan includes provisions intended to ensure that sewer infrastructure is able to support future growth in the Specific Plan Area. All future development associated with the Specific Plan would be

required to comply with the provisions identified in Chapter 7 of the proposed Specific Plan. The full list of wastewater infrastructure provisions is provided in Chapter 7, Section 7.4.2 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 3-1 through 3-3 and associated Action USC-3b.

Therefore, no new significant or substantially more severe cumulative wastewater impacts would occur compared to the General Plan Update EIR, and the Specific Plan's contribution to cumulative wastewater impacts would remain less than cumulatively considerable.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact 4.4.12-3: Contribute to Cumulative Impacts Related to Solid Waste

Impact 4.15 of the General Plan Update EIR evaluated whether buildout of the General Plan would contribute to cumulative impacts on solid waste disposal facilities. Impact 4.15 of the General Plan Update EIR states that future projects associated with buildout of the General Plan would be required to comply with applicable state and local requirements including those pertaining to solid waste, construction waste diversion, and recycling. Additionally, the General Plan includes actions to further reduce impacts on solid waste services. The General Plan Update EIR concluded that because buildout of the General Plan would not exceed the permitted capacity of the landfill serving the City, and the General Plan complies with regulations related to solid waste, cumulative solid waste impacts would be less than cumulatively considerable.

Past, present, and reasonably foreseeable future projects within the city would generate solid waste that would need to be disposed of at different facilities depending on the material waste stream (e.g., garbage, recyclables, food waste, yard trimmings, and construction and demolition) in accordance with the City's franchise agreement with Milpitas Sanitation, Inc. (MSI). Solid waste is disposed of at the Kirby Canyon Landfill, while recyclables, yard trimmings, and food scraps would be diverted to other facilities. However, the City's disposal rates have been steadily decreasing over time and would likely continue to decrease throughout the life of the Specific Plan in accordance with state and local solid waste diversion requirements. Kirby Canyon Landfill can accept up to 2,600 tons per day of waste and has a remaining permitted capacity of 16,191,600 cubic yards as of 2015, with an estimated closure date of 2059.

As discussed in Section 3.15, "Utilities and Service Systems," of this Draft SEIR, implementation of the proposed Specific Plan would generate approximately 87,891 pounds of solid waste per day, which equates to 43.9 tons per day or 16,040 tons per year of solid waste. Applying the same disposal rates to the population and employment projections identified for the Specific Plan Area in the General Plan Update EIR, the General Plan land uses for the Specific Plan Area would generate approximately 104,534 pounds of solid waste per day, which equates to 52.3 tons per day or 19,078 tons per year of solid waste. As such, the proposed Specific Plan would generate approximately 3,037 fewer tons of solid waste per year compared to what was identified in the General Plan Update EIR. This amount of daily solid waste would also be well within the Kirby Canyon Landfill's daily permitted capacity. As such, Kirby Canyon Landfill would have sufficient capacity to accommodate solid waste generated from buildout of the Specific Plan, and the Specific Plan would not contribute to an exceedance of the landfill's disposal capacity. Furthermore, future development under the Specific Plan would be required to comply with all applicable state and local management and reduction statutes and regulations related to solid waste, including AB 939, AB 341, AB 1826, and the Milpitas Municipal Code, which would reduce the amount of operation-related solid waste that would be disposed of at Kirby Canyon Landfill.

Finally, all future development associated with the Specific Plan would be required to comply with the provisions identified in Chapter 7 of the proposed Specific Plan. The full list of solid waste facility provisions is provided in Chapter 7, Section 7.5.1 of the proposed Specific Plan. Implementation of the proposed Specific Plan would be consistent with General Plan Policies USC 5-2 through 5-4.

Because the waste facilities that serve the Specific Plan Area also serve multiple jurisdictions and the project-level analysis considered overall capacity at multiple facilities, the proposed Specific Plan's contribution to cumulative solid waste impacts would remain less than cumulatively considerable. Therefore, no new significant or substantially more severe cumulative impacts on solid waste facilities would occur compared to the General Plan Update EIR.

MITIGATION MEASURES

No mitigation is required.

Finding

The City Council finds that, based on substantial evidence in the record, the potential impacts related to the Specific Plan's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

10 FINDINGS REGARDING IMPACTS THAT CANNOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

This section addresses those impacts for which the Final SEIR identified a substantial increase in severity of environmental effects disclosed in the General Plan Update EIR that cannot be mitigated below a level of significance. For these impacts, there are no feasible mitigation measures or feasible alternatives that would reduce the impacts to a less-than-significant level, and the impacts would remain significant and unavoidable. This section identifies the significant and unavoidable impacts that require a statement of overriding considerations to be issued by the City Council, pursuant to Section 15093 of the CEQA Guidelines if the Gateway-Main Street Specific Plan is approved. Based on the analysis contained in the Final SEIR, the following impacts have been determined to be significant and unavoidable.

10.1 SECTION 3.4: CULTURAL AND TRIBAL CULTURAL RESOURCES

Impact 3.4-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource

The General Plan Update EIR (Impact 3.5-1) determined that impacts related to historical resources, including the Gateway-Main Specific Plan, would be less than significant, requiring no mitigation. Implementing the Specific Plan would increase the maximum density of development which would increase development pressures and could result in more requests for the demolition of historical resources. This may cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines resulting in a potentially significant impact. As a result, a substantially more severe impact would occur compared to the General Plan Update EIR.

MITIGATION MEASURES

Mitigation Measure 3.4-1a: Conduct Project-Specific Level Surveys

Prior to altering or otherwise affecting a building or structure 50 years old or older and has not been previously evaluated as a potential historic resource, the City shall require the project applicant to retain a qualified architectural historian to evaluate and record it on a California Department of Parks and Recreation DPR 523 form or equivalent

documentation. Its significance shall be assessed by a qualified architectural historian and evaluated against NRHP, CRHR, and local criteria. The evaluation process shall include the development of appropriate historical background research as context for the assessment of the significance. For buildings or structures that do not meet significance and integrity criteria, no further mitigation is required.

Mitigation Measure 3.4-1b: Historical Resources Documentation

Prior to the alteration or demolition of any building or structure that qualifies as a historical resource, a qualified architectural historian, the project applicant, and the City shall consult to consider measures that would enable the project to avoid direct or indirect impacts to the building or structure. If the project cannot avoid modifications to a historic building or structure that would result in a substantial adverse change the City shall ensure that the project applicant have a qualified architectural historian thoroughly documents the building and associated landscaping and setting. If the historic building or structure is eligible or listed on the NRHP, documentation shall include still and video photography and a written documentary record of the building to the standards of the Historic American Building Survey or Historic American Engineering Record, including accurate scaled mapping, architectural descriptions, and scaled architectural plans, if available. A copy of the record shall be deposited with the City, the Milpitas Historical Society, and the Milpitas Library. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.

Finding

The City Council finds that feasible mitigation measures would not reduce the identified significant impact to a less-than-significant level. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), the City's Statement of Overriding Considerations describes the specific overriding economic, legal, social, technological, and other benefits of the Specific Plan project that outweigh this significant and unavoidable impact.

Rationale

For the Specific Plan, implementation of adopted Mitigation Measures 3.4-1a and 3.4-1b would reduce impacts to historical resources. However, because the extent of construction and the presence of unrecorded historical resources cannot be fully known at this time, it is impossible to determine whether the mitigation measures would fully mitigate this impact. The potential for demolition or substantial alteration of a historical resource is unavoidable. Therefore, even with the implementation of adopted Mitigation Measures 3.4-1a and 3.4-1b, the Specific Plan project would result in a significant and unavoidable impact on historic resources. (Draft SEIR page 3.4-17)

Impact 3.4-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources

The General Plan Update EIR (Impact 3.5-1) determined that impacts related to archaeological resources, including the Gateway-Main Specific Plan, would be less than significant, requiring no mitigation. However, additional information obtained since the General Plan Update EIR indicates that the area is highly sensitive for archaeological and tribal cultural resources. Project-related ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. As a result, a substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would be potentially significant.

MITIGATION MEASURES

Mitigation Measure 3.4-2a: Prepare and Implement Worker Training Program

A training program will be provided to all construction personnel active on a given project site prior to implementation of earth moving activities. A qualified archaeologist meeting the United States Secretary of Interior

guidelines for professional archaeologists shall prepare the program and provide the training to all construction personnel. The program will include relevant information regarding archaeological resources, including protocols for resource avoidance, applicable laws regulations, and the consequences of violating them. The program will also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance as well as the actions that need to be taken after a find is made.

Mitigation Measure 3.4-2b: Identify and Protect Unknown Archaeological Resources

During project-specific environmental review of development under the Specific Plan for any projects that include ground disturbance, the project applicant shall hire a qualified archaeologist to determine the potential for the project to result in significant impacts. At a minimum, the effort shall include the following steps: (i) Record's search – The qualified archaeologist shall request a record's search of the entire project area plus a one half mile buffer from the Northwest Information Center at Sonoma State University. (ii) Surface survey exposed soil – The qualified archaeologist shall complete a pedestrian survey of any exposed soils on the project site. (iii) Reporting – The qualified archaeologist shall complete a report/memo that summarizes the results of the record search and pedestrian survey as well as provides recommendations for additional study and/or mitigation measures to protect and/or reduce significant impacts to archaeological resources, as needed. If indigenous materials are identified, the associated tribe(s) will be contacted by the City and will be given the opportunity to review the report and provide input for consideration. (iv) Preservation in place – The project applicant shall consult with the qualified archaeologist to consider means of avoiding or reducing ground disturbance within the archaeological site boundaries, including minor modifications of building footprint, landscape modification, the placement of protective fill (capping), the establishment of a preservation easement, or other means that will avoid or substantially preserve the resource in place. If avoidance or substantial preservation in place is not possible, the project applicant shall implement Mitigation Measure 3.4-2(e).

Mitigation Measure 3.4-2c: Identify and Protect Known Unique Archaeological Resources

During project-specific environmental review of development under the Specific Plan for any projects that include ground disturbance, the project applicant shall define each project's area of effect for archaeological resources. The project applicant shall determine the potential for the project to result in cultural resources impacts, based on the extent of ground disturbance and site modification anticipated for the project. The project applicant shall implement the following steps where it has been determined under Mitigation Measure 3.4-2b(iv) that avoidance or preservation in place is not feasible, a qualified archaeologist, in consultation with the City, and Native American tribe(s) as applicable, shall:

- 1) Retain a qualified archaeologist to conduct a subsurface investigation of the archaeological site, to ascertain whether buried archaeological materials are present and, if so, the extent of the deposit relative to the project's area of effects. The project applicant shall be responsible for facilitating access to the archaeological site if it is paved at the moment of testing. If an archaeological deposit is discovered, the archaeologist shall prepare a site record and a written report of the results of investigations and filed with the appropriate Information Center of the California Historical Resources Information System. The archaeological resource shall be evaluated by a qualified archaeologist, who shall determine whether it qualifies as a historical resource or a unique archaeological resource under the criteria of CEQA Guidelines § 15064.5.
- 2) If the resource does not meet the criteria of CEQA Guidelines § 15064.5, then it shall be noted in the environmental document and no further mitigation is required unless there is a discovery during construction. In the event of a discovery Mitigation Measure 3.4-2e below shall be implemented. However, the archaeological resource may be identified as a tribal cultural resource regardless even if it is determined that it is not a unique archaeological resource (See Mitigation Measures 3.4-3b and 3.4-3c below for further information).
- 3) If archaeological material within the project's area of effects is determined to qualify as a historical resource or a unique archaeological resource (as defined by CEQA), the project applicant shall consult with the qualified archaeologist to prepare a research design and archaeological data recovery plan for the recovery that will capture those categories of data for which the site is significant and implement the data recovery plan prior to or during development of the site. The archaeologist shall prepare a written report of the results of the data

recovery and filed with the appropriate Information Center of the California Historical Resources Information System.

- 4) If, in the opinion of the qualified archaeologist and tribe(s) as applicable and in light of the data available, the significance of the site is such that data recovery cannot capture the values of the resource, the project applicant shall reconsider project plans in light of the high value of the resource, and implement more substantial modifications to the project that would allow the site to be preserved intact, such as project redesign, placement of fill, or project relocation or abandonment. If no such measures are feasible, the project applicant shall implement Mitigation Measure 3.4-2d.

Mitigation Measure 3.4-2d: Retain Archaeological Monitor

During project-specific environmental review of development under the Specific Plan, the project applicant shall retain an archaeological monitor for projects where an archaeological resource cannot be preserved or avoided. The archaeological monitor shall be retained prior to the commencement of any ground-disturbing activities (e.g., tree removals, boring, excavation, drilling, and trenching) for the future projects within 100 feet from all known archaeological resources that have been determined eligible or listed in the CRHR and NRHP, California Historical Landmarks, and any archaeological resources that have not been evaluated for its significance. A copy of the executed monitoring agreement shall be submitted to the project applicant and the City prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries. Monitor logs will identify and describe any discovered archaeological resource. Copies of monitor logs will be provided to the project applicant.

Mitigation Measure 3.4-2e: For All Ground-Disturbing Construction Activities, Halt Ground Disturbance Upon Discovery of Subsurface Archaeological Features

During project-specific environmental review under the Specific Plan, for projects where no archaeological materials have been identified as part of Mitigation Measures 3.4-2b and 3.4-2c, in the event that any precontact or historic era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the qualified archaeologist determines the archaeological material to be Native American in nature, the project applicant shall contact the appropriate Native American tribe for their input on the preferred treatment of the find. Mitigation Measure 3.4-2b(iv) or Mitigation Measure 3.4-2c and Mitigation Measure 3.4-2d shall be implemented.

Finding

The City Council finds that feasible mitigation measures would not reduce the identified significant impact to a less-than-significant level. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), the City's Statement of Overriding Considerations describes the specific overriding economic, legal, social, technological, and other benefits of the Gateway-Main Street Specific Plan project that outweigh this significant and unavoidable impact.

Rationale

For the Specific Plan, implementation of adopted Mitigation Measures 3.4-2a through 3.4-2e would reduce impacts to unique archaeological resources. However, because the extent of construction and the presence of unrecorded archaeological resources cannot be fully known at this time, it is impossible to determine whether the mitigation measures would fully mitigate this impact. The potential for demolition or substantial alteration of a unique archaeological resource is unavoidable. Therefore, even with the implementation of adopted Mitigation Measures 3.4.2a through 3.4.2e, the Specific Plan would result in a significant and unavoidable impact on archaeological resources (Draft SEIR page 3.4-19).

Impact 3.4-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

The General Plan Update EIR did not analyze impacts related to tribal cultural resources. AB 52 went into effect in 2014 and prior to that, tribal consultation was not required as part of the EIR process. However, additional information obtained through tribal consultation since the General Plan Update EIR was completed indicates that the area is highly sensitive for tribal cultural resources. Consultation with the Muwekma Ohlone Tribe of the SF Bay Area and Tamien Nation has not resulted in specific resources being identified as tribal cultural resources as described under PRC Section 21074. Although neither of the consulting tribes, the Muwekma Ohlone Tribe of the SF Bay Area and Tamien Nation, have specifically identified any of these archaeological sites as a tribal cultural resource as defined in PRC Section 21074, the tribe(s) have expressed great concern for these resources and have identified the Specific Plan Area as highly sensitive for tribal cultural resources. Therefore, the Specific Plan's impact on tribal cultural resources would be more severe compared to the General Plan Update EIR, and this impact would be potentially significant.

MITIGATION MEASURES

Mitigation Measure 3.4-3a: Conduct Tribal Cultural Resources Awareness Training

During project-specific environmental review for development under the Specific Plan, the City shall coordinate with California Native American tribe(s) to prepare tribal cultural resource awareness and sensitivity training. All crew members and contractors shall be trained in the protection of tribal cultural resources and sensitive archaeological resources that the tribe(s) deems important. Workers will be trained to halt work if tribal cultural resources or sensitive archaeological resources are encountered and the construction method consists of physical disturbance of land surfaces (e.g., soil disturbance). The program will also underscore the requirement for confidentiality and culturally appropriate treatment of any find of significance to Native Americans and protocols, consistent, to the extent feasible, with Native American Tribal values. The tribe(s) shall determine the most appropriate method of training (e.g., in person, brochure, or archaeological consultant).

Mitigation Measure 3.4-3b: Identify and Protect Unknown Tribal Cultural Resources

During project-specific environmental review under the Specific Plan, if the City in consultation or coordination with the tribe(s) determines that a project activity may cause a substantial adverse change to a tribal cultural resource, and measures to protect the resource are not otherwise identified in the consultation process, the project applicant shall implement the following steps to identify and protect tribal cultural resources or archaeological resources significant to the tribe that may be present in the project's area of effects.

- 1) If a tribal cultural resource is identified, the project lead shall consult with the tribe(s) to consider means of avoiding or reducing ground disturbance within the resource boundaries, including minor modifications of building footprint, landscape modification, the placement of protective fill (e.g., capping), the establishment of a preservation easement, or other means that will avoid or substantially preserve the resource in place. Similar to Mitigation Measure 3.4-2b(iv).
- 2) If avoidance or substantial preservation in place of tribal cultural resources is not possible, the project lead shall implement Mitigation Measure 3.4-3(c).
- 3) For projects that require subsurface testing of archaeological sites that contain indigenous materials, the project applicant shall retain the Native American tribe(s) to monitor the subsurface testing of the project area that is required under Mitigation Measure 3.4-2c. The type of subsurface testing (e.g., ground-penetrating radar, core, forensic dogs, excavation) shall be coordinated with the consulting tribe(s).

Mitigation Measure 3.4-3c: Identify and Protect Known Tribal Cultural Resources

If the City determines that avoidance or preservation in place of a tribal cultural resource is not feasible and ground disturbance cannot be avoided, the project lead and Native American tribe(s) as applicable, shall develop a treatment

plan. The treatment plan shall include, but not be limited to testing, excavation strategy, research design, resource significance assessment methods, a burial treatment agreement (if applicable), reporting requirements and health and safety procedures. The burial treatment agreement (if applicable) shall include a discussion of reburial options, locations, and potential easements, considering tribal preferences. This may be developed in conjunction with Mitigation Measure 3.4-2c.

Mitigation Measure 3.4-3d: Retain a Native American Monitor

Irrespective of pedestrian survey or subsurface testing findings, the project lead shall notify the appropriate Native American tribe(s) and retain a representative for tribal cultural resource monitoring prior to the commencement of any ground-disturbing activities within 100 feet from all known tribal and archaeological resources (containing indigenous materials) that have been determined eligible or listed in the CRHR and NRHP, as well as California Historical Landmarks, and any archaeological resources that have not been evaluated for its significance. The project applicant shall contact the tribal representatives a minimum of seven days prior to beginning earthwork or other ground disturbing activities; construction activities will proceed if no response is received 48 hours prior to ground disturbing activities. The tribal monitor shall only be present onsite during the construction phases that involve ground disturbing activities, including but not limited to tree removals, boring, excavation, drilling, and trenching. The tribal monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. The onsite monitoring shall end when the site grading and excavation activities are completed, or when the tribal representatives and monitor have indicated that the site has a low potential for impacting tribal cultural resources.

Mitigation Measure 3.4-3e: Implement Native American Response and Treatment Protocol

During project-specific environmental review under the Specific Plan, for projects where no archaeological materials have been identified as part of Mitigation Measures 3.4-3b and 3.4-3c, in the event that any tribal cultural resources and/or precontact subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted. The project applicant shall contact the appropriate Native American tribe(s) for their input on the preferred treatment of the find. Mitigation Measure 3.4-3b (1) or Mitigation Measure 3.4-3c and Mitigation Measure 3.4-3d shall be implemented. If artifacts are recovered from significant tribal cultural resources, the first option shall be to transfer the artifacts to an appropriate tribal representative. If possible, accommodations shall be made to reinter the artifacts at the project site or another mutually agreed upon (with the Native American representative) location within the Specific Plan Area. Only if no other options are available will recovered precontact archaeological material be housed at a qualified curation facility, if approved by the consulting tribe(s).

Finding

The City Council finds that feasible mitigation measures would not reduce the identified significant impact to a less-than-significant level. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), the City's Statement of Overriding Considerations describes the specific overriding economic, legal, social, technological, and other benefits of the Gateway-Main Street Specific Plan project that outweigh this significant and unavoidable impact.

Rationale

For the Specific Plan, implementation of adopted Mitigation Measures 3.4-3a through 3.4-3e would reduce impacts to tribal cultural resources. However, because the extent of future ground disturbance and the potential presence of tribal cultural resources cannot be fully known at this time, it is impossible to determine whether the mitigation measures would fully mitigate this impact. The potential for demolition or substantial alteration of a tribal cultural resource is unavoidable. Therefore, even with the implementation of adopted Mitigation Measures 3.4-3a through 3.4-3e, the Specific Plan would result in a significant and unavoidable impact on Tribal Cultural Resources (Draft SEIR page 3.4-22).

10.2 SECTION 3.8: NOISE

Impact 3.8-2: Generate a Substantial Increase in Long-Term Transportation Noise Levels

The General Plan Update EIR (Impact 3.12-1) determined that transportation noise increases as a result of General Plan implementation would be excessive and exceed noise standards. This impact was concluded to be significant and unavoidable. Implementation of the proposed Specific Plan would allow for additional residential development potential beyond what was assumed in the General Plan Update EIR, and a reduction in nonresidential development. Based on traffic noise modeling, the proposed Specific Plan would not result in an increase in traffic noise impacts beyond what was evaluated in the General Plan Update EIR. As a result, no new significant or substantially more severe impact would occur compared to the General Plan Update EIR, and this impact would remain significant and unavoidable.

MITIGATION MEASURES

As noted in the General Plan Update EIR, no feasible mitigation is available to reduce this impact.

Finding

The City Council finds that there are no feasible mitigation measures to reduce the identified significant impact to a less-than-significant level. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), the City's Statement of Overriding Considerations describes the specific overriding economic, legal, social, technological, and other benefits of the Gateway-Main Street Specific Plan project that outweigh this significant and unavoidable impact.

Rationale

For the Specific Plan, traffic noise modeling demonstrates that the project would not result in a substantial increase in long-term transportation noise levels compared to the General Plan Update and would not exceed the City's thresholds for substantial noise increases. However, the General Plan Update EIR concluded that cumulative long-term transportation noise impacts would be significant and unavoidable due to anticipated increases in regional traffic volumes and associated noise. Implementation of the Specific Plan would allow additional residential units beyond what is allowed under the General Plan, resulting in an associated increase in traffic noise levels surrounding the Specific Plan project area. Similar to the General Plan Update EIR, no feasible mitigation is available to reduce impacts to long-term transportation noise levels. Although the proposed Specific Plan would cause no significant new effect and the Specific Plan would not result in a new or substantially more severe impact identified in the General Plan Update EIR, no feasible mitigation has been identified to avoid cumulative traffic noise impacts, and impacts would remain significant and unavoidable (Draft SEIR page 3.8-16).

10.3 SECTION 3.11: TRANSPORTATION

Impact 3.11-2: Conflict or Be Inconsistent with CEQA Guidelines Section 15064.3(b) Regarding Vehicle Miles Traveled

General Plan Update EIR (Impact 3.14-2) determined that the VMT generated by residential development under the General Plan would not exceed the applicable significance threshold; however, the VMT generated by employment-based development under the General Plan would exceed the applicable threshold. The General Plan Update EIR concluded that because it could not be guaranteed that VMT would be reduced to below the applicable threshold with adherence to General Plan policies and all feasible mitigation measures, the VMT impact would be significant and unavoidable. Implementation of the Specific Plan would result in increased residential development and

decreased non-residential development as compared to what was analyzed for the General Plan buildout. Consistent with the findings of the General Plan Update EIR, implementation of the Specific Plan would not exceed the significance thresholds of 25.40 VMT per service population or 11.87 VMT per resident. However, employment-based development proposed by the project would exceed the threshold of 14.31 VMT per employee. Therefore, consistent with the conclusion in the General Plan Update EIR, VMT per employee would exceed the applicable threshold with implementation of the Specific Plan. Implementation of Mitigation Measures 3.11-2a through 3.11-2f would help reduce VMT from employee commutes as well as at the plan area level; however, it cannot be guaranteed how effective these measures would be. For these reasons, there is no new significant effect, and the impact is not more severe than the impact identified in the General Plan Update EIR. This impact would remain significant and unavoidable.

MITIGATION MEASURES

Mitigation Measure 3.11-2a: Implement Commute Trip Reduction Program

Future employers shall develop and implement a commute trip reduction program and shall present the strategy to the City of Milpitas for review and approval. The following elements, or equally effective alternatives, shall be provided as part of the Commute Trip Reduction program:

- ▶ ridesharing program,
- ▶ subsidized or discounted transit passes,
- ▶ end-of-trip bicycle facilities,
- ▶ employer-sponsored vanpool, and
- ▶ guaranteed ride home program.

Additionally, the Commute Trip Reduction Program must be complimented with Commute Trip Reduction Marketing to share information, facilitate coordination, and implement marketing for services, infrastructure, and incentives provided by the Commute Trip Reduction Program. The following features, or similar alternatives, shall be implemented to satisfy the Commute Trip Reduction Marketing strategy.

- ▶ On-site or online commuter information services,
- ▶ Employee transportation coordinators, and
- ▶ On-site or online transit pass sales

Potential Reduction in VMT: Commute Trip Reduction programs discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking, thereby reducing VMT. A voluntary commute trip reduction program can reduce employee commute VMT by up to 4.0 percent with full participation of all eligible employees (CAPCOA 2021).

Mitigation Measure 3.11-2b: Require Employers to Provide Employer-Sponsored Vanpool or Shuttle Service

The project applicant shall require building occupants or tenants (i.e., employer) to implement an employer-based shuttle or vanpool service. For large employers with corporate campuses, this may include running private shuttles to and from neighborhoods where employees live. For smaller employers, or buildings with multiple employer tenants, it may involve a shuttle connecting to regional transit, such as a Caltrain station, funded through an organization such as a transportation management association.

Potential Reduction in VMT: Vanpooling is a flexible form of public transportation that provides groups of five to 15 people with a cost-effective and convenient rideshare option for commuting, thus reducing single-occupancy trips and VMT. Employer-sponsored vanpool can reduce employee commute VMT by up to 7 percent (Fehr & Peers 2024).

Mitigation Measure 3.11-2c: Provide a Ridesharing Program

Building occupants or tenants who provide employment for 50 people or more shall develop and implement ridesharing programs. The following strategies provide examples of a multifaceted approach for promoting a rideshare program:

- ▶ designating a certain percentage of desirable parking spaces for ridesharing vehicles,
- ▶ designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles, and
- ▶ providing an app or website for coordinating rides.

Potential Reduction in VMT: Ridesharing encourages carpooled vehicle trips in place of single-occupancy vehicle trips, thereby reducing the number of trips and VMT. Ridesharing programs can reduce employee commute VMT by up to 8 percent (CAPCOA 2021).

Mitigation Measure 3.11-2d: Implement Carshare Program

The project applicant shall increase carshare access in the user's community by deploying conventional carshare vehicles.

Potential Reduction in VMT: Carsharing offers people convenient access to a vehicle for personal or commuting purposes. This helps encourage transportation alternatives and reduces vehicle ownership, thereby reducing VMT. Carsharing can reduce VMT by up to 0.15 percent in the plan area (CAPCOA 2021).

Measure 3.11-2e: Establish a Bikeshare, Electric Bikeshare, and Scootershare Program

Establish a bikeshare and scootershare program that provides users with on-demand access to bicycles, electric pedal assist bicycles, and electric scooters for short-term rentals.

Potential Reduction in VMT: This encourages a mode shift from vehicles to active modes of transportation, displacing VMT. Establishing bikeshare, electric bikeshare, and scootershare programs can result in up to 0.02 percent, 0.06 percent, and 0.07 percent VMT reduction in plan area, respectively (CAPCOA 2021).

Measure 3.11-2f: Implement On-Street Market Price Parking

The City shall establish pricing all on-street parking in central business districts, employment centers, and retail centers within the Specific Plan area.

When pricing on-street parking, best practice is to allow for dynamic adjustment of prices to ensure approximately 85 percent occupancy, which helps prevent induced VMT due to circling behaviors as individuals search for a vacant parking space. In addition, this method should primarily be implemented in areas with available alternatives to driving, such as transit availability within 0.5 mile or areas of high residential density nearby (allowing for increased walking/biking). If the measure is implemented in a small area, residential parking permit programs should be considered to prevent parking intrusion on nearby streets in residential areas without priced parking.

Potential Reduction in VMT: Increasing the cost of parking increases the total cost of driving to a location, incentivizing shifts to other modes and thus decreasing total VMT to and from the priced areas. On-street market price parking can reduce VMT by up to 30 percent in the plan area (CAPCOA 2021).

Finding

The City Council finds that feasible mitigation measures would not reduce the identified significant impact to a less-than-significant level. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), the City's Statement of Overriding Considerations details the specific overriding economic, legal, social, technological, and other benefits of the Gateway-Main Street Specific Plan project that outweigh this significant and unavoidable impact.

Rationale

For the Specific Plan, implementation of Mitigation Measures 3.11-2a through 3.11-2f would reduce VMT. These measures are consistent with General Plan Policy CIR 4-1 and reflect best practices recommended by CAPCOA to reduce VMT at the project and plan area level. However, while the Specific Plan would reduce overall service population VMT and residential VMT to below applicable thresholds, it would exceed the employee-based VMT threshold of 14.31 VMT per employee, consistent with the General Plan Update EIR, which also identified significant and unavoidable VMT impacts related to employment-based development. Because the effects of the mitigation measures cannot be guaranteed and it cannot be demonstrated that the VMT per employee would be reduced below threshold, the impact would remain significant and unavoidable. Therefore, even with the implementation of adopted Mitigation Measures 3.11-2a through 3.11-2f, the Specific Plan would result in a significant and unavoidable impact on VMT (Draft SEIR Page 3.11-23).

10.4 SECTION 4: CUMULATIVE IMPACTS

Cumulative Impact 4.4.4-1: Contribute to Cumulative Impacts to Historical Resources, Archaeological, and Tribal Cultural Resources

The cumulative context for the historical resources analysis considers a broad regional area of which the resources are a part. The cumulative context for historical resources for this project includes the project region (i.e., project area, the city of Milpitas, and the county of Santa Clara). The cumulative context for the archaeological resources and tribal cultural resources (TCRs) analysis considers a broad regional area that includes the traditional tribal lands of the Costanoan people that occupied during the pre-contact period. Impact 4.5 of the General Plan Update EIR determined buildout of the General Plan, in combination with other development projects in the surrounding region, could result in discovery and removal of cultural resources, including archeological, historical, and Native American resources and human remains. However, the General Plan Update EIR concluded the General Plan's contribution to this potential impact would be less than cumulatively considerable because each project under the General Plan would undergo further environmental review of project-specific impacts prior to City approval and would be required to comply with policies, actions, and regulations to avoid and/or minimize a cumulative loss of cultural resources. As identified in Impact 3.4-1, implementation of the proposed Specific Plan would result in changing the zoning to allow greater density. The development pressure could increase and result in more requests for the demolition of historical resources. Project Mitigation Measures 3.4-1a and 3.4-1b would assist, but not fully mitigate, this impact. As a result, substantially more severe cumulative impact would occur compared to the General Plan Update EIR, and this impact would be cumulatively considerable and significant and unavoidable. Since the adoption of the Midtown Plan in 2001, several discoveries have been made in the area, which indicates a higher sensitivity for resources than previously identified. Additionally, the tribal consultation required under AB52 has informed the context of the area and indicated a higher sensitivity of the area as well. Implementation of the proposed Specific Plan, in combination with other past, present, and reasonably foreseeable future development within the region, would involve ground-disturbing activities that could result in discovery of or damage to known or previously undiscovered archaeological resources and TCRs, as defined in State CEQA Guidelines Section 15064.5 and Public Resources Code (PRC) Section 21074, respectively, within the cumulative context. Proper planning and appropriate mitigation can help to capture and preserve knowledge of such resources and can provide opportunities for increasing our understanding of cultures and past environmental conditions by recording data about sites discovered and preserving artifacts found. Federal, State, and local laws are also in place that protect these resources in most instances. Even so, it is not always feasible to protect these resources, particularly when preservation in place would make projects infeasible, and for this reason the cumulative effects of past, present, and reasonably foreseeable future projects could result in a potentially significant cumulative impact on archaeological and tribal cultural resources. Compliance with California Health and Safety Code Section 7050.5 and PRC Sections 21080.3.2, and 21084.3(a), as well as implementation of Mitigation Measures 3.4-2a through 3.4-2e and 3.4-3a through 3.4-3e would ensure that treatment and disposition of unique archaeological resources are handled by a professional archaeologist, qualified under the Secretary of the Interior's Professional Qualification Standards, and TCRs, including human remains, occurs in a manner consistent

with the California Native American Heritage Commission guidance. However, due to the sensitivity of the area some archaeological resources may not be able to be avoided during future projects, the Specific Plan's contribution to cumulative impacts on archaeological resources and TCRs would be more severe compared to the General Plan Update EIR, and this impact would be cumulatively considerable and significant and unavoidable.

MITIGATION MEASURES

Implementation of Mitigation Measures 3.4-1a, 3.4-1b, 3.4-2a through 3.4-2e, and 3.4-3a through 3.4-3e would address this impact. No additional measures are available.

Finding

The City Council finds that there are no additional feasible mitigation measures that would reduce the identified significant cumulative impact to a less-than-significant level. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), the City's Statement of Overriding Considerations details the specific overriding economic, legal, social, technological, and other benefits of the Specific Plan that outweigh this significant and unavoidable impact.

Rationale

For the Specific Plan, implementation of adopted Mitigation Measures 3.4-1a, 3.4-1b, 3.4-2a through 3.4-2e, and 3.4-3a through 3.4-3e would reduce impacts to historical resources, unique archaeological resources, and TCRs. Implementation of the proposed Specific Plan would result in greater density and development, which could result in the demolition of historical resources. The extent of future ground disturbance and the potential presence of historical resources, archaeological, and TCRs cannot be fully known at this time. Therefore, it is impossible to determine whether the mitigation measures would mitigate this cumulative impact below a level of significance, and the potential for demolition or substantial alteration to unique archaeological resources and TCRs is unavoidable. Therefore, even with the implementation of adopted Mitigation Measures 3.4-1a, 3.4-1b, 3.4-2a through 3.4-2e, and 3.4-3a through 3.4-3e, the Specific Plan would result in a significant and unavoidable impact on Historical Resources, Archaeological, and TCRs. (Draft SEIR page 3.4-8)

Cumulative Impact 4.4.8-2: Contribute to Cumulative Traffic Noise Impacts

With respect to mobile-source noise levels, the cumulative context includes local roadways likely to be affected by project-related vehicles. As discussed in Section 3.11, "Noise and Vibration," project-related traffic increases would not result in a substantial noise increase on affected roadways. Traffic noise was also modeled under the cumulative context. Table 4 shows an increase in traffic noise between the cumulative no project scenario and the cumulative with project scenario.

Table 4 Summary of Modeled Traffic Noise Levels under Cumulative No Project and Cumulative Plus Project Conditions

Segment No.	North-South	East-West	Roadway Segment	Midtown Conditions Noise Levels ¹ (dBA L _{dn})	Gateway-Main Street+ Project Noise Levels ² (dBA L _{dn})	Modeled Change (dBA)	Applicable Increase Threshold	Exceeds Applicable Threshold?
1	Park Victoria Dr	Calaveras Dr.	Calaveras West	67.8	67.8	0.0	1.5	No
2	Hillview Dr	Calaveras Dr.	Calaveras West	69.1	68.9	-0.2	1.5	No
3	Hillview Dr	Calaveras Dr.	Calaveras East	69.1	68.8	-0.4	1.5	No
4	Milpitas Blvd	Calaveras Dr.	Calaveras West	69.1	68.8	-0.3	1.5	No
5	Milpitas Blvd	Calaveras Dr.	Calaveras East	63.5	63.2	-0.2	1.5	No

Segment No.	North-South	East-West	Roadway Segment	Midtown Conditions Noise Levels ¹ (dBA L _{dn})	Gateway-Main Street+ Project Noise Levels ² (dBA L _{dn})	Modeled Change (dBA)	Applicable Increase Threshold	Exceeds Applicable Threshold?
6	Abel St	Calaveras Dr.	Abel North	59.1	58.6	-0.4	3	No
7	Abel St	Sierra Way	Abel South	64.1	63.7	-0.4	3	No
8	Abel St	Calaveras Dr.	Calaveras West	70.1	70.0	-0.2	1.5	No
9	Abel St	Marylinn Dr	Abel North	58.8	58.6	-0.3	5	No
10	Abel St	Marylinn Dr	Abel South	58.5	58.3	-0.3	5	No
11	Abbott Ave	Calaveras Dr.	Calaveras West	64.4	64.2	-0.2	1.5	No
12	Abbott Ave	Calaveras Dr.	Calaveras East	64.2	64.0	-0.2	1.5	No
13	Abel St	Sierra Way	Abel South	57.8	57.3	-0.4	5	No
14	Abel St	Corning Ave	Abel South	57.7	57.4	-0.2	5	No
15	Abel St	Curtis Ave	Abel South	58.9	58.5	-0.4	5	No
16	Main St	Curtis Ave	Main South	56.1	55.4	-0.7	5	No

Notes: L_{dn} = day-night noise level; dBA = A-weighted decibel; SR = State Route; 1 = represents Cumulative Conditions of the VMT for the Environmental Review; 2 = represents Cumulative with Project Conditions of the VMT for the Environmental Review

All modeling assumes average pavement, level roadways (less than 1.5% grade), constant traffic flow, and does not account for shielding of any type or finite roadway adjustments. All noise levels are reported as A-weighted noise levels. For additional details, refer to Appendix EE for detailed traffic data, and traffic-noise modeling input data and output results.

Source: Data provided by Fehr & Peers 2024; Modeled by Ascent in 2024.

As shown above, project-generated traffic would not result in increased traffic along any roadways. Traffic noise increases would range from -0.7 dB to 0.0 dBA L_{dn}, and noise levels along roadway segments.

Therefore, the proposed Specific Plan's contribution to the significant cumulative impact would be less than cumulatively considerable, though the impact would remain cumulatively significant and unavoidable as identified in the General Plan Update EIR.

MITIGATION MEASURES

As noted in the General Plan Update EIR, no feasible mitigation is available to reduce this impact.

Finding

The City Council finds that there are no feasible mitigation measures to reduce the identified significant cumulative impact to a less-than-significant level. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), the City's Statement of Overriding Considerations details the specific overriding economic, legal, social, technological, and other benefits of the Gateway-Main Street Specific Plan project that outweigh this significant and unavoidable impact.

Rationale

For the Specific Plan, cumulative traffic noise impacts were evaluated based on modeled traffic volumes under both cumulative no-project and cumulative plus-project conditions. Noise level changes across all roadway segments would range from 0.0 to -0.7 dBA L_{dn}, which are below the City's applicable thresholds for a substantial increase. The proposed Specific Plan would not result in a new or substantially more severe traffic noise impact than was previously disclosed in the General Plan Update EIR, and project's contribution to the significant cumulative traffic noise impact would be less than cumulatively considerable. However, because the General Plan Update EIR identified cumulative traffic noise as a significant and unavoidable impact due to long-term regional traffic growth, and no feasible

mitigation has been identified, the cumulative traffic noise impact would be cumulatively significant and unavoidable (Draft SEIR page 4-13).

Cumulative Impact 4.4.11-2: Contribute to Cumulative Vehicle Miles Traveled

Impact 4.14 of the General Plan Update EIR analyzed whether the General Plan would result in a net increase in total VMT as compared to existing conditions. The General Plan Update EIR identified that General Plan land use patterns and intensities, and General Plan policies would include a multitude of components to reduce VMT. Individual development projects are required to completed VMT analyses based on forthcoming VMT policies and thresholds to be established by the City of Milpitas, including transportation demand management (TDM) measures designed to reduce employment based VMT. The General Plan Update EIR concluded that while such measures are likely to result in less-than-significant VMT impacts when considered at an individual project level, they cannot be guaranteed and are not possible to fully quantify or mitigate at a Citywide level as part of a programmatic General Plan. Therefore, the General Plan Update EIR concluded transportation impacts to be a cumulatively considerable and significant and unavoidable impact. Boundary VMT captures all VMT on the roadway network within a specified geographic area, including local trips plus interregional travel that does not have an origin or destination within the specified area. The use of boundary VMT is a more comprehensive evaluation of the potential effects of a project because it captures the combined effect of shifts in existing VMT due to land use and transportation network changes in the region, shifts in existing traffic to alternate travel routes or modes, and new VMT from additional land use development in the region. Boundary VMT is divided by the service population to account for the effects of population and/or employment growth and the effects of changes in personal travel behavior within the specified geographic area.

The cumulative condition for the analysis is presumed to be the full buildout of the Milpitas General Plan, which includes the Midtown Specific Plan, whereas in the cumulative with project condition replaces the Midtown Specific Plan by the Gateway-Main Street Specific Plan (i.e., project). The cumulative VMT analysis evaluates whether implementation of the Specific Plan would result in an increase in the regionwide boundary VMT from the cumulative scenario to the cumulative plus project scenario. As shown in Table 5, the regional impact threshold for the Specific Plan's effect on VMT is the 2040 regionwide boundary VMT per service population of 13.40.

Table 5 Cumulative and Cumulative Plus Project VMT Assessment

	Cumulative Condition	Cumulative Plus Project Condition
South Bay Area¹		
Boundary VMT (A) ¹	111,997,595	111,890,030
Service Population (B) ^{1,2}	8,357,812	8,359,030
Boundary VMT per Service Population (C = A/B)	13.40	13.39
Boundary VMT per Service Population Threshold	13.40	-

Notes: VMT = Vehicle Miles Traveled

¹ Rounded service population and VMT to nearest 10

² Service population is defined as the sum of all residents and employees.

Source: Fehr & Peers 2024.

As shown in Table 5, the boundary VMT per service population for the Specific Plan is 13.39, which is below the threshold of significance of 13.40 VMT per service population (i.e., 2040 regional VMT per service population). Therefore, the cumulative VMT impact from the Specific Plan would be less than cumulatively considerable. The proposed Specific Plan's contribution to the significant cumulative impact would be less than cumulatively considerable, though the impact would remain cumulatively considerable and significant and unavoidable as identified in the General Plan Update EIR.

