

## **CEQA Section 15164 Addendum to the City of Milpitas General Plan Update FEIR and the City of Milpitas Metro Specific Plan Subsequent FEIR To Establish Planning Document Consistency and Evaluate Minor Technical General Plan Amendments City of Milpitas, Santa Clara County, California**

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## ACRONYMS AND ABBREVIATIONS

|                   |   |
|-------------------|---|
| °C                | degrees Celsius (Centigrade)  |
| °F                | degrees Fahrenheit  |
| µg/m <sup>3</sup> | micrograms per cubic meter  |
| AB                | Assembly Bill   |
| ABAG              | Association of Bay Area Governments                                   |
| ACE               | Altamont Commuter Express   |
| AIA               | Airport Influence Area  |
| AQMP              | Air Quality Management Plan   |
| ARB               | California Air Resources Board  |
| BAAQMD            | Bay Area Air Quality Management District                              |
| BART              | Bay Area Rapid Transit  |
| BMP               | Best Management Practice  |
| BPRD              | Business Park Research and Development                                |
| BVMU              | Boulevard Very High Density Mixed Use                                 |
| CAAQS             | California Ambient Air Quality Standards                              |
| Cal/OSHA          | California Occupational Health and Safety Administration              |
| CalEEMod          | California Emissions Estimator Model                                  |
| CAP               | Climate Action Plan   |
| CBC               | California Building Standards Code                                    |
| CBSC              | California Building Standards Commission                              |
| CCA               | Community Choice Aggregation  |
| CCR               | California Code of Regulations  |
| CDFW              | California Department of Fish and Wildlife                            |
| CEQA              | California Environmental Quality Act                                  |
| CERCLA            | Comprehensive Environmental Response, Compensation, and Liability Act |
| CESA              | California Endangered Species Act                                     |
| CFC               | California Fire Code  |
| CH <sub>4</sub>   | methane   |
| CHRIS             | California Historical Resources Information System                    |
| CIP               | capital improvement project   |
| CNDDB             | California Natural Diversity Database                                 |
| CO                | carbon monoxide   |
| CPUC              | California Public Utilities Commission                                |
| CUPA              | Certified Unified Program Agency                                      |
| CWA               | Clean Water Act   |
| DTSC              | California Department of Toxic Substances Control                     |

|                  |   |
|------------------|---|
| EIR              | Environmental Impact Report                             |
| EOP              | Emergency Operations Plan                               |
| EPA              | United States Environmental Protection Agency           |
| FAR              | floor area ratio  |
| FEIR             | Final Environmental Impact Report                       |
| FEMA             | Federal Emergency Management Agency                     |
| FHSZ             | Fire Hazard Severity Zone                               |
| FIRM             | Flood Insurance Rate Maps                               |
| FMMP             | Farmland Mapping and Monitoring Program                 |
| GHG              | greenhouse gas  |
| GNC              | General Commercial                                      |
| HRA              | Health Risk Assessment                                  |
| HS               | Highway Service   |
| HVAC             | heating, ventilation, and air conditioning              |
| IWMP             | Integrated Waste Management Plan                        |
| LDR              | Low Density Residential                                 |
| LEED®            | Leadership in Energy and Environmental Design           |
| LID              | Low Impact Development                                  |
| LOS              | Level of Service  |
| LRA              | Local Responsibility Area                               |
| LUST             | Leaking Underground Storage Tank                        |
| mgd              | million gallons per day                                 |
| MM               | Mitigation Measure                                      |
| MMRP             | Mitigation Monitoring and Reporting Program             |
| mph              | miles per hour  |
| MS4              | Municipal Separate Storm Sewer System                   |
| MTC              | Metropolitan Transportation Commission                  |
| N <sub>2</sub> O | nitrous oxide   |
| NAAQS            | National Ambient Air Quality Standards                  |
| NC               | Neighborhood Commercial                                 |
| NCMU             | Neighborhood Commercial Mixed Use                       |
| ND               | Negative Declaration                                    |
| NFIP             | National Flood Insurance Program                        |
| NO <sub>x</sub>  | nitrogen oxides   |
| NPDES            | National Pollutant Discharge Elimination System         |
| NWIC             | Northwest Information Center                            |
| PG&E             | Pacific Gas and Electric Company                        |
| PM <sub>10</sub> | particulate matter less than 10 micrometers in diameter |