MITIGATION MEASURES

Implementation of Mitigation Measures 3.11-2a through 3.11-2f would address this impact. No additional measures are available.

Finding

The City Council finds that feasible mitigation measures would not reduce the identified significant impact to a less-than-significant level. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), the City's Statement of Overriding Considerations details the specific overriding economic, legal, social, technological, and other benefits of the Specific Plan project that outweigh this significant and unavoidable impact.

Rationale

Implementation of Mitigation Measures 3.11-2a through 3.11-2f would reduce VMT generated by employment-based uses in the Specific Plan area by encouraging alternative modes of transportation and reducing reliance on single-occupancy vehicle trips, consistent with CAPCOA VMT reduction strategies. However, consistent with the General Plan Update EIR, cumulative VMT impacts from regional growth and full buildout of the General Plan remain significant and unavoidable because it is speculative to evaluate the environmental impacts of VMT reductions at this time. Therefore, the cumulative impact on VMT would be cumulatively significant and unavoidable (Draft SEIR page 4-16).

11 FINDINGS REGARDING ALTERNATIVES

Section 15126.6(a) of the CEQA Guidelines requires the discussion of "a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives." The Final SEIR identified and considered the following reasonable range of feasible alternatives to the proposed Gateway-Main Street Specific Plan; these alternatives would be capable, to varying degrees, of reducing identified impacts:

Alternative 1: No Project Alternative

Alternative 2: Increased Residential Development for Main Street and Crossroad Districts Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the proposed Gateway-Main Street Specific Plan identified in the Final SEIR, as well as for their ability to meet the basic objectives of the proposed Gateway-Main Street Specific Plan as described in the Final SEIR.

11.1 NO PROJECT ALTERNATIVE

Description

CEQA Guidelines Section 15126.6(e)(1) requires that the "no project" alternative be described and analyzed "to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project." The no project analysis is required to discuss "the existing conditions at the time the notice of preparation is published...as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" (Section 15126.6[e][2]). The CEQA Guidelines continue:

If the project is...a development project on identifiable property, the no project alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project were approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this "no project" consequence

should be discussed. In certain instances, the no project alternative means "no build" wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment. (Section 15126.6[e][3][B])

Under Alternative 1, the No Project Alternative, no actions would be taken. The Midtown Plan would remain in effect as it was adopted by the city in 2002 and designated in the General Plan Update, adopted in 2021. General Plan land use designations and zoning within the Specific Plan Area would remain unchanged. Buildout under Alternative 1 would consist of 3,838 residential dwelling units (population of 12,568) and nonresidential development of 3,293,240 square feet of nonresidential uses (7,898 jobs).

Comparison of Environmental Impacts

As shown in the Draft SEIR analysis, implementation of the No Project Alternative would not avoid or substantially reduce any of the significant impacts of the proposed plan. The No Project Alternative was considered the environmentally superior alternative. This alternative would result in reduced impacts to cultural and tribal cultural resources, population and housing, public services and recreation, and utilities and service systems. This alternative would have similar impacts for aesthetics, air quality, biological resources, cultural and tribal cultural resources, land use and planning, and noise and vibration. This alternative would result in greater impacts for energy and greenhouse gas emissions and climate change, and would not achieve any of the project objectives.

Feasibility, Attainment of Project Objectives, and Findings

As shown in the Draft SEIR analysis, the No Project Alternative would not meet most of the project objectives. While it would avoid significant and unavoidable impacts related to cultural resources and tribal cultural resources, it would fail to achieve the City's goals for housing, land use, and economic development. The No Project Alternative would retain the existing Midtown Plan and would not result in revised land use designations and zoning that reflect existing conditions. As documented in the Draft SEIR Chapter 5, "Alternatives," No Project Alternative is less energy efficient than the Gateway-Main Street Specific Plan (Draft EIR Tables 3.5-1 through 3.5-4), would have greater GHG emissions than the Gateway-Main Street Specific Plan (Draft EIR Tables 3.6-3 and 3.6-4), and would have decreased VMT efficiency than the proposed Specific Plan (Table 9 of Appendix D of the Draft EIR). Because the Gateway-Main Street Specific Plan would better balance existing uses with future development in the plan area that would bring economic development and a transit-oriented, walkable, mixed-use environment to the project area, the proposed plan is the more desirable choice and provides environmental benefits over the No Project Alternative. Therefore, the City Council rejects the No Project/General Plan Land Use Alternative.

11.2 INCREASED RESIDENTIAL DEVELOPMENT FOR MAIN STREET AND CROSSROADS DISTRICTS ALTERNATIVE

Description

The Increased Residential Development for Main Street and Crossroads Districts Alternative (Alternative 2), consists of the proposed Specific Plan modified that would apply the Specific Plan development incentives identified in Section 2.4.4, "Development Incentives," of Chapter 2, "Project Description," in the Draft SEIR, to the Main Street and Crossroads Districts to increase residential development beyond the proposed Specific Plan. Buildout under Alternative 2 would consist of 8,197 residential dwelling units (population of 25,944) and nonresidential development of 2,058,666 square feet of nonresidential uses (5,541 jobs). All other aspects of the proposed Specific Plan would remain the same under Alternative 2.

Comparison of Environmental Impacts

As shown in the Draft SEIR analysis, the Increased Residential Development for Main Street and Crossroads Districts Alternative would result in greater environmental impacts than the proposed Specific Plan. This alternative would have greater impacts for aesthetics, air quality, energy, greenhouse gas emissions and climate change, noise and vibration, population and housing, public services and recreation, transportation, and utilities and service systems. This alternative would result in similar impacts for biological resources, cultural and tribal cultural resources, and land use and planning.

Feasibility, Attainment of Project Objectives, and Findings

While Alternative 2 would contribute to the City's housing goals by providing 8,197 housing units, more than the proposed Specific Plan, it would cause greater population growth impacts than the proposed Specific Plan. The increase in residential development would have the potential to create an imbalance in the housing-job ratio in the project area. Although Alternative 2 aligns with Specific Plan objectives of infill development and housing production, it would not achieve the project objectives compared to the proposed Specific Plan related to economic development and long-term land use balance. Because Alternative 2 would result in similar or greater environmental impacts than the proposed Specific Plan and would not meet the City's objectives, the proposed plan is the more desirable choice for the City. Therefore, the City Council rejects the Increased Residential Development for Main Street and Crossroads Districts Alternative.

12 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to PRC Section 21081(b) and State CEQA Guidelines Section 15093(a) and (b), the City Council is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the project, including regionwide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable" (State CEQA Guidelines Section 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (State CEQA Guidelines Section 15093[b]).

In accordance with the requirements of CEQA and the State CEQA Guidelines, the City Council finds that the mitigation identified in the Final SEIR and the MMRP, when implemented, would avoid or substantially lessen the significant effects identified in the Final SEIR for the project. Significant and unavoidable impacts of the Gateway-Main Street Specific Plan are identified above.

The City Council finds that all feasible mitigation identified in the Final SEIR within the purview of the City would be implemented with implementation of the Gateway-Main Street Specific Plan and that the remaining significant and unavoidable impacts are outweighed and are found to be acceptable because of the following specific overriding economic, legal, social, technological, or other benefits based on the facts set forth above, the Final SEIR, and the record, as follows:

1. The Specific Plan organizes development in Focus Areas to create a walkable mixed-use community with high-density, transit-oriented housing and amenities that attract and retain residents and businesses, while maintaining established single-family neighborhoods, industrial, service, and commercial uses, consistent with General Plan goals and policies.
2. The Specific Plan Area would increase housing opportunities in Milpitas to support future anticipated population growth in the region, consistent with the City's Housing Element and General Plan. The Specific Plan allows for increased density, which would support the City's efforts to meet the State-mandated Regional Housing Needs

Allocation (RHNA) to address housing shortages, as well as comply with other state and local mandates. In addition to increased density, the Specific Plan updates other development standards, including intensity, FAR, height limits, parking, and open space standards, to remove physical and economic constraints that have in the past limited development potential or rendered sites in the project area infeasible for development, thereby limiting the potential for housing development in the Plan Area. Development incentives are provided to further reduce potential economic constraints in exchange for certain public benefits.

3. The Specific Plan would increase economic opportunities in an area of the City that has experienced historic disinvestment and a high degree of vacant and underutilized properties, through new mixed-use infill development that would occur in conjunction with parks, mobility, and infrastructure improvements. Consistent with the General Plan and the City's Economic Development Strategy, the Specific Plan identifies strategies for the redevelopment of the Serra Center and other Focus Areas for new commercial development, and establishes requirements for retail activity, building frontages, and public realm design to improve the character of the area with high quality development, landscaping, and streetscape. In addition, the Specific Plan provides additional criteria, guidance for infrastructure improvements and implementation actions, and identifies subsequent infrastructure studies including the Sense of Place Plan, to address utilities upgrades, stormwater, and flooding along Main Street and in flood hazard areas.
4. The Specific Plan establishes guidance to increase community connectivity through new streets, complete streets and street improvements, bike lanes, and other pedestrian and trail connections and enhancements, establish mobility hubs, and promote walkability and the use of transit. The Project would therefore further other General Plan goals and policies, including the reduction in VMT, promoting infill development, improving public health, and increasing economic and social diversity.
5. The Specific Plan provides guidance for the construction of new public parks and plazas, improvements to Creek areas and underpasses, and common and private open spaces to allow for the development of a mix of urban parks and plazas, special gathering spaces, and a mix of public and private amenities.
6. The Specific Plan establishes policies for Urban Reserve Areas, including the Elmwood Correctional Facility, North Railyards, and South Railyards to ensure that potential future redevelopment of those areas is integrated with development and improvements in the Specific Plan Area.
7. As documented in the SEIR, implementation of the Gateway-Main Street Specific Plan would provide environmental benefits that would improve energy efficiency of land uses currently allowed in the Plan Area (Draft EIR Tables 3.5-1 through 3.5-4), reduce GHG emissions as compared to land uses currently allowed in the Plan Area (Draft EIR Tables 3.6-3 and 3.6-4), and would improve VMT efficiency (Table 9 of Appendix D of the Draft EIR).

Considering all the factors, the City Council finds that there are specific economic, legal, social, technological, and other considerations associated with the project that serve to override and outweigh the Gateway-Main Street Specific Plan's significant and unavoidable impacts; thus, the adverse effects are considered acceptable. Therefore, the City Council hereby adopts this Statement of Overriding Considerations.

Attachment A

Mitigation Monitoring and Reporting Program



MITIGATION MONITORING AND REPORTING PROGRAM FOR THE

Gateway-Main Street Specific Plan

SCH No. 2024070432

Prepared for:



City of Milpitas
Planning Department
455 E. Calaveras Boulevard
Milpitas, CA 95030

September 2025

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE **Gateway-Main Street Specific Plan**

SCH No. 2024070432

Prepared for:



City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95030

Contact:

Jay Lee
Planning Director
jlee@milpitas.gov

Prepared by:



Ascent
455 Capitol Mall, Suite 300
Sacramento, CA 95814

Contact:

Pat Angell
Principal
916.732.3324
pat.angell@ascent.inc

September 2025

20210060.01

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000 et seq.), the City of Milpitas (City) prepared a subsequent environmental impact report (SEIR) for the Gateway-Main Specific Plan (State Clearinghouse No. 2024070432) that identified significant impacts and mitigation measures that would reduce the identified impacts to a less-than-significant level, where feasible.

CEQA Section 21081.6 and State CEQA Guidelines Sections 15091(d) and 15097 require public agencies to adopt a reporting and monitoring program for the changes made to the project it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment. This mitigation monitoring and reporting program (MMRP) has been prepared for the project because the EIR identifies potentially significant adverse impacts related to project implementation, as well as mitigation measures to reduce those impacts. Adoption of this MMRP would occur along with approval of the project.

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner before and during project construction and operation, as applicable. Table 1, provided below, has been prepared to assist the responsible parties with implementing the mitigation measures. It identifies the mitigation measures, the entities responsible for implementing the mitigation measures, and the timeframe for implementation of the mitigation measures. The table also includes a column for the City to document implementation of the mitigation measures after project approval. The numbering of mitigation measures follows the numbering used in the EIR. Mitigation measures that are referenced more than once in the EIR are not duplicated in the MMRP table.

ROLES AND RESPONSIBILITIES

The City will oversee monitoring and documenting the implementation of mitigation measures, as applicable. Project applicants and construction contractors are responsible for fully understanding and effectively implementing all of the mitigation measures contained within this MMRP. Certain mitigation measures also will require that project applicants coordinate or consult with one or more other public agencies in implementing mitigation measures specified herein.

MITIGATION MONITORING AND REPORTING PROGRAM TABLE

Table 1, which identifies the mitigation measures applicable to the proposed project, includes the following table columns:

- ▶ **Mitigation Measure:** This column presents the verbatim text of the adopted mitigation measure.
- ▶ **Implementing Party:** This column identifies the entity responsible for undertaking the required action.
- ▶ **Timing:** This column identifies the time frame in which the mitigation will be implemented.
- ▶ **Verification of Compliance:** The City is responsible for ensuring that mitigation measures are successfully implemented. The “Verification of Compliance” column is to be used by the City to indicate how and when a mitigation measure was implemented. The City, at its discretion, may delegate implementation responsibility or portions thereof to qualified consultants or contractors.

Table 1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Responsibility	Timing	Verification of Compliance
Cultural, and Tribal Cultural Resources			
Mitigation Measure 3.4-1a: Conduct Project-Specific Level Surveys Prior to altering or otherwise affecting a building or structure 50 years old or older and has not been previously evaluated as a potential historic resource, the City shall require the project applicant to retain a qualified architectural historian to evaluate and record it on a California Department of Parks and Recreation DPR 523 form or equivalent documentation. Its significance shall be assessed by a qualified architectural historian and evaluated against NRHP, CRHR, and local criteria. The evaluation process shall include the development of appropriate historical background research as context for the assessment of the significance. For buildings or structures that do not meet significance and integrity criteria, no further mitigation is required.	Project applicant, a qualified architectural historian, and the City	Applicants for individual projects shall evaluate buildings and structures during the development review process.	
Mitigation Measure 3.4-1b: Historical Resources Documentation Prior to the alteration or demolition of any building or structure that qualifies as a historical resource, a qualified architectural historian, the project applicant, and the City shall consult to consider measures that would enable the project to avoid direct or indirect impacts to the building or structure. If the project cannot avoid modifications to a historic building or structure that would result in a substantial adverse change the City shall ensure that the project applicant have a qualified architectural historian thoroughly documents the building and associated landscaping and setting. If the historic building or structure is eligible or listed on the NRHP, documentation shall include still and video photography and a written documentary record of the building to the standards of the Historic American Building Survey or Historic American Engineering Record, including accurate scaled mapping, architectural descriptions, and scaled architectural plans, if available. A copy of the record shall be deposited with the City, the Milpitas Historical Society, and the Milpitas Library. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.	Project applicant, a qualified architectural historian, and the City	Applicants for individual projects shall evaluate buildings and structures during the development review process.	
Mitigation Measure 3.4-2a: Prepare and Implement Worker Training Program A training program will be provided to all construction personnel active on a given project site prior to implementation of earth moving activities. A qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists shall prepare the program and provide the training to all construction personnel. The program will include relevant information regarding archaeological resources, including protocols for resource avoidance, applicable laws regulations, and the consequences of violating them. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance as well as the actions that need to be taken after a find is made.	Project applicant and a qualified archaeologist	Applicants for individual projects shall retain a qualified archaeologist to train construction personnel prior to the start of construction earthmoving activities.	

Mitigation Measure	Implementation Responsibility	Timing	Verification of Compliance
Mitigation Measure 3.4-2b: Identify and Protect Unknown Archaeological Resources During project-specific environmental review of development under the Specific Plan for any projects that include ground disturbance, the project applicant shall hire a qualified archaeologist to determine the potential for the project to result in significant impacts. At a minimum, the effort shall include the following steps: (i) Record's search – The qualified archaeologist shall request a record's search of the entire project area plus a one-half mile buffer from the Northwest Information Center at Sonoma State University. (ii) Surface survey exposed soil – The qualified archaeologist shall complete a pedestrian survey of any exposed soils on the project site. (iii) Reporting – The qualified archaeologist shall complete a report/memo that summarizes the results of the record search and pedestrian survey as well as provides recommendations for additional study and/or mitigation measures to protect and/or reduce significant impacts to archaeological resources, as needed. If indigenous materials are identified, the associated tribe(s) will be contacted by the City and will be given the opportunity to review the report and provide input for consideration. (iv) Preservation in place – The project applicant shall consult with the qualified archaeologist to consider means of avoiding or reducing ground disturbance within the archaeological site boundaries, including minor modifications of building footprint, landscape modification, the placement of protective fill (capping), the establishment of a preservation easement, or other means that will avoid or substantially preserve the resource in place. If avoidance or substantial preservation in place is not possible, the project applicant shall implement Mitigation Measure 3.4-2(e).	Project applicant, a qualified archaeologist, and the City	A cultural resources study, if applicable, shall be prepared by individual project applicants prior to issuance of grading permits. A qualified archaeologist shall be hired by individual project applicants, if applicable, during construction of individual projects.	
Mitigation Measure 3.4-2c: Identify and Protect Known Unique Archaeological Resources During project-specific environmental review of development under the Specific Plan for any projects that include ground disturbance, the project applicant shall define each project's area of effect for archaeological resources. The project applicant shall determine the potential for the project to result in cultural resources impacts, based on the extent of ground disturbance and site modification anticipated for the project. The project applicant shall implement the following steps where it has been determined under Mitigation Measure 3.4-2b(iv) that avoidance or preservation in place is not feasible, a qualified archaeologist, in consultation with the City, and Native American tribe(s) as applicable, shall: 1) Retain a qualified archaeologist to conduct a subsurface investigation of the archaeological site, to ascertain whether buried archaeological materials are present and, if so, the extent of the deposit relative to the project's area of effects. The project applicant shall be responsible for facilitating access to the archaeological site if it is paved at the moment of testing. If an archaeological deposit is discovered, the archaeologist shall prepare a site record and a written report of the results of investigations and filed with the appropriate Information Center of the California Historical Resources Information System. The archaeological resource shall be evaluated by a qualified archaeologist, who shall determine whether it	Project applicant, the City, a qualified archaeologist, and Native American tribe(s) as applicable	A cultural resources study, if applicable, shall be prepared by individual project applicants prior to issuance of grading permits. A qualified archaeologist shall be hired by individual project applicants, if applicable, during construction of individual projects.	

Mitigation Measure	Implementation Responsibility	Timing	Verification of Compliance
qualifies as a historical resource or a unique archaeological resource under the criteria of CEQA Guidelines § 15064.5. 2) If the resource does not meet the criteria of CEQA Guidelines § 15064.5, then it shall be noted in the environmental document and no further mitigation is required unless there is a discovery during construction. In the event of a discovery Mitigation Measure 3.4-2e below shall be implemented. However, the archaeological resource may be identified as a tribal cultural resource regardless even if it is determined that it is not a unique archaeological resource (See Mitigation Measures 3.4-3b and 3.4-3c below for further information). 3) If archaeological material within the project's area of effects is determined to qualify as a historical resource or a unique archaeological resource (as defined by CEQA), the project applicant shall consult with the qualified archaeologist to prepare a research design and archaeological data recovery plan for the recovery that will capture those categories of data for which the site is significant and implement the data recovery plan prior to or during development of the site. The archaeologist shall prepare a written report of the results of the data recovery and filed with the appropriate Information Center of the California Historical Resources Information System. 4) If, in the opinion of the qualified archaeologist and tribe(s) as applicable and in light of the data available, the significance of the site is such that data recovery cannot capture the values of the resource, the project applicant shall reconsider project plans in light of the high value of the resource, and implement more substantial modifications to the project that would allow the site to be preserved intact, such as project redesign, placement of fill, or project relocation or abandonment. If no such measures are feasible, the project applicant shall implement Mitigation Measure 3.4-2d.			
Mitigation Measure 3.4-2d: Retain Archaeological Monitor During project-specific environmental review of development under the Specific Plan, the project applicant shall retain an archaeological monitor for projects where an archaeological resource cannot be preserved or avoided. The archaeological monitor shall be retained prior to the commencement of any ground-disturbing activities (e.g., tree removals, boring, excavation, drilling, and trenching) for the future projects within 100 feet from all known archaeological resources that have been determined eligible or listed in the CRHR and NRHP, California Historical Landmarks, and any archaeological resources that have not been evaluated for its significance. A copy of the executed monitoring agreement shall be submitted to the project applicant and the City prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries. Monitor logs will identify and describe any discovered archaeological resource. Copies of monitor logs will be provided to the project applicant.	Project applicant, a qualified archaeologist, and the City	A qualified archaeologist shall be hired by individual project applicants, if applicable, during construction of individual projects.	

Mitigation Measure	Implementation Responsibility	Timing	Verification of Compliance
Mitigation Measure 3.4-2e: For All Ground-Disturbing Construction Activities, Halt Ground Disturbance Upon Discovery of Subsurface Archaeological Features During project-specific environmental review under the Specific Plan, for projects where no archaeological materials have been identified as part of Mitigation Measures 3.4-2b and 3.4-2c, in the event that any precontact or historic era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the qualified archaeologist determines the archaeological material to be Native American in nature, the project applicant shall contact the appropriate Native American tribe for their input on the preferred treatment of the find. Mitigation Measure 3.4-2b(iv) or Mitigation Measure 3.4-2c and Mitigation Measure 3.4-2d shall be implemented.	Project applicant, a qualified archaeologist, and the City	A qualified archaeologist shall be hired by individual project applicants, if applicable, during construction of individual projects.	
Mitigation Measure 3.4-3a: Conduct Tribal Cultural Resources Awareness Training During project-specific environmental review for development under the Specific Plan, the City shall coordinate with California Native American tribe(s) to prepare tribal cultural resource awareness and sensitivity training. All crew members and contractors shall be trained in the protection of tribal cultural resources and sensitive archaeological resources that the tribe(s) deems important. Workers will be trained to halt work if tribal cultural resources or sensitive archaeological resources are encountered and the construction method consists of physical disturbance of land surfaces (e.g., soil disturbance). The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and protocols, consistent, to the extent feasible, with Native American Tribal values. The tribe(s) shall determine the most appropriate method of training (e.g., in person, brochure, or archaeological consultant).	The City, in coordination with California Native American tribe(s)	Applicants for individual projects shall coordinate with California Native American tribe(s) to train construction personnel prior to the start of construction earthmoving activities.	
Mitigation Measure 3.4-3b: Identify and Protect Unknown Tribal Cultural Resources During project-specific environmental review under the Specific Plan, if the City in consultation or coordination with the tribe(s) determines that a project activity may cause a substantial adverse change to a tribal cultural resource, and measures to protect the resource are not otherwise identified in the consultation process, the project applicant shall implement the following steps to identify and protect tribal cultural resources or archaeological resources significant to the tribe that may be present in the project's area of effects. 1) If a tribal cultural resource is identified, the project lead shall consult with the tribe(s) to consider means of avoiding or reducing ground disturbance within the resource boundaries, including minor modifications of building footprint, landscape modification, the placement of protective fill (e.g., capping), the establishment of a preservation easement, or other means that will avoid or substantially preserve the resource in place. Similar to Mitigation Measure 3.4-2b(iv). 2) If avoidance or substantial preservation in place of tribal cultural resources is not possible, the project lead shall implement Mitigation Measure 3.4-3(c).	The City, in consultation with California Native American tribe(s), and the project applicant	A Native American tribal monitor shall be hired by individual project applicants, if applicable, prior to and during construction of individual projects.	

Mitigation Measure	Implementation Responsibility	Timing	Verification of Compliance
3) For projects that require subsurface testing of archaeological sites that contain indigenous materials, the project applicant shall retain the Native American tribe(s) to monitor the subsurface testing of the project area that is required under Mitigation Measure 3.4-2c. The type of subsurface testing (e.g., ground-penetrating radar, core, forensic dogs, excavation) shall be coordinated with the consulting tribe(s).			
Mitigation Measure 3.4-3c: Identify and Protect Known Tribal Cultural Resources If the City determines that avoidance or preservation in place of a tribal cultural resource is not feasible and ground disturbance cannot be avoided, the project lead and Native American tribe(s) as applicable, shall develop a treatment plan. The treatment plan shall include, but not be limited to testing, excavation strategy, research design, resource significance assessment methods, a burial treatment agreement (if applicable), reporting requirements and health and safety procedures. The burial treatment agreement (if applicable) shall include a discussion of reburial options, locations, and potential easements, considering tribal preferences. This may be developed in conjunction with Mitigation Measure 3.4-2c.	The City, the project applicant, and Native American tribe(s)	The project lead and Native American tribe(s) shall develop a treatment plan prior to ground-disturbing activities.	
Mitigation Measure 3.4-3d: Retain a Native American Monitor Irrespective of pedestrian survey or subsurface testing findings, the project lead shall notify the appropriate Native American tribe(s) and retain a representative for tribal cultural resource monitoring prior to the commencement of any ground-disturbing activities within 100 feet from all known tribal and archaeological resources (containing indigenous materials) that have been determined eligible or listed in the CRHR and NRHP, as well as California Historical Landmarks, and any archaeological resources that have not been evaluated for its significance. The project applicant shall contact the tribal representatives a minimum of seven days prior to beginning earthwork or other ground disturbing activities; construction activities will proceed if no response is received 48 hours prior to ground disturbing activities. The tribal monitor shall only be present onsite during the construction phases that involve ground disturbing activities, including but not limited to tree removals, boring, excavation, drilling, and trenching. The tribal monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. The onsite monitoring shall end when the site grading and excavation activities are completed, or when the tribal representatives and monitor have indicated that the site has a low potential for impacting tribal cultural resources.	The City, the project applicant, and Native American tribe(s)	Applicants for individual projects shall retain a representative for tribal cultural resource monitoring prior to the commencement of any ground-disturbing activities.	
Mitigation Measure 3.4-3e: Implement Native American Response and Treatment Protocol During project-specific environmental review under the Specific Plan, for projects where no archaeological materials have been identified as part of Mitigation Measures 3.4-3b and 3.4-3c, in the event that any tribal cultural resources and/or precontact subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted. The project applicant shall contact the appropriate Native American tribe(s) for their input on the preferred treatment of the find. Mitigation Measure 3.4-3b (1) or Mitigation Measure 3.4-3c and Mitigation Measure 3.4-3d shall be implemented. If artifacts are recovered from significant tribal cultural resources, the first option shall be to transfer the artifacts to an appropriate tribal representative. If possible, accommodations shall be made to reinter the	Project applicant and California Native American tribe(s)	During project-specific environmental review under the Specific Plan.	

Mitigation Measure	Implementation Responsibility	Timing	Verification of Compliance
artifacts at the project site or another mutually agreed upon (with the Native American representative) location within the Specific Plan Area. Only if no other options are available will recovered precontact archaeological material be housed at a qualified curation facility, if approved by the consulting tribe(s).			
Transportation			
Mitigation Measure 3.11-2a: Implement Commute Trip Reduction Program Future employers shall develop and implement a commute trip reduction program and shall present the strategy to the City of Milpitas for review and approval. The following elements, or equally effective alternatives, shall be provided as part of the Commute Trip Reduction program: ▶ ridesharing program, ▶ subsidized or discounted transit passes, ▶ end-of-trip bicycle facilities, ▶ employer-sponsored vanpool, and ▶ guaranteed ride home program. Additionally, the Commute Trip Reduction Program must be complimented with Commute Trip Reduction Marketing to share information, facilitate coordination, and implement marketing for services, infrastructure, and incentives provided by the Commute Trip Reduction Program. The following features, or similar alternatives, shall be implemented to satisfy the Commute Trip Reduction Marketing strategy. ▶ On-site or online commuter information services, ▶ Employee transportation coordinators, and ▶ On-site or online transit pass sales	Project applicant and City	Triggered through subsequent project applications and implementing as part of subsequent project approvals consistent with the City's Transportation Analysis Guidelines (TAG) Tier 4 (Mitigation) Transportation Demand Management provisions.	
Mitigation Measure 3.11-2b: Require Employers to Provide Employer-Sponsored Vanpool or Shuttle Service The project applicant shall require building occupants or tenants (i.e., employer) to implement an employer-based shuttle or vanpool service. For large employers with corporate campuses, this may include running private shuttles to and from neighborhoods where employees live. For smaller employers, or buildings with multiple employer tenants, it may involve a shuttle connecting to regional transit, such as a Caltrain station, funded through an organization such as a transportation management association.	Project applicant and City	Triggered through subsequent project applications and implementing as part of subsequent project approvals consistent with the City's Transportation Analysis Guidelines (TAG) Tier 4 (Mitigation) Transportation Demand Management provisions.	

Mitigation Measure	Implementation Responsibility	Timing	Verification of Compliance
Mitigation Measure 3.11-2c: Provide a Ridesharing Program Building occupants or tenants who provide employment for 50 people or more shall develop and implement ridesharing programs. The following strategies provide examples of a multifaceted approach for promoting a rideshare program: ▶ designating a certain percentage of desirable parking spaces for ridesharing vehicles, ▶ designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles, and ▶ providing an app or website for coordinating rides.	Project applicant and City	Triggered through subsequent project applications and implementing as part of subsequent project approvals consistent with the City's Transportation Analysis Guidelines (TAG) Tier 4 (Mitigation) Transportation Demand Management provisions.	
Mitigation Measure 3.11-2d: Implement Carshare Program The project applicant shall increase carshare access in the user's community by deploying conventional carshare vehicles.	Project applicant and City	Triggered through subsequent project applications and implementing as part of subsequent project approvals consistent with the City's Transportation Analysis Guidelines (TAG) Tier 4 (Mitigation) Transportation Demand Management provisions.	
Measure 3.11-2e: Establish a Bikeshare, Electric Bikeshare, and Scootershare Program Establish a bikeshare and scootershare program that provides users with on-demand access to bicycles, electric pedal assist bicycles, and electric scooters for short-term rentals.	City	Completed by the City through its overall implementation of the specific plan.	
Measure 3.11-2f: Implement On-Street Market Price Parking The City shall establish pricing all on-street parking in central business districts, employment centers, and retail centers within the Specific Plan area. When pricing on-street parking, best practice is to allow for dynamic adjustment of prices to ensure approximately 85 percent occupancy, which helps prevent induced VMT due to circling behaviors as individuals search for a vacant parking space. In addition, this method should primarily be implemented in areas with available alternatives to driving, such as transit availability within 0.5. mile or areas of high residential density nearby (allowing for increased walking/biking). If the measure is implemented in a small area, residential parking permit programs should be considered to prevent parking intrusion on nearby streets in residential areas without priced parking.	City	completed by the City through its overall implementation of the specific plan.	

Notes: City = City of Milpitas; VMT = vehicle miles traveled.

Attachment B

General Plan Update CEQA Findings and Statement of Overriding Considerations

RESOLUTION NO. 9047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS CERTIFYING THE MILPITAS 2040 GENERAL PLAN FINAL ENVIROMENTAL IMPACT REPORT (SCH#: 2020070348), ADOPTING THE FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATION, AND ADOPTING THE MILPITAS 2040 GENERAL PLAN

WHEREAS, the City of Milpitas, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Section 65300 et seq. requires each city to prepare and adopt a comprehensive, long-term general plan for the physical development of the county or city; and

WHEREAS, the City’s General Plan was last comprehensively updated in 1994 and subsequently amended in January 2002 with adoption of the Midtown Specific Plan, in June 2008 with adoption of the Transit Area Specific Plan (“TASP”), and in October 2010 with adoption of the City’s Park and Recreation Master Plan and Milpitas Bikeway Master Plan as well as to provide other updates to exhibits, tables, and figures; and

WHEREAS, in September 2016, the City initiated a multi-year process to comprehensively update the General Plan by approving a work plan and schedule, hiring consultants, and conducting public workshops; and

WHEREAS, the City Council appointed a General Plan Advisory Committee (“GPAC”) comprised of residents, homeowners association representatives, business leaders, and representatives from the local school district, among others, to collaborate with City staff and the consultant team throughout development of the General plan; and

WHEREAS, the GPAC held a total of 13 public meetings between March 2017 and September 2020 to identify key issues and challenges that Milpitas may face over the next 20 years, refine the City’s Land Use Map, and to develop a comprehensive set of goals and policies contained in the General Plan; and

WHEREAS, the City Council and Planning Commission received periodic briefings from City staff and the consultant team to review input and receive information relevant to the specific topics addressed at the GPAC meetings, and to provide direction and guidance to staff and the consultant team regarding land use opportunity areas and development of the preferred land use map; and

WHEREAS, in accordance with Government Code Section 65302, a comprehensive update to the City’s General Plan has been prepared to address the mandatory elements required by state law, and also includes optional elements for Community Design, Economic Development, Utilities and Community Services, Community Health and Wellness, and Implementation; and

WHEREAS, the 2040 General Plan includes goals, policies, and actions regarding each of these General Plan elements; and

WHEREAS, the 2040 General Plan carries forward some of the major goals of the 1994 General Plan but has been substantially updated to address current local conditions, community priorities; and

WHEREAS, the “Planning Area” for the 2040 General Plan is defined as the entire area within the City’s Sphere of Influence (“SOI”), which includes the City limits and the Urban Growth Boundary/Urban Service Area (“UGB/USA”); and

WHEREAS, the 2040 General Plan is a citywide document that provides an integrated and internally consistent statement of the official land use policy for the City of Milpitas; and

WHEREAS, the City's Housing Element is a mandatory general plan element that was previously adopted in 2015 to cover the 2015-2023 housing cycle and was certified by the California Department of Housing and Community Development ("HCD") in 2015; and

WHEREAS, the City has initiated a separate effort to update the Housing Element to cover the 2023-2031 housing cycle; and

WHEREAS, the City sent the draft 2040 General Plan to affected public entities and agencies in compliance with State law (Government Code Sections 65302(g)(7), 65302.5, 65302.7, 65352, 65352(a)(9) and Public Utilities Code Section 21676), and in accordance with Government Code Sections 65352.3 contacted California Native American tribes that are on the contact list maintained by the Native America heritage Commission to invite those tribes to consult on the proposed Draft 2040 General Plan; and

WHEREAS, the City released the Public Review Draft 2040 General Plan in August 2020 and invited comments by the public from August 25, 2020 through October 30, 2020; and

WHEREAS, the City prepared a Draft Environmental Impact Report ("EIR") (SCH#: 2020050348) for the Public Review Draft 2040 General Plan that provides a description of potential environmental impacts of the project and recommends mitigation measures to reduce the impacts to a less than significant level, where feasible, and released the Draft EIR on November 2, 2020 for a 45-day public review period that ended on December 17, 2020; and

WHEREAS, the City received comments on both the Public Review Draft 2040 General Plan and the Draft EIR, considered and analyzed the comments, and made changes to the EIR and Draft 2040 General Plan as a result of the comments received and incorporated the comments and responses to comments on the Draft EIR in the Final EIR and included comments and responses to comments on the Draft 2040 General Plan as a separate document for the public and decisionmakers to review as part of the Planning Commission public hearing process; and

WHEREAS, comments on the Draft 2040 General Plan received from the public were presented and revisions proposed for City Council consideration as part of the March 9, 2021 City Council staff report; and

WHEREAS, on January 27, 2021, the City of Milpitas Planning Commission held a duly noticed public hearing by teleconference on the EIR and the Draft 2040 General Plan, considered all written and oral reports of staff and public testimony on the matter, and such other matters as are reflected in the record of this matter; and

WHEREAS, on January 27, 2021, the City of Milpitas Planning Commission adopted Resolution 201-01 recommending that the City Council certify the Milpitas 2040 General Plan Final Environmental Impact Report ("FEIR") (SCH#: 2020070348), and adopt the Milpitas 2040 General Plan; and

WHEREAS, on March 9, 2021, the City of Milpitas City Council held a duly noticed public hearing by teleconference on the EIR, the Findings of Fact and a Statement of Overriding Consideration, and the Draft 2040 General Plan, considered all written and oral reports of staff and public testimony on the matter, and such other matters as are reflected in the record of this matter; and

WHEREAS, the environmental impacts identified in the EIR that the City finds are of no impact or constitute a less than significant impact and do not require mitigation are described in the Findings of Fact attached hereto as **Exhibit A**; and

WHEREAS, the environmental impacts identified in the EIR as potentially significant but which the City finds cannot be mitigated to a level of less than significant, despite the imposition of feasible mitigation measures identified in the EIR and set forth herein are described in the Findings of Fact attached hereto as **Exhibit A**; and

WHEREAS, the significant and irreversible environmental changes that would result from the proposed Project, but which would be largely mitigated, and which are described in the Findings of Fact attached hereto as **Exhibit A**; and

WHEREAS, the existence of any growth-inducing impacts resulting from the proposed Project identified in the EIR and set forth herein, are described in the Findings of Fact attached hereto as **Exhibit A**; and

WHEREAS, alternatives to the proposed Project that might eliminate or reduce significant environmental impacts are described in the Findings of Fact attached hereto as **Exhibit A**; and

WHEREAS, the City Council has determined that the benefits of the Project outweigh its potential significant environmental impact, and the basis for that determination is set forth in the Statement of Overriding Considerations attached hereto as **Exhibit A**; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the EIR, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the EIR reflects the independent judgment of the City Council and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, the City has not received any comments or additional information that constituted substantial new information requiring recirculation under Public Resources Code section 21092.1 and State California Environmental Quality Act ("CEQA") Guidelines section 15088.5; and

WHEREAS, all the requirements of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines have been satisfied by the City in the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the proposed Project have been adequately evaluated; and

NOW THEREFORE, the City Council of the City of Milpitas hereby finds, determines and resolves as follows:

SECTION 1. Recitals

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. Resolution Regarding Custodian of Record

The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning Department – 455 East Calaveras Blvd., Milpitas, CA 95035.

SECTION 3. City Council Action - Certifying the EIR

The City Council finds that it has been presented with the EIR, which it has reviewed and considered, and further finds that the EIR is an accurate and objective statement that has been completed in full compliance with CEQA, the State CEQA Guidelines and the City's Local CEQA Guidelines and that the EIR reflects the independent judgment and analysis of the City Council.

The City Council declares that no evidence of new significant impacts as defined by the State CEQA Guidelines Section 15088.5 have been received by the City Council after circulation of the Draft EIR which would require recirculation.

Therefore, the City Council hereby certifies the EIR based on the entirety of the record of proceedings.

SECTION 4. City Council Action - Adopting the Findings of Fact and a Statement of Overriding Consideration

The City Council finds that it has been presented with the Findings of Fact and a Statement of Overriding Consideration attached as Exhibit A hereto, which it has reviewed and considered, and hereby adopts based on the entirety of the record of proceedings.

SECTION 5. City Council Action - Adopting the Milpitas 2040 General Plan

The City Council hereby adopts the Milpitas 2040 General Plan based on the entirety of the record of proceedings.

SECTION 6. Notice of Determination

A Notice of Determination shall be filed with the County of Santa Clara and the State Clearinghouse within 5 (five) working days of final Project approval.

PASSED AND ADOPTED this 9th day of March 2021, by the following vote:

AYES: (5) Mayor Tran, Vice Mayor Montano, Councilmembers Chua, Dominguez, and Phan

NOES: (0) None

ABSENT: (0) None

ABSTAIN: (0) None

ATTEST:


Wendy Wood, City Clerk

APPROVED:


Rich Tran, Mayor

APPROVED AS TO FORM:


Christopher J. Diaz, City Attorney

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

MILPITAS GENERAL PLAN UPDATE

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (Public Resources Code, Section 21000 et seq)

I. INTRODUCTION

The California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) requires the City of Milpitas (City), as the CEQA lead agency to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR.

These findings explain how the City, as the lead agency, approached the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the General Plan Update (General Plan, or Project). The statement of overriding considerations identifies economic, social, technological, and other benefits of the Project that override any significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment regarding the potential adverse environmental impacts of the Project.

The Final EIR (which includes the Draft EIR, any comments on the Draft EIR, responses to comments on the Draft EIR, and any revisions to the Draft EIR) for the Project, examined several alternatives to the Project that were not chosen as part of the approved project (the No Project Alternative, the Modified Project Alternative, and the Increased Residential Density Alternative).

The Findings of Fact and Statement of Overriding Considerations set forth below ("Findings") are presented for adoption by the City Council (Council) as the City's findings under the California Environmental Quality Act ("CEQA") (Public Resources Code, §21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this Council regarding the Project's environmental impacts, mitigation measures, alternatives to the Project, and the

overriding considerations, which in this Council's view, justify approval of the General Plan, despite its environmental effects.

II. GENERAL FINDINGS AND OVERVIEW

A. Project Background

In 2016, the City of Milpitas embarked on multi-year process to update the City's General Plan. The General Plan is the overarching policy document that guides land use, housing, transportation, infrastructure, community design, and other policy decisions. State law requires every city and county in California to prepare and maintain a general plan planning document. The General Plan is the City's "constitution" or "blueprint" for future development of the city, and provides the policy guidance for achieving the community's vision.

As part of the General Plan Update process, a General Plan Existing Conditions Report was prepared to establish a baseline of existing conditions in the city. Additionally, Issues and Opportunities memos, and a Land Use Alternatives Report were prepared to identify the challenges facing the community, to provide an opportunity for citizens and policymakers to come together in a process of developing a common vision for the future, and to identify a range of land use options available to the City as the General Plan Land Use Map was modified and updated.

The updated Milpitas General Plan includes a framework of goals, policies, and actions that will guide the community toward its common vision, and is supported by an updated General Plan Land Use Map.

B. Procedural Background

The City of Milpitas circulated a Notice of Preparation (NOP) of an EIR for the proposed project on July 17, 2020 to responsible and trustee agencies, the State Clearinghouse, and the public. A virtual public scoping meeting was held on August 11, 2020 at 11:00 a.m., to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and responses to the NOP by interested parties are presented in Appendix A of the Draft EIR (six comment letters were received).

The City published a public Notice of Availability (NOA) for the Draft EIR on November 2, 2020 thereby soliciting comments from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2020070348) and the County Clerk, and was published in a regional newspaper pursuant to the public noticing

requirements of CEQA. The Draft EIR was available for a 45-day public review period extending from November 2, 2020 to December 17, 2020. The Draft EIR contains a description of the project, descriptions of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies environmental subject areas for which the City determined that there would be no impacts or less than significant impacts, and provides detailed analysis of potentially significant and significant impacts. The City of Milpitas received zero (0) comment letters during the Draft EIR public review period. The City then prepared the Final EIR, which incorporates the Draft EIR by reference.

C. Record of Proceedings and Custodian of Record

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, Notice of Availability, and all other public notices issued by the City in relation to Milpitas General Plan Update EIR.
- The Milpitas General Plan Update Final EIR, including comment letters and technical materials cited in the document.
- All non-draft and/or non-confidential reports and memoranda prepared by the City of Milpitas and consultants in relation to the EIR.
- Minutes of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with Planning Commission and City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code Section 21167.6.

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Milpitas Office of the City Clerk at 455 East Calaveras Blvd. Milpitas, CA 95035.

D. Consideration of the Environmental Impact Report

In adopting these Findings, this Council finds that the Final EIR was presented to this Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the General Plan. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was

completed in compliance with the California Environmental Quality Act. The Final EIR represents the independent judgment and analysis of the City.

E. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Milpitas General Plan, shall continue in full force and effect unless amended or modified by the City.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

The City Council hereby finds that the following environmental impacts cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein:

A. Noise

1. General Plan implementation may result in exposure to significant traffic noise sources (EIR Impact 3.12-1)

- (a) **Potential Impact.** The potential for the Project to result in exposure to significant traffic noise sources is discussed at pages 3.12-22 through 3.12-27 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that impacts are significant and unavoidable. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)
 - (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.12-22 through 3.12-27 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible, including use of best management

practices related to site design and building orientation, consistency with the City's Community Noise Environments Standards, and appropriate siting of noise-sensitive land uses. However, there are no mitigation measures that can eliminate significant traffic noise exposure while still allowing the City's economy to grow through new development, particularly residential, business park, and commercial uses. This would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with transportation noise sources.
- (d) **Explanation.** Buildout of the General Plan may contribute to an exceedance of the City's transportation noise standards and/or result in significant increases in traffic noise levels at existing sensitive receptors. As indicated by Draft EIR Table 3.12-12, the related traffic noise level increases with a 20-year circulation system buildout of the proposed General Plan are predicted to increase between 0.5 to 3.5 dB versus existing conditions. General Plan Policies N 1-1 through N 1-7, N 1-9, N 1-10 and Actions N 1a, N 1b, N 1e, N 1f, N 1g, N 1h, 1i, and 1k, are intended to minimize exposure to excessive noise, including noise associated with traffic. Specifically, Policies N 1-1 and N 1-2 support noise-compatible land uses in the vicinity of traffic noise sources and require that new development and infrastructure projects be reviewed for consistency with the noise standards established in Tables N-1 and N-2. The proposed General Plan standards required under Policy N 1-1 and N 1-2, for exposure to traffic noise shown in Table 3.12-12, meet or exceed the noise level standards of the adopted General Plan shown in Draft EIR Table 3.12-8. Policy N 1-2 and Actions N 1a and N 1b would ensure that new development minimizes potential noise impacts through incorporating the noise control treatments necessary to achieve acceptable noise levels. Policy N 1-6 sets criteria for evaluating future increases in traffic noise levels. Action N 1i and N 1k would ensure that the Municipal Code, including the updated noise ordinance, is consistent with the noise standards established in the General Plan. Action N 1e would encourage working with Caltrans to ensure that adequate noise studies are prepared and that noise mitigation measures are considered in State transportation projects. Implementation of the proposed policies and actions of the General Plan will reduce noise and land use compatibility impacts from vehicular traffic noise sources and would ensure that new development is designed to include noise-attenuating

features. However, as shown in Table 3.12-12, the traffic noise increases associated with the proposed General Plan would still exceed the applicable noise exposure criteria. Therefore, the proposed General Plan would have a significant and unavoidable impact relative to traffic noise on existing noise-sensitive uses in the City.

B. Transportation and Circulation

1. General Plan implementation would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (a). (EIR Impact 3.14-2)

- (a) **Potential Impact.** The potential for the Project to conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (a) is discussed at pages 3.14-34 through 3.14-36 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that impacts are significant and unavoidable. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)
 - (1) **Effects of Mitigation and Remaining Impacts** As described on pages 3.14-34 through 3.14-36 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible, including land use patterns and intensities, as well as its proposed policies, which include a multitude of components that will reduce VMT. Individual development projects will be required to complete VMT analyses based on forthcoming VMT policies and thresholds to be established by the City of Milpitas, including transportation demand management (TDM) measures designed to reduce employment based VMT. While such measures are likely to result in less-than-significant VMT impacts when considered at an individual project level, they cannot be guaranteed and are not possible to fully quantify or mitigate at a Citywide level as part of a programmatic General Plan, particularly given the 31 percent reduction needed to reach the applied significance threshold. This

would represent a significant and unavoidable impact of the Project.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with potential for the Project to conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (a).

(d) **Explanation.** The projected VMT per employee for the City of Milpitas is nearly 31 percent higher than the applied significance threshold. The proposed General Plan land use patterns and intensities, as well as its proposed policies, include a multitude of components that will reduce VMT. Individual development projects will also be required to completed VMT analyses based on forthcoming VMT policies and thresholds to be established by the City of Milpitas, including transportation demand management (TDM) measures designed to reduce employment based VMT. While such measures are likely to result in less-than-significant VMT impacts when considered at an individual project level, they cannot be guaranteed and are not possible to fully quantify or mitigate at a Citywide level as part of a programmatic General Plan, particularly given the 31 percent reduction needed to reach the applied significance threshold. As a result, the VMT impacts associated with employment-based uses allowed by the proposed General Plan would be considered significant and unavoidable. The General Plan includes policies to reduce VMT to the extent feasible. These policies primarily reduce employment-based VMT, where the significant impacts would occur, although some policies pertain to residential VMT as well. Transportation demand management (TDM) strategies would be promoted citywide, with an emphasis on implementing measures through large employers, the setting where there is the greatest potential to reduce vehicle trips.

C. Cumulative Impacts

1. General Plan implementation may result in cumulative noise impacts (EIR Impact 4.12)

- (a) **Potential Impact.** The potential for the Project to result in cumulative noise impacts is discussed at pages 4.0-16 through 4.0-17 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation is available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that impacts are significant and unavoidable. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).)

However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)

- (1) **Effects of Mitigation and Remaining Impacts** As described on pages 4.0-16 through 4.0-17 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible, including use of best management practices related to site design and building orientation, consistency with the City's Community Noise Environments Standards, and appropriate siting of noise-sensitive land uses. However, there are no mitigation measures that can eliminate significant cumulative noise exposure while still allowing the City's economy to grow through new development, particularly residential, business park, and commercial uses. This would represent a significant and unavoidable impact of the Project.
- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with cumulative noise sources.
- (d) **Explanation.** Buildout of the General Plan may contribute to an exceedance of the City's transportation noise standards and/or result in significant increases in traffic noise levels at existing sensitive receptors. As indicated by Draft EIR Table 3.12-12, the related traffic noise level increases with a 20-year circulation system buildout of the proposed General Plan are predicted to increase between 0.5 to 3.5 dB versus existing conditions. General Plan Policies N 1-1 through N 1-7, N 1-9, N 1-10 and Actions N 1a, N 1b, N 1e, N 1f, N 1g, N 1h, 1i, and 1k, are intended to minimize exposure to excessive noise, including noise associated with traffic. Specifically, Policies N 1-1 and N 1-2 support noise-compatible land uses in the vicinity of traffic noise sources and require that new development and infrastructure projects be reviewed for consistency with the noise standards established in Tables N-1 and N-2. The proposed General Plan standards required under Policy N 1-1 and N 1-2, for exposure to traffic noise shown in Table 3.12-12, meet or exceed the noise level standards of the adopted General Plan shown in Table 3.12-8. Policy N 1-2 and Actions N 1a and N 1b would ensure that new development mitigates potential noise impacts through incorporating the noise control treatments necessary to achieve acceptable noise levels.

Policy N 1-6 sets criteria for evaluating future increases in traffic noise levels. Action N 1i and N 1k would ensure that the Municipal Code, including the updated noise ordinance, is consistent with the noise standards established in the General Plan. Action N 1e would encourage working with Caltrans to ensure that adequate noise studies are prepared and that noise mitigation measures are considered in State transportation projects. Implementation of the proposed policies and actions of the General Plan will reduce noise and land use compatibility impacts from vehicular traffic noise sources and would ensure that new development is designed to include noise-attenuating features. As shown in Table 3.12-12, the traffic noise increases associated with the proposed General Plan exceed the applicable noise exposure criteria. Therefore, the proposed General Plan would have a significant and unavoidable and cumulatively considerable contribution relative to traffic noise on existing noise-sensitive uses in the City.

2. Transportation and Circulation - Cumulative impacts on the transportation network (EIR Impact 4.14)

- (a) **Potential Impact.** The potential for the Project to result in a considerable contribution to the cumulative impacts on the transportation network is discussed at pages 4.0-18 and 4.0-19 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation measures are available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that impacts are significant and unavoidable. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the EIR. (State CEQA Guidelines, section 15091(a)(1).) However, impacts would still remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines, section 15091(a)(3).)
- (1) **Mitigation and Remaining Impacts.** As described on pages 4.0-18 and 4.0-19 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. While such measures are likely to result in less-than-significant VMT impacts when considered at an individual project level, they cannot be guaranteed and are not possible to fully quantify or mitigate at a Citywide level as part of a programmatic General Plan, particularly given the 31 percent reduction needed

to reach the applied significance threshold. This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with Cumulative impacts on the transportation network.
- (d) **Explanation.** The projected VMT per employee for the City of Milpitas is nearly 31 percent higher than the applied significance threshold. The proposed General Plan land use patterns and intensities, as well as its proposed policies, include a multitude of components that will reduce VMT. Individual development projects will also be required to completed VMT analyses based on forthcoming VMT policies and thresholds to be established by the City of Milpitas, including transportation demand management (TDM) measures designed to reduce employment based VMT. While such measures are likely to result in less-than-significant VMT impacts when considered at an individual project level, they cannot be guaranteed and are not possible to fully quantify or mitigate at a Citywide level as part of a programmatic General Plan, particularly given the 31 percent reduction needed to reach the applied significance threshold. As a result, this is considered a cumulatively considerable and significant and unavoidable impact.

D. Significant Irreversible Effects

1. Irreversible Effects (EIR Impact 4.17)

Sections 15126(c) and 15126.2(d) of the CEQA Guidelines, require that an EIR address any significant irreversible environmental changes that would occur should the project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The project would involve a large commitment of non-renewable resources;
- The primary and secondary impacts of the project would generally commit future generations to similar uses;
- The project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources is not justified.

- (a) **Potential Impact.** The potential for the Project to result in a significant irreversible effect associated with the consumption of nonrenewable resources and irretrievable commitments/irreversible physical changes is discussed at pages 4.0-26 and 4.0-27 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation measures are available.
- (c) **Findings.** Based upon the EIR and the entire record before this Council, this Council finds that:
- (1) **Mitigation and Remaining Impacts.** As described on pages 4.0-26 and 4.0-27 of the Draft EIR, the Project includes policies and actions that would reduce the severity of this impact to the extent feasible. One of the objectives of the proposed General Plan is to conserve natural resources within the Planning Area. Many of these policies and actions, aimed at preserving natural resources, are contained within the Conservation and Sustainability Element, and have been identified throughout the Draft EIR. Additionally, the General Plan directs most new development to infill areas, and areas surrounding existing neighborhoods and urbanized areas. As a result, the General Plan will minimize the potential for impacts to the nonrenewable resources in the Planning Area including biological resources, water resources, and energy resources, to the greatest extent feasible. The proposed General Plan includes an extensive policy framework that is designed to address land use and environmental issues to the greatest extent feasible, while allowing growth and economic prosperity for the City. However, even with the policies and actions that will serve to reduce potential significant impacts, the proposed General Plan will result in significant irreversible changes. Implementation of the proposed General Plan would result in a commitment of land uses designated for the foreseeable future. Land use and development consistent with the General Plan would result in irretrievable commitments by introducing development onto sites that are presently undeveloped. The conversion of undeveloped lands to urban uses would result in an irretrievable loss of undeveloped land, wildlife habitat, and open space. Additionally, development will physically change the environment in terms of aesthetics, air emission, noise, traffic, open space, and natural resources. These physical changes are irreversible after development—occurs.—This would represent a cumulatively considerable contribution by the Project to the significant and unavoidable cumulative impact.

- (2) **Overriding Considerations.** The environmental, economic, social and other benefits of the Project, as stated more fully in the Statement of Overriding Considerations in Section VI, override any remaining significant adverse impact of the Project associated with irreversible effects.

IV. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT, LESS THAN CUMULATIVELY CONSIDERABLE, OR HAVE NO IMPACT

The City Council hereby finds that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of Mitigation Measures.

- A. Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.

1. **Aesthetics:** The following specific impacts were found to be less than significant:

- a. Impact 3.1-1: General Plan implementation would not have a substantial adverse effect on a scenic vista.

- (1) **Explanation.** The Milpitas General Plan has been developed to preserve expansive areas of open space within the hillsides located to the east and to ensure that new development is located in and around existing urbanized areas, thus ensuring that new development is primarily an extension of the existing urban landscape and minimizes interruption of views of nearby visual features. Future development would be required to be consistent with the proposed General Plan. The implementation of the policies and actions contained in the General Plan would ensure that new urban residential and non-residential development in the Milpitas Planning Area is located in and around existing urbanized areas and developed to be visually compatible with nearby open space resources. Additionally, the implementation of the policies and actions contained in the Community Design Element would further ensure that new development is designed in a way that enhances the visual quality of the community, compliments the visual character of the city, and that adverse effects on public views are minimized. Through implementation of the policies and actions included in the General Plan,

implementation of the proposed General Plan would result in a less than significant impact.

- b. Impact 3.1-2: General Plan implementation would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

- (1) **Explanation.** No adopted State scenic highway is located in Milpitas. There is one officially designated scenic highway corridor in Santa Clara County: State Route 9 from the Santa Cruz County line to the Los Gatos city limits. This officially designated scenic highway corridor does not provide views of Milpitas or the immediate surrounding areas, and there are no sections of highway in the Milpitas vicinity eligible for Scenic Highway designation. Given that no adopted State scenic highways are located within the Planning Area, and that no scenic highways provide views of the Planning Area, State scenic highway impacts associated with General Plan implementation would be less than significant.

- c. Impact 3.1-3: General Plan implementation would not, in a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings, or in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.

- (1) **Explanation.** Zoning and other regulations governing scenic quality applicable to the City of Milpitas include the Design Guidelines and Plan Review Checklist and the City of Milpitas Master Streetscape Master Plan, and Measures I, J, and K. Policies in the proposed General Plan are intended to complement and further the intent of these provisions regulating scenic quality and resources, and any development occurring under the proposed General Plan would be subject to compliance with these guidelines, as well as the applicable regulations set forth in the Milpitas Municipal Code. The proposed General Plan would therefore not substantially degrade the existing visual character or quality of public views of the Sphere of Influence and its surroundings. Scenic quality-related impacts associated with General Plan implementation would thus be less than significant.

- d. Impact 3.1-4: General Plan implementation could result in the creation of new sources of nighttime lighting and daytime glare.

- (1) **Explanation.** Future development would be required to be consistent with the General Plan, as well as lighting and design requirements in the Milpitas Municipal Code. The proposed General Plan contains policy CD1-1 which would ensure that new

developments are designed to context sensitive to adjacent properties. Policy CD 3-1 would ensure that new development projects utilize appropriate building materials, such as window glazing, that do not result in significant increases in unusual glare. Through the implementation of these policies in conjunction with the City's municipal code during the development review process, the City can ensure that adverse impacts associated with daytime glare and nighttime lighting are less than significant.

2. Agricultural and Forest Resources: The following specific impacts were found to be less than significant:

- a. Impact 3.2-1: General Plan implementation would not result in the conversion of farmlands, including Prime Farmland and Unique Farmland, to non-agricultural use.
 - (1) **Explanation.** There are no lands within the Planning Area that are designated for agricultural use on the existing or proposed Milpitas Land Use Map. There are no agricultural lands identified by the California Department of Conservation's Farmland Mapping and Monitoring Program within the Milpitas city limits. Lands located within Santa Clara County and within the Milpitas SOI are identified by the Department of Conservation as grazing lands, and areas identified by the County as farmlands of local importance. All lands within the hillside areas and within the SOI have maintained their current land use and have not been redesignated for urban development. Therefore, General Plan implementation would result in a less than significant impact and no mitigation is required.
- b. Impact 3.2-2: General Plan implementation would not result in conflicts with existing zoning for agricultural use, or a Williamson Act contract.
 - (1) **Explanation.** There are no lands within the Milpitas Planning Area that are currently under a Williamson Act contract. As such, General Plan implementation would result in no impact to Williamson Act contracts. Further, Actions LU-1a and LU-1b call for the City to update the Zoning Map and Zoning Code to bring them into consistency with the General Plan Land Use Map and standards, following completion of the General Plan Update. Implementation of these action items would ensure consistency between the General Plan and the Zoning Code and therefore impacts would be less than significant.
- c. Impact 3.2-3: General Plan implementation would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in

Public Resources Code section 1222(g)) or timberland (as defined in Public Resources Code section 4526); or result in the loss of forest land or conversion of forest land to non-forest use.

- (1) **Explanation.** There are no forest lands or timber lands located within the Milpitas Planning Area. Therefore, General Plan implementation would result in no impacts and no mitigation is required.
 - d. Impact 3.2-4: General Plan implementation would not 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.
 - (1) **Explanation.** There are no lands within the Planning Area that are designated by the existing or proposed General Plan for agricultural uses, and there are no Important Farmlands identified by the Department of Conservation located within the Milpitas city limits. Lands located within Santa Clara County and within the Milpitas SOI are identified by the Department of Conservation as grazing lands, and areas identified by the County as farmlands of local importance. No lands within the hillside areas and within the SOI have not been re-designated by this general plan update for urban development. There are several parcels that are zoned for agricultural use; however, none are currently in active agricultural uses, and, as stated in the Milpitas Municipal Code, are assumed to be developed under the general plan designations. Therefore, General Plan implementation would result in a less than significant impact.
- 3. **Air Quality:** The following specific impacts were found to be less than significant:
 - a. Impact 3.3-1: General Plan implementation would not conflict with or obstruct implementation of the applicable air quality plan, or result in a cumulatively considerable net increase of criteria pollutants.
 - (1) **Explanation.** The proposed project includes an extensive list of policies and actions that are specifically aimed at improving air quality. These policies and actions are consistent with the intent of the control measures in the BAAQMD's 2017 Clean Air Plan by promoting a compact urban development form, emphasizing infill development, and ensuring that land use patterns do not expose sensitive receptors to pollutant concentrations. The proposed General Plan does not cause the disruption, delay, or otherwise hinder the implementation of any quality plan control measure;

therefore, it is consistent with the 2017 Clean Air Plan. All future development and infrastructure projects within the Planning Area would be subject to General Plan goals, policies, and actions, which were adopted to reduce emissions and air quality impacts. The Planning Area is surrounded by existing urbanized uses to the south, west, and north, and is bisected by two of the most heavily-travelled highway corridors in the San Francisco Bay Area. The proposed General Plan emphasizes a compact, mixed use, transit-oriented development pattern that emphasizes alternative transportation access and multi-modal connectivity throughout the Planning Area and into the surrounding areas. Implementation of the proposed General Plan, which is consistent with all federal and state guidelines, would have a less than significant impact and would be consistent with the 2017 Clean Air Plan. Additionally, the proposed project is consistent with the current air quality plan control measures. Implementation of the proposed project would result in an approximately 49.7% increase in citywide VMT, compared to a 60.1% increase in combined population and jobs. Therefore, the growth rate associated with the proposed General Plan is higher than the VMT increase associated with it. Coupled with the fact that the addition of project-generated VMT would result in an approximately 3.0% decrease in total VMT per service population (residents plus jobs) by 2040 compared with the General Plan VMT 2040 projections under the existing General Plan, the proposed project would not result in VMT increases that would exceed the adopted thresholds.

- b. Impact 3.3-2: General Plan implementation would not expose sensitive receptors to substantial pollutant concentrations.
 - (1) **Explanation.** Milpitas is not mapped by the BAAQMD as an Impacted Community under the CARE program. The proposed General Plan includes policies and programs that would minimize exposure to TAC and PM2.5 concentrations within the City. These policies and actions are included within various elements of the proposed project. For example, Policy CON 7-2 requires adequate buffer or setback distances between sensitive land uses and potential sources of toxic or harmful air emissions. Policy CON 7-3 requires projects that generate high levels of pollutants to incorporate air quality mitigations into their design. Action CO-7c requires site-specific air quality Health Risk Assessments (HRAs) for developments that would place sensitive receptors closer than 500 feet from the edge of a regional roadway facility (including I-

680, I-880, and SR-237), or for development projects that would place significant point sources of air pollution such as gas station and dry cleaning facilities, or other industrial facilities that emit toxic air contaminants TACs within 500 feet of a sensitive receptor. In addition, all new sources of TAC emissions within the City would be required to obtain an Air Permit from BAAQMD that includes analysis of any TAC or PM2.5 emissions created from the new source and the potential health impacts to the nearest sensitive receptor. Individual projects will be required to provide their own environmental assessments to determine health impacts from the construction and operation of their projects. In the event that future individual projects may result in exposure to TACs by sensitive receptors, these future projects would be required to implement mitigation measures to reduce the impact to a less than significant level, consistent with BAAQMD requirements. Therefore, compliance with the applicable policies and programs in the proposed General Plan as well applicable BAAQMD rules and regulations, would minimize the potential exposure of sensitive receptors to substantial concentrations of TACs and PM2.5 within the City, and impacts would be less than significant.

- c. Impact 3.3-3: General Plan implementation would not result in other emissions (such as those leading to odors adversely affecting a substantial number of people).

(1) **Explanation.** The potential odor sources known to exist in Milpitas are the Newby Island Landfill & Composting operation, the Santa Clara / San Jose Wastewater Facility AKA Water Pollution Control Plant (WPCP), the Zanker Landfill & Composting Facility, and the Zanker Organic Digester Facility (ZWED). The proposed General Plan does not propose any land uses within the vicinity of this or any other potential source of objectionable odors. Individual projects that have the potential to generate significant objectionable odors would be required to undergo individual CEQA review. In addition, the General Plan policies and actions would further minimize the potential for other emissions (such as odors) to adversely affect a substantial number of people. Therefore, implementation of the proposed General Plan would have a less than significant impact.

4. Biological Resources: The following specific impacts were found to be less than significant:

a. Impact 3.4-1: General Plan implementation would not 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.

- (1) **Explanation.** Construction and maintenance activities associated with future development projects under the proposed General Plan could result in the direct and indirect loss or indirect disturbance of special status plant or animal species or their habitats that are known to occur, or have potential to occur, in the region. Impacts to special status species or their habitat could result in a substantial reduction in local population size, lowered reproductive success, or habitat fragmentation. However, implementation of the General Plan policies and actions would assist in minimizing the impact to a less than significant level. Subsequent development projects will be required to comply with the General Plan and adopted Federal, State, and local regulations for the protection of special status plants and animals, including habitat. The City of Milpitas has prepared the General Plan to include numerous policies and actions intended to protect special status plants and animals, including habitat, from adverse effects associated with future development and improvement projects. While future development has the potential to result in impacts to protected special status plants and animals, including habitat, the implementation of the General Plan policies and action, as well as Federal and State regulations, would result in a less than significant impact to special status plants and animals, including habitat.

b. Impact 3.4-2: General Plan implementation would not 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.

- (1) **Explanation.** The proposed project is a planning document that does not itself approve any specific physical changes to the to the environment, adoption of the proposed project would not directly impact the environment. However, the project could have an indirect change on the physical environment through subsequently approved projects that are consistent with the

buildout that is contemplated in the General Plan. The implementation of an individual project would require a detailed and site-specific review of the site to determine the presence or absence of riparian habitat or natural sensitive communities. If riparian habitat or natural sensitive communities are present and disturbance is required, Federal and State laws require measures to reduce, avoid, or compensate for impacts to these resources. The requirements of these Federal and State laws are implemented through the permit process. This potential impact would be minimized through the implementation of the General Plan policies and actions. Subsequent development projects will be required to comply with the General Plan and adopted Federal, State, and local regulations for the protection of sensitive natural communities, including riparian habitat. The City of Milpitas has prepared the General Plan to include numerous policies and actions intended to protect sensitive natural communities, including riparian habitat, from adverse effects associated with future development and improvement projects. While future development has the potential to result in impacts to protected habitats, the implementation of the General Plan policies and actions, as well as Federal and State regulations, would result in a less than significant impact.

c. Impact 3.4-3: General Plan implementation would not 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.

- (1) **Explanation.** Although subsequent projects may disturb protected wetlands and/or jurisdictional waters, the regulatory process that is established through Section 404 of the CWA ensures that there is “no net loss” of wetlands or jurisdictional waters. If, through the design process, it is determined that a future development project cannot avoid a wetland or jurisdictional water, then the USACE would require that there be an equal amount of wetland created elsewhere to mitigate any loss of wetland. Construction activities associated with individual future projects could result in the disturbance or loss of waters of the United States. This includes perennial and intermittent drainages; unnamed drainages; vernal pools; freshwater marshes; and other types of seasonal and perennial wetland communities. Wetlands and other waters of the United States could be affected through direct removal, filling, hydrological interruption (including

dewatering), alteration of bed and bank, and other construction-related activities. The proposed project is a planning document that does not itself approve any specific physical changes to the environment, adoption of the proposed project would not directly impact the environment. However, the project could have an indirect change on the physical environment through subsequently approved projects that are consistent with the buildout that is contemplated in the General Plan. The implementation of an individual project would require a detailed and site-specific review of the site to determine the presence or absence of water features. If water features are present and disturbance is required, Federal and State laws require measures to reduce, avoid, or compensate for impacts to these resources. The requirements of these Federal and State laws are implemented through the permit process. Subsequent development projects will be required to comply with the General Plan and adopted Federal, State, and local regulations for the protection of sensitive natural communities, including protected wetlands. The City of Milpitas has prepared the General Plan to include numerous policies and actions intended to protect wetlands and waters of the U.S. from adverse effects associated with future development and improvement projects. While future development has the potential to result in impacts to protected water features, the implementation of the General Plan policies and actions, as well as Federal and State regulations, would result in a less than significant impact.

d. Impact 3.4-4: General Plan implementation would not 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.

- (1) **Explanation.** Milpitas has proposed a Permanent Open Space (POS) land use for land adjacent to existing waterways. For example, the land to the east of Coyote Creek in Milpitas is all designated POS to allow the area to be continued to be used by wildlife as a movement corridor. The proposed General Plan Land Use Map also designates the majority of land to the west of Berryessa Creek POS and stretches of land adjacent to Penitencia Creek as POS. Additionally, stretches of land adjacent to Calera Creek and Arroyo de los Coches in the SOI boundary are also designated POS to allow the area to be used by wildlife as movement corridors. Because the proposed project is a planning

document and thus, no physical changes will occur to the environment, adoption of the proposed project would not directly impact the environment. There is a reasonable chance that movement corridors could be impacted throughout the buildout of subsequent individual projects. The implementation of an individual project would require a detailed and site-specific review of the site to determine the presence or absence of movement corridors on a given project site. If movement corridors are present and disturbance is required, Federal and State laws require measures to reduce, avoid, or compensate for impacts to these resources. The requirements of these Federal and State laws are implemented through the permit process. Subsequent development projects will be required to comply with the General Plan and adopted Federal, State, and local regulations for the protection of movement corridors. The City of Milpitas has prepared the General Plan to include three policies and one action intended to protect movement corridors from adverse effects associated with future development and improvement projects. While future development has the potential to result in impacts to protected movement corridors, the implementation of the General Plan policies and action, as well as Federal and State regulations, would result in a less than significant impact.

e. Impact 3.4-5: The General Plan would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

- (1) **Explanation.** The proposed project is a policy document, in which local policies are established. This EIR presents the numerous policies of the General Plan. The General Plan itself does not conflict with its policies. Subsequent development projects will be required to comply with the General Plan policies, as well as the Municipal Code. This is a less than significant impact.

f. Impact 3.4-6: General Plan implementation would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

- (1) **Explanation.** The proposed General Plan Land Use Map does not re-designate any land currently designated for open space or habitat protection. Though Milpitas is not a permittee of the Santa Clara Valley Habitat Plan, future projects will be required to comply with the Santa Clara Valley HCP through the implementation of Action CON-3a. Action CON-3a from the Conservation and Open Space Element of the General Plan

requires new development, as well as infrastructure projects, long-range planning projects, and other projects, to comply with the requirements of the Santa Clara Valley Habitat Plan to ensure that potentially significant impacts to special status species and sensitive resources are adequately addressed. Through implementation of this Action, the General Plan would have a less than significant impact.

5. Cultural Resources: The following specific impacts were found to be less than significant:

a. Impact 3.5-1: General Plan implementation would not cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to Section 15064.5.

- (1) **Explanation.** Thirty-three cultural resources have been identified within the City of Milpitas General Plan Study Area, according to files maintained by the NWIC of the CHRIS. Additionally, 25 buildings within the City of Milpitas General Plan Area are identified on the Santa Clara County Historic Property Data File Directory. It should be noted that 23 of these resources are also included on the list of resources on file with the NWIC. While the General Plan does not directly propose any adverse changes to any historic or archaeological resources, future development allowed under the General Plan could affect known historical or unknown historical and archaeological resources which have not yet been identified. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the City's General Plan, Municipal Code, and other applicable State and local regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. The General Plan includes policies and actions that would reduce impacts to cultural, historic, and archaeological resources, as well as policies and actions for the conservation of cultural, historic, and archaeological resources. Specifically, General Plan policies require development projects with a potential to impact archeological resources to be monitored by a relevant expert. In the event of a resource discovery, it is required that all ground disturbing activities and construction to be halted until a qualified expert is able to analyze the project site and determine appropriate mitigation. Additionally, the General Plan requires tribal consultation with tribes that may be impacted by proposed development, in

accordance with state, local, and tribal intergovernmental consultation requirements. Adoption and implementation of the policies and actions, combined with future CEQA review requirements, would result in a less than significant to historic and archaeological resources.

b. Impact 3.5-2: Implementation of the General Plan would not lead to the disturbance of any human remains.

- (1) **Explanation.** Future projects may disturb or destroy buried Native American human remains, including those interred outside of formal cemeteries. Consistent with state laws protecting these remains (that is, Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98), sites containing Native American human remains must be treated in a sensitive manner. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the City's General Plan, Municipal Code, and other applicable State and local regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. Public Resources Code Section 5097 has specific stop-work and notification procedures to follow in the event that Native American human remains are inadvertently discovered during development activities. The General Plan requires that human remains are treated in compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98. Implementation of the policies and actions of the General Plan would result in a less than significant impact to disturbance of human remains.

c. Impact 3.5-3: General Plan implementation would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074, and that is: 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), or a resource determined by the lead agency.

- (1) **Explanation.** Specific locations for future development and improvements have not been identified. Future projects would be required to be evaluated for project-specific impacts under CEQA at the time of application. The General Plan and local CEQA guidelines require tribal consultation and the protections of any identified archeological and tribal resources. All future development projects would be required to follow development

requirements, including compliance with local policies, ordinances, and applicable permitting procedures related to protection of tribal resources. Subsequent projects would be required to prepare site-specific project-level analysis to fulfill CEQA requirements, which also would include additional consultation that could lead to the identification of potential site-specific tribal resources. Impacts from future development could discover unknown archaeological resources including Native American artifacts and human remains. Impacts would result in a less-than-significant impact with implementation of General Plan policies and actions and local review guidelines. Compliance with the General Plan policies and actions, as well as State and local guidelines would provide an opportunity to identify, disclose, and avoid or minimize the disturbance of and impacts to a tribal resource through consultation and CEQA review procedures. Therefore, implementation of the policies and actions within the General Plan would result in a less than significant impact.

6. Geology: The following specific impacts were found to be less than significant:

a. Impact 3.6-1: General Plan implementation has the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides.

- (1) **Explanation.** There are known active faults that have been mapped within the Planning Area and numerous faults located in the region. In addition, the California Geological Survey has established an Alquist-Priolo Earthquake Fault Zone, the Hayward Fault Zone, which traverses the Planning Area. While there are known active faults mapped within the City, the area could experience considerable ground shaking generated by faults within the Planning Area. As a result, future development in the City of Milpitas may expose people or structures to potential adverse effects associated with a seismic event, including strong ground shaking and seismic-related ground failure. Additionally, the State Seismic Hazards Mapping Act (1990) addresses hazards along active faults. Seismic hazard zones are currently mapped in Milpitas and include areas mapped for liquefaction and earthquake induced landslide hazards. The most prominent areas of the City susceptible to liquefaction are located along Coyote

Creek. All projects would be required to comply with the provisions of the CBSC, which requires development projects to: perform geotechnical investigations in accordance with State law, engineer improvements to address potential seismic and ground failure issues, and use earthquake-resistant construction techniques to address potential earthquake loads when constructing buildings and improvements. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the CBSC, General Plan, Zoning Ordinance, and other regulations. Subsequent development and infrastructure would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. In addition to the requirements associated with the CBSC and the Municipal Code, the General Plan includes policies and actions to address potential impacts associated with seismic activity. The General Plan policies and actions require review of development proposals to ensure compliance with California Health and Safety Code Section 19100 et seq. (Earthquake Protection Law), which requires that buildings be designed to resist stresses produced by natural forces such as earthquakes and wind. All development and construction proposals must be reviewed by the City to ensure that all new development and construction is in conformance with applicable building standards related to geologic and seismic safety. All future projects are subject to CEQA review to address seismic safety issues and provide site specific mitigation for existing and potential hazards identified. With the implementation of the policies and actions in the General Plan, as well as applicable State and City codes, potential impacts associated with a seismic event, including rupture of an earthquake fault, seismic ground shaking, liquefaction, and landslides would be less than significant.

b. Impact 3.6-2: General Plan implementation has the potential to result in substantial soil erosion or the loss of topsoil.

- (1) **Explanation.** Because the majority of the city limits contains existing urban uses, the erosion potential is considered to be low. Limited development could occur within the SOI's hillside areas. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the CBSC, General Plan, Zoning Ordinance, and other regulations. In addition to compliance with City standards and policies, the Regional Water Quality Control Board will require a project specific Storm Water Pollution Prevention Plan (SWPPP) to be

prepared for each project that disturbs an area of one acre or larger. The SWPPPs will include project specific best management measures that are designed to control drainage and erosion. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. The General Plan includes a range of policies and one action related to best management practices, NPDES requirements, and minimizing discharge of materials (including eroded soils) into the storm drain system. With the implementation of the policies and actions in the General Plan, as well as applicable State and City requirements, potential impacts associated with erosion and loss of topsoil would be less than significant.

c. Impact 3.6-3: General Plan implementation has the potential to result in development 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.

- (1) **Explanation.** Unstable geologic units could be present within the Planning Area. The potential impacts of such unstable materials could include subsidence where artificial fill material may be poorly engineered and highly compressible. Development sites in the Planning Area may be at risk for seismically induced liquefaction, especially in areas that adjoin Coyote Creek. As future development and infrastructure projects are considered by the City of Milpitas, each project will be evaluated for conformance with the CBSC, the General Plan, Zoning Ordinance, and other regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. Future development and improvement projects would be required to have a specific geotechnical study prepared and incorporated into the improvement design, consistent with the requirements of the State and City codes. In addition to the requirements associated with the CBSC and the Municipal Code, the General Plan includes policies and actions to ensure that development projects address potential geologic hazards, at-risk buildings and infrastructure is evaluated for potential risks, and site-specific studies are completed for area subject to liquefaction. With the implementation of the policies and actions in the General Plan, as well as applicable State and City codes,

potential impacts associated with ground instability or failure would be less than significant.

d. Impact 3.6-4: General Plan implementation has the potential to result in development 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.

- (1) **Explanation.** The linear extensibility of the soils within Milpitas ranges from Low to Very High. The majority of the Planning Area has moderate to very high expansive soils, including most of the developed land. The eastern and western portions of the SOI have low expansive soils. Most of the area within the City's SOI with low expansive soils are located on undeveloped land. The areas with moderate to high expansive soils would require special design considerations due to shrink-swell potentials. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the CBSC, General Plan, Zoning Ordinance, and other applicable regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. The Safety Element of the General Plan establishes policies that are designed to protect from geologic hazards, including expansive soils. Consistency with the General Plan policies will require identification of geologic hazards and risk inventory of existing at-risk buildings and infrastructure. As required by the CBSC, a site-specific geotechnical investigation will identify the potential for damage related to expansive soils and non-uniformly compacted fill and engineered fill. If a risk is identified, design criteria and specification options may include removal of the problematic soils, and replacement, as needed, with properly conditioned and compacted fill material that is designed to withstand the forces exerted during the expected shrink-swell cycles and settlements. Design criteria and specifications set forth in the design-level geotechnical investigation will ensure impacts from problematic soils are minimized. Therefore, this impact is considered less than significant.

e. Impact 3.6-5: General Plan implementation does not have the potential to 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.

- (1) **Explanation.** Construction within the city limits allowed by the proposed Plan would not require the use of septic tanks or alternative wastewater disposal systems. Wastewater would be discharged into the existing public sanitary sewer system in the Plan Area, which is serviced by the West Valley Sanitation District (WVSD). Adequate system capacity is ensured through implementation and periodic auditing of the Sewer System Management Plan (SSMP), as well as sewer related capital improvement program (CIP) projects and studies. New wastewater generated from urban General Plan land uses will be collected and transmitted via sewer and limited use of septic tanks may be required within hillside areas of the Planning Area outside the city limits and within the SOI. Standards for any septic tanks or alternative waste water disposal systems utilized for development within the planning area would require the county health permit and review. Therefore, this impact is considered less than significant.

f. Impact 3.6-6: General Plan implementation has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

- (1) **Explanation.** There could be fossils of potential scientific significance and other unique geologic features that remain undiscovered or are not recorded. Ground-disturbing construction associated with development allowed under the proposed General Plan could uncover previously unknown resources. Damage to or destruction of a paleontological resource would be considered a potentially significant impact under local, state, or federal criteria. Implementation of the proposed General Plan policies and actions would ensure steps would be taken to minimize impacts to paleontological resources in the event that they are discovered during construction and thus, general plan implementation would result in a less-than-significant impact.

7. **Greenhouse Gases, Climate Change, and Energy:** The following specific impacts were found to be less than significant:

a. Impact 3.7-1: General Plan implementation has the potential to generate GHG emissions that could have a significant impact on the environment.

- (1) **Explanation.** The General Plan would reduce VMT per capita and VMT per service population, compared with the existing General Plan, in buildout year 2040. In addition, the proposed project is consistent with the existing 2013 CAP, and will also be consistent

with the forthcoming update to the 2013 Milpitas CAP, ensuring consistency with a Qualified GHG Reduction Strategy. Therefore, the proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. While future development would generate GHGs that would contribute to climate change, the implementation of the General Plan policies and actions, as well as Federal and State regulations, and implementation of the adopted Milpitas CAP would result in a less than significant impact.

b. Impact 3.7-2: General Plan implementation has the potential to conflict with adopted plans, policies, or regulations adopted for the purpose of reducing greenhouse gas emissions.

- (1) **Explanation.** The proposed project (Milpitas General Plan) is consistent with the City's adopted Climate Action Plan, which is a Qualified GHG Reduction Plan. The City's CAP has been developed to satisfy the GHG reduction requirements established by AB 32. The GHG emissions that would be emitted with implementation of proposed General Plan would be required to comply with the existing 2013 Milpitas CAP, as well as the forthcoming update to the 2013 Milpitas CAP. The forthcoming update to the 2013 Milpitas CAP is required to be consistent with the GHG reduction targets provided in the CARB's 2017 Scoping Plan, which were developed by the CARB to ensure compliance with AB 32, SB 32, and consistent with Executive Order S-03-05. These laws established a statewide reduction in GHG emissions to 15% below 1990 levels by 2020 (under AB 32), a 40% below 1990 levels by 2030 (under SB 32), and 80% below 1990 levels by 2050 (under AB 32 and consistent with Executive Order S-03-05). The use of these GHG reduction targets in the pending update to the Milpitas CAP is required by Action CAON-1a. In addition, the General Plan will not conflict with the implementation of regional transportation-related GHG targets outlined in ABAG's Plan Bay Area 2040 because the land use modifications contained in the proposed General Plan, and the corresponding reduction in vehicle miles traveled result in lower emissions than those forecasted in the Plan Bay Area 2040. Additionally, the proposed General Plan would not conflict with any of the other provisions of the Scoping Plan or applicable regulations related to GHG reductions because the General Plan includes a comprehensive approach to expanding transit access, increasing mobility options, promoting a compact pedestrian-oriented urban development pattern, and

focuses new development to infill sites at densities higher than those allowed by the existing General Plan. All of these comprehensive policy approaches serve to support regional and statewide efforts to reduce GHG emissions, including CARB's Scoping Plan and ABAG's Plan Bay Area 2040 through energy efficiency, green building, recycling/waste, and water conservation through General Plan policies and actions.

c. Impact 3.7-3: General Plan implementation has the potential to result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

- (1) **Explanation.** Buildout of the General Plan would use energy resources for the operation of buildings (electricity and natural gas), for on-road vehicle trips (e.g. gasoline and diesel fuel), and from off-road construction activities (e.g. diesel fuel) associated with buildout of the General Plan. Each of these activities would require the use of energy resources. Developers of individual projects within the Planning Area would be responsible for conserving energy, to the extent feasible, and would rely heavily on reducing per capita energy consumption to achieve this goal, including through Statewide and local measures. Buildout of the General Plan would be in compliance with all applicable federal, state, and local regulations regulating energy usage. Additionally, energy-saving regulations, including the latest State Title 24 building energy efficiency standards ("part 6"), would be applicable to the proposed project. Other Statewide measures, including those intended to improve the energy efficiency of the statewide passenger and heavy-duty truck vehicle fleet (e.g. the Pavley Bill and the Low Carbon Fuel Standard), would improve vehicle fuel economies, thereby conserving gasoline and diesel fuel. These energy savings would continue to accrue over time. Furthermore, additional project-specific sustainability features could further energy consumption of individual projects. As a result, the proposed project would not result in any significant adverse impacts related to project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for during General Plan buildout, including during construction, operations, maintenance, and/or removal. Silicon Valley Clean Energy, the local CCA, and/or PG&E, the electricity and natural gas provider to the site, maintains sufficient capacity to serve the Planning Area. The City of Milpitas would

comply with all existing energy standards, and would not result in significant adverse impacts on energy resources. Furthermore, connections exist between the Planning Area and nearby pedestrian and bicycle pathways, and public transit access exists nearby, reducing the need for local motor vehicle travel. Although improvements to the City's pedestrian, bicycle, and public transit systems would provide further opportunities for alternative transit, the Planning Area would be linked closely with existing networks that, in large part, are sufficient for most residents of the Planning Area and neighboring communities. Thus, buildout of the General Plan would not be expected cause an inefficient, wasteful, or unnecessary use of energy resources nor conflict with or obstruct a state or local plan for renewable energy or energy efficiency. This is a less than significant impact.