|                   |  |
|-------------------|--|
| PM <sub>2.5</sub> | particulate matter less than 2.5 micrometers in diameter |
| POS               | Public Open Space  |
| R&D               | research and development                                 |
| ROG               | reactive organic gases                                   |
| RRMU              | Residential Retail High Density Mixed Use                |
| RWF               | Regional Wastewater Facility                             |
| RWQCB             | Regional Water Quality Control Board                     |
| SB                | Senate Bill  |
| SCCFD             | Santa Clara County Fire Department                       |
| SCH               | State Clearinghouse                                      |
| SCVURPP           | Santa Clara Valley Urban Runoff Prevention Program       |
| SFBAAB            | San Francisco Bay Area Air Basin                         |
| SFEIR             | Subsequent Final Environmental Impact Report             |
| SIP               | State Implementation Plan                                |
| SOI               | Sphere of Influence                                      |
| SR                | State Route  |
| SRA               | State Responsibility Area                                |
| SSMP              | Sewer System Management Plan                             |
| SVCE              | Silicon Valley Clean Energy                              |
| SWPPP             | Storm Water Pollution Prevention Plan                    |
| TAC               | Toxic Air Contaminant                                    |
| TASP              | Transit Area Specific Plan                               |
| TCR               | Tribal Cultural Resource                                 |
| TDM               | Transportation Demand Management                         |
| UGB               | Urban Growth Boundary                                    |
| URR               | Metro Urban Residential                                  |
| USA               | Urban Service Area                                       |
| USACE             | United States Army Corps of Engineers                    |
| USGBC             | United States Green Building Council                     |
| UWMP              | Urban Water Management Plan                              |
| VHD               | Very High Density  |
| VHFHSZ            | Very High Fire Hazard Severity Zone                      |
| VMT               | Vehicle Miles Traveled                                   |
| VOC               | volatile organic compound                                |
| VTA               | Valley Transportation Authority                          |
| WMPU              | Water Master Plan Update                                 |
| WPCP              | Water Pollution Control Plant                            |
| WQMP              | Water Quality Management Plan                            |

|      |                                 |
|------|---------------------------------|
| WSA  | Water Supply Assessment         |
| WSCP | Water Shortage Contingency Plan |



## SECTION 1: INTRODUCTION

This Addendum and attached supporting documents have been prepared to determine whether and to what extent the certified City of Milpitas General Plan 2040 Final Environmental Impact Report (General Plan FEIR, State Clearinghouse Number 2020070348) and the certified City of Milpitas Metro Specific Plan Subsequent Final Environmental Impact Report (Metro Specific Plan SFEIR, SCH #2006032091) remain sufficient to address the potential impacts of proposed updates to zoning districts and the Zoning Map for specific parcels necessary to ensure consistency with the adopted General Plan and Milpitas Metro Specific Plan (Metro Specific Plan), as well as minor technical amendments to the General Plan to ensure cohesive implementation, or whether additional documentation is required under the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, *et seq.*).

### 1.1 - Environmental Checklist

Pursuant to Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164, subd. (a), the following Addendum has been prepared to evaluate the project. This Addendum has been prepared to evaluate the potential environmental effects of the proposed project consistent with the significance thresholds and analysis methods contained in the previously certified EIRs. Accordingly, this Addendum uses the standard environmental checklist categories provided in Appendix G of the CEQA Guidelines but provides answer columns for evaluation consistent with the considerations listed under CEQA Guidelines Section 15162, subd. (a).

### 1.2 - Environmental Analysis and Conclusions

#### 1.2.1 - CEQA Guidelines Section 15164

CEQA Guidelines Section 15164, subd. (a) provides that the lead agency or a responsible agency shall prepare an Addendum to a previously certified Environmental Impact Report (EIR) or adopted Negative Declaration (ND) if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR or ND have occurred (CEQA Guidelines § 15164(a)).

An Addendum need not be circulated for public review but can be included in or attached to the FEIR (CEQA Guidelines Section 15164, subd. (c)). The decision-making body shall consider the Addendum and the FEIR prior to making a decision on the project (CEQA Guidelines Section 15164, subd. (d)). An agency must also include a brief explanation of the decision not to prepare a subsequent EIR or ND pursuant to Section 15162 (CEQA Guidelines Section 15164, subd. (e)).

Consequently, once an EIR or ND has been certified or adopted for a project, no subsequent EIR or ND is required under CEQA unless, based on substantial evidence:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;<sup>1</sup>
- 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 ND] . . . 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 [or ND] was certified as complete. . . shows any of the following:
  - a. The project will have one or more significant effects not discussed in the previous EIR [or ND];
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR [or ND];
  - 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 [or ND] would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative (CEQA Guidelines § 5162(a); see also Public Resources Code [PRC] § 21166).

This Addendum, checklist, and attached documents constitute substantial evidence supporting the conclusion that preparation of a supplemental or subsequent EIR or ND is not required prior to approval of the above-referenced project by responsible and trustee agencies and provides the required documentation under CEQA.

### 1.2.2 - Findings

There are no substantial changes contemplated by the proposed project, as described in Section 2.3.1, Project Summary, or under the circumstances in which the proposed project will be undertaken that require major revisions of the existing EIRs, or preparation of a new subsequent or supplemental EIR or ND, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As illustrated herein, the project is consistent with the General Plan FEIR and Metro Specific Plan SFEIR and would involve only minor updates and clarifications necessary to ensure consistency in planning documents.

### 1.2.3 - Conclusions

The Milpitas City Council may approve the proposed project, as described in Section 2.3.1, Project Summary, based on this Addendum. The impacts of the proposed project remain consistent with the

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<sup>1</sup> CEQA Guidelines Section 15382 defines “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 or aesthetic significance . . .” (see also Public Resources Code, Section 21068).

impacts previously analyzed in the certified General Plan FEIR and Metro Specific Plan SFEIR (CEQA Guidelines Section 15061, subd. (b)(3)).