8. Hazards and Hazardous Materials: The following specific impacts were found to be less than significant:

a. Impact 3.8-1: General Plan implementation has the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

- (1) **Explanation.** All future projects allowed under the General Plan would be required to comply with the provisions of Federal, State, and local requirements related to hazardous materials. As future development and infrastructure projects are considered by the City, each project would be evaluated for potential impacts, specific to the project, associated with hazardous materials as required under CEQA. In addition to the requirements associated with Federal and State regulations and the Municipal Code, the General Plan includes policies and actions to address potential impacts associated with hazardous materials among other issues. These policies and actions in the General Plan would ensure that potential hazards are identified on a project site, that development is located in areas where potential exposure to hazards and hazardous materials can be mitigated to an acceptable level, and that business operations comply with Federal and State regulations regarding the use, transport, storage, and disposal of hazardous materials. The General Plan also includes policies and actions to ensure that the City has adequate emergency response plans and measures to respond in

the event of an accidental release of a hazardous substance. Hazardous materials regulations related to the use, handling, and transport of hazardous materials are codified in Titles 8, 22, and 26 of the CCR, and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code. These laws were established at the state level to ensure compliance with federal regulations to reduce the risk to human health and the environment from the routine use of hazardous substances. These regulations must be implemented by employers/businesses, as appropriate, and are monitored by the state (e.g., Cal OSHA in the workplace or DTSC for hazardous waste) and/or the County. The haulers and users of hazardous materials are listed with the SCCFD and are regulated and monitored by the Santa Clara County. Implementation of Title 49, Parts 171-180, of the Code of Federal Regulations would reduce any impacts associated with the potential for accidental release of hazardous materials. Therefore, implementation of the proposed General Plan policies and actions, as well as Federal and State regulations, would result in a less than significant impacts associated with the routine use, transport, storage, or disposal or accidental release of hazardous materials.

b. Impact 3.8-2: General Plan implementation has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

- (1) Explanation.** The proposed General Plan is not anticipated to directly lead to the establishment of new businesses that would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste because the General Plan does not approve any specific development project. However, given the unknown nature of future business establishments within the commercial, manufacturing and industrial use areas, the potential for hazardous materials is present. All hazardous materials would be required to be handled in accordance with Federal, State, and County requirements, which would limit the potential for a project to expose nearby uses, including schools, to hazardous emissions or an accidental release. Hazardous emissions are monitored by the BAAQMD, RWQCB, DTSC and the local CUPA. In the event of a hazardous materials spill or release, notification and cleanup operations would be performed in compliance with applicable Federal, State, and local regulations and policies, including hazard mitigation

plans. As part of the development review process, the City's proposed General Plan also requires projects that may result in significant risks associated with hazardous materials to include measures to address and reduce the risks to an acceptable level such that surrounding uses are not exposed to hazardous materials in excess of adopted state and federal standards, and also requires the submittal of information regarding hazardous materials manufacturing, storage, use, transport, and/or disposal by existing and proposed businesses and developments to the SCCFD. Compliance with all existing regulations as well as the proposed General Plan policies and actions related to land use compatibility and hazardous materials would result in a less than significant impact.

c. Impact 3.8-3: General Plan implementation has the potential to have projects located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

- (1) **Explanation.** The General Plan does not propose or approve any specific development project, however development allowed by the General Plan could create a hazard to the public or the environment through a disturbance or release of contaminated materials if the development occurs on or adjacent to contaminated sites without appropriate measures to contain or mitigate the existing contamination. Federal and State regulations ensure that existing hazards, including those associated with known hazardous materials sites, are addressed prior to development. Compliance with Federal and State regulations would ensure that potential impacts associated with the hazardous conditions on sites listed pursuant to Government Code Section 65962.5 would be less than significant.

d. Impact 3.8-4: General Plan implementation is not located within an airport land use plan, two miles of a public airport or public use airport, and would not result in a safety hazard for people residing or working in the project area.

- (1) **Explanation.** There are no airport facilities located within the Planning Area. The nearest airport facility within the vicinity of the Planning Area is the San Jose International Airport. The San Jose International Airport is located approximately 2 miles south of Milpitas, and is the only Air Carrier airport in Santa Clara County. According to the Comprehensive Land Use Plan for the San Jose International Airport, the City of Milpitas is not located within one of the Airport Safety Zones. Therefore, the General Plan does not

include any policies or actions that would impact air hazards or safety and implementation of the General Plan would have a less than significant impact.

e. Impact 3.8-5: General Plan implementation has the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

- (1) **Explanation.** According to the Santa Clara County Emergency Operations Plan, Milpitas is a partner of the Santa Clara County Operation Area and the Santa Clara County Emergency Management Organization. Both of these entities provide mutual aid to communities via the Santa Clara County Sheriff's Department, SCCFD, and the State of California Office of Emergency Services. In addition, the City of Milpitas adopted the City of Milpitas EOP, which identifies the City's emergency planning, organization, and response policies and procedures. The EOP also addresses the integration and coordination within other governmental agencies that are required during an emergency. The following individuals, either acting as the Emergency Operations Center Director or on behalf of the Emergency Operations Center Director, or their appointed representatives are authorized to activate the Emergency Operations Center: City Manager, Police Chief, or Fire Chief. The Emergency Services Coordinator will determine the phase and initiate the appropriate level of alert for response agencies, including the activation of the Emergency Operations Center as required. The General Plan includes a goal to enhance safety throughout the community by ensuring emergency preparedness. The General Plan ensures that the City's emergency access routes, emergency contact lists, and public information regarding designated facilities and routes are regularly reviewed to ensure that up to date information is available to the City and the public in the event of an emergency. Important new critical facilities would be located to ensure resiliency in the event of a natural disaster. Implementation of the proposed General Plan policies and actions would result in a less than significant impact.

f. Impact 3.8-6: General Plan implementation has the potential to expose people or structures to a significant risk of loss, injury or death involving wildland fires.

- (1) **Explanation.** The City of Milpitas and general vicinity are not categorized as "Very High" FHSZ by CalFire. Local Responsibility Areas (LRA) are concentrated in the incorporated areas of Milpitas

and is served by the Milpitas Fire Department. State Responsibility areas are found to the east of the City limits in the hilly terrain within the Sphere of Influence boundary. While there are no State Responsibility areas within the Milpitas City limits, areas east of the city limits within the Sphere of Influence are designated as "high" and "moderate" FHSZ by CalFire. There are no Federal Responsibility Areas within the vicinity of the Planning Area. According to the State of California Fire Threat Map, the City of Milpitas is primarily designated as having a no CalFire fire threat or a moderate CalFire fire threat with portions of the city limits east of Interstate 680 classified as "high" fire threat. CalFire data for the foothill areas in the eastern portion of the Planning Area located in the Sphere of Influence area includes a preponderance of "high" and "very high" fire threat. The proposed General Plan includes requirements for adequate water supply and water flow availability, ensuring adequate emergency access, adequate fire protection services, fire safe design site standards, and ensuring public awareness regarding fire safety. All future projects allowed under the General Plan would be required to comply with the provisions of Federal, State, and local requirements related to wildland fire hazards, including State fire safety regulations associated with wildland-urban interfaces, fire-safe building standards, and defensible space requirements. As future development and infrastructure projects are considered by the City, each project would be evaluated for potential impacts, specific to the project, associated with wildland fire hazards as required under CEQA. Therefore, through implementation of the proposed General Plan policies and actions along with compliance with state and federal requirements would result in a less than significant impact.

9. Hydrology and Water Quality: The following specific impacts were found to be less than significant or to have no impact:

a. Impact 3.9-1: General Plan implementation could violate water quality standards or waste discharge requirements or otherwise substantially degrade water quality or obstruct implementation of a water quality control plan.

(1) Explanation. Compliance with existing City and County construction and stormwater management codes and the SWMP, would reduce potential impacts related to stormwater quality. In addition, prior to the issuance of grading permits, each site developed under the proposed General Plan would be required to

submit a SWPPP and SWMP to the City for approval. While the primary regulatory mechanisms for ensuring that future development and infrastructure projects do not result in adverse water quality impacts are contained in the Milpitas Municipal Code, the SCVURPPP, and the SWMP, the City of Milpitas has developed the General Plan to include additional policies and actions that, when implemented, will further reduce water pollution from construction, new development, and new infrastructure projects, and protect and enhance natural storm drainage and water quality features. Actions by the City during the development review process require the review of development projects to identify potential stormwater and drainage impacts and require development to include measures to ensure that off-site runoff is not increased beyond pre-development levels during rain and flood events. In addition, compliance with the Clean Water Act and regulations enforced by the Regional Water Quality Control Board would ensure that construction-related impacts to water quality are minimized and future projects comply with all applicable laws and regulations. The City manages local storm drain facilities and the SCVWD is responsible for regional flood control planning within the County. Provision of stormwater detention facilities as needed would reduce runoff rates and peak flows. Existing regulatory requirements that manage water quality, and implement the San Francisco Bay Basin Water Quality Control Plan (Basin Plan) include requirements to obtain approval from the RWQCB for NPDES permits, other discharge permits, WQMPs, SWPPPs, and to implement Best Management Practices. These regulatory requirements are intended to ensure that water quality does not degrade to levels that would violate water quality standards. Through implementation of the General Plan policies and actions, implementation of the Milpitas Municipal Code requirements, compliance with mandatory Federal and State regulations, and compliance with the existing regulations for the SCVURPPP would ensure that impacts to drainage patterns and water quality would be less than significant.

b. Impact 3.9-2: General Plan implementation could result in the depletion of groundwater supplies or interfere substantially with groundwater recharge or conflict with a groundwater management plan.

- (1) Explanation.** By 2040, the buildout time horizon in the 2020 Water Master Plan Update, the combined SFPUC and SCVWD

supplies are projected to be over 17.5 mgd. The available water supply of 17.5 mgd exceeds the estimated buildout water demands (13.1 mgd per the land use-based method and 13.7 mgd per the 2020 WMPU). Thus, the City will have adequate water supply to serve the buildout of the proposed general plan land uses. Subsequent development projects under the General Plan, such as residential, commercial, industrial, and roadway projects would result in new impervious surfaces and could reduce rainwater infiltration and groundwater recharge. However, the majority of developable areas within the Santa Clara Plain Recharge Area are currently developed with urban uses. The majority of open undeveloped lands within the Santa Clara Plain Recharge Area are designated for future hillside residential uses. The amount of new pavement and impervious surfaces, and the extent to which they affect infiltration, depends on the site-specific features and soil types of a given project site. Projects located in urban areas would have less of an impact than projects converting open lands and spaces. Given that implementation and future buildout of the proposed General Plan would not appreciably add to the volume of impervious surfaces in Milpitas or the Santa Clara Plain Recharge Area, when compared to the overall size of the regional groundwater basin recharge area, and that there are adequate water supplies (including groundwater) to serve the projected buildout demand of the General Plan, this potential impact would be less than significant, and no additional mitigation is required. While mitigation is not required for this less than significant impact, the General Plan includes policies that support water conservation, the use of permeable surfaces and the use of recycled water for non-potable uses and coordination with local water districts when planning for adequate capacity to accommodate future growth. The General Plan and development codes are consistent with the Groundwater Management Plan. Implementation of the General Plan policies would further ensure that the General Plan would have a less than significant impact.

c. Impact 3.9-3: General Plan implementation could alter the existing drainage pattern in a manner which would result in substantial erosion, siltation, flooding, impeded flows, or polluted runoff.

- (1) **Explanation.** The General Plan sets policies and actions for build-out of the City, but it does not envision or authorize any specific development project. Because of this, the site-specific details of potential future development projects are currently unknown and

analysis of potential impacts of such projects is not feasible and would be speculative. Future project applicants would be required to obtain permits from the Army Corps of Engineers and the Department of Fish and Wildlife if any work is performed within a waterway. Each future development project must also include detailed project specific floodplain and drainage studies that assess the drainage characteristics and flood risks so that an appropriate SWMP can be prepared to control storm water runoff, both during and after construction. The SWMP will ultimately include project specific best management measures that are designed to allow for natural recharge and infiltration of stormwater. Construction of storm drainage improvements would occur as part of an overall development or infrastructure project, and is considered in the environmental impacts associated with project construction and implementation. The City manages local storm drain facilities and the Santa Clara Valley Water District (SCVWD) is responsible for regional flood control planning within the County. Provision of stormwater detention facilities as needed would reduce runoff rates and peak flows. The City has developed the General Plan to include policies and actions that, when implemented, will reduce flooding from new development, reduce storm water pollution from new development, and protect and enhance natural storm drainage and water quality features, which will in turn reduce water quality impacts. Existing regulatory requirements including NPDES and Waste Discharge permits from the RWQCB and implementation of BMPs manage quality. Through implementation of the General Plan policies and actions, implementation of the Milpitas Municipal Code requirements, compliance with mandatory Federal and State regulations, and compliance with the existing regulations for the SCVURPPP would ensure that impacts related to increased flooding or water quality impacts associated with increased runoff would be less than significant.

d. Impact 3.9-4: General Plan implementation would not release pollutants due to project inundation by flood hazard, tsunami, or seiche.

- (1) **Explanation.** The City of Milpitas regulates storm water discharge in accordance with the NPDES permit through Chapter X-16 of the Milpitas Municipal Code. In addition to complying with the NPDES programs and WQMP stormwater requirements, the General Plan contains policies to reduce impacts associated with stormwater and drainage including policies to maintain sufficient levels of

storm drainage service, improvements to flood control facilities and channel segments, and other best practices in order to protect the community from flood hazards and minimize the discharge of materials into the storm drain system that are toxic. The implementation of the General Plan would result in a less than significant impact. Regarding tsunamis and seiches, there are multiple dam inundation areas that could impact the Planning Area, including the Anderson Dam and Reservoir, Coyote Dam and Reservoir, and Sandy Wool Lake Dam. These dams do not have a history of dam failure; however, these dams are identified as having the potential to inundate habitable portions of the Planning Area in the unlikely event of dam failure. The Santa Clara Valley Water District's Dam Safety Program recognizes the catastrophic nature of potential dam failure and operates a comprehensive dam safety program to protect the public. Through the water district's dam safety program, it ensures the continued operation of its 10 major dams within the county. The water district also works closely with state and federal regulators, and downstream emergency response partners. As such, the City is not at significant risk from a dam failure. In addition, limited isolated damage to adjacent and down-slope structures has been observed from seiches occurring in swimming pools and in small shallow lakes and ponds. Man-made lakes within the Planning Area are shallow with limited surface areas, and would not generate devastating seiches. The City of Milpitas is not within a tsunami hazard area and would not be subject to substantial impacts from seiche events. This is a less than significant impact.

10. Land Use Planning and Population/Housing: The following specific impacts were found to be less than significant:

a. Impact 3.10-1: General Plan implementation would not physically divide an established community.

- (1) Explanation.** The land uses allowed under the proposed General Plan provide opportunities for cohesive new growth at in-fill locations within existing urbanized areas of the city, and would not create physical division within the community. New development and redevelopment projects would be designed to complement the character of the existing community and neighborhoods and provide connectivity between existing development and new development. The proposed General Plan Land Use Map designates sites for a range of developed uses as well as open space. The proposed General Plan does not include

any new areas designated for urbanization or new roadways, infrastructure, or other features that would divide existing communities. The proposed General Plan would have a less than significant impact associated with the physical division of an established community and the General Plan policies would ensure that future development is compatible with adjacent communities and land issues.

b. Impact 3.10-2: General Plan implementation would not 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.

- (1) **Explanation.** The proposed General Plan was prepared in conformance with State laws and regulations associated with the preparation of general plans, including requirements for environmental protection. As set forth by State law, the General Plan serves as the primary planning document for the City and subordinate documents and plans would be updated to be consistent with the General Plan. Similar to the existing General Plan, the proposed General Plan focuses on a balanced land use pattern, creating a community where new development blends with existing neighborhoods, and promoting the City as a desirable place to live and work. The proposed General Plan carries forward and enhances policies and measures from the City's existing General Plan that were intended for environmental protection and would not remove or conflict with City plans, policies, or regulations adopted for environmental protection. The proposed General Plan would require modifications to the City's Zoning Ordinance to provide consistency between the General Plan and zoning; however, these modifications will not remove or adversely modify portions of the Milpitas Municipal Code that were adopted to mitigate an environmental effect. Subsequent development and infrastructure projects would be required to be consistent with all applicable policies, standards, and regulations, including those land use plans, policies, and regulations adopted to mitigate environmental effects by the City as well as those adopted by agencies with jurisdiction over components of future development projects. Any potential environmental impact associated with conflicts with land use requirements would be less than significant and the General Plan policies would ensure that the General Plan does not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

c. Impact 3.10-3: General Plan implementation would not 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).

- (1) **Explanation.** The proposed General Plan accommodates future growth in Milpitas, including new businesses, expansion of existing businesses, and new residential uses. Infrastructure and services would need to be extended to accommodate future growth. At full buildout, the proposed General Plan could yield a total of up to 33,401 housing units, a population of 113,530 people, 47,807,536 square feet of non-residential building square footage, and 84,333 jobs within the Planning Area. With implementation of General Plan policies and actions intended to guide growth to appropriate areas and provide services necessary to accommodate growth, the land uses allowed under the proposed General Plan, the infrastructure anticipated to accommodate proposed land uses, and the goal and policy framework would not induce growth that would exceed adopted thresholds, beyond those disclosed and analyzed in the EIR. Therefore, population and housing growth associated with the proposed General Plan would result a less than significant impact.

d. Impact 3.10-4: General Plan implementation would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

- (1) **Explanation.** The majority of developed land in the Planning Area is comprised of residential uses, which are not anticipated to undergo significant land use changes under the Proposed General Plan. The Proposed General Plan focuses infill development opportunities in vacant and underutilized areas in Milpitas, as well as areas currently developed with commercial uses which may transition to mixed uses in the future. The General Plan Land Use Map was developed to preserve existing neighborhoods throughout the City. Throughout the Planning Area, the Proposed General Plan is projected to increase the overall number of dwelling units and provide housing to serve the diverse needs of the community at various socioeconomic levels. Additionally, the Land Use Element includes policies and actions aimed at preserving housing options, and providing attainable housing opportunities for all residents. Therefore, impacts of the proposed General Plan on the displacement of people or housing are considered less than significant.

11. Mineral Resources: The following specific impacts were found to be less than significant:

a. Impact 3.11-1: General Plan implementation would not 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.

(1) **Explanation.** The Planning Area contains four areas identified by the State Geologist as containing 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. All of the areas are being currently quarried. Given that the only known identified regional mineral resource areas within the Planning Area are already in operation and are currently quarried there is no additional potential for resource extraction from this MRZ. However, proposed new urban uses available for development are within the City of Milpitas city limits and would not be developed within an identified regional mineral resource area or mining operation and therefore would not preclude mineral extraction within existing mineral resources area. Access to mineral resource areas would be considered on a project specific basis. There are no other known mineral deposits or resources within Milpitas that are of significant value to the region or the state. As such, implementation of the proposed General Plan would have a less than significant impact.

b. Impact 3.11-2: General Plan implementation would not 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.

(1) **Explanation.** The Planning Area does not contain sites designated as a locally important mineral resource recovery site by the City's General Plan. The Santa Clara County General Plan identifies important mineral resources within its Planning Area, which includes the hillside areas within the Milpitas SOI. However, implementation of the proposed General Plan would not result in the loss of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, as the proposed General Plan don't not re-designate any new lands for urban development within the hillside areas within the SOI east of the city limits. Therefore, this impact is considered less than significant.

12. Noise: The following specific impacts were found to be less than significant:

a. Impact 3.12-2: General Plan implementation may result in exposure to excessive railroad noise sources.

(1) **Explanation.** The 60 dB Ldn railroad noise contours for railroad lines may extend up to 48 feet to 1,199 feet from railroad centerlines. Future development located along these railroad lines could therefore be exposed to unacceptable exterior noise levels. Policies N 1-1 through N 1-5 and Actions N 1a and N 1b, are intended to minimize exposure to excessive noise, including noise associated with railroad operations. Specifically, Policy N 1-1 and N 1a support noise-compatible land uses in the vicinity of railroad noise sources and require that new development and infrastructure projects be reviewed for consistency with the noise standards established in Tables N-1. Policy N 1-2, N 1-4, and N 1-5 and Actions N 1a and N 1b would ensure that new development mitigates potential noise impacts through incorporating the noise control treatments necessary to achieve acceptable noise levels. Implementation of these General Plan policies and actions would ensure that development allowed under the proposed General Plan is not exposed to noise levels associated with railroad operations in excess of the City's established standards. This is a less than significant impact.

b. Impact 3.12-3: Implementation of the General Plan could result in the generation of excessive stationary noise sources.

(1) **Explanation.** While the General Plan does not specifically propose any new noise generating uses, the Land Use Map includes industrial land use designations, which may result in new noise sources. Specific land uses that would be located in the city are not known at this time. Additionally, noise from existing stationary sources will continue to impact noise-sensitive land uses in the vicinity. New projects which may include stationary noise sources such as automotive and truck repair facilities, tire installation centers, car washes, loading docks, corporation yards, parks, and play fields may create noise levels in excess of the City's standards. The General Plan includes policies and actions that are intended to reduce noise associated with stationary sources. Specifically, Policies N 1-11 through N 1-14 and Actions N 1a and N 1b would reduce noise associated with stationary sources by requiring the preparation of acoustical studies for proposed commercial and industrial development projects in the vicinity of sensitive noise receptors, and requiring project-specific

mitigation in the form of noise attenuation to comply with the noise standards shown in Table N-2 of the proposed General Plan. Implementation of the proposed policies and actions of the General Plan will reduce noise impacts from stationary noise sources to a less than significant level.

c. Impact 3.12-4: General Plan implementation may result in an increase in construction noise sources.

- (1) **Explanation.** Activities involved in construction would typically generate maximum noise levels ranging from 85 to 90 dB at a distance of 50 feet. Construction could result in periods of significant ambient noise level increases and the potential for annoyance. However, the proposed General Plan includes policies and actions that are intended to reduce noise associated with construction noise. Specifically, Policy N 1-8 and Action N 1c and N 1d would reduce noise associated with construction noise. Additionally, due to the temporary nature of construction noise, noise increases from construction activities would not lead to ongoing or long-term exceedances of the City's noise standards. The ambient noise standards established by the proposed General Plan do not apply to temporary noise sources, such as construction activities. Implementation of the proposed policies and actions of the General Plan will reduce noise impacts from construction noise to a less than significant level.

d. Impact 3.12-5: General Plan implementation may result in construction vibration.

- (1) **Explanation.** Depending on the proximity of existing structures to each construction site, the structural soundness of the existing buildings, and the methods of construction used, vibration levels may be high enough to damage existing structures. Given the scope of the General Plan and the proximity of many existing structures, ground borne vibration impacts would be potentially significant. As with any type of construction, vibration levels may at times be perceptible. However, construction phases that have the highest potential of producing vibration (pile driving and use of jackhammers and other high-power tools) would be intermittent and would only occur for short periods of time for any individual project site. General Plan Action N 1d would ensure administrative controls such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration to hours with the least potential to affect nearby businesses, in order to ensure that perceptible vibration can be kept to a minimum, and

as such would not result in a significant impact with respect to perception. Therefore, the potential for significant impacts associated with construction vibration is less than significant.

e. Impact 3.12-6: General Plan implementation may result in exposure to groundborne vibration.

- (1) **Explanation.** Development facilitated by the General Plan could expose persons to excessive ground borne vibration levels attributable to trains. The proposed locations of buildings and their specific sensitivity to vibration are not known at this time; however, such uses located in close proximity to railroad tracks could be exposed to ground vibration levels exceeding FTA guidelines. The proposed General Plan includes Policy N 2-3 requires that individual development projects undergo project-specific environmental review and address potential vibration impacts associated with railroad operations. If project-level significant vibration impacts are identified, specific mitigation measures will be required under CEQA. The implementation of this policy would limit potential ground borne vibrations associated with railroad operations to a less than significant level.

13. Public Services and Recreation: The following specific impacts were found to be less than significant:

a. Impact 3.13-1: General Plan implementation could result in adverse physical impacts on the environment associated with the need for new governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts and the provision of public services.

- (1) **Explanation.** The General Plan does not propose or approve actual development projects, or the physical expansion of public facilities. As future development and infrastructure projects (including new governmental facilities) are considered by the City, each project will be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations. Such development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. Any future expansion of public facilities required by growth in the City would be required to be reviewed for site-specific impacts. New facilities will be needed to serve growth contemplated in the General Plan. The facilities would be primarily provided on sites with land use designations that allow such uses and the environmental impacts of constructing and

operating the governmental facilities would likely be similar to those associated with new development, redevelopment, and infrastructure projects under the General Plan. Any future development under the General Plan would be required to comply with regulations, policies, and standards included in the General Plan, and would be subject to CEQA review as appropriate. The General Plan includes a range of policies and actions to ensure that public services adequately accommodate growth, maintain community services and facilities, and that new development funds its fair share of services. Therefore, impacts related to the provisions and need for public facilities are less than significant.

b. Impact 3.13-2: General Plan implementation may result in adverse physical impacts associated with the deterioration of existing parks and recreation facilities or the construction of new parks and recreation facilities.

- (1) **Explanation.** The proposed General Plan does not specifically propose any development projects, including parks. As a result, site-specific physical impacts of future park development and construction cannot be determined until future projects are brought forward for review. As future parks and recreation projects are considered by the City, each project will be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations. Parks and recreation projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. In addition to ensuring that new and expanded parks and recreation facilities are provided to accommodate new growth, the General Plan includes policies and actions to ensure that parks and recreation facilities are adequately maintained and improved to serve both existing and planned growth. The General Plan includes a range of policies and actions to ensure that parks and recreational facilities are adequately funded, and that new development funds its fair share of services needed to meet General Plan objectives. New development is required to participate in the provision and expansion of public services, recreational amenities, and facilities, and is also required to demonstrate that the City's public services and facilities can accommodate the increased demand for said services and facilities associated with future projects during the entitlement process. Therefore, impacts related to the provisions and need for park and recreational facilities are less than significant.

14. Transportation: The following specific impacts were found to be less than significant:

a. Impact 3.14-1: General Plan implementation would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

- (1) **Explanation.** As historically the transportation network has emphasized meeting the needs of motor vehicle transportation, applicable General Plan policies place an increased emphasis on the enhancement of facilities to improve walking, bicycling and transit use. These policies support and help further the implementation of a variety of City transportation plans, including the Bikeway Master Plan and the Trails Master Plan. These policies also seek to minimize the negative impacts that improvements to one mode may have on other modes. The context of the transportation network is also considered through policies that support inter-jurisdictional coordination and closely linking the development of transportation facilities to the surrounding land uses. Through implementation of the policies and actions included in the General Plan, implementation of the proposed General Plan would result in a less than significant impact.

b. Impact 3.14-3: General Plan implementation would not substantially increase hazards due to a geometric design feature or incompatible use.

- (1) **Explanation.** The proposed project does not directly result in any modifications to the transportation network, it therefore has no impact in terms of potentially increasing hazards related to design features. At such time as the facilities presented in the plan are implemented, they would be required to meet applicable City, federal, and state design standards. Therefore, this results in a less than significant impact.

c. Impact 3.14-4: General Plan implementation would not result in inadequate emergency access.

- (1) **Explanation.** Future development under the proposed plan would be subject to the requirements contained in the City's Design and Construction Standards, which include requirements for emergency access, and would be reviewed by public safety officials as part of the City's entitlement process. Thus, individual projects will adhere to City of Milpitas and Santa Clara County development codes just as they do today. Safety, Fire, and Building Codes will be adhered to for all projects included in the

proposed intensification of land uses outlined in the plan. Additionally, emergency vehicles are able to use vehicle preemption technology (where possible) and sirens to reduce their response times, and they would continue to do so regardless of any roadway capacity modification. Locations that would experience a reduction in vehicular roadway capacity would undergo individual operations analyses to assess the potential impacts to emergency vehicle access, and mitigation measures would be developed as needed to reduce potentially significant impacts to less than significant levels. The General Plan policies focus on the need to consider safety needs as part of planning and implementing transportation improvements. This includes ensuring adequate mobility and access as well as coordination with adjacent jurisdictions, which are critical considerations in providing adequate emergency access. Overall, this is a less than significant impact.

15. Utilities and Service Systems: The following specific impacts were found to be less than significant:

a. Impact 3.15-1: General Plan implementation would result in sufficient water supplies available to serve the City and reasonably foreseeable future development during normal, dry and multiple dry years.

- (1) **Explanation.** The City will have adequate water supply to serve the buildout GPU land uses. Per the 2015 Urban Water Management Plan (UWMP), the City projects combined supplies from the San Francisco Public Utilities Commission (SFPUC) and Valley Water (VW) to be approximately 14.5 mgd in 2025. By 2040, the buildout time horizon in the 2020 WMPU, combined SFPUC and VW supplies are projected to be over 17.5 mgd. Thus, the available water supply of 17.5 mgd exceeds the estimated buildout water demands (13.1 mgd per the land use-based method and 13.7 mgd per the 2020 WMPU). When the net impact to potable water demand is compared to the supply available, it can be seen that the city has ample water supply to account for buildout of the proposed General Plan. As such, this is a less than significant impact, and no mitigation is required. The proposed General Plan includes a range of policies designed to ensure an adequate water supply for development and to minimize the potential adverse effects of increased water use. Given that projected water demands associated with General Plan buildout would not exceed the projected available water supplies, and that

the proposed General Plan includes a comprehensive set of goals and policies to ensure an adequate and reliable source of clean potable water, impacts associated with water supplies are less than significant. The policies would further assist in ensuring that adequate water supplies are available to serve new growth projected under the proposed General Plan.

b. Impact 3.15-2: General Plan implementation may require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

- (1) **Explanation.** The proposed General Plan includes a range of policies to ensure that water providers serving the city are consulted with during future land use changes in order to ensure that future supply levels meet demands. Future development in the Planning Area would be required to connect to existing water distribution infrastructure in the vicinity of each site, pay the applicable water system connection fees, and pay the applicable water usage rates. Future projects may be required to implement site specific and limited off-site improvements to the water distribution system in order to connect new project sites to the existing water infrastructure network. The specific impacts of providing new and expanded water distribution infrastructure cannot be determined at this time, as the General Plan does not propose or authorize any specific development projects or include details on any future development projects. However, any future improvements to the existing water distribution infrastructure would be primarily provided on sites with land use designations that allow for urbanized land uses, and the environmental impacts of constructing and operating the new water distribution infrastructure would likely be similar to those associated with new development, redevelopment, and infrastructure projects under the proposed General Plan. Therefore, this impact is considered less than significant.

c. Impact 3.15-3: General Plan implementation has the potential to 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.

- (1) **Explanation.** While full buildout of the development contemplated in the proposed General Plan would slightly increase the existing treatment demand at the districts' treatment plants, the proposed General Plan includes a range of policies

designed to ensure an adequate wastewater treatment capacity for development. The districts must also periodically review and update their Master Plans, and as growth continues to occur within the Planning Area, the districts, in coordination with the City, will identify necessary system upgrades and capacity enhancements to meet growth, prior to the approval of new development. Given that projected wastewater generation volumes associated with General Plan buildout would not exceed the projected wastewater generation volumes described in the City of Milpitas 2014 Sewer System Management Plan and 2015 UWMP, this impact would be less than significant. The General Plan policies and actions would further assist in ensuring that adequate wastewater treatment and conveyance infrastructure is available to serve new growth projected under the proposed General Plan.

d. Impact 3.15-4: General Plan implementation may require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects.

- (1) **Explanation.** The estimated General Plan Update Buildout ADWF Wastewater Flows is 11.8 mgd. Per the 2014 Sewer System Management Plan, the City's existing total available wastewater treatment capacity is 14.25 mgd. Therefore, the City has excess treatment capacity at the RWF, and no physical plant expansions would be required as a result of the proposed General Plan. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. As such, this impact would be less than significant. The proposed General Plan includes policies designed to ensure adequate wastewater treatment capacity is available to serve development and to minimize the potential adverse effects of wastewater treatment.

e. Impact 3.15-5: General Plan implementation may require or result in the relocation or construction of new or expanded storm water drainage facilities, the construction or relocation of which could cause significant environmental effects.

- (1) **Explanation.** Stormwater drainage and conveyance facilities would be evaluated at the project-level in association with subsequent development projects. However, the facilities would

be primarily provided on sites with land use designations that allow such uses and the environmental impacts of constructing and operating the facilities would likely be similar to those associated with new development, redevelopment, and infrastructure projects under the General Plan. The proposed General Plan includes policies and actions designed to ensure adequate drainage infrastructure is available to serve development, to minimize the potential adverse effects of stormwater conveyance, and to ensure that development does not move forward until adequate drainage capacity exists. Specifically, the proposed General Plan requires 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 City's NPDES Municipal Regional Permit. Project applicants are required to mitigate any drainage impacts as necessary and the General Plan requires the City to maintain drainage channels in a naturalized condition to the greatest extent feasible, and as feasible to include pervious surfaces. As future development and infrastructure projects are considered by the City, each project will be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations. Subsequent development and infrastructure projects would also be analyzed for potential environmental impacts, consistent with the requirements of CEQA. As such, this is a less than significant impact.

f. Impact 3.15-6: General Plan implementation would comply with federal, state, and local management and reduction statutes and regulations related to solid waste, and would not 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.

- (1) **Explanation.** The City's projected increase in solid waste generation associated with future buildout of the proposed General Plan is well within the permitted capacity of the Newby Island Landfill. Newby Island Landfill has a remaining capacity of the landfill's disposal area is estimated at 57.5 million cubic yards, and has a current maximum permitted throughput of 4,000 tons of waste per day. This landfill has an estimated closing date for the landfill of 2041. This is a less than significant impact. Future projects within the Planning Area would be required to comply with applicable state and local requirements including those

pertaining to solid waste, construction waste diversion, and recycling. While there is adequate permitted landfill capacity to accommodate future growth, the proposed General Plan includes actions to further reduce the project's impact on solid waste services. The General Plan would not exceed the permitted capacity of the landfill serving the city, and the General Plan complies with regulations related to solid waste.

16. Wildfires: The following specific impacts were found to be less than significant:

a. Impact 3.16-1: General Plan implementation could substantially impair an adopted emergency response plan or emergency evacuation plan.

(1) **Explanation.** The proposed Milpitas General Plan is a policy document that does not include any site specific designs or proposals and does not propose any entitlements for development that would have the potential to impair or conflict with an adopted emergency response or evacuation plan. Any future development projects that would implement the General Plan, including buildout of uses contemplated under the proposed Land Use Map, would be subject to all applicable City regulations, reviews, and requirements pertaining to emergency response, emergency access, and maintaining emergency evacuation routes, as well as further CEQA analysis of project-specific impacts. The General Plan ensures that the City maintains adequate emergency access as well as staffing, training, station locations, emergency response. Important new critical facilities would also be located to ensure resiliency and functionality in the event of a natural disaster. Implementation of the General Plan would have a less than significant impact.

b. Impact 3.16-2: General Plan implementation would not exacerbate wildfire risks, or thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

(1) **Explanation.** Any future projects contemplated under the General Plan would be required to comply with the provisions of Federal, State, and local requirements related to wildland fire hazards, including State fire safety regulations associated with wildland-urban interfaces, fire-safe building standards, and defensible space requirements as part of the project's approval process. As future development and infrastructure projects are considered by the City, each project would be evaluated for potential impacts,

specific to that project, associated with wildland fire hazards as required under CEQA. The General Plan and General Plan Land Use Map do not designate any new urban uses in the areas designated as a High FHSZs. The Milpitas General Plan is a policy document that does not include site specific designs or proposals and does not propose any entitlements for development that would have the potential to expose occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Any future development projects that would implement the General Plan including buildout of uses allowed under the proposed Land Use Map would be subject to all applicable City regulations, reviews, and requirements pertaining to emergency response, emergency access, and maintaining emergency evacuation routes, as well as being subject to all applicable building code and fire code requirements as well as further CEQA analysis of project-specific impacts for individual development projects. Nothing in the General Plan will substantially alter the slope, prevailing winds, or other factors that would increase exposure to Milpitas residents, employees or visitors to increased pollutant concentrations from wildfire or result in the uncontrollable spread of a wildfire. General Plan implementation would not exacerbate wildfire risks in VHFHSZs; therefore, these impacts would be less than significant. Nonetheless, the General Plan includes Policies and Actions related to minimizing wildfire risk.

c. Impact 3.16-3: Require the installation or maintenance 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.

- (1) **Explanation.** Development allowed under the General Plan would be required to comply with the applicable provisions of the California Building Code (CBC), and CA Fire Code (CFC). Future developments utility infrastructure would also be subject to the requirements established in the additional Public Resources Code including: Public Resources Code Section 4292, which requires clearing of flammable fuels for a minimum 10-foot radius from the outer circumference of poles and towers; and Public Resources Code Section 4293, which sets basic requirements for clearances around electrical conductors. Furthermore, the future projects would be required to meet vegetation clearance requirements outlined in Title 14, Section 1104.1(d) of the

California Code of Regulations for single overhead facilities, and in CPUC General Order 95 requirements for overhead utility lines in high-fire-threat areas. The General Plan includes requirements for adequate water supply and water flow availability, emergency access, fire protection services, fire safe design site standards, and ensuring public awareness regarding fire safety. All future development projects would be required to be consistent with the City's municipal code standards related to the California Fire Code and would also be subject to CCR and PUC standards. The Milpitas General Plan is a long range policy document that does not include site specific designs or proposals, and does not propose or approve any entitlements for development. The majority of all future development would occur within existing developed areas. The potential for future projects to impact environmental resources to meet compliance with fire development standards such (as fuel breaks and clearance requirements) would require site specific environmental require under CEQA to identify any site-specific impacts. Implementation of the various policies and actions contained in the General Plan would reduce potential impacts associated with the construction and expansion of infrastructure. Implementation of local and state requirements would ensure that potential wildland fire hazards would not be exacerbated by local infrastructure, and this impact would be considered less than significant.

d. Impact 3.16-4: 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.

- (1) **Explanation.** The General Plan requires the City to review all development projects to identify potential stormwater and drainage impacts and require development to include measures to ensure that offsite runoff is not increased as a beyond pre-development levels during rain and flood events. Additionally, policies under the proposed General Plan require that all new developments and redevelopments in areas susceptible to flooding incorporate mitigation measures designed to reduce flood hazards and ensures the City maintains adequate Infrastructure and regularly assesses the status of local storm drainage infrastructure to ensure that the system can adequately reduce flood hazards. Further, all future development allowed under the General Plan would be subject to all existing building codes and development standards described above to control for

runoff, instability, and drainage issues. The topography in the urban portions of the Planning Area is considered relatively flat and would generally not be subject to debris flows. In the event that a significant wildfire were to burn in the hillside portions of the Planning Area, portions of SOI may be exposed to potential risks associated with landslides, debris flows, and flooding in the weeks, months following the fire as a result in changes to the vegetative cover of the land and the rain absorption capacity of the soil. The areas within the SOI at-risk of exposure to these potential impacts are sparsely developed. Adoption of the proposed General Plan would not increase or exacerbate these risks, however, areas of the SOI would still remain at risk in the event of a significant wildfire upslope from the City. Implementation of the General Plan would not exacerbate this risk and this impact would be considered less than significant.

17. Growth-Inducing: The General Plan was found to result in a less than significant impact related to growth inducement (pages 4.0-23 through 4.0-25 of the Draft EIR).

Section 15126.2(e) of the State CEQA Guidelines requires a Draft EIR to discuss the ways the Project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. In accordance with State CEQA Guidelines Section 15126.2(e), a Project would be considered to have a growth-inducing effect if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing in the surrounding environment;
- Remove obstacles to population growth (e.g., construction of an infrastructure expansion to allow for more construction in service areas);
- Tax existing community service facilities, requiring the construction of new facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

In addition, CEQA Guidelines that that growth inducement must not be assumed.

The General Plan is a long-term plan intended to accommodate projected population, housing, and employment growth, including the appropriate balance among these factors with the necessary public services and infrastructure. The proposed General Plan would serve as a comprehensive, long-term plan for the physical development of Milpitas. By definition, the proposed Milpitas General Plan is intended to provide for and address future growth in the City.

Because the proposed General Plan provides a framework for development through its Land Use Map, land use designations, goals, policies, and actions, it would directly induce population and employment growth in the Milpitas Planning Area by designating land for development that is more intense, in some instances, than current designations allow. The analysis of the indirect growth-inducing impacts for the proposed General Plan focuses on the following factors: inducement of unanticipated population growth; encouragement of economic growth that leads to jobs and housing growth; elimination of obstacles to population growth; and resulting service, facility, or infrastructure demands in excess of existing and planned growth.

The proposed General Plan accommodates future growth in Milpitas, including new businesses, expansion of existing businesses, and new residential uses. Infrastructure and services would need to accommodate future growth. The General Plan is oriented toward the economic growth of the City, with emphasis given to encouraging development of a broader array of businesses, increasing local employment opportunities, and providing residential development as necessary to serve economic growth. The cumulative development scenario addressed in this Draft EIR is the maximum projected development that could occur within the existing city limits and the Planning Area, if every parcel in the city and the Planning Area developed at or near the higher end of densities and intensities allowed under the proposed General Plan. Buildout of the General Plan could yield up to 11,186 new housing units, and 19,729,648 square feet of new non-residential building square footage within the Planning Area. Depending on growth rates, the actual growth during the life of the General Plan could be lower or higher, but would not exceed the theoretical maximum buildout.

Given the historical and current population, housing, and employment trends, growth in the City, as well as the entire state, is inevitable. The primary factors that account for population growth are natural increase and net migration. The average annual birth rate for California is expected to be 20 births per 1,000 population. Additionally, California is expected to attract more than one third of the country's immigrants. Other factors that affect growth include the cost of housing, the location of jobs, the economy, the climate, and transportation. While these factors would likely result in growth in Milpitas during the planning period of the proposed General Plan, growth will continue to occur based primarily on the demand of the housing market and demand for new commercial, industrial, and other non-residential uses. As future development occurs under the proposed General Plan, new roads, infrastructure, and services would be necessary to serve the development and this infrastructure would accommodate planned growth. However, growth under the proposed General Plan would remain within the general growth levels projected statewide and would not be anticipated to exceed any applicable growth projections or limitations that have been adopted to avoid an environmental effect. The proposed General Plan is intended to accommodate the City's fair share of statewide housing needs, based

on regional numbers provided by the California Department of Housing and Community Development on a regular basis (every five to eight years).

The proposed General Plan includes policies and actions that mitigate environmental impacts associated with growth, such as air quality, noise, traffic, water supply, and water quality. Additionally, the General Plan includes policies and actions, where appropriate, that would serve to reduce or eliminate potentially significant impacts associated with specific environmental issues associated with growth. With implementation of General Plan policies and actions intended to guide growth to appropriate areas and provide services necessary to accommodate growth, the land uses allowed under the proposed General Plan, the infrastructure anticipated to accommodate proposed land uses, and the goal and policy framework would not induce growth that would exceed adopted thresholds. Therefore, population and housing growth associated with the proposed General Plan would result a less than significant impact.

- B.** The project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR. The City hereby finds as follows:

1. Aesthetics: Regional growth has and will continue to result in a cumulative aesthetic effect by converting undeveloped land into developed and occupied areas and increasing overall levels of nighttime lighting. Cumulative development entails grading/landform alteration, the development of structures, and the installation of roadways and other infrastructure that has altered and will continue to permanently alter the region's existing visual character. Subsequent projects implemented under the proposed General Plan would be required to be consistent with the policies and actions of the proposed General Plan and adopted regulations pertaining to aesthetics and lighting in Milpitas. With implementation of adopted policies and regulations, the proposed General Plan would not considerably contribute to permanent changes in visual character, such as obstruction of scenic views, conversion of existing visual character, and increased lighting. The policies and actions included within the General Plan would fully reduce the cumulative effect of the General Plan on visual character, to mitigate the proposed project's contribution to a less-than-significant level. Thus, the project would have a less than cumulatively considerable contribution to the cumulative degradation of the existing visual character of the region (Impact 4.1)

- 2. Agricultural Resources:** There are no lands within the Planning Area that are designated for agricultural use on the existing or proposed Milpitas

Land Use Map. There are no agricultural lands identified by the CA Department Conservation's Farmland Mapping and Monitoring Program within the Milpitas Planning Area. Furthermore, there are no lands within the Milpitas Planning Area that are currently under a Williamson Act contract. Additionally, there are no forest lands or timber lands located within the Milpitas Planning Area. All of the land within the Planning Area is planned for urban development in one form or another, with the exception of areas designated for Permanent Open Space. However, because there are no lands within the Planning Area that are designated by the existing or proposed General Plan for agricultural uses, and there are no forest lands or timber lands located within the Milpitas Planning Area, the project would have a less than cumulatively considerable contribution to impacts to agricultural lands and resources (Impact 4.2)

3. Air Quality: The policies and actions included throughout the proposed General Plan cover the full breadth of air quality issues as recommended in the 2017 Clean Air Plan. Therefore, compliance with the applicable policies and programs in the proposed General Plan as well applicable BAAQMD rules and regulations, would further assist in minimizing the proposed project's contribution to air quality emissions, TACs, and health impacts. Implementation of the proposed project would result in an approximately 49.7% increase in citywide VMT, compared to a 60.1% increase in combined population and jobs. The growth rate associated with the proposed General Plan is higher than the VMT increase associated with it; therefore, the proposed project would further the fundamental goals of the BAAQMD in reducing emissions of criteria pollutants associated with vehicle miles traveled, would assist the City in achieving a more balanced jobs to housing ratio, and would increase opportunities for transit ridership in Milpitas and the surrounding areas. Further, the addition of project-generated VMT would result in an approximately 3.0% decrease in total VMT per service population by 2040 compared with the General Plan VMT 2040 projections under the existing General Plan. Thus, the proposed General Plan would actually reduce its overall contribution to the region's air quality than the existing General Plan. The project would have a less than cumulatively considerable contribution to cumulative impacts on the region's air quality (Impact 4.3).

4. Biological Resources: Subsequent projects implemented under the proposed General Plan would be required to be consistent with the policies and actions of the proposed General Plan. The implementation of an individual project would require a detailed and

site-specific review of the site to determine the presence or absence of movement corridors, special-status species, and sensitive habitat on a given project site. If movement corridors, special-status species, or sensitive habitat are present and disturbance is required, Federal and State laws require measures to reduce, avoid, or compensate for impacts to these resources. The requirements of these Federal and State laws are implemented through the permit process. However, with implementation of the policies and actions included within the General Plan, implementation of the General Plan would not generate a significant impact on biological resources. The project would have a less than cumulatively considerable contribution to the loss of biological resources, including habitats and special status species (Impact 4.4).

5. Cultural and Tribal Resources: Construction of the individual development projects allowed under the land use designations of the proposed General Plan may result in the discovery and removal of cultural resources, including archaeological, historical, and Native American resources and human remains. The proposed General Plan policies and actions, as well as State and Federal regulations, will reduce the risk to resources in the region. Each project would require specific surveys for potential resources and the evaluation of any resources discovered during construction activities. Adherence to these policies, actions, and regulations will avoid and/or minimize a cumulative loss of these important resources if they are found during project-specific surveys or construction. The project would have a less than cumulatively considerable contribution to cumulative impacts on known and undiscovered cultural resources (Impact 4.5).

6. Geology, and Soils: While some cumulative impacts will occur in the region as individual projects are constructed, the proposed General Plan policies and actions, as well as State and Federal regulations, will reduce the risk to people in the region. Considering the protection granted by local, State, and Federal agencies and their requirements for seismic design, the overall cumulative impact would not be significant. The project would have a less than cumulatively considerable contribution to cumulative impacts related to geology and soils (Impact 4.6).

7. Greenhouse Gases and Climate Change and Energy: The General Plan would reduce VMT per capita and VMT per service population, compared with the existing General Plan, in buildout year

2040. In addition, the proposed project is consistent with the existing 2013 CAP and will also be consistent with the forthcoming update to the 2013 Milpitas CAP, ensuring consistency with a Qualified GHG Reduction Strategy. The City of Milpitas would not exceed the GHG emission targets established to ensure compliance with SB 32, AB 32, CARB's 2017 Scoping Plan and other California legislation for future year 2030 and General Plan buildout year 2040. Moreover, the proposed project includes a range of goals and policies that would reduce GHG emissions associated with future development and improvement projects. Therefore, the proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. As future development projects are received and reviewed by the City in subsequent years, those projects will be reviewed for consistency with the General Plan and all relevant State-level programs and requirements. All future projects must implement the most current version of the Title 24 energy efficiency requirements, as required by State law. Consistency with the General Plan and other mandatory State-level programs would ensure that future project-level contributions to global climate change would be less than significant. Moreover, buildout of the General Plan would not be expected cause an inefficient, wasteful, or unnecessary use of energy resources nor conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The project would have a less than cumulatively considerable contribution to cumulative impacts related to energy and increased greenhouse gas emissions that may contribute to climate change (Impact 4.7).

8. Hazards: All future projects allowed under the General Plan and future projects within the cumulative analysis area would be required to comply with the provisions of Federal, State, and local requirements related to wildland fire hazards, including State fire safety regulations associated with wildland-urban interfaces, fire-safe building standards, and defensible space requirements. While some cumulative impacts will occur in the region as individual projects are constructed, the proposed General Plan policies and actions, as well as State and Federal regulations, will reduce the risk to people in the region. Considering the protection granted by local, State, and Federal agencies and their requirements for the use of hazardous materials in the region, the overall cumulative impact for hazards impacts would not be significant. The project would have a less than cumulatively considerable contribution to cumulative impacts from hazardous materials and risks associated with human health (Impact 4.8).

9. Hydrology and Water Quality: While some cumulative impacts will occur in the region as individual projects are constructed, the proposed General Plan policies and actions, as well as State and Federal regulations, will substantially reduce the impacts. Considering the protection granted by local, State, and Federal agencies and their permit and monitoring requirements, and with implementation of the policies and actions included within the General Plan, the overall cumulative impact would not be significant. The project would have a less than cumulatively considerable contribution to cumulative impacts to hydrology and water quality (Impact 4.9).

10. Land Use, Population and Housing: The land uses allowed under the proposed General Plan provide opportunities for cohesive new growth at in-fill locations within existing urbanized areas, as well as limited new growth within the Planning Area, but would not create physical division within existing communities. New development and redevelopment projects would be designed to complement the character of existing neighborhoods and provide connectivity between existing development and new development within the cumulative analysis area. The proposed General Plan does not include any new roadways, infrastructure, or other features that would divide existing communities. Moreover, with implementation of General Plan policies and actions intended to guide growth to appropriate areas and provide services necessary to accommodate growth, the land uses allowed under the proposed General Plan, the infrastructure anticipated to accommodate proposed land uses, and the goal and policy framework would not induce growth that would exceed adopted thresholds. Lastly, General Plan implementation would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. The project would have a less than cumulatively considerable contribution to cumulative impacts associated with local land uses population, and housing (Impact 4.10).

11. Mineral Resources: The only known identified regional mineral resource areas within the Planning Area are already in operation and are currently quarried. The proposed General Plan does not designate new urban uses within the SOI or include policies or actions that would limit the future potential for resource extraction from this MRZ. Proposed new urban uses available for development are within the City of Milpitas city limits and would not be developed within an identified regional mineral resource area or mining operation and therefore would not preclude mineral extraction within existing mineral

resources area. The project would have a less than cumulatively considerable contribution to cumulative impacts on mineral resources (Impact 4.11).

12. Public Services and Recreation: The General Plan includes a range of policies and actions that would ensure that public services are provided in a timely fashion, are adequately funded, are coordinated between the City and appropriate service agency, and that new development funds its fair share of services. The General Plan includes policies to ensure that fire protection and law enforcement services keep pace with new development and that school, library, and governmental services are adequately planned and provided. Payment of applicable impact fees, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the future projects, would ensure that the City maintains acceptable service ratios. The project would have a less than cumulatively considerable contribution to cumulative impacts on public services and recreation (Impact 4.13).

13. Utilities and Service Systems: Projected water demands associated with General Plan buildout would not exceed the projected water supplies, and that the proposed General Plan includes a comprehensive set of goals, policies, and actions to ensure an adequate and reliable source of clean potable water, impacts associated with water supplies are less than cumulatively considerable. Projected wastewater generation volumes associated with General Plan buildout also would not exceed the projected wastewater generation volumes and that the proposed General Plan includes a comprehensive set of goals, policies, and actions to ensure an adequate and reliable wastewater collection and treatment system, impacts associated with wastewater treatment and compliance with waste discharge requirements are less than significant. Regarding stormwater, the General Plan policies and actions would ensure that there is adequate stormwater drainage and flood control infrastructure to serve future development under the General Plan, and would ensure that future drainage and flood control infrastructure projects do not result in adverse environmental impacts. Future projects within the Planning Area would be required to comply with applicable state and local requirements including those pertaining to solid waste, construction waste diversion, and recycling. While there is adequate permitted landfill capacity to accommodate future growth, the proposed General Plan includes actions to further reduce the project's impact on solid waste services. The General Plan would not exceed the permitted capacity of the landfill serving the City, and the General Plan

complies with regulations related to solid waste. The proposed General Plan's incremental contribution to cumulative solid waste impacts would be less than cumulatively considerable. The project would have a less than cumulatively considerable contribution to cumulative impacts on utilities (Impact 4.15).

14. Wildfire: The General Plan ensures that the City's emergency access routes, emergency contact lists, and public information regarding designated facilities and routes are regularly reviewed to ensure that up to date information is available to the City and the public in the event of an emergency. Important new critical facilities would also be located to ensure resiliency and functionality in the event of a natural disaster. No specific aspect as a result of implementation of the General Plan will substantially alter the slope, prevailing winds, or other factors that would increase exposure to Milpitas residents, employees or visitors to increased pollutant concentrations from wildfire or result in the uncontrollable spread of a wildfire. Furthermore, the Milpitas General Plan is a long range policy document that does not include site specific designs or proposals, and does not propose any entitlements for development. Lastly, while the City cannot state with certainty that future risks associated with post-fire flooding and debris flow would not occur in Milpitas, implementation of the General Plan would not exacerbate this risk. Implementation of Action PS-2a would reduce this risk to the greatest extent feasible, resulting in an impact that is less than significant as a result of adoption and implementation of the proposed General Plan. The project would have a less than cumulatively considerable contribution to cumulative impacts to wildfire (Impact 4.16).

C. The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

1. The EIR determined that the impact is less than significant for the Project.
2. The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact.

V. PROJECT ALTERNATIVES

The Draft EIR analyzed three alternatives to the Project as proposed and evaluated these alternatives for their ability to avoid or reduce the Project's significant environmental effects while also meeting the majority of the Project's objectives. The City finds that it has considered and rejected as infeasible the alternatives identified in the EIR and described below. This section sets forth the potential alternatives to the Project analyzed in the EIR and evaluates them in light of the Project objectives, as required by CEQA.

Where significant impacts are identified, section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions. Subsection (a) states:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

In subsection 15126.6(c), the State CEQA Guidelines describe the selection process for a range of reasonable alternatives:

The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be

discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project.

A. Identification of Project Objectives

An EIR is required to identify a "range of potential alternatives to the project [which] shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects." Chapter 2.0 of the Draft EIR identifies the Project's goals and objectives. The Project objectives include:

1. Protect and enhance Milpitas's community character, and sense of community;
2. Provide a range of high-quality housing options;
3. Attract and retain businesses and industries that provide high-quality and high-paying jobs;
4. Expand and improve neighborhood serving shopping areas to provide better local services near neighborhoods, and increased sales tax revenues;
5. Continue to maintain and improve multimodal transportation opportunities;
6. Maintain strong fiscal sustainability and continue to provide efficient and adequate public services;
7. Address new requirements of State law; and
8. Address emerging transportation, housing, and employment trends.

B. Alternatives Analysis in EIR

The alternatives selected for further detailed review within the EIR focus on alternatives that could the Project's significant environmental impacts, while still meeting most of the basic Project objectives. Those alternatives include:

- **Alternative 1: No Project Alternative**
- **Alternative 2: Modified Project Alternative**
- **Alternative 3: Increased Residential Density Alternative**

1. Alternative 1: No Project Alternative

The No Project Alternative is discussed on pages 5.0-2 through 5.0-3 and pages 5.0-5 through 5.0-7 of the Draft EIR. Under Alternative 1, the City would not adopt the General Plan Update. The existing Milpitas General Plan would continue to be implemented and no changes to the General Plan, including the Land Use Map, Circulation Diagram, goals, policies, or actions would occur. Subsequent projects, such as amending the Municipal Code (including the zoning map) and the City's Design Guidelines, would not occur. The Existing General Plan Land Use Map is shown on Figure 5.0-1 of the Draft EIR.

As shown in Table 5.0-1 of the Draft EIR, Alternative 1 would result in increased housing and job growth within the Milpitas city limits when compared to existing conditions. Under Alternative 1 at full buildout, there would be an increase over existing conditions in residential growth (approximately 9,469 dwelling units) and jobs (approximately 10,181 jobs) within City limits. Under cumulative conditions, development in Planning Area combined under Alternative 1 would result in a population of 107,779 and 57,719 jobs.

Under Alternative 1, the existing General Plan policy framework would still be in effect, which would constitute a status quo approach to land use regulation in the City. The Proposed Land Use Map, along with the policy framework proposed by the General Plan Update, encourages and aims to achieve a community with a balanced land use pattern that meets the City's long-term housing, employment, and civic needs. The land uses allowed under the proposed General Plan provide opportunities for cohesive new growth at in-fill locations within existing urbanized areas of the city, as well as new growth adjacent to existing urbanized areas. A mix and balance of uses to provide an improved ratio of local jobs to population, would ensure that development pays its fair-share of necessary roadway, public service, and other infrastructure improvements, and that provides for increased protection of natural resources would occur. The proposed General Plan was prepared in conformance with State laws and regulations associated

with the preparation of general plans, including requirements for environmental protection.

Impacts: Alternative 1 would not include updated policies, particularly those related to housing, greenhouse gases, community health, equity/environmental justice and complete streets policies to address safety, access, and mobility for all roadway users, as required by State law. This alternative would not include various policies proposed in the General Plan update to ensure protection of environmental resources, both at a project level and under cumulative conditions, consistent with the objectives of CEQA. As such, this alternative would result in greater impacts than the proposed project to: air quality, biological resources, cultural resources, geology and soils, greenhouse gases, climate change and energy, hydrology and water quality, land use and population, and transportation, due to the fact that the City would not adopt and implement the various policies and actions within the proposed General Plan that would reduce impacts to these resource categories.

Attainment of Project Objectives: Alternative 1 fails to meet several of the basic project objectives, including the following: 3. Attract and retain businesses and industries that provide high-quality and high-paying jobs; 4. Expand and improve neighborhood serving shopping areas to provide better local services near neighborhoods, and increased sales tax revenues; 5. Continue to maintain and improve multimodal transportation opportunities; 7. Address new requirements of State law; and 8. Address emerging transportation, housing, and employment trends.

- a. **Findings:** The No Project Alternative is rejected on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 1 would not achieve the Project's objectives; (2) Alternative 1 fails to avoid the project's significant and unavoidable impacts related to transportation; (3) the alternative would result in increased impacts related to air quality, greenhouse gases, climate change and energy; and (4) the alternative is infeasible.

Explanation: This alternative would not realize the benefits of the Project and fails to achieve some of the Project objectives. Alternative 1 fails to meet several of the basic Project Objectives, including the following: 3. Attract and retain businesses and industries that provide high-quality and high-paying jobs; 4. Expand and improve neighborhood serving shopping areas to provide better local services near neighborhoods, and increased sales tax revenues; 5. Continue to maintain and improve multimodal transportation opportunities; 7. Address new requirements of State law; and 8. Address emerging transportation, housing, and employment trends.

This alternative would not reflect the current goals and vision expressed by city residents, businesses, decision-makers, and other stakeholders associated with increased opportunities for economic development and job-creating land uses. This alternative would also not be consistent with the land use vision identified by city residents, businesses, decision-makers, and other stakeholders during the Visioning and General Plan Advisory Committee processes.

2. Alternative 2: Modified Project Alternative

The Modified Project Alternative is discussed on pages 5.0-2 and 5.0-8 through 5.0-19 of the Draft EIR. Under Alternative 2, the City would adopt the updated General Plan policy document, but would retain the existing land use map. This alternative would result in the same growth as the existing General Plan, but would implement the updated goals, policies, and actions found in the General Plan Update (Proposed Project). This alternative was developed to potentially reduce the severity of significant impacts associated with noise, as well as the potential further reduction in less than significant impacts related to aesthetics, biological resources, cultural resources, noise, public services, air quality and utilities. As shown in Table 5.0-1 of the Draft EIR, Alternative 2 would result in approximately 1,717 fewer housing units and 5,751 fewer residents within Milpitas when compared to the proposed General Plan Land Use Map. Nonresidential square feet would be reduced by 13,276,887 square feet and employment opportunities would be decreased under this alternative, with approximately 26,614 fewer jobs created within the city limits when compared to the proposed General Plan.

As shown in Table 5.0-3 of the Draft EIR, Alternative 2 would provide for additional acres of residential only land uses and additional acres of non-residential uses (i.e., commercial, manufacturing, industrial, and business park uses) within the Planning Area. However, Alternative 2 would provide for approximately fewer acres of mixed land use. Alternative 2 offers fewer acres of and opportunities to develop mixed use pedestrian and transit-oriented land uses within the city when compared to the proposed Land Use Map.

Impacts: Alternative 2 would result in development of the existing General Plan Land Use Map, but would include adoption and implementation of all of the goals, policies, and actions contained in the Proposed General Plan. Implementation of Alternative 2 would result in increased environmental impacts to the following topical areas, when compared to the Proposed General Plan: air quality, greenhouse gases, energy and climate change, land use and population, and transportation and circulation. The

reason for the increased impacts to these environmental topics is that Alternative 2 would result in less density at buildout, and reduced opportunities for mixed-use development, which may result in higher per-capita AQ and GHG emissions, as well as higher per employee VMT, when compared to the Proposed General Plan.

Attainment of Project Objectives: Without the updated Land Use Map, Alternative 2 provides less high-quality housing options; and doesn't not meet the General Plan's Objectives to attract and retain businesses and industries that provide high-quality and high-paying jobs when compared to the Proposed Project's Innovation Area, and Business Park Research and Development land uses to address emerging employment needs and trends. Additionally, an objective of the General Plan is to expand and improve neighborhood-serving shopping areas to provide better local services near neighborhoods. The proposed Project does this through newly established commercial and mixed-use areas included within the Neighborhood Commercial, and Neighborhood Commercial Mixed Use land use designations that Alternative 2 would not implement.

- a. **Findings:** The Modified Project Alternative is rejected as an alternative on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 2 would not achieve the Project's objectives; (2) Alternative 2 fails to avoid the project's significant and unavoidable impacts related to transportation; and (3) the alternative is infeasible.
- b. **Explanation:** Alternative 2 meets most Project Objectives. However, without the updated Land Use Map, Alternative 2 provides less high-quality housing options; and doesn't not meet the General Plan's Objectives to attract and retain businesses and industries that provide high-quality and high-paying jobs when compared to the Proposed Project's Innovation Area, and Business Park Research and Development land uses to address emerging employment needs and trends. Additionally, an objective of the General Plan is to expand and improve neighborhood-serving shopping areas to provide better local services near neighborhoods. The proposed Project does this through newly established commercial and mixed use areas included within the Neighborhood Commercial, and Neighborhood Commercial Mixed Use land use designations that Alternative 2 would not implement. Thus, Alternative 2 fails to meet several Project Objectives as it retains the existing Land Use Map and designations and does not implement updated land uses that are central to meeting the proposed Project's Objectives.

3. Alternative 3: Increased Residential Density Alternative

The Increased Residential Density Alternative is discussed on pages 5.0-3 and 5.0-19 through 5.0-31 of the Draft EIR. Alternative 3 would adopt the General Plan Update, including the proposed General Plan Land Use Map and updated goals, policies, and actions. However, Alternative 3 would place more emphasis on residential development, increasing the allowed densities for the residential land uses. This Alternative would result in a 15 percent increase in the number of new residential dwelling units when compared to the proposed project, resulting in more dwelling units than the other Alternatives. This Alternative would also result in more non-residential growth than Alternatives 1 and 2, but the same non-residential growth as the proposed project. This alternative was developed to potentially reduce the severity impacts related to greenhouse gas emissions and transportation, as most new development would be within close proximity to transit and in urban build up areas, or part of a mixed use area which would help to reduce per capita VMT. Figure 2.0-3 of Chapter 2 (Project Description) of the Draft EIR shows the proposed General Plan Land Use Map.

Alternative 3 provides for a balance of job-creating and residential development land uses within the City. Alternative 3 and the proposed project would allow substantially more non-residential and residential development when compared to the existing General Plan, but Alternative 3 would increase the residential densities providing even more residential development than the proposed project. Under Alternative 3, it is assumed that the density of residential development would increase by 15 percent, resulting in 1,680 more dwelling units than the proposed project. The goals, policies, and actions of the General Plan Update would apply to subsequent development, planning and infrastructure projects under this alternative.

Impacts: Alternative 3 would result in additional residential developments, and slight increased traffic. In addition, higher density development may place more receptors and activity areas with close proximity to transportation sources and this may increase exposure to transportation noise impacts. As such, noise impacts would be slightly increased under this alternative when compared to the proposed General Plan. In addition, the increased residential development allowed under Alternative 3 would increase the total number of people potentially exposed to hazards and hazardous materials, including wildfires. Therefore, impacts to hazards and hazardous materials would be the greatest when compared to the proposed General Plan and Alternatives 1 and 2. The slightly increased development potential under this alternative as compared to the Proposed General plan would also result in increased residential building heights and densities in the Planning Area and visual impacts associated with increase building

height and bulk would be increased compared to the Proposed General Plan and other Alternatives (Alternative 1 and 2).

Attainment of Project Objectives: Like the proposed Project, Alternative 3 would satisfy all Project Objectives as it would adopt the updated policy document as well as the updated Land Use Map. This alternative would update the land use descriptions to allow greater residential densities and would allow for more growth that would be allowed under the proposed Project. Although Alternative 3 meets all Project Objectives, Alternative 3 would be slightly environmentally inferior to the proposed project, and would not reduce any significant impacts to a less than significant level.

- a. **Findings:** The Increased Residential Alternative is rejected as an alternative on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) Alternative 3 fails to avoid the project's significant and unavoidable impacts related to noise and transportation; (2) the alternative would result in increased impacts related to aesthetics, hazards and hazardous materials, and noise; and (3) the alternative is infeasible..
- b. **Explanation:** Like the proposed Project, Alternative 3 would satisfy all Project Objectives as it would adopt the updated policy document as well as the updated Land Use Map. This alternative would update the land use descriptions to allow greater residential densities and would allow for more growth that would be allowed under the proposed Project. Although Alternative 3 meets all Project Objectives as described throughout this section and displayed in Table 5.0-5 of the Draft EIR, Alternative 3 would be slightly environmentally inferior to the proposed project, and would not reduce any significant impacts to a less than significant level.

C. Environmentally Superior Alternative

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As discussed in Chapter 5.0 of the Draft EIR and summarized in Table 5.0-5 of the Draft EIR, Alternative 2 is the environmentally superior alternative as it is the most effective in terms of overall reductions of impacts compared to the proposed General Plan and all

other alternatives. As such, Alternative 2 is the environmentally superior alternative for the purposes of this EIR analysis.

As previously discussed, Alternative 2 meets some, but not all, of the Project Objectives. Without the updated Land Use Map, Alternative 2 provides less high-quality housing options; and does not meet the General Plan's Objectives to attract and retain businesses and industries that provide high-quality and high-paying jobs when compared to the Proposed Project's Innovation Area, and Business Park Research and Development land uses to address emerging employment needs and trends. Additionally, an objective of the General Plan is to expand and improve neighborhood-serving shopping areas to provide better local services near neighborhoods. The proposed Project does this through newly established commercial and mixed-use areas included within the Neighborhood Commercial, and Neighborhood Commercial Mixed Use land use designations that Alternative 2 would not implement. Thus, Alternative 2 fails to meet several Project Objectives as it retains the existing Land Use Map and designations and does not implement updated land uses that are central to meeting the proposed Project's Objectives. For these economic, social, and other reasons, the Project is deemed superior to Alternative 2, the Modified Project Alternative.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Section 21081(b) and the CEQA Guidelines Section 15093, the City of Milpitas has balanced the benefits of the proposed General Plan against the following unavoidable adverse impacts associated with the proposed General Plan and has included all feasible mitigation measures as policies and action items within the General Plan. Milpitas has also examined alternatives to the proposed project, and has determined that adoption and implementation of the proposed General Plan is the most desirable, feasible, and appropriate action. The other alternatives are rejected as infeasible based on consideration of the relevant factors discussed in Chapter 5.0 of the Draft EIR.

A. Significant Unavoidable Impacts

Based on the information and analysis set forth in the EIR and reiterated in Section III of these Findings, implementation of the proposed General Plan would result in the following project-specific significant impacts related to noise, and transportation, and cumulative impacts to noise, transportation, and irreversible effects.

- Impact 3.12-1: General Plan implementation may result in exposure to significant traffic noise sources (Significant and Unavoidable)
- Impact 3.14-2: General Plan implementation would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (a) (Significant and Unavoidable)
- Impact 4.12: Cumulative impacts to Noise (Cumulatively Considerable and Significant and Unavoidable)
- Impact 4.14: Cumulative impacts on the transportation network (Cumulatively Considerable and Significant and Unavoidable)
- Impact 4.17: Irreversible Effects (Significant and Unavoidable)

Noise

The proposed General Plan establishes noise-related policies that, when implemented, protect sensitive receptors from significant noise. The policies that are identified in the Noise Element of the General Plan are consistent with Federal and State regulations designed to protect noise sensitive receptors. Implementation of the proposed policies and actions of the General Plan will reduce noise and land use compatibility impacts from vehicular traffic noise sources and would ensure that new development is designed to include noise-attenuating features. However, as shown in Table 3.12-12 of the Draft EIR, the traffic noise increases associated with the proposed General Plan would still exceed the applicable noise exposure criteria under.

Buildout of the General Plan may contribute to an exceedance of the City's transportation noise standards and/or result in significant increases in traffic noise levels at existing sensitive receptors. The related traffic noise level increases with a 20-year circulation system buildout of the proposed General Plan are predicted to increase between 0.5 to 3.5 dB versus existing conditions. Therefore, the proposed General Plan would have a significant and unavoidable and cumulatively considerable contribution relative to traffic noise on existing noise-sensitive uses in the City.

Transportation

The VTA model as interpolated to 2020 conditions estimates that the current countywide average VMT for employment-based uses is 16.64 VMT per employee. The applied significance threshold of 15 percent below this baseline value equals 14.14 VMT per employee. Based on the custom runs of the VTA model to reflect implementation of the proposed General Plan, employment-based uses in Milpitas are projected to generate an average of 20.41 VMT per employee. Since this is above the applied significance threshold, the VMT generated by the employment-based development associated with the proposed General Plan would constitute a significant impact. The projected VMT per employee for the City of Milpitas is nearly 31 percent higher than the applied significance threshold. The proposed General Plan land use patterns and intensities, as well as its proposed policies, include a multitude of components that will reduce VMT. Individual development projects will also be required to complete VMT analyses based on forthcoming VMT policies and thresholds to be established by the City of Milpitas, including transportation demand management (TDM) measures designed to reduce employment based VMT. While such measures are likely to result in less-than-significant VMT impacts when considered at an individual project level, they cannot be guaranteed and are not possible to fully quantify or mitigate at a Citywide level as part of a programmatic General Plan, particularly given the 31 percent reduction needed to reach the applied significance threshold. As a result, the VMT impacts associated with employment-based uses allowed by the proposed General Plan would be considered cumulatively considerable and significant and unavoidable.

The General Plan includes policies to reduce VMT to the extent feasible. These policies primarily reduce employment-based VMT, where the significant impacts would occur, although some policies pertain to residential VMT as well. Transportation demand management (TDM) strategies would be promoted citywide, with an emphasis on implementing measures through large employers, the setting where there is the greatest potential to reduce vehicle trips. As the primary purpose of trip reduction is to support reduced greenhouse gas (GHG) emissions, policies that focus on emissions reduction are also included in the General Plan.

Irreversible Effects

One of the objectives of the proposed General Plan is to conserve natural resources within the Planning Area. Many of these policies and actions, aimed at preserving natural resources, are contained within the Conservation and Sustainability Element, and have been identified throughout the EIR. Additionally, the proposed General Plan directs most new development to

infill areas, and areas surrounding existing neighborhoods and urbanized areas. As a result, the proposed General Plan will minimize the potential for impacts to the nonrenewable resources in the Planning Area, including biological resources, water resources, and energy resources, to the greatest extent feasible. More detailed and focused discussions of potential impacts to these nonrenewable resources are contained throughout the EIR.

Nonrenewable energy resources such as electricity, natural gas, propane, gasoline, and diesel would be consumed during the construction and operation of development projects contemplated under General Plan buildout. The proposed General Plan includes a variety of policies that seek to conserve, protect, and enhance energy resources. These policies focus on energy efficiency in the design, materials, construction, and use of buildings, the use of alternative energy systems, and alternative transportation modes. As described in DEIR Chapter 3.7 (Greenhouse Gases, Climate Change and Energy), the proposed General Plan would not result in any significant adverse impacts related to project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for during General Plan buildout, including during construction, operations, maintenance, and/or removal.

Irretrievable Commitments/Irreversible Physical Changes

The implementation of the General Plan would not be expected to result in environmental accidents that have the potential to cause irreversible damage to the natural or human environment through environmental accidents. While activities anticipated to occur under the General Plan would result in the limited use, transport, storage, and disposal of hazardous materials, all activities would comply with applicable state local, and federal laws related to hazardous materials transport, use, and storage, which would significantly reduce the likelihood and severity of accidents that could result in irreversible environmental damage. Implementation of the proposed General Plan would result in a commitment of land uses designated for the foreseeable future. Land use and development consistent with the General Plan would result in irretrievable commitments by introducing development onto sites that are presently undeveloped. The conversion of undeveloped lands to urban uses would result in an irretrievable loss of undeveloped land, wildlife habitat, and open space. Additionally, development will physically change the environment in terms of aesthetics, air emission, noise, traffic, open space, and natural resources. These physical changes are irreversible after development occurs.

The General Plan includes an extensive policy framework that is designed to address land use and environmental issues to the greatest extent feasible, while allowing growth and economic prosperity for the City. However, even with the policies and actions that will serve to reduce potential significant impacts, the proposed General Plan will result in significant irreversible changes. This impact is considered a significant and unavoidable impact under CEQA.

B. Benefits of the Proposed General Plan/Overriding Considerations

The City of Milpitas has (i) independently reviewed the information in the EIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the proposed General Plan to the extent feasible by including policies and actions in the General Plan that effectively mitigate potential environmental impacts to the greatest extent feasible; and (iii) balanced the project's benefits against the project's significant unavoidable impacts.

While recognizing that the unavoidable adverse impacts listed above are significant under CEQA thresholds, the City Council nonetheless finds that the unavoidable adverse impacts that will result from the Project are acceptable and outweighed by specific social, economic and other benefits of the Project.

In making this determination, the factors and public benefits specified below were considered. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would be able to stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Records of Proceeding.

The City Council therefore finds that for each of the significant impacts which are subject to a finding under CEQA Section 21081(a)(3), that each of the following social, economic, and environmental benefits of the Project, independent of the other benefits, outweigh the potential significant unavoidable adverse impacts and render acceptable each and every one of these unavoidable adverse environmental impacts:

1. The General Plan promotes compact and environmentally sustainable development through goals and policies that balance the need for adequate infrastructure, housing, and economic vitality with the need for resource management, resource conservation, environmental protection, and preservation of quality of life for Milpitas residents.
2. The General Plan implements principles of sustainable growth by concentrating new urban development around existing urban development, around nodes of transportation, and along key commercial and transportation corridors; thereby minimizing land consumption while maintaining open space, habitat, and recreation uses throughout the Planning Area.
3. The General Plan provides a land use map that accounts for existing development, physical constraints, open space preservation, economic development, hazards, and

incompatible uses and assigns densities and use types accordingly to enhance the safety, livability, and economic vitality of Milpitas.

4. The General Plan improves mobility options through the support of a multi-modal transportation network that enhances connectivity, supports community development patterns, limits traffic congestion, promotes public and alternative transportation methods, and supports the goals of adopted regional transportation plans.
5. The General Plan directs the preservation and environmental stewardship of open spaces, natural, cultural and historic resources that uniquely define the character and ecological importance of the City and greater region.
6. The General Plan addresses adverse environmental effects associated with climate change by facilitating sustainable development, promoting energy efficiency, and promoting development that reduces greenhouse gas emissions.
7. The General Plan enhances the local economy and provides opportunities for future jobs and business development commensurate with forecasted growth by planning for commercial and industrial development near existing urbanized areas and transportation corridors.
8. The General Plan is the product of a comprehensive public planning effort driven by members of the public, the General Plan Advisory Committee, city stakeholders, and the City Council through a series of public meetings, hearings and workshops that resulted in a thoughtful balance of community, economic, and environmental interests.

VII. CONCLUSION

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Council finds that the unavoidable adverse environmental impacts identified may be considered “acceptable” due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the proposed project.

The Milpitas City Council has considered information contained in the EIR prepared for the proposed General Plan as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable and cumulatively considerable noise and transportation impacts may result from implementation of the proposed General Plan, the Council finds that the benefits of the General Plan and overriding considerations outweigh the adverse effects of the Project. Having included all feasible mitigation measures as policies and actions in the General Plan, and recognized all unavoidable significant impacts, the Council hereby finds that each of the separate benefits of the proposed

General Plan, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants adoption of the proposed General Plan and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption of the proposed General Plan.

Based on the foregoing findings and the information contained in the record, the Council hereby determines that:

1. All significant effects on the environment due to implementation of the proposed General Plan have been eliminated or substantially lessened where feasible;
2. There are no feasible alternatives to the proposed General Plan which would mitigate or substantially lessen the impacts; and
3. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

RESOLUTION NO. 25-014

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS RECOMMENDING THAT THE CITY COUNCIL APPROVE SPECIFIC PLAN AMENDMENT SP20-0002, ZONING TEXT AND MAP AMENDMENT ZA25-0002, AND GENERAL PLAN AMENDMENT GP25-0002 TO ADOPT THE GATEWAY-MAIN ST. SPECIFIC PLAN, AMEND THE ZONING ORDINANCE AND ZONING MAP TO ESTABLISH NEW SPECIFIC PLAN BOUNDARIES, ZONING DISTRICTS, AND ZONING REGULATIONS, AND AMEND THE GENERAL PLAN FOR CONSISTENCY WITH THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE; AND CERTIFY THE SUBSEQUENT EIR TO THE MILPITAS 2040 GENERAL PLAN EIR FOR THE GATEWAY-MAIN ST. SPECIFIC PLAN (SCH #2024070432)

WHEREAS, the City of Milpitas, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code Section 65300 et seq. requires each city to prepare and adopt, and amend as necessary, a comprehensive, long-term general plan for the physical development of the county or city; and

WHEREAS, California Government Code Section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

WHEREAS, California Government Code Sections 65450-65457 authorize cities to prepare specific plans to systematically implement the General Plan, specify the required contents of specific plans, allow specific plans to be adopted by resolution or ordinance and amended as often as deemed necessary by the legislative body, and requires specific plans to be consistent with the General Plan; and

WHEREAS, on March 9, 2021, the Milpitas City Council adopted the Milpitas 2040 General Plan, updating and revising the land use policies, goals, and objectives contained in the City’s previous General Plan; and

WHEREAS, on March 19, 2002, the Milpitas City Council adopted the Midtown Specific Plan to maximize land use, transportation, and economic opportunities along the City’s historic Main Street and energize and catalyze mixed-use, transit-oriented development in the Midtown area, known as the “heart” of Milpitas; and

WHEREAS, since May 19, 2002, the Milpitas City Council adopted various amendments to the Midtown Specific Plan to incorporate updates associated with the Transit Area Specific Plan, Park and Recreation Master Plan, and Bikeway Master Plan; and

WHEREAS, California Government Code Section 65860 requires a city’s zoning ordinance to be consistent with its adopted general plan, including any specific plan that has been adopted to establish planning policies for a defined geographic area of the city; and

WHEREAS, in September 2021, the City initiated a multi-year process to comprehensively update the Midtown Specific Plan by hiring consultants and approving a work plan and schedule; and

WHEREAS, the Gateway-Main St. Specific Plan (“Specific Plan”) carries forward some of the major goals of the Midtown Specific Plan but has substantially updated the Plan area and policies to address current local conditions, community priorities, and best practices in long term planning; and

WHEREAS, the Specific Plan is a focused document that provides an integrated and internally consistent statement of the official land use policy consistent with the Milpitas 2040 General Plan; and

WHEREAS, the City released the Public Review Draft Specific Plan in April 2025, made the Public Review Draft Specific Plan available on the project website (<https://www.milpitasmainstreet.org/>), and invited comments by the public from April 10, 2025 up to the adoption of the Specific Plan; and

WHEREAS, on March 9, 2021, a Final Environmental Impact Report (FEIR) was certified for the Milpitas 2040 General Plan in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the City prepared a Draft Subsequent EIR to the Milpitas 2040 General Plan EIR for the Specific Plan (State Clearinghouse No. 2024070432) that identifies the potential environmental impacts of the project and recommends mitigation measures to reduce the impacts to a less than significant level where feasible, released the Draft Subsequent EIR on April 17, 2025 for a 45-day public review period that was set to end on June 2, 2025 but was extended to July 24, 2025, and prepared a Findings of Fact and Statement of Overriding Considerations to comprehensively describe the potential impacts, mitigations measures, and overriding considerations in adopting the Specific Plan; and

WHEREAS, the City has received comments on both the Public Review Draft Specific Plan and the Draft Subsequent EIR, considered and analyzed the comments, made changes to the Specific Plan, and prepared a Final Subsequent EIR, which includes the comments received and responses to comments; and

WHEREAS, the City has prepared a Specific Plan Amendment, Zoning Text and Map Amendment, and General Plan Amendment (“Amendments”) to adopt the Specific Plan, amend the Zoning Ordinance and Zoning Map to establish new Specific Plan boundaries, zoning districts, and zoning regulations, and amend the General Plan for consistency with the proposed amendments to the Zoning Ordinance; and

WHEREAS, the Planning Commission makes and accepts as its own the findings set forth in this resolution; and

WHEREAS, the Planning Commission is an advisory body to the City Council; and

WHEREAS, on September 24, 2025, the Planning Commission held a duly noticed public hearing on the subject application, at which all those in attendance were given the opportunity to speak on the proposed Amendments; and

WHEREAS, the Planning Commission has considered all the written and oral testimony presented at the public hearing in making its decision; and

WHEREAS, all legal prerequisites to the adoption of this resolution and the Planning Commission's review, recommendation, and approval of the General Plan amendment, Zoning amendments, and CEQA review contained herein have been met.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines, and resolves as follows:

SECTION 1. Recitals

The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Planning Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. CEQA Finding

The City prepared a Draft Subsequent EIR to the Milpitas 2040 General Plan EIR for the Specific Plan (State Clearinghouse No. 2024070432) that identifies the potential environmental impacts of the project and recommends mitigation measures to reduce the impacts to a less than significant level where feasible, released the Draft Subsequent EIR on April 17, 2025 for a 45-day public review period that was set to end on June 2, 2025 but was extended to July 24, 2025, and prepared a Findings of Fact and Statement of Overriding Considerations to comprehensively describe the potential impacts, mitigations measures, and overriding considerations in adopting the Specific Plan. The Subsequent EIR finds that the Specific Plan would result in significant and unavoidable impacts and cumulative impacts that cannot be reduced to a level less than significant or for which there is no feasible mitigation include impacts to the following environmental resource topics: cultural and tribal cultural resources (Impacts 3.4-1, 3.4-2, and 3.4-3 and Cumulative Impact 4.4.4-1) and utilities and services systems (Impact 3.13-1 and Cumulative Impact 4.4.12-1). However, the overriding considerations and benefits of the Specific Plan outweigh the consequences of the adverse environmental effect. The Subsequent EIR further concludes that while the two Project Alternatives might lessen or avoid some potential environmental effects compared to the proposed project, they do not meet the objectives of the Specific Plan. The Planning Commission therefore finds that its actions are consistent with CEQA and State CEQA guidelines and that no additional environmental review is required. Subject to the City Council's ultimate adoption and approvals, the Planning Commission approves, recommends the City Council approve, and adopts this Subsequent EIR, Findings of Fact, and Statement of Overriding Considerations as if fully set forth herein.

SECTION 3. Findings for Specific Plan Amendment (Milpitas Municipal Code Section XIII.D.10.050)

1. *That the Specific Plan is consistent with the General Plan and other adopted goals and policies of the City.*

As demonstrated in Table 1 (General Plan Conformance), the Specific Plan furthers many of the goals, policies, and actions of the General Plan, including but not limited to those in the Land Use, Circulation, Community Design, Economic Development, and Utilities and Community Services Elements. The Specific Plan also promotes neighborhood and housing development, commercial vitality, multimodal transportation, sustainable development, recreation, and streamlined permitting, which align with the City Council's priorities of community wellness and open space, economic development and job growth, environment, governance and administration, neighborhoods and housing, and transportation and transit. Therefore, the Specific Plan is consistent with the General Plan and other adopted goals and policies of the City.

2. The proposed Specific Plan is in compliance with California Environmental Quality Act requirements.

The City prepared a Draft Subsequent EIR to the Milpitas 2040 General Plan EIR for the Specific Plan (State Clearinghouse No. 2024070432) that identifies the potential environmental impacts of the project and recommends mitigation measures to reduce the impacts to a less than significant level where feasible, released the Draft Subsequent EIR on April 17, 2025 for a 45-day public review period that was set to end on June 2, 2025 but was extended to July 24, 2025, and prepared a Findings of Fact and Statement of Overriding Considerations to comprehensively describe the potential impacts, mitigations measures, and overriding considerations in adopting the Specific Plan. The Subsequent EIR finds that the Specific Plan would result in significant and unavoidable impacts and cumulative impacts that cannot be reduced to a level less than significant or for which there is no feasible mitigation include impacts to the following environmental resource topics: cultural and tribal cultural resources (Impacts 3.4-1, 3.4-2, and 3.4-3 and Cumulative Impact 4.4.4-1) and utilities and services systems (Impact 3.13-1 and Cumulative Impact 4.4.12-1). However, the overriding considerations and benefits of the Specific Plan outweigh the consequences of the adverse environmental effect. The Subsequent EIR further concludes that while the two Project Alternatives might lessen or avoid some potential environmental effects compared to the proposed project, they do not meet the objectives of the Specific Plan. Additionally, City staff conducted consultation regarding the Specific Plan and associated Subsequent EIR with local Native American tribes, pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18. Therefore, the proposed Specific Plan is in compliance with California Environmental Quality Act requirements.

3. The proposed Specific Plan would not result in a net loss of potential housing units.

No downzoning of any property within the Plan area is proposed as part of the Specific Plan. The standards proposed increase the viability of redevelopment and strengthen the likelihood of housing development as expressed in the Housing Element of the General Plan. Moreover, the plan facilitates housing production on non-inventory sites that will help the City meet its RHNA obligations. Therefore, the proposed Specific Plan would not result in a net loss of potential housing units.

SECTION 4. Findings for Zoning Amendment (Milpitas Municipal Code Section XIII.D.6.050)

The Planning Commission finds based upon the full record before it that all findings and prerequisites required for the Zoning Text and Zoning Map amendments proposed have been met, including those set forth in the Government Code, including Sections 65850 et seq., and the Milpitas Municipal Code, including Section XIII.D.6.050. The Planning Commission makes the following further

and specific findings based on the evidence in the public record in support of Zoning Text and Zoning Map Amendment No. ZA25-0002:

1. *The proposed Zoning Amendment is consistent with and conforms to the goals and policies of the General Plan.*

The proposed Zoning Amendment would 1) amend the Zoning Text to add references to the Specific Plan regulations in the Milpitas Zoning Ordinance and 2) amend the Zoning Map to change the zoning for all properties within the new Plan area to “Gateway-Main St. Specific Plan Area” and reference the zoning districts and regulations in the Specific Plan for those properties. These amendments would establish the Specific Plan as the regulatory document for land use and zoning in the Plan area and are necessary to update and effectuate the Specific Plan, which would achieve many of the General Plan policies and actions, including Policies LU 1-4, LU 4-2, CIR 1-5, CIR 4-1, CD 4-1, ED 3-2, and UCS 1-1 and Actions LU-2a, ED-3c, and ED-3f. These policies and actions call for the City to review and update its specific plans, facilitate housing and commercial redevelopment in these areas, encourage multimodal transportation, prioritize redevelopment of the Serra Center and Main Street, and provide public improvements to support new development. The proposed Zoning Amendment and Specific Plan would help achieve these goals. Therefore, the proposed Zoning Amendment is consistent with and conforms to the goals and policies of the General Plan.

2. *The proposed Zoning Amendment is consistent with and conforms to the goals and policies of any Specific Plan, if applicable.*

The goal of the proposed Zoning Amendment is simply to establish the Specific Plan as the regulatory document for land use and zoning the Plan area. No other amendments to the Zoning Ordinance are proposed. The existing Midtown Specific Plan will be repealed and replaced with the adoption of this plan. However, the Gateway-Main Street Specific plan updates, modernizes, effectuates, and furthers the objectives of the Midtown Specific Plan in a manner that reflects current market conditions and current best land use and zoning practices. Therefore, the proposed Zoning Amendment is consistent with and conforms to the goals and policies of the Specific Plan.

3. *The proposed Zoning Amendment will not be detrimental to the public interest, health, safety, convenience, and general welfare.*

The proposed Zoning Amendment will establish the land use regulations and development standards in the Specific Plan intended to protect the public interest, health, safety, convenience, and general welfare. These include maximum residential densities, maximum height limits, minimum setbacks from property lines, minimum parking ratios, context-sensitive design standards, required public improvements, and other requirements and standards. These regulations will ensure new development minimizes impacts to existing neighborhoods related to privacy, shade, neighborhood and community character, transportation, parking, utilities, and visual aesthetics.

4. *The proposed Zoning Amendment is in compliance with the provisions of California Environmental Quality Act.*

See Specific Plan Amendment Finding No. 2.

5. *The proposed Zoning Amendment would not result in a net loss of potential housing units.*

See Specific Plan Amendment Finding No. 3.

6. *The proposed Zoning Amendment is internally consistent with other applicable provisions of this Title.*

The primary goal of the proposed Zoning Amendment is to establish the Specific Plan as the regulatory document for land use and zoning the Plan area. No other amendments to the Zoning Ordinance are proposed. Pursuant to Section XIII.D.10.020(C) of the Milpitas Municipal Code, “The regulations provided by an adopted Specific Plan shall replace those of the current or underlying zone or zones, and the development standards and/or design standards or guidelines identified in the Specific Plan shall take precedence over the general standards included in this Title and any adopted design standards or guidelines.” Therefore, the proposed Zoning Amendment is internally consistent with other applicable provisions of Title XIII (Zoning).

7. *The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire, medical, etc.) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, etc.), to accommodate the uses and development densities of intensities allowed in the proposed new zone.*

The proposed densities are suitable for the Plan area and can be accommodated as future redevelopment occurs. Early in the planning process, the project consultant prepared an Existing Conditions Report that includes the following: Land Use, Zoning and Urban Form Analysis, Market Analysis, Affordable Housing, Equity, and Community Benefits Analysis, Transportation and Circulation Analysis, Public Utilities and Infrastructure Analysis, and Resilience and Climate Adaptation Assessment. This analysis informed the proposed densities and scale of development in the Specific Plan by demonstrating what level of development would be feasible in the Plan area given the size and shape of parcels, existing transportation and utilities infrastructure, real estate market realities, and other physical and regulatory constraints. Additionally, through the Gateway-Main St. Specific Plan TAC, the Specific Plan identifies potential infrastructure and service challenges and recommends improvements to ensure adequate provision of infrastructure and services, which will be implemented as development occurs. Furthermore, the City prepared a Subsequent EIR to the Milpitas 2040 General Plan for the Specific Plan, which analyzes potential impacts to many of these topics and identifies mitigation measures to minimize impacts. The analysis found that impacts to public services (including fire, police, and schools) and utilities and services systems (including sewer, stormwater, and solid waste) resulting from the anticipated development from the Specific Plan would be less than significant. Lastly, through the City’s development review process, City staff will evaluate each future development proposal and require improvements and impose conditions of approval as needed.

8. *If located within or adjacent to residential areas, the requested zone change is compatible with the character of the residential neighborhood.*

The Plan area includes a residential neighborhood south of the Serra Center and east of the Calaveras Center, and other residential neighborhoods near the Great Mall (Parc Metro and Montevista Apartments).

There are also residential neighborhoods adjacent to the Plan area to the north (other neighborhoods are separated by railroads or major thoroughfares). Although the new Specific Plan zoning districts will allow for higher-density residential development near these existing neighborhoods, the Specific Plan and Citywide Residential and Mixed-Use ODS will provide design standards to ensure appropriate transitions from new development to existing neighborhoods. Design standards include upper floor step-backs, 45-degree daylight planes, enhanced setbacks, and significant building articulation. These standards will be applied to new development proposals to ensure adequate daylight, minimize shadows, and maintain privacy and views for existing neighborhoods.

SECTION 5. Findings for General Plan Amendment

The Planning Commission finds based upon the full record before it that all findings and prerequisites required for the General Plan amendment proposed have been met, including those set forth in the Government Code, including Sections 65350 et seq., the Milpitas Municipal Code, including Section XIII.D.8.050, and page IN-8 of the Milpitas 2040 General Plan itself. The Planning Commission makes the following further and specific findings based on the evidence in the public record in support of General Plan Amendment No. GP25-0002:

1. *The proposed General Plan Amendment is internally consistent with all other provisions of the General Plan.*

The proposed General Plan Amendment would amend the Land Use Element Map (Figure LU-1) to include several properties in the Plan area and change the land use designation to MGSP (Milpitas Gateway-Main St. Specific Plan). This amendment is necessary to update and effectuate the proposed Specific Plan, which would achieve many of the General Plan policies and actions as discussed earlier in this report. The Midtown Specific Plan area would be replaced with the new Gateway-Main St. Specific Plan area, which includes new sites and expands the Plan area to better achieve the Plan objectives for mixed-use redevelopment and public improvements to create a vibrant community and important destination within Milpitas. Additionally, the Gateway-Main St. Specific Plan includes updated land use policies and strategies, which further the goals and policies of the General Plan and implements several General Plan actions related to housing development, economic development, and multimodal transportation. Furthermore, no other provisions of the General Plan would be amended as part of the proposed amendment. Therefore, the proposed General Plan Amendment is internally consistent with all other provisions of the General Plan.

2. *Approval of the proposed General Plan Amendment would not result in the General Plan being amended more frequently than four times per calendar year consistent with California Government Code section 65358.*

Thus far in 2025, the City has amended the General Plan twice, once as part of the adoption of the Neighborhood Commercial Mixed-Use (NCMU) zoning districts, also known as the Housing Opportunity Districts (HODs) Project, and another time as part of the adoption of the Comprehensive Zoning Ordinance (CZO) Update. Approval of the proposed General Plan Amendment would result in the third amendment of 2025. Therefore, the proposed General Plan Amendment would not result in the General Plan being amended more frequently than four times per calendar year.

3. *The proposed General Plan Amendment serves the public necessity, convenience, and general welfare.*

The proposed General Plan Amendment is necessary to update and effectuate the proposed Specific Plan, which would: 1) create a walkable mixed-use community that attracts and retains residents and businesses, increase housing opportunities to support future anticipated population growth, 2) increase economic opportunities and investment in vacant and underutilized properties, 3) improve connectivity throughout the Plan area, 4) provide opportunities for new public parks and plazas and improvements to other recreational amenities, and 5) establish policies for Urban Reserve Areas to guide future redevelopment in an integrated manner. Therefore, the proposed General Plan Amendment serves the public necessity, convenience, and general welfare.

4. *The proposed General Plan Amendment is in compliance with California Environmental Quality Act requirements.*

See Specific Plan Amendment Finding No. 2.

5. *The proposed General Plan Amendment would not result in a net loss of potential housing units.*

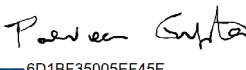
See Specific Plan Amendment Finding No. 3.

SECTION 6: Planning Commission Action

The Planning Commission of the City of Milpitas hereby adopts Resolution No. 25-014 recommending that the City Council (1) approve Specific Plan Amendment No. SP20-0002 to adopt the Specific Plan and adopt the implementing proposed resolution in Exhibit 1, (2) approve General Plan Amendment No. GP25-0001 and adopt the implementing proposed resolution in Exhibit 2 hereto to amend the Land Use Element Map for consistency with the updated Specific Plan and Zoning Ordinance, (3) approve Zoning Amendment No. ZA25-0002 and adopt the implementing proposed ordinance in Exhibit 3 hereto to establish new Specific Plan boundaries, zoning districts, and zoning regulations, and (4) adopt the Subsequent EIR to the General Plan EIR for the Specific Plan (State Clearinghouse No. 2024070432), Findings of Fact, and Statement of Overriding Considerations, based on the above Findings and the full record before it.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on September 24, 2025.

Signed by:



6D1BF35005EF45F...

Sep-25-2025

Parveen Gupta, Chair

TO WIT:

I **HEREBY CERTIFY** that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on September 24, 2025, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Mercedes Albana	X			
Dipak Awasthi	X			
Michael Caulkins	X			
Alexander Galang			X	
Parveen Gupta	X			
Chia Ling Kong			X	
Sonia Medina-Ashby	X			

EXHIBITS

- 1: Draft City Council Resolution for Specific Plan Adoption
- 2: Draft City Council Resolution for General Plan Amendment
 - Exhibit A: General Plan Map Amendment
- 3: Draft Zoning Text and Map Amendments Ordinance
 - Exhibit A: Zoning Map Amendment

Certificate Of Completion

Envelope Id: 365E2ED8-7EFC-4F4B-89ED-4C22B6796C3C	Status: Completed
Subject: Complete with Docusign: Attachment A - PC Reso 25-014 - Gateway-Main St. Specific Plan_v2 DocuS...	
Source Envelope:	
Document Pages: 9	Signatures: 1
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Liz Medina
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	455 E Calaveras Blvd
	Milpitas, CA 95035
	emedina@milpitas.gov
	IP Address: 104.129.192.60

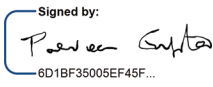
Record Tracking

Status: Original	Holder: Liz Medina	Location: DocuSign
September 25, 2025 09:51	emedina@milpitas.gov	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: City of Milpitas	Location: Docusign

Signer Events

Chair Parveen Gupta
pg@cs-edit.com
Security Level: Email, Account Authentication
(None)

Signature

Signed by:

6D1BF35005EF45F...
Signature Adoption: Drawn on Device
Using IP Address: 147.185.47.129

Timestamp

Sent: September 25, 2025 | 09:53
Viewed: September 25, 2025 | 12:12
Signed: September 25, 2025 | 12:13

Electronic Record and Signature Disclosure:
Accepted: September 25, 2025 | 12:12
ID: b150310f-096c-45dd-9963-56917aa195a0

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Jay Lee
jlee@milpitas.gov
Planning Director
Security Level: Email, Account Authentication
(None)

COPIED

Sent: September 25, 2025 | 12:13

Electronic Record and Signature Disclosure:
Accepted: September 16, 2025 | 15:49
ID: 3f156eee-9c0c-427e-9d00-9c78a4345a4e

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent	Hashed/Encrypted	September 25, 2025 09:53
Certified Delivered	Security Checked	September 25, 2025 12:12

Envelope Summary Events	Status	Timestamps
Signing Complete	Security Checked	September 25, 2025 12:13
Completed	Security Checked	September 25, 2025 12:13
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, City of Milpitas (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Milpitas:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: helpdesk@milpitas.gov

To advise City of Milpitas of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at helpdesk@milpitas.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from City of Milpitas

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to helpdesk@milpitas.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Milpitas

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to helpdesk@milpitas.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify City of Milpitas as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by City of Milpitas during the course of your relationship with City of Milpitas.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Receive a Presentation on the Work Completed on the Milpitas Gateway-Main Street Sense of Place Plan and Provide Comments to Staff (Staff Contact: Jay Lee, Planning Director, 408-586-3077)
Category:	Community Development
Meeting Date:	10/28/2025
Recommendation:	Receive progress report on the work completed regarding the Milpitas Gateway-Main Street Sense of Place Plan and provide comments.

BACKGROUND:

The Milpitas Gateway-Main Street Specific Plan (Plan) was originally adopted as the Midtown Specific Plan by the Milpitas City Council in March 2002 to maximize land uses, transportation and economic opportunities along the City's historic Main Street and energize and catalyze mixed-use, transit-oriented development in this area, also known as the "heart" of Milpitas. At present, the Plan provides for development of up to 2,328 new dwelling units, supporting retail, and new office and employment uses at key locations. Development activity in recent years has been mixed and includes approval and construction of 1,200 units of multifamily housing, reinvestment in the adjacent Great Mall, and the extension of the Santa Clara Valley Transportation Authority (VTA) Light Rail Transit (LRT) line. Recent successful multifamily residential developments, which promoted the vision and goals of the Plan, are concentrated in the southern end of the Plan area south of Curtis Avenue. Originally encompassing 942 acres of land, Plan boundaries were amended in 2010 to remove parcels of land in the southern end of the Plan area and prioritize areas in greater need of reinvestment.

Since adoption of the current Plan in 2002, little of the development capacity has been realized, and the City believes several vacant and underutilized sites have the potential for additional catalytic development and investment, especially along Main Street and Calaveras Boulevard. Obstacles to redevelopment in Midtown include haphazard parcel sizes and dimensions, disparate property ownership, and lack of a cohesive identity. Other challenges include gaps in the transportation network (i.e., weak connection to Calaveras Boulevard to the north and disconnected cul-de-sacs) and shortage of recreational opportunities to complement existing creeks and trails in the Plan area.

An update to the Milpitas Gateway-Main Street Specific Plan is underway; the project was initiated in late 2021 and is estimated to be completed by the end of 2025. The public review draft of the Gateway-Main Street Specific Plan was released on April 17, 2025.

The revitalization of Main Street is also one of the City's 2020 Economic Development Strategy key goals and priorities. To support these efforts, the Milpitas City Council created an Ad Hoc Main Street Revitalization Subcommittee to lead and direct City staff in implementing this new vision and strategy for the revitalization of historic Main Street. The City is also supporting the newly formed Milpitas Historic Downtown Business Association. Additionally, the City is currently collaborating with Main Street property owners to facilitate storefront improvements along Main Street through the Storefront Improvement Grant Program.

To meet the San Francisco Bay Area long-range goals of reduced greenhouse gas emissions and more affordable housing for all, the Metropolitan Transportation Commission (MTC) has been offering funding and technical assistance to local jurisdictions through its Priority Development Area Planning Program (PDA) since 2007. On February 23, 2023, City staff applied for and received \$600,000 in PDA grant funding to prepare a Milpitas Gateway-Main Street Sense of Place Plan to complement the Specific Plan update. The separate Milpitas Gateway-Main Street Sense of Place Plan focuses specifically on streetscape design, infrastructure

improvements, and placemaking along Main Street. While the Milpitas Gateway-Main Street Specific Plan establishes the broader land use and development framework for the area, the Milpitas Gateway-Main Street Sense of Place Plan details the physical improvements needed to transform Main Street into a vibrant, pedestrian-friendly corridor. The City allocated this funding as part of the 2025-2029 Capital Improvement Program¹.

On May 30, 2024, the City released Request for Proposal (RFP) 24-134 to seek expertise in building on these efforts and policies by assisting the City to prepare the Milpitas Gateway-Main Street Sense of Place Plan. The scope of work includes (1) identifying needed streetscape and transportation improvements along Main Street, (2) creating a Basic Infrastructure Plan that details each type of improvement and assigns a priority, and (3) establishing a plan-specific development impact fee to fund the improvements.

On [November 19, 2024](#), the City Council adopted a resolution to accept the grant award from MTC and approved and authorized the City Manager to execute a two-year Professional Services Agreement with TDG Engineering, Inc., for a Milpitas Gateway-Main Street Sense of Place Plan (Project) in an amount not to exceed \$420,000. After Project kick off, staff identified the need for additional scope of work items to be added to the contract. On [May 20, 2025](#), City Council approved and authorized the City Manager, or designee, to execute an amendment to the Professional Services Agreement with TDG Engineering, Inc. in the amount of \$71,138 with additional authority to approve changes of up to \$7,112 (10%) as required to complete the work, for a total not-to-exceed amount of \$498,250.

ANALYSIS:

The Project area consists of Main Street, from Weller Lane to Great Mall Parkway, with a focus between Calaveras Boulevard and Curtis Avenue. The goals of the Project include elevating Main Street and the surrounding area as the heart of Milpitas, strengthening Main Street's identity and sense of place, building on the Gateway-Main Street Specific Plan, complementing future development, and promoting and enhancing local businesses and economic activity. The final Project deliverables comprise of a detailed design concept for Main Street ready to move toward construction documentation phases, planning-level cost opinion and phasing plan, streetscape palette and multi-modal treatments for Main Street adaptable to the Specific Plan area, wayfinding and signage program for Main Street, a Basic Infrastructure Plan (BIP) for Main Street, and an impact fee for the new Specific Plan area. As part of the work associated for the impact fee, the subconsultant (BAE Urban Economics) will establish a development scenario, estimate total infrastructure costs, demonstrate a nexus, allocate costs by development type, and recommend implementation actions.

Work Completed Thus Far

The City kicked off the Project in December 2024. Thus far, the consultant has prepared an existing conditions report and preliminary designs. The final design, cost estimates and impact fee will be developed in Winter-Spring 2026, and final adoption in Summer 2026.

The existing conditions report found there is opportunity to define a new center that matches the City's aspirations and expected growth. Lower traffic volumes make Main Street ideal for a people-focused redesign that puts pedestrians first. The existing right-of-way (ROW) is wide and underutilized, allowing for generous sidewalks, landscaping, comfortable seating areas, and other amenities. A range of cultural, natural, and civic assets offer a strong foundation for the transformation of Main Street. Lastly, Main Street has the power to be the defining "public spine" of Milpitas' future center.

On June 5 and 6, 2025, the City held stakeholder workshops with key community members at the Community Center. City staff and the consultant shared key findings from the existing conditions and background review and high-level concepts for a reimagined Main Street. The stakeholder workshops also coincided with an online survey that was open from June 5 through July 7, 2025. The survey was advertised through lawn signs, sidewalk decals along Main Street, physical flyers, and the City's social media. A total of 77 responses were received.

¹ CIP Project No. 3504, Milpitas Gateway-Main St. Impact Fee Study and Sense of Place Plan

Overall, there is strong appreciation for local and small businesses, particularly restaurants, which participants felt reflect the cultural and racial diversity of Milpitas and the community around Main Street. The library was frequently noted as a valued community asset, with many praising the smaller-scale, walkable area surrounding it. When asked about the current state of Main Street, a majority (60 percent) described it as “outdated and uninviting,” while 33 percent said it was “functional but could use improvement” highlighting a strong desire for upgrades to sidewalks, street furniture, and landscaping. When asked about the future character of Main Street, most respondents said they want it to feel relaxed and nature-focused and playful and family-friendly. In prioritizing future amenities, respondents ranked increased greenery and trees as most important, followed by wider sidewalks and improved lighting.

Staff and the consultant presented an overview of the project and the survey results at the August 18, 2025 Ad Hoc Main Street Subcommittee and the August 27, 2025 Planning Commission meeting.

Next Steps:

The next steps for the Project are outlined below.

- Refinement of preliminary design ideas: Based on staff and community input received, the consultant will refine the preliminary design ideas for public review and circulation.
 - o Streetscape Option 1 + 2
 - o Furnishing and landscape palettes
 - o Intermediate space activation ideas
- December engagement: After further refinement of the preliminary design ideas, a second round of public engagement will be conducted -- an online survey will be released, and staff and the consultant will be tabling at the City’s Annual Tree Lighting Ceremony.
 - o Online survey no. 2
 - o Tree Lighting Ceremony (pop-up)

Questions:

Streetscape Designs

- What is your preference between the two streetscape design options?

Palettes and Inspiration

- Which of the proposed palette options and sources of inspiration do you find most appropriate for Main Street?

Local Insights

- From your perspective, what do we need to understand about Main Street – its history, role in the community, or unique qualities that would help guide this project toward success?

POLICY ALTERNATIVE(S):

This is an informational item for Council feedback and direction.

PROJECT SCHEDULE/KEY MILESTONES:

- Winter 2025 – Project launch
- Winter-Spring 2025 – Existing conditions report
- Spring-Fall 2025 – Preliminary design
- Winter-Spring 2026 – Final design, cost estimates, and impact fee
- Summer-Fall 2026 – Adoption
-

FISCAL IMPACT:

This is an information item. As such, there is no fiscal impact.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The Project involves only feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded and does not require the preparation of an environmental impact report (EIR) or negative declaration but does require consideration of environmental factors pursuant to Cal. Code Regs., tit. 14, § 15262.

ATTACHMENT(S):

None



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Adopt a Resolution Approving the City of Milpitas Investment Policy for Fiscal Year 2025-26 (Staff Contact: Luz Cofresí-Howe, Director of Finance, 408-586-3111)
Category:	Leadership and Support Services
Meeting Date:	October 28, 2025
Recommendation:	Adopt a resolution approving the City of Milpitas Investment Policy for FY 2025-26

BACKGROUND:

California state law regarding the investment of public funds requires all local agencies develop an investment policy that must be considered annually by the legislative body of the local agency at a public meeting. The City of Milpitas Investment Policy (Policy) was last reviewed and approved by the City Council pursuant to Resolution No. 9354 on September 17, 2024. The Policy requires that it be re-adopted by resolution of the City Council on an annual basis to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. Staff worked closely with the City investment advisors, Chandler Asset Management (Chandler), to review and update the Policy for City Council consideration, ensuring the Policy captures the latest changes to California Government Code as well as best practices. Recommended changes to the Policy are herewith submitted for City Council annual review and approval.

ANALYSIS:

Staff and the City investment advisors collaborated in reviewing the current City Policy and determined it continues to comply with the provisions of the California Government Code (Code) §§16340, 16429.1-16429.4 and 53600 et seq., the authority governing investments for municipal governments.

However, there are several changes that are recommended by staff and the City investment advisors in order to provide consistency and clarity in the Policy. These recommended changes are included in Attachments B and C and listed below:

- **Scope** – Included a clarification that the City of Milpitas Section 115 Pension Trust is a fund not covered by the Investment Policy. The Section 115 Trust was created by the City Council on [May 18, 2021](#) and is managed under delegated authority from and direction provided by the City of Milpitas Section 115 Pension Trust Committee (Committee) pursuant to an investment policy and guidelines developed by the Committee.
- **Ethic and Conflicts of Interest** – Enhanced the language in this section with specific references to the California Political Reform Act and Government Code Section 1090 to ensure all real and potential conflicts of interest are disclosed.
- **Performance Evaluation/Benchmark** –
 - Added additional language to strengthen the prioritization of the investment objectives of safety and liquidity over return/yield.
 - Removed the example of a benchmark; actual benchmark(s) are discussed in the quarterly investment report and may change over time.
- **Internal Control** – Added language emphasizing the need for written delegation of authority and written procedures within the management of the investment program.
- **Authorized Investments**
 - **Municipal Securities** – Added language regarding that the process of reviewing any investment in

City of Milpitas bonds requires a review to ensure purchase does not constitute a defeasance under the bond indenture.

- **Risk Management and Diversifications** – Added language to clarify that no more than 5% of the total portfolio may be deposited or invested in aggregate of any single issuer of the following types: Bankers Acceptances, Commercial Paper, Negotiable Certificates of Deposits, and Corporate Notes.
- **Glossary** – Expanded the glossary to include definitions of types of securities, investment terms and market terms to assist users and readers of the Policy.

There were additional minor changes intended to provide updates to acronyms and names, as well as cleaning up language from prior versions. Staff recommends adopting the changes as proposed.

PROJECT/PROGRAM SCHEDULE

The City of Milpitas Investment Policy will be brought forward to the City Council on an annual basis for review and approval to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends.

FISCAL IMPACT:

None; there is no fiscal impact because of the changes recommended to the policy.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The City Council adoption of the resolution is not a "project" under the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline §15378(b)(5) because it is an administrative activity that will not result in a direct or indirect physical change in the environment.

Attachment(s):

- (a) Draft Resolution
- (b) Investment Policy FY 2025-26 (Redlined)
- (c) Investment Policy FY 2025-26 (Clean)

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS
APPROVING THE INVESTMENT POLICY FOR FISCAL YEAR 2025-26**

WHEREAS, the Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern; and

WHEREAS, the legislative body of a local agency may invest surplus monies not required for the immediate needs of the local agency in accordance with the provisions of California Government Code Sections 16340, 16429.1-16429.4 and 53601 et seq.; and

WHEREAS, the Treasurer of the local agency shall annually prepare and submit a statement of investment policy and such policy, and any changes thereto, shall be considered by the legislative body at a public meeting; and

WHEREAS, the Investment Policy was last reviewed and approved by the City Council pursuant to Resolution No. 9354 on September 17, 2024;

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council has reviewed and considered the Investment Policy, including any changes, attached hereto as **Exhibit A**, and the Investment Policy for Fiscal Year 2025-26 is hereby approved.

PASSED AND ADOPTED this ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Suzanne Guzzetta, City Clerk

Carmen Montano, Mayor

APPROVED AS TO FORM:

Christopher Creech, Acting City Attorney

CITY OF MILPITAS

INVESTMENT POLICY - Fiscal Year ~~2024~~2025-2526

POLICY OVERVIEW

PURPOSE

The purpose of this ~~policy~~Policy is to establish overall guidelines for the management and investment of the City of Milpitas (the City) unexpended funds under authority granted by the City Council. This ~~policy~~Policy is in compliance with the provisions of the California Government Code, Sections 16340, 16429.1- 16429.4, and 53600-53686, the authority governing investments for municipal governments.

INVESTMENT OBJECTIVES

The primary objectives of this ~~i~~Investment ~~policy~~Policy, in order of priority, are safety, liquidity, and return:

- 1) **Safety** - Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. This objective shall be accomplished by mitigating credit risk and market risk.
- 2) **Liquidity** - The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This objective shall be accomplished by structuring the portfolio so that securities mature concurrently with anticipated needs. The portfolio shall consist largely of securities with active secondary or resale market. Furthermore, a portion of the portfolio may be placed in money market funds or Local Agency Investment Fund (LAIF) which offer same day liquidity for short term investment.
- 3) **Return** - The investment portfolio is designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into consideration the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Nevertheless, investment performance shall be ~~continually~~ monitored and evaluated by the City Treasurer¹ by comparison with other investment portfolio benchmarks.

Additionally, investments are to be made that will bear in mind the responsibility of City government to its ~~resident~~citizens. The following investment considerations, which enhance the quality of life, will be adhered to:

- **Divestment From Publicly-Traded Fossil Fuel Companies** - The City of Milpitas has a responsibility to protect the lives and livelihoods of its inhabitants from the threat of climate change. The City believes that its investments should support a future where all ~~residents~~citizens can live healthy lives without the negative impacts of a warming environment. For the

¹ City Treasurer – Pursuant to section VI-1-3.04 of the Milpitas Municipal Code the City Manager is empowered to appoint the City Treasurer. The City Manager has appointed the Finance Director as the City Treasurer.

purposes of the Investment Policy, a "fossil fuel company" shall be defined as any of the two hundred publicly-traded companies with the largest coal, oil and gas reserves as measured by the gigatons of carbon dioxide that would be emitted if those reserves were extracted and burned, as listed in the Carbon Tracker Initiative's "Unburnable Carbon" report. Staff responsible for managing the City's investment portfolio are directed to divest all City investment funds held in fossil fuel companies once they reach their maturities and are prohibited from making any new investments in such companies.

SCOPE

The ~~I~~investment ~~policy~~Policy applies to all financial assets of the City of Milpitas as accounted for in the Annual Comprehensive Financial Report (ACFR), including but not limited to the funds listed below:

- General Fund
- Special Revenue Funds
- Capital Projects Funds
- Debt Service Fund
- Enterprise Funds
- Internal Service Fund
- Trust and Agency Funds
- Any new fund created by the City Council unless specifically exempted with the exception of the following:
 - 1) The City's Deferred Compensation Plan is excluded because it is managed by a third-party administrator and invested by individual plan participants.
 - 2) ~~Proceeds of debt issuance shall be invested in accordance with the investment objectives of this ~~policy~~Policy. However, such proceeds are generally invested in accordance with permitted investment provisions of their specific bond indentures. If the City Treasurer determines that the matching of bond reserve fund with the maturity schedule of an individual bond issue is prudent, the ~~I~~investment ~~policy~~Policy authorizes extending beyond the ~~five-year~~five-year maturity limitation as outlined in this document.~~
 - 2)3) City of Milpitas Section 115 Pension Trust was created and authorized by the City Council on May 18, 2021 (Resolution No. 9071) with investments managed by an Investment Advisor under the delegated authority from and direction provided by the City of Milpitas Section 115 Pension Trust Committee pursuant to an investment policy and guidelines developed by the Committee.

STANDARDS OF CARE

- 1) **Prudence** - Pursuant to California Government Code, Section 53600.3, all persons authorized to make investment decisions on behalf of the City are trustees and therefore fiduciaries subject to the Prudent Investor Standard:

“...all governing bodies of local agencies or persons authorized to make investment decisions on behalf of those local agencies investing public funds pursuant to this chapter are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the Agency, that a prudent person acting in a like capacity and

familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the Agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law.”

The City Treasurer and other individuals assigned to manage the investment portfolio, acting within the intent and scope of the investment policy and other written procedures and exercising due diligence, shall be relieved of personal responsibility and liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

- 2) **Ethics and Conflict of Interest** - Officers and employees (City Investment Officials) involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or could impair their ability to make impartial investment decisions. City Investment Officials shall avoid all conflicts of interest or appearance of conflicts of interest when performing duties in furtherance of this investment program. The Director of Finance, acting as the City Treasurer shall immediately disclose any financial interest which is subject to disclosure under the California Political Reform Act or would constitute a conflict of interest under Government Code Section 1090 to the City Manager and the City Attorney. All other City Investment Officials shall immediately disclose any financial interest which is subject to disclosure under the California Political Reform Act or would constitute a conflict of interest under Government Code Section 1090 to the Director of Finance/City Treasurer who will in turn immediately notify the City Manager and City Attorney. Additionally, City Investment Officials shall comply with the City Code of Ethics, conflict of interest requirements under state law and the disclosure requirements of the Political Reform Act. City employees involved in the investment process shall disclose to the City Manager any material financial interest in financial institutions that conduct business within the jurisdiction. They shall further disclose any large personal financial/investment positions that could affect the performance of the investment portfolio.

- 3) **Delegation of Authority** - Authority to manage the investment program is derived from California Government Code, Sections 41006 and 53600 et seq and granted to the City Treasurer by Section VI-1-3.04 of the City of Milpitas Municipal Code. Under the oversight of the City Treasurer, responsibility for the operation of the investment program may be delegated to the Finance Administration staff, who shall act in accordance with established written procedures and internal controls consistent with the Investment Policy. The City Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of the subordinate staff members. The system of internal controls includes separation of duties, custodial safekeeping, avoidance of physical delivery securities, development of wire transfer agreement, and clear delegation of authority to subordinate staff members. The City may engage the services of one or more external investment advisers, who are registered under the Investment Advisers Act of 1940, to assist in the management of the City's investment portfolio in a manner consistent with the City's objectives. External investment advisers may be granted discretion to purchase and sell investment securities in accordance with this Investment Policy. The City's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The City recognizes that in a diversified portfolio, occasional measured losses may be inevitable and must be considered within the context of the overall portfolio's return and the cash flow requirements of the City.

INVESTMENT GUIDELINES

INVESTMENT PARAMETERS

- 1) **Maximum Maturities** - To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. ~~Unless matched to a specific cash flow, the~~ The City will not directly invest in securities maturing more than five (5) years from the date of trade settlement unless otherwise approved by the City Council pursuant to California Government Code Section 53601. Effective [XXX] and in accordance with Resolution [XXX], the City may invest in U.S. Treasury obligations, federal agency/GSE securities, and municipal debt with maturities up to five (5) years. The intent to invest in securities beyond the five year maturity limitation shall be disclosed in writing to the City Council no less than 3 months prior to the investment. Reserve funds established by the issuance of bonds and other funds with longer-term investment horizons may be invested in securities exceeding five years if the maturity of such investments are made to coincide with the expected use of funds.

Competitive Bidding - It is the policy of the City to require that, where possible, all transactions with broker/dealers shall be selected on a competitive basis and their bid or offering prices shall be recorded. If there is no other readily available competitive offering, best efforts will be made to document quotations for comparable or alternative securities. When purchasing original issue instrumentality securities, no competitive offerings will be required as all dealers in the selling group offer those securities at the same original issue price.

PERFORMANCE EVALUATION/BENCHMARK

- The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the City's risk constraints, the cash flow characteristics of the portfolio, and state and local laws, ordinances or resolutions that restrict investments with overall focus on the primary objectives of the Investment Policy which prioritize safety and liquidity over return.
- Investment performance is ~~continually~~ monitored and evaluated by the City Treasurer. Investment performance statistics and activity reports are prepared on a quarterly basis for presentation to the City Manager and City Council within 45 days of the end of the quarter.
- The City Treasurer shall select an appropriate, readily available index to use as a market benchmark. The benchmark should be commensurate with the level of market risk of the portfolio, and should serve as a measure of risk, interest income, and fair value appreciation. ~~Samples of readily available benchmarks include Intereity Exchange/Bank of America/Merrill Lynch 1-3 Year or 1-5 Year Treasury Indices.~~

SAFEKEEPING OF SECURITIES

- To protect against fraud or embezzlement or losses caused by collapse of an individual securities dealer, all securities owned by the City shall be held in safekeeping by a third party bank trust department, acting as agent for the City under the terms of a custody agreement or master repurchase agreement. All trades executed by a dealer will settle delivery ~~versus~~ payment (DVP) through the City's safekeeping agent.
- Securities held in custody for the City shall be reviewed and verified quarterly by Finance staff who has not been assigned to the investment function.

INTERNAL CONTROL

The City Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits to be derived and that the valuation of costs and benefits requires estimates and judgments by management.

The internal controls shall address the following points:

- Control of collusion
- Separation of transaction authority from accounting and record keeping
- Custodial safekeeping
- Avoidance of physical delivery securities
- Clear written delegation of authority to investment officials including subordinate staff members
- Written confirmation of transactions for investments and wire transfers
- ~~Development of a w~~Wire transfer agreement with the lead bank and third party custodian
- Written procedures for placing investment transactions and monitoring the performance of the investment advisor(s)

REPORTING

The City Treasurer shall review and render quarterly reports to the City Manager and City Council which shall include the par and dollar amount of the investment, the classification of the investment, the percentage of the total portfolio which each type of investment represents, the name of the institution or entity, the rate of interest, the maturity date, the current market value, and the source of the market value.

- Statement that the projected cash flow is adequate to meet expected obligations over the next six months.
- A report of transactions by month.
- The weighted average maturity of the investment portfolio.
- The average weighted yield to maturity of the portfolio as compared to the applicable benchmark.
- Statement of compliance with the investment policy.
- The report is due within 45 days of the end of the quarter.
- The City Manager may, at their ~~his~~ discretion, require this reporting on a monthly basis based upon market conditions.

QUALIFIED BROKER/DEALERS

- The City shall transact business with financial institutions and security broker/dealers after careful review of their qualifications and creditworthiness. All dealers who desire to do business with the City shall provide the necessary information (e.g. audited financial statements, proof of state registration, proof of National Association of Securities Dealers certification, etc.) from which the City can determine their creditworthiness, the existence of any pending legal action against the firm or the individual broker as well as an understanding of the security markets that they service. The City Treasurer shall annually send a copy of the current Investment ~~policy~~ Policy to all financial institutions and broker/dealers approved to do business with the City. Confirmation of receipt of this ~~policy~~ Policy shall be considered evidence that the dealer understands the City's investment policies and intends to sell the City only appropriate investments authorized by this ~~i~~Investment policy.

- In accordance with California Government Code Section 53601.5, Any investment authorized pursuant to Section 53601 or 53601.1, not purchased directly from the issuer, shall be purchased either from an institution licensed by the state as a broker-dealer, as defined in Section 25004 of the Corporations Code, or from a member of a federally regulated securities exchange, from a national or state-chartered bank, from a savings association or federal association (as defined by Section 5102 of the Financial Code) or from a brokerage firm designated as a primary dealer by the Federal Reserve bank.
- Selection of financial institutions and broker/dealers authorized to engage in transactions will be at the sole discretion of the City, except where the City utilizes an external investment adviser in which case the City-Agency may rely on the adviser for selection.

COLLATERAL REQUIREMENTS

Collateral is required for investments in non-negotiable certificates of deposit and repurchase agreements. In order to reduce market risk, the collateral level shall be at least 102% of market value of principal and accrued interest and marked-to-market weekly. Securities acceptable as collateral shall be the direct obligations of or are fully guaranteed as to principal and interest by the United States or any agency of the United States.

The City shall require any bank or financial institution to comply with the collateralization criteria defined in California Government Code, Section 53651.

AUTHORIZED INVESTMENTS

Investment of City funds is governed by the California Government Code, Sections 16340, 16429.1-16429.4, and 53600-53686. Within the context of the limitations, the following investments are authorized, as further limited herein. In the event a discrepancy is found between this Policy and the Code, the more restrictive parameters will take precedence. Percentage holding limits and minimum credit quality requirements listed in this section apply at the time the security is purchased.

Any investment currently held at the time the PPolicy is adopted which does not meet the new PPolicy guidelines can be held until maturity and shall be exempt from the current PPolicy. At the time of the investment's maturity or liquidation, such funds shall be reinvested only as provided in the current PPolicy.

An appropriate risk level shall be maintained by primarily purchasing securities that are of high quality, liquid, and marketable. The portfolio shall be diversified by security type and institution to avoid incurring unreasonable and avoidable risks regarding specific security types or individual issuers.

- **United States Treasury Bills, Bonds, and Notes** or those for which the full faith and credit of the United States are pledged for payment of principal and interest. There is no percentage limitation of the portfolio which can be invested in this category, though a five-year maturity limitation is applicable.
- **Federal Agency Obligations** or United States Government-Sponsored Enterprise (GSE) obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government sponsored enterprises. There is no percentage limitation of the portfolio which can be invested in this category, although a five year maturity limitation is applicable. Additionally, no more than 30% of the portfolio may be invested in any single Agency/GSE issuer, and the maximum percent of agency callable securities in the portfolio will be 20%.

- **Banker's Acceptances**- Bills of exchange or time drafts drawn on and accepted by commercial banks, otherwise known as banker's acceptances. Banker's acceptances must be issued by institutions which have short-term debt obligations rated "A-1" or its equivalent or better by at least one nationally recognized statistical rating organization (NRSRO), or long-term debt obligations which are rated in a rating category of "A" or its equivalent or better by at least one NRSRO. Purchase of banker's acceptances may not exceed 180 days maturity or 40% of the value of the portfolio. Furthermore, no more than 5% of the value of the portfolio may be invested in the banker's acceptances of any one commercial bank.
- **Commercial Paper** of the highest letter and number rating as provided by at least one NRSRO, either:
 - a. Issued by general corporations organized and operating within the United States, having assets in excess of \$500,000,000 and having a rating in the rating category of "A" or its equivalent or better rating on debt other than commercial paper as provided by at least one NRSRO, or
 - b. Issued by entities organized within the United States as a special purpose corporation, trust, or limited liability company. The securities must have program-wide credit enhancements including, but not limited to, overcollateralization, letters of credit, or a surety bond. The securities must be rated "A-1" or its equivalent or better by at least one NRSRO.

Purchases of eligible commercial paper may not exceed 270 days maturity nor represent more than 10% of the outstanding paper of the issuing corporation. Purchases of commercial paper may not exceed 25% of the value of the portfolio. No more than 5% of the portfolio may be invested in any single issuer. ~~Under a provision sunseting on January 1, 2026, no more than 40% of the portfolio may be invested in Commercial Paper if the City's investment assets under management are greater than \$100,000,000.~~

- **Negotiable Certificates of Deposit** issued by nationally or state chartered banks, a savings association or a federal association, a state or federal credit union, or by a federally-licensed or state-licensed branch of a foreign bank. Purchases of negotiable certificates of deposit may not exceed 30% of the value of the portfolio. No more than 5% of the portfolio may be invested in any single issuer. A maturity limitation of five (5) years is applicable. The amount of the NCD insured up to the FDIC limit does not require any credit ratings. Any amount above the FDIC insured limit must be issued by institutions which have short-term debt obligations rated "A-1" or its equivalent or better by at least one NRSRO; or long-term obligations rated in a rating category of "A" or its equivalent or better by at least one NRSRO.
- **Repurchase Agreements** - Repurchase agreements collateralized with securities authorized under in accordance with California Government Code Section 53601(j). There are no limits on the dollar amount or percentage that the City may invest. The maturity of the repurchase agreements shall not exceed one (1) year. The market value of the securities used as collateral for the repurchase agreements shall be monitored by the investment staff weekly and shall not be allowed to fall below 102% of the value of the repurchase agreement. A Master Repurchase agreement is required between the City and the dealer for all repurchase agreements transacted.
- **Time Deposits** - Time deposits, non-negotiable and collateralized in accordance with the California Government Code, may be purchased through banks or savings and loan associations. A maturity

limitation of five years is applicable.

- **Medium-Term Corporate Notes** issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States with a maximum maturity of five (5) years may be purchased. Securities eligible for investment shall be rated in a rating category of "A" or its equivalent better by at least one NRSRO. Purchase of medium-term notes may not exceed 30% of the value of the portfolio and no more than 5% of the value of the portfolio may be invested in notes issued by one corporation.
- **Local Agency Investment Fund (LAIF)** - a State of California managed investment pool may be used up to the maximum permitted in accordance with California Government Code Section 16429.1.
- **Money Market Funds** - Money Market funds invested in U.S. Government securities are permitted under this ~~policy~~**Policy** and under the California Government Code Section 53601. In order to be eligible for investment under this section, an investment objective of such a fund must be the maintenance of a price per share of \$1.00. Investment in such funds shall not exceed 20% of the City's total portfolio and no more than 10% of the City's total portfolio may be invested in any one money market fund. In addition, either one of the following criteria must be met:
 - The fund shall have achieved a rating of "AAA" by at least two nationally recognized statistical rating organizations, or
 - The fund shall have retained an advisor who is registered or exempt from registration with the Security Exchange Commission with not less than five years' experience managing money market funds with assets under management in excess of five hundred million dollars (\$500,000,000).
- **Municipal Securities** **(issued by State of California or Local Agency within California)** – including ~~obligations of the City,~~ the State of California, ~~and~~ any local agency within the State of California, and obligations of the City (provided that interest on such bonds is taxable at the Federal level, or if such interest is exempt from taxation for Federal income tax purposes, the purchase thereof is approved by the City Treasurer/Finance Director in consultation with the City Attorney, and the purchase thereof does not cause such City obligations to be defeased under the indenture, trust agreement, fiscal agent agreement or similar document authorizing their issuance). provided that:
 - a. The securities are rated in a rating category of "A" or its equivalent or better by at least one nationally recognized statistical rating organization ("NRSRO").
 - b. No more than 5% of the portfolio may be invested in any single issuer.
 - c. No more than 30% of the portfolio may be in Municipal Securities.
 - d. The maximum maturity does not exceed five (5) years.
- **Municipal Securities** **(Issued by other 49 States)** - ~~(Registered tTreasury nNotes or bBonds)~~ of any of the other 49 states in addition to California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California., provided that:
 - a. The securities are rated in a rating category of "A" or its equivalent or better by at least one nationally recognized statistical rating organization ("NRSRO").
 - b. No more than 5% of the portfolio may be invested in any single issuer.
 - c. No more than 30% of the portfolio may be in Municipal Securities.
 - d. The maximum maturity does not exceed five (5) years.

- **Asset-Backed, Mortgage-backed, Mortgage Passthrough Securities, and Collateralized Mortgage Obligations From Issuers Not Defined In Sections 1 And 2the first two paragraphs of the Authorized Investments Section of this Policy (U.S. Treasury obligations and Federal Agency/GSE Debt)**, provided that:
 - a. The securities are rated in a rating category of “AA” or its equivalent or better by a NRSRO.
 - b. No more than 20% of the total portfolio may be invested in these securities.
 - c. No more than 5% of the portfolio may be invested in any single Asset-Backed or Commercial Mortgage security issuer.
 - d. The maximum legal final maturity does not exceed five (5) years.
- **Collateralized Bank Deposits**—City’s deposits with financial institutions will be collateralized with pledged securities per California Government Code, Section 53651. There are no limits on the dollar amount or percentage that the City may invest in collateralized bank deposits.
- **Supranational Securities**—provided that Issues are US dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank. The securities must be rated in a rating category of “AA” or its equivalent or better by a NRSRO. No more than 30% of the total portfolio may be invested in these securities. No more than 10% of the portfolio may be invested in any single issuer. The maximum maturity does not exceed five (5) years.
- **Shares of beneficial interest issued by a joint powers authority** organized pursuant to Section 6509.7 known as **Local Government Investment Pools (LGIP)** that invests in securities and obligations authorized in California Government Code 53601 subdivisions (a) to (r), inclusive, where each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority.
 - a) The joint powers authority issuing the shares must retain an investment adviser who is registered or exempt from registration with the Securities and Exchange Commission (SEC), has assets under management in excess of \$500 million, and has at least five years of experience investing in the securities and obligations authorized by Section 53601, subdivisions (a) to (q).
 - b) Ratings of a LGIP must be in a rating category of “AAA” or its equivalent by at least one NRSRO. If rated by more than one organization, no rating may be lower than the category described in the preceding sentence.
 - c) No more than 10% of the portfolio shall be invested in any single LGIP.
 - d) LGIP investments may not exceed 20% of the City’s portfolio in the aggregate.

INELIGIBLE INVESTMENTS AND INVESTMENT PRACTICES

Ineligible investments are those that are not described herein, including but not limited to, common stocks, reverse repurchase agreements, inverse floaters, range notes, mortgage derived interest only strips, derivatives securities, or any security that could result in zero interest accrual. ~~Under a provision sunseting on January 1, 2026, securities backed by the U.S. Government that could result in a zero or negative interest accrual if held to maturity are permitted.~~ Trading securities for the sole purpose of speculating on the future direction of interest rates is prohibited. Purchasing or selling

securities on margin is prohibited. The use of reverse repurchase agreements, securities lending or any other form of borrowing or leverage is prohibited. The purchase of foreigncurrency denominated securities is prohibited. The purchase of securities with a forward settlement date exceeding 45 days from the time of the investment is prohibited.

RISK MANAGEMENT AND DIVERSIFICATION

Mitigating Credit Risk in the Portfolio: Credit risk is the risk that a security or a portfolio will lose some or all its value due to a real or perceived change in the ability of the issuer to repay its debt. The City will mitigate credit risk by adopting the following strategies:

- The diversification requirements included in the “Authorized Investments” section of this policy are designed to mitigate credit risk in the portfolio.
- ~~No more than 5% of the total portfolio may be deposited with or invested in~~ -aggregate of securities issued by any single issuer of the following types: Bankers Acceptances, Commercial Paper, Negotiable Certificates of Deposits, and Corporate Notes.
- ~~unless otherwise specified in this policy.~~
- The City may elect to sell a security prior to its maturity and record a capital gain or loss in order to manage the quality, liquidity or yield of the portfolio in response to market conditions or City’s risk preferences.
- If a security owned by the City is downgraded to a level below the requirements of this ~~P~~-policy, making the security ineligible for additional purchases, the following steps will be taken:
 - Any actions taken related to the downgrade by the investment manager will be communicated to the City Treasurer in a timely manner.
 - If a decision is made to retain the security, the credit situation will be monitored and reported to the City Council as part of the Quarterly Investment Report.

Mitigating Market Risk in the Portfolio: Market risk is the risk that the portfolio value will fluctuate due to changes in the general level of interest rates. The City recognizes that, over time, longer-term portfolios have the potential to achieve higher returns. On the other hand, longer-term portfolios have higher volatility of return. The City will mitigate market risk by providing adequate liquidity for short-term cash needs, and by making longer-term investments only with funds that are not needed for current cash flow purposes.

The City further recognizes that certain types of securities, including variable rate securities, securities with principal paydowns prior to maturity, and securities with embedded options, will affect the market risk profile of the portfolio differently in different interest rate environments. The City, therefore, adopts the following strategies to control and mitigate its exposure to market risk:

- The City will maintain a minimum of six months of budgeted operating expenditures in short term investments to provide sufficient liquidity for expected disbursements.
- The maximum stated final maturity of individual securities in the portfolio will be five (5) years, except as otherwise stated in this ~~policy~~Policy.
- The duration of the portfolio will generally be approximately equal to the duration

(typically, plus or minus 20%) of a Market Benchmark as described in the Performance Evaluation/Benchmark section of this ~~policy~~Policy; an index selected by the City based on the City's investment objectives, constraints and risk tolerances.

INVESTMENT POOLS/MUTUAL FUNDS

The ~~City Agency~~ shall conduct a thorough investigation of any pool or mutual fund prior to making an investment, and on a continual basis thereafter. The ~~City~~ Treasurer shall develop a questionnaire which will answer the following general questions:

- a. A description of eligible investment securities, and a written statement of investment policy and objectives.
- b. A description of interest calculations and how it is distributed, and how gains and losses are treated.
- c. A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.
- d. A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.
- e. A schedule for receiving statements and portfolio listings.
- f. Are reserves, retained earnings, etc. utilized by the pool/fund?
- g. A fee schedule, and when and how is it assessed.
- h. Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

INTEREST EARNINGS

All moneys earned and collected from investments authorized in this ~~policy~~Policy shall be allocated monthly to various fund accounts based on the cash balance in each fund as a percentage of the entire pooled portfolio.

ANNUAL POLICY APPROVAL

The City's ~~i~~Investment ~~P~~policy shall be adopted by resolution of the City Council on an annual basis. This ~~I~~investment ~~policy~~Policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. Any amendments to the ~~P~~policy shall be forwarded to City Council for approval.

GLOSSARY

Definitions of investment related terms are list in the Glossary of Terms, Exhibit A

EXHIBIT A

GLOSSARY OF TERMS

Accretion - Adjustment of the difference between the price of a bond bought at an original discount and the par value of the bond

Accrued Interest- Interest earned but not yet received.

Active Deposits- Funds which are immediately required for disbursement.

Agencies - Federal agency securities and/or Government-sponsored enterprises (GSEs), also known as U.S. Government instrumentalities. Securities issued by Government National Mortgage Association (GNMA) are considered true agency securities, backed by the full faith and credit of the U.S. Government. GSEs are financial intermediaries established by the federal government to fund loans to certain groups of borrowers, for example homeowners, farmers and students and are privately owned corporations with a public purpose. The most common GSEs are Federal Farm Credit System Banks, Federal Home Loan Banks, Federal Home Loan Mortgage Association, and Federal National Mortgage Association.

Amortization- An accounting practice of gradually decreasing (increasing) an asset's book value by spreading its depreciation (accretion) over a period of time.

Annual Comprehensive Financial Report (ACFR): The official annual financial report for the City. It includes combined statements and basic financial statements for each individual fund and account group prepared in conformity with Generally Accepted Accounting Principles (GAAP)

Appreciation - Increase in the value of an asset such as a stock, bond, commodity or real estate

Arbitrage- Transactions by which securities are bought and sold in different markets at the same time for the sake of the profit arising from a yield difference in the two markets.

Asked Price- The price a broker dealer offers to sell securities.

Asset-Backed - A type of security that is secured by receivables, such as credit card and auto loans. These securities typically pay principal and interest monthly.

Banker's' Acceptance (BA) - A high quality, short term money market instrument used to finance international trade. There has never been an instance of a failure to pay a banker's acceptance in full at its maturity date.

Basis Point- One basis point is one hundredth of one percent (.01).

Benchmark - A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investment

Bid Price- The price a broker dealer offers to purchase securities.

Bond- A financial obligation for which the issuer promises to pay the bondholder a specified stream of future cash flows, including periodic interest payments and a principal repayment.

Book Rate of Return - A measure of a portfolio's performance over time. It is the internal rate of return which equates the beginning value of the portfolio with the ending value, and includes interest earnings, and realized gains and losses on the portfolio.

Book Value- The value at which a debt security is shown on the holder's balance sheet. Book value is acquisition cost less amortization of premium or accretion of discount.

Broker- An Agent that acts as an intermediary between a Someone who brings buyers and a sellerseller for a commission, and does not trade for their own risk and account or inventory. together and is compensated for his/her service.

Callable Securities - A security that can be redeemed by the issuer before the scheduled maturity date.

Cash Flow - An analysis of all changes that affect the cash account during a specified period

Certificate of Deposit (CD) - A deposit insured up to \$250,000 by the FDIC at a set rate for a specified period of time.

City Treasurer – Pursuant to section VI-1-3.04 of the Milpitas Municipal Code the City Manager is empowered to appoint the City Treasurer. The City Manager has appointed the Finance Director as the City Treasurer.

Collateral- Securities, evidence of deposit or pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposit of public moneys.

Collateralized Mortgage Obligation (CMO) - A type of mortgage-backed security that creates separate pools of pass-through rates for different classes of bondholders with varying maturities, called tranches. The repayments from the pool of pass-through securities are used to retire the bonds in the order specified by the bonds' prospectus.

Collateralized Securities - Debt obligations that represent claims to the cash flows from pools of loan receivables, most commonly on residential property and extending to commercial property, automobiles, student borrowings, equipment financings and more. Loans are purchased from banks, mortgage companies, and other originators and then assembled into pools by a governmental, quasi-governmental, or private entity. The entity then issues securities that represent claims on the principal and interest payments made by borrowers on the loans in the pool, a process known as securitization and such issuances represent a vast portion of the bond market

Commercial Mortgage-Backed Security (CMBS): A type of fixed income investment product that is backed by mortgages on commercial properties rather than residential real estate. CMBS can provide liquidity to real estate investors and commercial lenders alike. There are two types of CMBS, agency CMBS, which consist of loans pooled by governmentsponsored entities (GSEs) including Fannie Mae and Freddie Mac, and non-agency (private) CMBS, which consist of loans pooled and securitized by private lenders

Commercial Paper- Short-term, negotiable unsecured promissory notes of corporations.

Comprehensive Annual Financial Report (CAFR) - The official annual financial report for the City, prepared in conformity with Generally Accepted Accounting Principles (GAAP).

Commercial Receivables - Business debt owed to a creditor which may be used as collateral for asset backed securities. These receivables include equipment leases, building leases, and other business loans.

Conduit Financing - A financing in which a governmental agency issues debt and the proceeds of the issue are loaned to a nongovernmental borrower who then applies the proceeds for a project financing or (if permitted by federal tax laws for a qualified 501(c)(3) bond) for working capital purposes.

Consumer Receivables - Consumer debt owed to a creditor which may be used as collateral for asset backed securities. These receivables include credit card, auto, and home equity loans.

Corporate Note - Debt instrument issued by a private corporation.

Coupon- The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value.

Credit Analysis - An analysis of the economic and financial conditions to determine creditworthiness or the ability to meet debt obligations.

Credit Ratings - A grade given to a debt instrument that indicates its credit quality. Private independent rating services such as Standard & Poor's, Moody's and Fitch provide these evaluations of the issuer's financial strength, or its ability to pay principal and interest in a timely fashion. Investment grade credit ratings for long-term debt are as follows:

<u>Moody's</u>	<u>Standard & Poor's</u>	<u>Fitch</u>
<u>Aaa</u>	<u>AAA</u>	<u>AAA</u>
<u>Aa1</u>	<u>AA+</u>	<u>AA+</u>
<u>Aa2</u>	<u>AA</u>	<u>AA</u>
<u>Aa3</u>	<u>AA-</u>	<u>AA-</u>
<u>A1</u>	<u>A+</u>	<u>A+</u>
<u>A2</u>	<u>A</u>	<u>A</u>
<u>A3</u>	<u>A-</u>	<u>A-</u>
<u>Baa1</u>	<u>BBB+</u>	<u>BBB+</u>
<u>Baa2</u>	<u>BBB</u>	<u>BBB</u>
<u>Baa3</u>	<u>BBB-</u>	<u>BBB-</u>

Credit Risk - The risk that an obligation will not be paid, and a ~~Defined as the risk of~~ loss will result due to a failure of the issuer of a security.

CUSIP - Stands for Committee on Uniform Securities Identification Procedures. A CUSIP number identifies most securities, including: stocks of all registered U.S. and Canadian companies, and U.S. government and municipal bonds. The CUSIP system—owned by the American Bankers Association

and operated by Standard & Poor's—facilitates the clearing and settlement process of securities. The number consists of nine characters (including letters and numbers) that uniquely identify a company or issuer and the type of security

Current Yield- The interest paid on an investment expressed as a percentage of the current price of the security.

Custodian- A bank or other financial institution that keeps custody of stock certificates and other assets.

Dealer - A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his/her own risk and account or inventory.

Debentures - A bond secured only by the general credit of the issuers.

Defeased Bond Issues- Issues that have sufficient money to retire outstanding debt when due so that the agency is released from the contracts and covenants in the bond document.

Delivery ~~verses~~ Payment (DVP)- Delivery of securities with a simultaneous exchange of money for the securities.

Derivative- Securities that are based on, or derived from, some underlying asset, reference date, or index.

Direct Issuer - Issuer markets its own paper directly to the investor without use of an intermediary.

Discount- The difference between the cost of a security and its value at maturity when quoted at lower than face value.

Diversification- Dividing investment funds among a variety of securities offering independent returns and risk profiles.

Duration- A measure of the timing of the cash flows, such as the interest payments and the principal repayment, to be received from a given fixed-income security. This calculation is based on three variables: term to maturity, coupon rate, and yield to maturity. The duration of a security is a useful indicator of its price volatility for given changes in interest rates.

Earned Income Yield This Period (annualized) - The Total net Earnings this period divided by Average Daily Portfolio Balance and the number of days in the period, multiplied by 365 (or 360 depending on the profile setting), and then multiplied by 100.

Face Value - The principal amount owed on a debt instrument. It is the amount on which interest is computed and represents the amount that the issuer promises to pay at maturity.

Fair Value - The amount at which a security could be exchanged between willing parties, other than in a forced or liquidation sale. If a market price is available, the fair value is equal to the market value.

Fannie Mae- Trade name for the Federal National Mortgage Association (FNMA), a U.S. sponsored corporation.

Farmer Mac - Trade name for the Federal Agricultural Mortgage Corporation, a U.S. government

sponsored enterprise.

Federal Agricultural Mortgage Corporation - A U.S. government sponsored enterprise that establishes a secondary market for agriculture mortgages and rural utility loans. Its securities do not carry direct U.S. government guarantees.

~~**Federal Reserve System** - The central bank of the U.S. which consists of a seven member Board of Governors, 12 regional banks and 5,700 commercial banks that are members.~~

Federal Deposit Insurance Corporation (FDIC) - ~~A federal agency that provides i-~~Insurance on bank deposits, guaranteeing deposits to a set limit per depositor, per insured bank for each account ownership category, ~~currently provided to customers of a subscribing bank which guarantees deposits to a set limit (currently \$250,000,) per account.~~

Federal Farm Credit Bank (FFCB) - Government-sponsored enterprise that consolidates the financing activities of the Federal Land Banks, the Federal Intermediate Credit Banks and the Banks for Cooperatives. Its securities do not carry direct U.S. government guarantees.

Federal Funds Rate - The interest rate at which depository institutions lend to one another on an overnight basis. This rate is set by the Federal Reserve through open market operations. It influences the short-term borrowing rate in the market and thus the shape of the overall yield curve and by extension, the US economy.

Federal Government Agency Securities - Federal Agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.

Federal Home Loan Banks (FHLB) - Government sponsored enterprise (currently made up of 12 regional banks) that regulates, lends funds, and provides correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. Although the banks operate under federal charter with government supervision, the securities are not guaranteed by the U. S. Government.

Federal Home Loan Mortgage Corporation (FHLMC) - Government sponsored enterprise that helps maintain the availability of mortgage credit for residential housing. FHLMC is a private stockholder-owned corporation. FHLMC finances these operations by marketing guaranteed mortgage certificates and mortgage participation certificates. Its discount notes and bonds do not carry direct U.S. government guarantees.

Federal National Mortgage Association (FNMA) - Government sponsored enterprise that is the largest single provider of residential mortgage funds in the United States. FNMA is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA securities do not carry direct U.S. Government guarantees.

Federal Open Market Committee (FOMC) - A committee of the Federal Reserve Board, which establishes monetary policy and executes it through temporary and permanent changes to the supply of bank reserves.

Federal Reserve System - The central bank of the U.S. which consists of a seven member Board of Governors, the Federal Open Market Committee (FOMC), 12 regional banks and approximately 5,700 commercial banks that are members.

Fed Wire- A wire transmission service established by the Federal Reserve Bank to facilitate the transfer of funds through debits and credits of funds between participants within the Fed system.

Freddie Mac- Trade name for the Federal Home Loan Mortgage Corporation (FHLMC), a U.S. sponsored corporation.

Ginnie Mae- Trade name for the Government National Mortgage Association (GNMA), a direct obligation bearing the full faith and credit of the U.S. Government.

Government Accounting Standards Board (GASB)- A standard-setting body, associated with the Financial Accounting Foundation, which prescribes standard accounting practices for governmental units.

Government Sponsored Enterprise (GSE) – Quasi-governmental entity established to enhance the flow of credit to specific sectors of the U.S. economy. Created by acts of Congress, these agencies – although privately held – provide public financial services. Examples include Freddie Mac, Fannie Mae and Farmer Mac.

Guaranteed Investment Contracts (GICS)- An agreement acknowledging receipt of funds, for deposit, specifying terms for withdrawal, and guaranteeing a rate of interest to be paid.

Inactive Deposits- Funds not immediately needed for disbursement.

Inter-American Development Bank - Established in 1959, IADB supports Latin American and Caribbean economic development, social development, and regional integration by lending to governments and government agencies. The U.S. is a member of IADB.

Interest Rate- The annual yield earned on an investment, expressed as a percentage.

Interest Rate Risk - The risk of gain or loss in market values of securities due to changes in interest-rate levels. For example, rising interest rates will cause the market value of portfolio securities to decline.

International Bank for Reconstruction and Development (IBRD) - IBRD is one of the five member institutions within the World Bank Group. It issues World Bank bonds and provides commercial-grade or concessional financing to middle to low-income sovereign states. The U.S. is a member of IBRD.

International Finance Corporation (IFC) - IFC is a member of the World Bank Group. It is a global development institution that invests strictly in private sectors to reduce poverty and promote development in developing countries. The U.S. is a member of IFC.

Investment Agreements- An agreement with a financial institution to borrow public funds subject to certain negotiated terms and conditions concerning collateral, liquidity and interest rates.

Investment Grade (Long Term Ratings) - An evaluation from a rating agency that a specific issuer or issuance represents a low risk of default. Ratings below investment grade are considered high yield and

represent a high risk of non-payment. The lowest investment grade ratings are Baa3 (Moody's), BBB- (S&P), and BBB- (Fitch).

Investment Portfolio - A collection of securities held by a bank, individual, institution or government agency for investment purposes.

Liquidity- An asset that can easily and rapidly be converted into cash without significant loss of value.

Local Agency Investment Fund (LAIF)- A pooled investment vehicle for local agencies in California sponsored by the State of California and administered by the State Treasurer. Local government units, with consent of the governing body of that agency, may voluntarily deposit surplus funds for the purpose of investment. Interest earned is distributed by the State Controller to the participating governmental agencies on a quarterly basis.

Local Government Investment Pool (LGIP)- A pooled investment vehicle sponsored by a local agency or a group of local agencies for use by other local agencies.

Mark to Market - Current value of securities at today's market price.

Market Risk- Defined as market value fluctuations due to overall changes in market conditions or interest rates. ~~the general level of interest rates.~~

Market Value- The price at which a security is trading and could presumably be purchased or sold. **See Fair Value**

Master Repurchase Agreement - A written contract covering all future transactions between the parties to repurchase agreements and reverse repurchase agreements that establish each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

Maturity- The date upon which the principal or stated value of an investment becomes due and payable.

Medium-Term Notes (MTNs) - Unsecured, investment-grade senior debt securities of major corporations which are sold in relatively small amounts either on a continuous or an intermittent basis. MTNs are highly flexible debt instruments that can be structured to respond to market opportunities or to investor preferences.

Modified Duration- A measure of exposure to market risk of a security or a portfolio. It is the percent change in the price of a security (portfolio) or a 100 basis point change in the security's (portfolio's) yield.

Money Market - The market in which short term debt instruments (Treasury Bills, Discount Notes, Commercial Paper, Banker's Acceptances and Negotiable Certificates of Deposit) are issued and traded.

Mortgage-Backed Securities – A type of security that is secured by a mortgage or collection of mortgages. These securities typically pay principal and interest monthly.

Municipal Securities - Debt obligations issued by states and local governments and their agencies, including cities, counties, government retirement plans, school districts, state universities, sewer districts, municipally owned utilities and authorities running bridges, airports, and other transportation facilities.

Mutual Funds- An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments.

Nationally Recognized Statistical Rating Organization (NRSRO) - A credit rating agency that assesses the credit worthiness of an obligor as an entity or with respect to specific securities or money market instruments. US Securities and Exchange Commission establishes a registration and oversight program for NRSROs.

Negotiable Certificate of Deposit- A large denomination certificate of deposit which can be sold in the open market prior to maturity.

Net Portfolio Yield - Calculation in which the 365-day basis equals the annualized percentage of the sum of all net earnings during the period divided by the sum of all average daily portfolio Balances.

New Issue- Term used when a security is originally "brought" to market.

Note- A written promise to pay a specified amount to a certain entity on demand or on a specified date.

Open Market Operations - Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit. Sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Par Value- The amount of principal which must be paid at maturity. Also referred to as the face amount of a bond, normally quoted in \$1,000 increments per bond.

Perfected Delivery- Refers to an investment where the actual security or collateral is held by an independent third party representing the purchasing entity.

Portfolio- Combined holding of more than one stock, bond, commodity, real estate investment, cash equivalent, or other asset. The purpose of a portfolio is to reduce risk by diversification.

Premium - The difference between the par value of a bond and the cost of the bond, when the cost is above par.

Primary Dealer- A group of government securities dealers that submit daily reports of market activity, ~~and security~~ positions and monthly financial statements to the ~~held to~~ the Federal Reserve Bank of New York and are subject to its informal oversight. These dealers are authorized to buy and sell government securities in direct dealing with the Federal Reserve Bank of New York in its execution of market operations to carry out U.S. monetary policy. Such dealers must be qualified in terms of reputation, capacity, and adequacy of staff and facilities.

Prime (Short Term Rating) - High quality ratings for short term debt such as commercial paper. Prime ratings are as follows: P1 (Moody's), A1 (S&P), and F1 (Fitch).

Principal- The face value or par value of a debt instrument, or the amount of capital invested in a given security.

Prospectus- A legal document that must be provided to any prospective purchaser of a new securities offering registered with the Securities and Exchange Commission (SEC) that typically includes information on the issuer, the issuer's business, the proposed use of proceeds, the experience of the issuer's management, and certain certified financial statements (-also known as an "official statement")

Prudent Investor Standard- A standard of conduct where a person acts with care, skill, prudence, and diligence when investing, reinvesting, purchasing, acquiring, exchanging, selling and managing funds. The test of whether the standard is being met is if a prudent person acting in a similar situation would engage in similar conduct to ensure that investments safeguard principal and maintain liquidity.

Public Deposits - A bank that is qualified under California law to accept a deposit of public funds.

Purchase Date- The date in which a security is purchased for settlement on that or a later date. Also known as the "trade date".

Rate of Return- (1) The yield obtainable on a security based on its purchase price or its current market price. (2) Income earned on an investment, expressed as a percentage of the cost of the investment. (This may be the amortized yield to maturity on a bond or the current income return.

Realized Gain (or Loss) - Gain or loss resulting from the sale or disposal of a security.

Regional Dealer - A financial intermediary that buys and sells securities for the benefit of its customers without maintaining substantial inventories of securities and that is not a primary dealer

Repurchase Agreement (RP or REPO)- A transaction in which a counterparty or the holder of securities (e.g. investment dealer) sells these securities to an investor (e.g. the City) with a simultaneous agreement to repurchase them at a fixed date. The security "buyer" (e.g. the City) in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate the "buyer" for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves. A transaction where the seller agrees to buy back from the buyer (City) the securities at an agreed upon price on demand or at a specified date.

Reverse Repurchase Agreement (REVERSE REPO)- The opposite of a repurchase agreement. A reverse Repo is a transaction in which the City sells securities to a counterparty (e.g. investment dealer) and agrees to repurchase the securities from the counterparty at a fixed date. The counterparty in effect lends the seller (e.g. the City) money for the period of the agreement with terms of the agreement structured to compensate the buyer. A transaction where the seller (City) agrees to buy back from the buyer the securities at an agreed upon price on demand or at a specified date.

Risk- Degree of uncertainty of return on an asset.

Rule G-37 of the Municipal Securities Rulemaking Board- Federal regulations to sever any connection between the making of political contributions and the awarding of municipal securities business.

Safekeeping Service - A service which banks offer to clients for a fee, where physical securities are held in the bank's vault for protection and book-entry securities are on record with the Federal Reserve Bank or Depository Trust Company in the bank's name for the benefit of the client. As agent for the client, the

safekeeping bank settles securities transactions, collects coupon payments, and redeems securities at maturity or on call date, if called. An arrangement under which a third party institution holds securities or valuables under safe, controlled conditions. A safekeeping arrangement is evidenced by a safekeeping receipt.

Sallie Mae- Trade name for the Student Loan Marketing Association (SLMA), a U.S. sponsored corporation.

Secondary Market- A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities - Investment instruments such as notes, bonds, stocks, money market instruments and other instruments of indebtedness or equity.

Securities and Exchange Commission (SEC)- The federal agency responsible for supervising and regulating the securities industry.

Settlement Date- The date on which a trade is cleared by delivery of securities against funds.

Spread - The difference between two figures or percentages. It may be the difference between the bid (price at which a prospective buyer offers to pay) and asked (price at which an owner offers to sell) prices of a quote, or between the amount paid when bought and the amount received when sold.

Structured Note - A complex, fixed income instrument, which pays interest, based on a formula tied to other interest rates, commodities or indices. Examples include “inverse floating rate” notes which have coupons that increase when other interest rates are falling, and which fall when other interest rates are rising and “dual index floaters”, which pay interest based on the relationship between two other interest rates, for example, the yield on the ten-year Treasury note minus the Libor rate. Issuers of such notes lock in a reduced cost of borrowing by purchasing interest rate swap agreements.

Student Loan Market Association (SLMA) - Government-sponsored enterprise that purchases student loans from originating financial institutions and provides financing to state student loan agencies. It provides a national secondary market for federally sponsored student loans and credit to participants in the post-secondary education lending sector.

Subordinated Debt - Debt over which senior debt has priority. In the event of a bankruptcy, subordinated debt holders receive payment only after senior debt holders are paid in full.

Supranationals - International development institutions that provide development financing, advisory services, and other financial services to member countries to promote improved living standards through sustainable local economic growth.

Tax and Revenue Anticipation Notes (TRANS)- Notes issued in anticipation of receiving tax proceeds or other revenues at a future date.

Time Certificate of Deposit- A non-negotiable certificate of deposit which cannot be sold prior to maturity.

Time Deposit - A deposit with a California bank or savings and loan association for a specific amount and

with a specific maturity date and interest rate. Deposits of up to \$250,000 are insured by FDIC. Deposits over \$100,000 are collateralized above the insurance with either government securities (at 110% of par value), first trust deeds (at 150% of par value), or letters of credit (at 105% of par value).

Total Rate of Return - A measure of a portfolio's performance over time. It is the internal rate of return which equates the beginning value of the portfolio with the ending value

Treasury Bills- U.S. Treasury Bills which are short-term, direct obligations of the U.S. Government issued with original maturities of 13 weeks, 26 weeks and 52 weeks; sold in minimum amounts of \$10,000 in multiples of \$5,000 above the minimum. Issued in book entry form only. T-bills are sold on a discount basis.

Trustee or trust company or trust department of a bank- A financial institution with trust powers which acts in a fiduciary capacity for the benefit of the bondholders in enforcing the terms of the bond contract.

Underwriter- A dealer which purchases a new issue of municipal securities for resale.

Uniform Net Capital Rule - Securities and Exchange Commission requirement that member firms as well as nonmember broker/dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

U.S. Government Agencies- Instruments issued by various US Government Agencies most of which are secured only by the credit worthiness of the particular agency. See Agencies

U.S. Treasury Obligations- Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States. Treasuries are the benchmark for interest rates on all other securities in the U.S. The Treasury issues both discounted securities and fixed coupon notes and bonds. The income from Treasury securities is exempt from state and local, but not federal, taxes.

Treasury Bills - Securities issued at a discount with initial maturities of one year or less. The Treasury currently issues three-month and six-month Treasury bills at regular weekly auctions. It also issues very short-term "cash management" bills as needed to smooth out cash flows.

Treasury Notes - Intermediate-term coupon-bearing securities with initial maturities of one year to ten years.

Treasury Bond - Long-term coupon-bearing securities with initial maturities of ten years or longer. Debt obligations of the United States Government sold by the Treasury Department in the forms of Bills, Notes, and Bonds. Bills are short-term obligations that mature in 1 year or less and are sold on the basis of a rate of discount. Notes are obligations which mature between 1 year and 10 years. Bonds are long-term obligations which generally mature in 10 years or more.

Unrealized Gain (or Loss) - Gain or loss that has not become actual. It becomes a realized gain (or loss) when the security in which there is a gain or loss is actually sold. See REALIZED GAIN (OR LOSS).

Volatility - Characteristic of a security, commodity or market to rise or fall sharply in price within a short-term period.

World Bank Group - The World Bank Group is an international anti-poverty institution offering loans, advice and customer resources to more than 100 developing countries. It was established in 1944. The U.S. is a member of the World Bank

Weighted Average Maturity (WAM)- The average maturity of all the securities that comprise a portfolio that is typically expressed in days or years.

Weighted Average Yield at the End of Period - The summation of each investment's period-end scheduled book value multiplied by its ending sub-period yield and divided by the total scheduled book value. Investments maturing on or before the end date of the report period will not affect the weighted average yield.

When Issued (WI) - Short form of "when, as, and if issued." WI refers to a transaction made conditionally because a security, although authorized, has not yet been issued with the exception of new Treasury, Agency, and Corporate issuances to settle within 21 days.

Yield- The rate of annual income return on an investment, expressed as a percentage. It is obtained by dividing the current dollar income by the current market price of the security.

Yield Curve- A graphic representation that shows the relationship at a given point in time between yields and maturity for bonds that are identical in every way except maturity.

Yield to Maturity- The rate of income return on an investment, minus any premium or plus any discount, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond, expressed as a percentage.

~~**Yield Curve**- A graphic representation that shows the relationship at a given point in time between yields and maturity for bonds that are identical in every way except maturity.~~

CITY OF MILPITAS

INVESTMENT POLICY-Fiscal Year 2025-26

POLICY OVERVIEW

PURPOSE

The purpose of this Policy is to establish overall guidelines for the management and investment of the City of Milpitas (the City) unexpended funds under authority granted by the City Council. This Policy is in compliance with the provisions of the California Government Code, Sections 16340, 16429.1-16429.4, and 53600-53686, the authority governing investments for municipal governments.

INVESTMENT OBJECTIVES

The primary objectives of this Investment Policy, in order of priority, are safety, liquidity, and return:

- 1) **Safety** - Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. This objective shall be accomplished by mitigating credit risk and market risk.
- 2) **Liquidity** - The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This objective shall be accomplished by structuring the portfolio so that securities mature concurrently with anticipated needs. The portfolio shall consist largely of securities with active secondary or resale market. Furthermore, a portion of the portfolio may be placed in money market funds or Local Agency Investment Fund (LAIF) which offer same day liquidity for short term investment.
- 3) **Return** - The investment portfolio is designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into consideration the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Nevertheless, investment performance shall be monitored and evaluated by the City Treasurer¹ by comparison with other investment portfolio benchmarks.

Additionally, investments are to be made that will bear in mind the responsibility of City government to its residents. The following investment considerations, which enhance the quality of life, will be adhered to:

- **Divestment From Publicly-Traded Fossil Fuel Companies** - The City of Milpitas has a responsibility to protect the lives and livelihoods of its inhabitants from the threat of climate change. The City believes that its investments should support a future where all residents can live healthy lives without the negative impacts of a warming environment. For the purposes of

¹ **City Treasurer** – Pursuant to section VI-1-3.04 of the Milpitas Municipal Code the City Manager is empowered to appoint the City Treasurer. The City Manager has appointed the Finance Director as the City Treasurer.

the Investment Policy, a "fossil fuel company" shall be defined as any of the two hundred publicly-traded companies with the largest coal, oil and gas reserves as measured by the gigatons of carbon dioxide that would be emitted if those reserves were extracted and burned, as listed in the Carbon Tracker Initiative's "Unburnable Carbon" report. Staff responsible for managing the City's investment portfolio are directed to divest all City investment funds held in fossil fuel companies once they reach their maturities and are prohibited from making any new investments in such companies.

SCOPE

The Investment Policy applies to all financial assets of the City of Milpitas as accounted for in the Annual Comprehensive Financial Report (ACFR), including but not limited to the funds listed below:

- General Fund
- Special Revenue Funds
- Capital Projects Funds
- Debt Service Fund
- Enterprise Funds
- Internal Service Fund
- Trust and Agency Funds
- Any new fund created by the City Council unless specifically exempted with the exception of the following:
 - 1) The City's Deferred Compensation Plan is excluded because it is managed by a third-party administrator and invested by individual plan participants.
 - 2) Proceeds of debt issuance shall be invested in accordance with the investment objectives of this Policy. However, such proceeds are generally invested in accordance with permitted investment provisions of their specific bond indentures. If the City Treasurer determines that the matching of bond reserve fund with the maturity schedule of an individual bond issue is prudent, the Investment Policy authorizes extending beyond the five-year maturity limitation as outlined in this document.
 - 3) City of Milpitas Section 115 Pension Trust was created and authorized by the City Council on May 18, 2021 (Resolution No. 9071) with investments managed by an Investment Advisor under the delegated authority from and direction provided by the City of Milpitas Section 115 Pension Trust Committee pursuant to an investment policy and guidelines developed by the Committee.

STANDARDS OF CARE

- 1) Prudence** - Pursuant to California Government Code, Section 53600.3, all persons authorized to make investment decisions on behalf of the City are trustees and therefore fiduciaries subject to the Prudent Investor Standard:

“...all governing bodies of local agencies or persons authorized to make investment decisions on behalf of those local agencies investing public funds pursuant to this chapter are trustees and therefore fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the Agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and

with like aims, to safeguard the principal and maintain the liquidity needs of the Agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law.”

The City Treasurer and other individuals assigned to manage the investment portfolio, acting within the intent and scope of the investment policy and other written procedures and exercising due diligence, shall be relieved of personal responsibility and liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

- 2) **Ethics and Conflict of Interest** - Officers and employees (City Investment Officials) involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or could impair their ability to make impartial investment decisions. City Investment Officials shall avoid all conflicts of interest or appearance of conflicts of interest when performing duties in furtherance of this investment program. The Director of Finance, acting as the City Treasurer shall immediately disclose any financial interest which is subject to disclosure under the California Political Reform Act or would constitute a conflict of interest under Government Code Section 1090 to the City Manager and the City Attorney. All other City Investment Officials shall immediately disclose any financial interest which is subject to disclosure under the California Political Reform Act or would constitute a conflict of interest under Government Code Section 1090 to the Director of Finance/City Treasurer who will in turn immediately notify the City Manager and City Attorney. Additionally, City Investment Officials shall comply with the **City Code of Ethics**, conflict of interest requirements under state law and the disclosure requirements of the Political Reform Act. .
- 3) **Delegation of Authority** - Authority to manage the investment program is derived from California Government Code, Sections 41006 and 53600 et seq and granted to the City Treasurer by Section VI-1-3.04 of the City of Milpitas Municipal Code. Under the oversight of the City Treasurer, responsibility for the operation of the investment program may be delegated to the Finance Administration staff, who shall act in accordance with established written procedures and internal controls consistent with the Investment Policy. The City Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of the subordinate staff members. The system of internal controls includes separation of duties, custodial safekeeping, avoidance of physical delivery securities, development of wire transfer agreement, and clear delegation of authority to subordinate staff members. The City may engage the services of one or more external investment advisers, who are registered under the Investment Advisers Act of 1940, to assist in the management of the City’s investment portfolio in a manner consistent with the City’s objectives. External investment advisers may be granted discretion to purchase and sell investment securities in accordance with this Investment Policy. The City’s overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The City recognizes that in a diversified portfolio, occasional measured losses may be inevitable and must be considered within the context of the overall portfolio’s return and the cash flow requirements of the City.

INVESTMENT GUIDELINES

INVESTMENT PARAMETERS

- 1) **Maximum Maturities** - To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. The City will not directly invest in securities maturing more than five (5) years from the date of trade settlement unless otherwise approved by the City Council pursuant to California Government Code Section 53601. Effective [XXX] and in accordance with Resolution [XXX], the City may invest in U.S. Treasury obligations, federal agency/GSE securities, and municipal debt with maturities up to five (5) years. Reserve funds established by the issuance of bonds and other funds with longer-term investment horizons may be invested in securities exceeding five years if the maturity of such investments are made to coincide with the expected use of funds.

Competitive Bidding - It is the policy of the City to require that, where possible, all transactions with broker/dealers shall be selected on a competitive basis and their bid or offering prices shall be recorded. If there is no other readily available competitive offering, best efforts will be made to document quotations for comparable or alternative securities. When purchasing original issue instrumentality securities, no competitive offerings will be required as all dealers in the selling group offer those securities at the same original issue price.

PERFORMANCE EVALUATION/BENCHMARK

- The investment portfolio shall be designed to attain a market-average rate of return throughout budgetary and economic cycles, taking into account the City's risk constraints, the cash flow characteristics of the portfolio, and state and local laws, ordinances or resolutions that restrict investments with overall focus on the primary objectives of the Investment Policy which prioritize safety and liquidity over return.
- . Investment performance is monitored and evaluated by the City Treasurer. Investment performance statistics and activity reports are prepared on a quarterly basis for presentation to the City Manager and City Council within 45 days of the end of the quarter.
- The City Treasurer shall select an appropriate, readily available index to use as a market benchmark. The benchmark should be commensurate with the level of market risk of the portfolio, and should serve as a measure of risk, interest income, and fair value appreciation.

SAFEKEEPING OF SECURITIES

- To protect against fraud or embezzlement or losses caused by collapse of an individual securities dealer, all securities owned by the City shall be held in safekeeping by a third party bank trust department, acting as agent for the City under the terms of a custody agreement or master repurchase agreement. All trades executed by a dealer will settle delivery-versus- payment (DVP) through the City's safekeeping agent.
- Securities held in custody for the City shall be reviewed and verified quarterly by Finance staff who has not been assigned to the investment function.

INTERNAL CONTROL

The City Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits to be derived and that the valuation of costs and benefits requires estimates and judgments by management.

The internal controls shall address the following points:

- Control of collusion

- Separation of transaction authority from accounting and record keeping
- Custodial safekeeping
- Avoidance of physical delivery securities
- Clear written delegation of authority to investment officials including subordinate staff members
- Written confirmation of transactions for investments and wire transfers
- Wire transfer agreement with the lead bank and third party custodian
- Written procedures for placing investment transactions and monitoring the performance of the investment advisor(s)

REPORTING

The City Treasurer shall review and render quarterly reports to the City Manager and City Council which shall include the par and dollar amount of the investment, the classification of the investment, the percentage of the total portfolio which each type of investment represents, the name of the institution or entity, the rate of interest, the maturity date, the current market value, and the source of the market value.

- Statement that the projected cash flow is adequate to meet expected obligations over the next six months.
- A report of transactions by month.
- The weighted average maturity of the investment portfolio.
- The average weighted yield to maturity of the portfolio as compared to the applicable benchmark.
- Statement of compliance with the investment policy.
- The report is due within 45 days of the end of the quarter.
- The City Manager may, at their discretion, require this reporting on a monthly basis based upon market conditions.

QUALIFIED BROKER/DEALERS

- The City shall transact business with financial institutions and security broker/dealers after careful review of their qualifications and creditworthiness. All dealers who desire to do business with the City shall provide the necessary information (e.g. audited financial statements, proof of state registration, proof of National Association of Securities Dealers certification, etc.) from which the City can determine their creditworthiness, the existence of any pending legal action against the firm or the individual broker as well as an understanding of the security markets that they service. The City Treasurer shall annually send a copy of the current Investment Policy to all financial institutions and broker/dealers approved to do business with the City. Confirmation of receipt of this Policy shall be considered evidence that the dealer understands the City's investment policies and intends to sell the City only appropriate investments authorized by this Investment policy.
- In accordance with California Government Code Section 53601.5, Any investment authorized pursuant to Section 53601 or 53601.1, not purchased directly from the issuer, shall be purchased either from an institution licensed by the state as a broker-dealer, as defined in Section 25004 of the Corporations Code, or from a member of a federally regulated securities exchange, from a national or state-chartered bank, from a savings association or federal association (as defined by Section 5102 of the Financial Code) or from a brokerage firm designated as a primary dealer by the Federal Reserve bank.
- Selection of financial institutions and broker/dealers authorized to engage in transactions will be at the sole discretion of the City, except where the City utilizes an external investment adviser in which case the City may rely on the adviser for selection.

COLLATERAL REQUIREMENTS

Collateral is required for investments in non-negotiable certificates of deposit and repurchase agreements. In order to reduce market risk, the collateral level shall be at least 102% of market value of principal and accrued interest and marked-to-market weekly. Securities acceptable as collateral shall be the direct obligations of or are fully guaranteed as to principal and interest by the United States or any agency of the United States.

The City shall require any bank or financial institution to comply with the collateralization criteria defined in California Government Code, Section 53651.

AUTHORIZED INVESTMENTS

Investment of City funds is governed by the California Government Code, Sections 16340, 16429.1-16429.4, and 53600-53686. Within the context of the limitations, the following investments are authorized, as further limited herein. In the event a discrepancy is found between this Policy and the Code, the more restrictive parameters will take precedence. Percentage holding limits and minimum credit quality requirements listed in this section apply at the time the security is purchased.

Any investment currently held at the time the Policy is adopted which does not meet the new Policy guidelines can be held until maturity and shall be exempt from the current Policy. At the time of the investment's maturity or liquidation, such funds shall be reinvested only as provided in the current Policy.

An appropriate risk level shall be maintained by primarily purchasing securities that are of high quality, liquid, and marketable. The portfolio shall be diversified by security type and institution to avoid incurring unreasonable and avoidable risks regarding specific security types or individual issuers.

- **United States Treasury Bills, Bonds, and Notes** or those for which the full faith and credit of the United States are pledged for payment of principal and interest. There is no percentage limitation of the portfolio which can be invested in this category, though a five-year maturity limitation is applicable.
- **Federal Agency Obligations** or United States Government-Sponsored Enterprise (GSE) obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government sponsored enterprises. There is no percentage limitation of the portfolio which can be invested in this category, although a five year maturity limitation is applicable. Additionally, no more than 30% of the portfolio may be invested in any single Agency/GSE issuer, and the maximum percent of agency callable securities in the portfolio will be 20%.
- **Banker's Acceptances**- Bills of exchange or time drafts drawn on and accepted by commercial banks, otherwise known as banker's acceptances. Banker's acceptances must be issued by institutions which have short-term debt obligations rated "A-1" or its equivalent or better by at least one nationally recognized statistical rating organization (NRSRO), or long-term debt obligations which are rated in a rating category of "A" or its equivalent or better by at least one NRSRO. Purchase of banker's acceptances may not exceed 180 days maturity or 40% of the value of the portfolio. Furthermore, no more than 5% of the value of the portfolio may be invested in the banker's acceptances of any one commercial bank.

- **Commercial Paper** of the highest letter and number rating as provided by at least one NRSRO, either:
 - a. Issued by general corporations organized and operating within the United States, having assets in excess of \$500,000,000 and having a rating in the rating category of "A" or its equivalent or better rating on debt other than commercial paper as provided by at least one NRSRO, or
 - b. Issued by entities organized within the United States as a special purpose corporation, trust, or limited liability company. The securities must have program-wide credit enhancements including, but not limited to, overcollateralization, letters of credit, or a surety bond. The securities must be rated "A-1" or its equivalent or better by at least one NRSRO.

Purchases of eligible commercial paper may not exceed 270 days maturity nor represent more than 10% of the outstanding paper of the issuing corporation. Purchases of commercial paper may not exceed 25% of the value of the portfolio. No more than 5% of the portfolio may be invested in any single issuer.

- **Negotiable Certificates of Deposit** issued by nationally or state chartered banks, a savings association or a federal association, a state or federal credit union, or by a federally-licensed or state-licensed branch of a foreign bank. Purchases of negotiable certificates of deposit may not exceed 30% of the value of the portfolio. No more than 5% of the portfolio may be invested in any single issuer. A maturity limitation of five (5) years is applicable. The amount of the NCD insured up to the FDIC limit does not require any credit ratings. Any amount above the FDIC insured limit must be issued by institutions which have short-term debt obligations rated "A-1" or its equivalent or better by at least one NRSRO; or long-term obligations rated in a rating category of "A" or its equivalent or better by at least one NRSRO.
- **Repurchase Agreements** - Repurchase agreements collateralized with securities authorized under in accordance with California Government Code Section 53601(j). There are no limits on the dollar amount or percentage that the City may invest. The maturity of the repurchase agreements shall not exceed one (1) year. The market value of the securities used as collateral for the repurchase agreements shall be monitored by the investment staff weekly and shall not be allowed to fall below 102% of the value of the repurchase agreement. A Master Repurchase agreement is required between the City and the dealer for all repurchase agreements transacted.
- **Time Deposits** - Time deposits, non-negotiable and collateralized in accordance with the California Government Code, may be purchased through banks or savings and loan associations. A maturity limitation of five years is applicable.
- **Medium-Term Corporate Notes** issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States with a maximum maturity of five (5) years may be purchased. Securities eligible for investment shall be rated in a rating category of "A" or its equivalent better by at least one NRSRO. Purchase of medium-term notes may not exceed 30% of the value of the portfolio and no more than 5% of the value of the portfolio may be invested in notes issued by one corporation.
- **Local Agency Investment Fund (LAIF)** - a State of California managed investment pool may be used up to the maximum permitted in accordance with California Government Code Section 16429.1.

- **Money Market Funds** - Money Market funds invested in U.S. Government securities are permitted under this Policy and under the California Government Code Section 53601. In order to be eligible for investment under this section, an investment objective of such a fund must be the maintenance of a price per share of \$1.00. Investment in such funds shall not exceed 20% of the City's total portfolio and no more than 10% of the City's total portfolio may be invested in any one money market fund. In addition, either one of the following criteria must be met:
 - The fund shall have achieved a rating of "AAA" by at least two nationally recognized statistical rating organizations, or
 - The fund shall have retained an advisor who is registered or exempt from registration with the Security Exchange Commission with not less than five years' experience managing money market funds with assets under management in excess of five hundred million dollars (\$500,000,000).
- **Municipal Securities (issued by State of California or Local Agency within California)** – including the State of California, any local agency within the State of California, and obligations of the City (provided that interest on such bonds is taxable at the Federal level, or if such interest is exempt from taxation for Federal income tax purposes, the purchase thereof is approved by the City Treasurer in consultation with the City Attorney, and the purchase thereof does not cause such City obligations to be defeased under the indenture, trust agreement, fiscal agent agreement or similar document authorizing their issuance), provided that:
 - a. The securities are rated in a rating category of “A” or its equivalent or better by at least one nationally recognized statistical rating organization (“NRSRO”).
 - b. No more than 5% of the portfolio may be invested in any single issuer.
 - c. No more than 30% of the portfolio may be in Municipal Securities.
 - d. The maximum maturity does not exceed five (5) years.
- **Municipal Securities (Issued by other 49 States)** - Registered treasury notes or bonds of any of the other 49 states in addition to California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California., provided that:
 - a. The securities are rated in a rating category of “A” or its equivalent or better by at least one nationally recognized statistical rating organization (“NRSRO”).
 - b. No more than 5% of the portfolio may be invested in any single issuer.
 - c. No more than 30% of the portfolio may be in Municipal Securities.
 - d. The maximum maturity does not exceed five (5) years.
- **Asset-Backed, Mortgage-backed, Mortgage Passthrough Securities, and Collateralized Mortgage Obligations From Issuers Not Defined In the first two paragraphs of of the Authorized Investments Section of this Policy (U.S. Treasury obligations and Federal Agency/GSE Debt)**, provided that:
 - a. The securities are rated in a rating category of “AA” or its equivalent or better by a NRSRO.
 - b. No more than 20% of the total portfolio may be invested in these securities.
 - c. No more than 5% of the portfolio may be invested in any single Asset-Backed or Commercial Mortgage security issuer.
 - d. The maximum legal final maturity does not exceed five (5) years.
- **Collateralized Bank Deposits**—City’s deposits with financial institutions will be collateralized with pledged securities per California Government Code, Section 53651. There are no limits on the dollar

amount or percentage that the City may invest in collateralized bank deposits.

- **Supranational Securities**—provided that Issues are US dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank. The securities must be rated in a rating category of “AA” or its equivalent or better by a NRSRO. No more than 30% of the total portfolio may be invested in these securities. No more than 10% of the portfolio may be invested in any single issuer. The maximum maturity does not exceed five (5) years.
- **Shares of beneficial interest issued by a joint powers authority** organized pursuant to Section 6509.7 known as **Local Government Investment Pools (LGIP)** that invests in securities and obligations authorized in California Government Code 53601 subdivisions (a) to (r), inclusive, where each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority.
 - a) The joint powers authority issuing the shares must retain an investment adviser who is registered or exempt from registration with the Securities and Exchange Commission (SEC), has assets under management in excess of \$500 million, and has at least five years of experience investing in the securities and obligations authorized by Section 53601, subdivisions (a) to (q).
 - b) Ratings of a LGIP must be in a rating category of “AAA” or its equivalent by at least one NRSRO. If rated by more than one organization, no rating may be lower than the category described in the preceding sentence.
 - c) No more than 10% of the portfolio shall be invested in any single LGIP.
 - d) LGIP investments may not exceed 20% of the City’s portfolio in the aggregate.

INELIGIBLE INVESTMENTS AND INVESTMENT PRACTICES

Ineligible investments are those that are not described herein, including but not limited to, common stocks, reverse repurchase agreements, inverse floaters, range notes, mortgage derived interest only strips, derivatives securities, or any security that could result in zero interest accrual. Trading securities for the sole purpose of speculating on the future direction of interest rates is prohibited. Purchasing or selling securities on margin is prohibited. The use of reverse repurchase agreements, securities lending or any other form of borrowing or leverage is prohibited. The purchase of foreign currency denominated securities is prohibited. The purchase of securities with a forward settlement date exceeding 45 days from the time of the investment is prohibited.

RISK MANAGEMENT AND DIVERSIFICATION

Mitigating Credit Risk in the Portfolio: Credit risk is the risk that a security or a portfolio will lose some or all its value due to a real or perceived change in the ability of the issuer to repay its debt. The City will mitigate credit risk by adopting the following strategies:

- The diversification requirements included in the “Authorized Investments” section of this policy are designed to mitigate credit risk in the portfolio.
- No more than 5% of the total portfolio may be deposited with or invested in aggregate of any single issuer of the following types: Bankers Acceptances, Commercial Paper, Negotiable

Certificates of Deposits, and Corporate Notes.

-
- The City may elect to sell a security prior to its maturity and record a capital gain or loss in order to manage the quality, liquidity or yield of the portfolio in response to market conditions or City's risk preferences.
- If a security owned by the City is downgraded to a level below the requirements of this Policy, making the security ineligible for additional purchases, the following steps will be taken:
 - Any actions taken related to the downgrade by the investment manager will be communicated to the City Treasurer in a timely manner.
 - If a decision is made to retain the security, the credit situation will be monitored and reported to the City Council as part of the Quarterly Investment Report.

Mitigating Market Risk in the Portfolio: Market risk is the risk that the portfolio value will fluctuate due to changes in the general level of interest rates. The City recognizes that, over time, longer-term portfolios have the potential to achieve higher returns. On the other hand, longer-term portfolios have higher volatility of return. The City will mitigate market risk by providing adequate liquidity for short-term cash needs, and by making longer-term investments only with funds that are not needed for current cash flow purposes.

The City further recognizes that certain types of securities, including variable rate securities, securities with principal paydowns prior to maturity, and securities with embedded options, will affect the market risk profile of the portfolio differently in different interest rate environments. The City, therefore, adopts the following strategies to control and mitigate its exposure to market risk:

- The City will maintain a minimum of six months of budgeted operating expenditures in short term investments to provide sufficient liquidity for expected disbursements.
- The maximum stated final maturity of individual securities in the portfolio will be five (5) years, except as otherwise stated in this Policy.
- The duration of the portfolio will generally be approximately equal to the duration (typically, plus or minus 20%) of a Market Benchmark as described in the Performance Evaluation/Benchmark section of this Policy; an index selected by the City based on the City's investment objectives, constraints and risk tolerances.

INVESTMENT POOLS/MUTUAL FUNDS

The City shall conduct a thorough investigation of any pool or mutual fund prior to making an investment, and on a continual basis thereafter. The City Treasurer shall develop a questionnaire which will answer the following general questions:

- a. A description of eligible investment securities, and a written statement of investment policy and objectives.
- b. A description of interest calculations and how it is distributed, and how gains and losses are treated.
- c. A description of how the securities are safeguarded (including the settlement processes), and how often the securities are priced and the program audited.

- d. A description of who may invest in the program, how often, what size deposit and withdrawal are allowed.
- e. A schedule for receiving statements and portfolio listings.
- f. Are reserves, retained earnings, etc. utilized by the pool/fund?
- g. A fee schedule, and when and how is it assessed.
- h. Is the pool/fund eligible for bond proceeds and/or will it accept such proceeds?

INTEREST EARNINGS

All moneys earned and collected from investments authorized in this Policy shall be allocated monthly to various fund accounts based on the cash balance in each fund as a percentage of the entire pooled portfolio.

ANNUAL POLICY APPROVAL

The City's Investment Policy shall be adopted by resolution of the City Council on an annual basis. This Investment Policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. Any amendments to the Policy shall be forwarded to City Council for approval.

GLOSSARY

Definitions of investment related terms are list in the Glossary of Terms, Exhibit A

EXHIBIT A

GLOSSARY OF TERMS

Accretion - Adjustment of the difference between the price of a bond bought at an original discount and the par value of the bond

Accrued Interest- Interest earned but not yet received.

Active Deposits- Funds which are immediately required for disbursement.

Agencies - Federal agency securities and/or Government-sponsored enterprises (GSEs), also known as U.S. Government instrumentalities. Securities issued by Government National Mortgage Association (GNMA) are considered true agency securities, backed by the full faith and credit of the U.S. Government. GSEs are financial intermediaries established by the federal government to fund loans to certain groups of borrowers, for example homeowners, farmers and students and are privately owned corporations with a public purpose. The most common GSEs are Federal Farm Credit System Banks, Federal Home Loan Banks, Federal Home Loan Mortgage Association, and Federal National Mortgage Association.

Amortization- An accounting practice of gradually decreasing (increasing) an asset's book value by spreading its depreciation (accretion) over a period of time.

Annual Comprehensive Financial Report (ACFR): The official annual financial report for the City. It includes combined statements and basic financial statements for each individual fund and account group prepared in conformity with Generally Accepted Accounting Principles (GAAP)

Appreciation - Increase in the value of an asset such as a stock, bond, commodity or real estate

Arbitrage- Transactions by which securities are bought and sold in different markets at the same time for the sake of the profit arising from a yield difference in the two markets.

Asked Price- The price a broker dealer offers to sell securities.

Asset-Backed - A type of security that is secured by receivables, such as credit card and auto loans. These securities typically pay principal and interest monthly.

Bankers' Acceptance (BA) - A high quality, short term money market instrument used to finance international trade. There has never been an instance of a failure to pay a banker's acceptance in full at its maturity date.

Basis Point- One basis point is one hundredth of one percent (.01).

Benchmark - A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investment

Bid Price- The price a broker dealer offers to purchase securities.

Bond- A financial obligation for which the issuer promises to pay the bondholder a specified stream of future cash flows, including periodic interest payments and a principal repayment.

Book Rate of Return - A measure of a portfolio's performance over time. It is the internal rate of return which equates the beginning value of the portfolio with the ending value, and includes interest earnings, and realized gains and losses on the portfolio.

Book Value- The value at which a debt security is shown on the holder's balance sheet. Book value is acquisition cost less amortization of premium or accretion of discount.

Broker- An Agent that acts as an intermediary between a buyer and a seller for a commission, and does not trade for their own risk and account or inventory.

Callable Securities - A security that can be redeemed by the issuer before the scheduled maturity date.

Cash Flow - An analysis of all changes that affect the cash account during a specified period

Certificate of Deposit (CD) - A deposit insured up to \$250,000 by the FDIC at a set rate for a specified period of time.

City Treasurer – Pursuant to section VI-1-3.04 of the Milpitas Municipal Code the City Manager is empowered to appoint the City Treasurer. The City Manager has appointed the Finance Director as the City Treasurer.

Collateral- Securities, evidence of deposit or pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposit of public moneys.

Collateralized Mortgage Obligation (CMO) - A type of mortgage-backed security that creates separate pools of pass-through rates for different classes of bondholders with varying maturities, called tranches. The repayments from the pool of pass-through securities are used to retire the bonds in the order specified by the bonds' prospectus.

Collateralized Securities - Debt obligations that represent claims to the cash flows from pools of loan receivables, most commonly on residential property and extending to commercial property, automobiles, student borrowings, equipment financings and more. Loans are purchased from banks, mortgage companies, and other originators and then assembled into pools by a governmental, quasi-governmental, or private entity. The entity then issues securities that represent claims on the principal and interest payments made by borrowers on the loans in the pool, a process known as securitization and such issuances represent a vast portion of the bond market

Commercial Mortgage-Backed Security (CMBS): A type of fixed income investment product that is backed by mortgages on commercial properties rather than residential real estate. CMBS can provide liquidity to real estate investors and commercial lenders alike. There are two types of CMBS, agency CMBS, which consist of loans pooled by governmentsponsored entities (GSEs) including Fannie Mae and Freddie Mac, and non-agency (private) CMBS, which consist of loans pooled and securitized by private lenders

Commercial Paper- Short-term, negotiable unsecured promissory notes of corporations.

Commercial Receivables - Business debt owed to a creditor which may be used as collateral for asset

backed securities. These receivables include equipment leases, building leases, and other business loans.

Conduit Financing - A financing in which a governmental agency issues debt and the proceeds of the issue are loaned to a nongovernmental borrower who then applies the proceeds for a project financing or (if permitted by federal tax laws for a qualified 501(c)(3) bond) for working capital purposes.

Consumer Receivables - Consumer debt owed to a creditor which may be used as collateral for asset backed securities. These receivables include credit card, auto, and home equity loans.

Corporate Note - Debt instrument issued by a private corporation.

Coupon- The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value.

Credit Analysis - An analysis of the economic and financial conditions to determine creditworthiness or the ability to meet debt obligations.

Credit Ratings - A grade given to a debt instrument that indicates its credit quality. Private independent rating services such as Standard & Poor's, Moody's and Fitch provide these evaluations of the issuer's financial strength, or its ability to pay principal and interest in a timely fashion. Investment grade credit ratings for long-term debt are as follows:

Moody's	Standard & Poor's	Fitch
Aaa	AAA	AAA
Aa1	AA+	AA+
Aa2	AA	AA
Aa3	AA-	AA-
A1	A+	A+
A2	A	A
A3	A-	A-
Baa1	BBB+	BBB+
Baa2	BBB	BBB
Baa3	BBB-	BBB-

Credit Risk The risk that an obligation will not be paid, and a loss will result due to a failure of the issuer of a security.

CUSIP - Stands for Committee on Uniform Securities Identification Procedures. A CUSIP number identifies most securities, including: stocks of all registered U.S. and Canadian companies, and U.S. government and municipal bonds. The CUSIP system—owned by the American Bankers Association and operated by Standard & Poor's—facilitates the clearing and settlement process of securities. The number consists of nine characters (including letters and numbers) that uniquely identify a company or issuer and the type of security

Current Yield- The interest paid on an investment expressed as a percentage of the current price of the

security.

Custodian- A bank or other financial institution that keeps custody of stock certificates and other assets.

Dealer - A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his/her own risk and account or inventory.

Debentures - A bond secured only by the general credit of the issuers.

Defeased Bond Issues- Issues that have sufficient money to retire outstanding debt when due so that the agency is released from the contracts and covenants in the bond document.

Delivery versus Payment (DVP)- Delivery of securities with a simultaneous exchange of money for the securities.

Derivative- Securities that are based on, or derived from, some underlying asset, reference date, or index.

Direct Issuer - Issuer markets its own paper directly to the investor without use of an intermediary.

Discount- The difference between the cost of a security and its value at maturity when quoted at lower than face value.

Diversification- Dividing investment funds among a variety of securities offering independent returns and risk profiles.

Duration- A measure of the timing of the cash flows, such as the interest payments and the principal repayment, to be received from a given fixed-income security. This calculation is based on three variables: term to maturity, coupon rate, and yield to maturity. The duration of a security is a useful indicator of its price volatility for given changes in interest rates.

Earned Income Yield This Period (annualized) - The Total net Earnings this period divided by Average Daily Portfolio Balance and the number of days in the period, multiplied by 365 (or 360 depending on the profile setting), and then multiplied by 100.

Face Value - The principal amount owed on a debt instrument. It is the amount on which interest is computed and represents the amount that the issuer promises to pay at maturity.

Fair Value - The amount at which a security could be exchanged between willing parties, other than in a forced or liquidation sale. If a market price is available, the fair value is equal to the market value.

Fannie Mae- Trade name for the Federal National Mortgage Association (FNMA), a U.S. sponsored corporation.

Farmer Mac - Trade name for the Federal Agricultural Mortgage Corporation, a U.S. government sponsored enterprise.

Federal Agricultural Mortgage Corporation - A U.S. government sponsored enterprise that establishes a secondary market for agriculture mortgages and rural utility loans. Its securities do not carry direct U.S. government guarantees.

Federal Deposit Insurance Corporation (FDIC) - A federal agency that provides insurance on bank deposits, guaranteeing deposits to a set limit per depositor, per insured bank for each account ownership category, currently \$250,000..

Federal Farm Credit Bank (FFCB) - Government-sponsored enterprise that consolidates the financing activities of the Federal Land Banks, the Federal Intermediate Credit Banks and the Banks for Cooperatives. Its securities do not carry direct U.S. government guarantees.

Federal Funds Rate - The interest rate at which depository institutions lend to one another on an overnight basis. This rate is set by the Federal Reserve through open market operations. It influences the short-term borrowing rate in the market and thus the shape of the overall yield curve and by extension, the US economy.

Federal Government Agency Securities - Federal Agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.

Federal Home Loan Banks (FHLB) - Government sponsored enterprise (currently made up of 12 regional banks) that regulates, lends funds, and provides correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. Although the banks operate under federal charter with government supervision, the securities are not guaranteed by the U. S. Government.

Federal Home Loan Mortgage Corporation (FHLMC) - Government sponsored enterprise that helps maintain the availability of mortgage credit for residential housing. FHLMC is a private stockholder-owned corporation. FHLMC finances these operations by marketing guaranteed mortgage certificates and mortgage participation certificates. Its discount notes and bonds do not carry direct U.S. government guarantees.

Federal National Mortgage Association (FNMA) - Government sponsored enterprise that is the largest single provider of residential mortgage funds in the United States. FNMA is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA securities do not carry direct U.S. Government guarantees.

Federal Open Market Committee (FOMC) - A committee of the Federal Reserve Board, which establishes monetary policy and executes it through temporary and permanent changes to the supply of bank reserves.

Federal Reserve System - The central bank of the U.S. which consists of a seven member Board of Governors, the Federal Open Market Committee (FOMC), 12 regional banks and approximately 5,700 commercial banks that are members.

Fed Wire- A wire transmission service established by the Federal Reserve Bank to facilitate the transfer of funds through debits and credits of funds between participants within the Fed system.

Freddie Mac- Trade name for the Federal Home Loan Mortgage Corporation (FHLMC), a U.S. sponsored

corporation.

Ginnie Mae- Trade name for the Government National Mortgage Association (GNMA), a direct obligation bearing the full faith and credit of the U.S. Government.

Government Accounting Standards Board (GASB)- A standard-setting body, associated with the Financial Accounting Foundation, which prescribes standard accounting practices for governmental units.

Government Sponsored Enterprise (GSE) – Quasi-governmental entity established to enhance the flow of credit to specific sectors of the U.S. economy. Created by acts of Congress, these agencies – although privately held – provide public financial services. Examples include Freddie Mac, Fannie Mae and Farmer Mac.

Guaranteed Investment Contracts (GICS)- An agreement acknowledging receipt of funds, for deposit, specifying terms for withdrawal, and guaranteeing a rate of interest to be paid.

Inactive Deposits- Funds not immediately needed for disbursement.

Inter-American Development Bank - Established in 1959, IADB supports Latin American and Caribbean economic development, social development, and regional integration by lending to governments and government agencies. The U.S. is a member of IADB.

Interest Rate- The annual yield earned on an investment, expressed as a percentage.

Interest Rate Risk - The risk of gain or loss in market values of securities due to changes in interest-rate levels. For example, rising interest rates will cause the market value of portfolio securities to decline.

International Bank for Reconstruction and Development (IBRD) - IBRD is one of the five member institutions within the World Bank Group. It issues World Bank bonds and provides commercial-grade or concessional financing to middle to low-income sovereign states. The U.S. is a member of IBRD.

International Finance Corporation (IFC) - IFC is a member of the World Bank Group. It is a global development institution that invests strictly in private sectors to reduce poverty and promote development in developing countries. The U.S. is a member of IFC.

Investment Agreements- An agreement with a financial institution to borrow public funds subject to certain negotiated terms and conditions concerning collateral, liquidity and interest rates.

Investment Grade (Long Term Ratings) - An evaluation from a rating agency that a specific issuer or issuance represents a low risk of default. Ratings below investment grade are considered high yield and represent a high risk of non-payment. The lowest investment grade ratings are Baa3 (Moody's), BBB- (S&P), and BBB- (Fitch).

Investment Portfolio - A collection of securities held by a bank, individual, institution or government agency for investment purposes.

Liquidity- An asset that can easily and rapidly be converted into cash without significant loss of value.

Local Agency Investment Fund (LAIF)- A pooled investment vehicle for local agencies in California

sponsored by the State of California and administered by the State Treasurer. Local government units, with consent of the governing body of that agency, may voluntarily deposit surplus funds for the purpose of investment. Interest earned is distributed by the State Controller to the participating governmental agencies on a quarterly basis.

Local Government Investment Pool (LGIP)- A pooled investment vehicle sponsored by a local agency or a group of local agencies for use by other local agencies.

Mark to Market - Current value of securities at today's market price.

Market Risk- Defined as market value fluctuations due to overall changes in market conditions or interest rates.

Market Value- The price at which a security is trading and could presumably be purchased or sold. See **Fair Value**

Master Repurchase Agreement - A written contract covering all future transactions between the parties to repurchase agreements and reverse repurchase agreements that establish each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

Maturity- The date upon which the principal or stated value of an investment becomes due and payable.

Medium-Term Notes (MTNs) - Unsecured, investment-grade senior debt securities of major corporations which are sold in relatively small amounts either on a continuous or an intermittent basis. MTNs are highly flexible debt instruments that can be structured to respond to market opportunities or to investor preferences.

Modified Duration- A measure of exposure to market risk of a security or a portfolio. It is the percent change in the price of a security (portfolio) or a 100 basis point change in the security's (portfolio's) yield.

Money Market - The market in which short term debt instruments (Treasury Bills, Discount Notes, Commercial Paper, Banker's Acceptances and Negotiable Certificates of Deposit) are issued and traded.

Mortgage-Backed Securities – A type of security that is secured by a mortgage or collection of mortgages. These securities typically pay principal and interest monthly.

Municipal Securities - Debt obligations issued by states and local governments and their agencies, including cities, counties, government retirement plans, school districts, state universities, sewer districts, municipally owned utilities and authorities running bridges, airports, and other transportation facilities.

Mutual Funds- An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments.

Nationally Recognized Statistical Rating Organization (NRSRO) - A credit rating agency that assesses the credit worthiness of an obligor as an entity or with respect to specific securities or money market instruments. US Securities and Exchange Commission establishes a registration and oversight program for NRSROs.

Negotiable Certificate of Deposit- A large denomination certificate of deposit which can be sold in the open market prior to maturity.

Net Portfolio Yield - Calculation in which the 365-day basis equals the annualized percentage of the sum of all net earnings during the period divided by the sum of all average daily portfolio Balances.

New Issue- Term used when a security is originally "brought" to market.

Note- A written promise to pay a specified amount to a certain entity on demand or on a specified date.

Open Market Operations - Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit: Sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Par Value- The amount of principal which must be paid at maturity. Also referred to as the face amount of a bond, normally quoted in \$1,000 increments per bond.**Perfected Delivery**- Refers to an investment where the actual security or collateral is held by an independent third party representing the purchasing entity.

Portfolio- Combined holding of more than one stock, bond, commodity, real estate investment, cash equivalent, or other asset. The purpose of a portfolio is to reduce risk by diversification.

Premium - The difference between the par value of a bond and the cost of the bond, when the cost is above par.

Primary Dealer- A group of government securities dealers that submit daily reports of market activity, positions and monthly financial statements to the the Federal Reserve Bank of New York and are subject to its informal oversight. These dealers are authorized to buy and sell government securities in direct dealing with the Federal Reserve Bank of New York in its execution of market operations to carry out U.S. monetary policy. Such dealers must be qualified in terms of reputation, capacity, and adequacy of staff and facilities.

Prime (Short Term Rating) - High quality ratings for short term debt such as commercial paper. Prime ratings are as follows: P1 (Moody's), A1 (S&P), and F1 (Fitch).

Principal- The face value or par value of a debt instrument, or the amount of capital invested in a given security.

Prospectus- A legal document that must be provided to any prospective purchaser of a new securities offering registered with the Securities and Exchange Commission (SEC) that typically includes information on the issuer, the issuer's business, the proposed use of proceeds, the experience of the issuer's management, and certain certified financial statements (also known as an "official statement")

Prudent Investor Standard- A standard of conduct where a person acts with care, skill, prudence, and diligence when investing, reinvesting, purchasing, acquiring, exchanging, selling and managing funds. The test of whether the standard is being met is if a prudent person acting in a similar situation would engage in similar conduct to ensure that investments safeguard principal and maintain liquidity.

Public Deposits - A bank that is qualified under California law to accept a deposit of public funds.

Purchase Date- The date in which a security is purchased for settlement on that or a later date. Also known as the “trade date”.

Rate of Return- (1) The yield obtainable on a security based on its purchase price or its current market price. (2) Income earned on an investment, expressed as a percentage of the cost of the investment. (This may be the amortized yield to maturity on a bond or the current income return.

Realized Gain (or Loss) - Gain or loss resulting from the sale or disposal of a security.

Regional Dealer - A financial intermediary that buys and sells securities for the benefit of its customers without maintaining substantial inventories of securities and that is not a primary dealer

Repurchase Agreement (RP or REPO) - A transaction in which a counterparty or the holder of securities (e.g. investment dealer) sells these securities to an investor (e.g. the City) with a simultaneous agreement to repurchase them at a fixed date. The security "buyer" (e.g. the City) in effect lends the "seller" money for the period of the agreement, and the terms of the agreement are structured to compensate the “buyer” for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money, that is, increasing bank reserves.

Reverse Repurchase Agreement (REVERSE REPO) - The opposite of a repurchase agreement. A reverse Repo is a transaction in which the City sells securities to a counterparty (e.g. investment dealer) and agrees to repurchase the securities from the counterparty at a fixed date. The counterparty in effect lends the seller (e.g. the City) money for the period of the agreement with terms of the agreement structured to compensate the buyer.

Risk- Degree of uncertainty of return on an asset.

Rule G-37 of the Municipal Securities Rulemaking Board- Federal regulations to sever any connection between the making of political contributions and the awarding of municipal securities business.

Safekeeping Service - A service which banks offer to clients for a fee, where physical securities are held in the bank’s vault for protection and book-entry securities are on record with the Federal Reserve Bank or Depository Trust Company in the bank’s name for the benefit of the client. As agent for the client, the safekeeping bank settles securities transactions, collects coupon payments, and redeems securities at maturity or on call date, if called.

Sallie Mae- Trade name for the Student Loan Marketing Association (SLMA), a U.S. sponsored corporation.

Secondary Market- A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities - Investment instruments such as notes, bonds, stocks, money market instruments and other instruments of indebtedness or equity.

Securities and Exchange Commission (SEC)- The federal agency responsible for supervising and regulating the securities industry.

Settlement Date- The date on which a trade is cleared by delivery of securities against funds.

Spread - The difference between two figures or percentages. It may be the difference between the bid (price at which a prospective buyer offers to pay) and asked (price at which an owner offers to sell) prices of a quote, or between the amount paid when bought and the amount received when sold.

Structured Note - A complex, fixed income instrument, which pays interest, based on a formula tied to other interest rates, commodities or indices. Examples include “inverse floating rate” notes which have coupons that increase when other interest rates are falling, and which fall when other interest rates are rising and “dual index floaters”, which pay interest based on the relationship between two other interest rates, for example, the yield on the ten-year Treasury note minus the Libor rate. Issuers of such notes lock in a reduced cost of borrowing by purchasing interest rate swap agreements.

Student Loan Market Association (SLMA) - Government-sponsored enterprise that purchases student loans from originating financial institutions and provides financing to state student loan agencies. It provides a national secondary market for federally sponsored student loans and credit to participants in the post-secondary education lending sector.

Subordinated Debt - Debt over which senior debt has priority. In the event of a bankruptcy, subordinated debt holders receive payment only after senior debt holders are paid in full.

Supranationals - International development institutions that provide development financing, advisory services, and other financial services to member countries to promote improved living standards through sustainable local economic growth.

Tax and Revenue Anticipation Notes (TRANS)- Notes issued in anticipation of receiving tax proceeds or other revenues at a future date.

Time Certificate of Deposit- A non-negotiable certificate of deposit which cannot be sold prior to maturity.

Time Deposit - A deposit with a California bank or savings and loan association for a specific amount and with a specific maturity date and interest rate. Deposits of up to \$250,000 are insured by FDIC. Deposits over \$100,000 are collateralized above the insurance with either government securities (at 110% of par value), first trust deeds (at 150% of par value), or letters of credit (at 105% of par value).

Total Rate of Return - A measure of a portfolio’s performance over time. It is the internal rate of return which equates the beginning value of the portfolio with the ending value

Treasury Bills- U.S. Treasury Bills which are short-term, direct obligations of the U.S. Government issued with original maturities of 13 weeks, 26 weeks and 52 weeks; sold in minimum amounts of \$10,000 in multiples of \$5,000 above the minimum. Issued in book entry form only. T-bills are sold on a discount basis.

Trustee or trust company or trust department of a bank- A financial institution with trust powers which acts in a fiduciary capacity for the benefit of the bondholders in enforcing the terms of the bond contract.

Underwriter- A dealer which purchases a new issue of municipal securities for resale.

Uniform Net Capital Rule - Securities and Exchange Commission requirement that member firms as well as nonmember broker/dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

U.S. Government Agencies- Instruments issued by various US Government Agencies most of which are secured only by the credit worthiness of the particular agency. See **Agencies**

U.S. Treasury Obligations- Securities issued by the U.S. Treasury and backed by the full faith and credit of the United States. Treasuries are the benchmark for interest rates on all other securities in the U.S. The Treasury issues both discounted securities and fixed coupon notes and bonds. The income from Treasury securities is exempt from state and local, but not federal, taxes.

Treasury Bills - Securities issued at a discount with initial maturities of one year or less. The Treasury currently issues three-month and six-month Treasury bills at regular weekly auctions. It also issues very short-term “cash management” bills as needed to smooth out cash flows.

Treasury Notes - Intermediate-term coupon-bearing securities with initial maturities of one year to ten years.

Treasury Bond - Long-term coupon-bearing securities with initial maturities of ten years or longer

Unrealized Gain (or Loss) - Gain or loss that has not become actual. It becomes a realized gain (or loss) when the security in which there is a gain or loss is actually sold. See **REALIZED GAIN (OR LOSS)**.

Volatility - Characteristic of a security, commodity or market to rise or fall sharply in price within a short-term period.

World Bank Group - The World Bank Group is an international anti-poverty institution offering loans, advice and customer resources to more than 100 developing countries. It was established in 1944. The U.S. is a member of the World Bank

Weighted Average Maturity (WAM)- The average maturity of all the securities that comprise a portfolio that is typically expressed in days or years.

Weighted Average Yield at the End of Period - The summation of each investment’s period-end scheduled book value multiplied by its ending sub-period yield and divided by the total scheduled book value. Investments maturing on or before the end date of the report period will not affect the weighted average yield.

When Issued (WI) - Short form of “when, as, and if issued.” WI refers to a transaction made conditionally because a security, although authorized, has not yet been issued with the exception of new Treasury, Agency, and Corporate issuances to settle within 21 days.

Yield- The rate of annual income return on an investment, expressed as a percentage. It is obtained by

dividing the current dollar income by the current market price of the security.

Yield Curve- A graphic representation that shows the relationship at a given point in time between yields and maturity for bonds that are identical in every way except maturity.

Yield to Maturity- The rate of income return on an investment, minus any premium or plus any discount, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond, expressed as a percentage.