The proposed project does not require any substantial revisions to the General Plan FEIR or Metro Specific Plan SFEIR. No new significant information or changes in circumstances surrounding the proposed project have occurred since the certification of the General Plan FEIR or Metro Specific Plan SFEIR. The previous analysis completed for the General Plan Update FEIR and Metro Specific Plan SFEIR remain adequate under CEQA.

### 1.3 - Mitigation Monitoring Program

The General Plan FEIR does not identify any significant unavoidable impacts. Accordingly, it does not contain any mitigation measures. Rather, the General Plan identifies policies that, when implemented, would avoid or minimize potential impacts. Therefore, preparation of a Mitigation Monitoring and Reporting Program (MMRP) was not required as part of the approval of the General Plan.

The Metro Specific Plan SFEIR contained several mitigation measures related to air quality, greenhouse gas (GHG) emissions, and noise that when implemented would avoid or minimize potential impacts. Therefore, an MMRP was prepared in conjunction with certification of the Metro Specific Plan SFEIR. Mitigation measures relevant to the proposed project are referenced throughout Section 3, CEQA Checklist.

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## SECTION 2: PROJECT DESCRIPTION

The proposed project includes amendments to the Zoning Ordinance to ensure conformity with the City of Milpitas General Plan 2040 (General Plan) and Metro Specific Plan, which were recently updated. Additionally, the proposed project includes rezoning of certain parcels, revisions to zoning districts, and minor technical amendments to the General Plan Land Use Element and General Plan Land Use Map to ensure vertical consistency among the City’s planning documents.

Government Code Section 65860 requires a city’s zoning ordinance to be consistent with the general plan. When a Zoning Ordinance becomes inconsistent due to a general plan amendment, the City must enact a consistent Zoning Ordinance within a “reasonable time,” pursuant to Government Code Section 65860(c). Accordingly, the proposed project identifies parcels that require rezoning to ensure conformity with the current General Plan land use designations.

### 2.1 - Location and Setting

The project site consists of a portion of the General Plan Planning Area (Planning Area) as well as the Metro Specific Plan Area (Exhibit 1). The Planning Area encompasses the city limits, Sphere of Influence (SOI), and Urban Growth Boundary (UGB), also known as the Urban Service Area (USA), and is approximately 12,327 acres or approximately 19.3 square miles (Exhibit 2). It is bounded by San Francisco Bay and Santa Clara County (west), the City of Fremont (north), unincorporated Santa Clara County (east), and the City of San Jose (south). In addition, there are mountain ranges and wilderness areas to the east. The Planning Area is located on the Milpitas, California United States Geological Survey 7.5-Minute topographic quadrangle map, Township 6 South, Range 1 East, Section 00 (Latitude 37° 25’ 56” North; Longitude 121° 53’ 58” West).

The proposed project involves lands that are generally urbanized, including industrial, commercial, and residential land uses. The proposed rezonings would involve lands primarily within the southwestern and northwestern portions of the Planning Area. Additionally, parcels within the Metro Specific Plan Area as well as certain individual parcels in the center of the Planning Area would be rezoned.

### 2.2 - Project Background

As noted, this Addendum evaluates whether the General Plan FEIR and the Metro Specific Plan SFEIR remain sufficient to address the potential impacts of the proposed project. This section provides background and context for these two foundational documents.

#### 2.2.1 - City of Milpitas General Plan 2040

The General Plan, the City’s current long-range planning document, was adopted by the Milpitas City Council on March 9, 2021.

The General Plan establishes goals, policies, and actions to guide the future growth and development of the City. The General Plan’s key objectives include (1) protecting and enhancing the

unique character of the community, (2) promoting efficient use of limited land resources, (3) fostering strategic land use decisions, and (4) facilitating the use of alternative transportation options. It also establishes the City’s current Land Use Designations (Exhibit 2).

The General Plan buildout numbers for population, dwelling units, and employment are summarized in Table 1.

**Table 1: General Plan Buildout Estimates**

| Category  | General Plan Buildout Estimate |
|---|--------------------------------|
| Population  | 113,530                        |
| Dwelling Units  | 33,401                         |
| Employment <sup>1</sup>   | 84,333                         |
| Notes:<br><sup>1</sup> Number of jobs in the City.<br>Source:<br>City of Milpitas. 2021. Milpitas 2040 General Plan Update FEIR. Website:<br><a href="https://www.milpitas.gov/DocumentCenter/View/1168/Draft-EIR-PDF?bidId=">https://www.milpitas.gov/DocumentCenter/View/1168/Draft-EIR-PDF?bidId=</a> . Accessed August 9, 2023. |                                |

The General Plan established a new Business Park Research and Development (BPRD) land use designation. To ensure consistency, a corresponding zoning district—BPRD—is proposed as part of this project.

**City of Milpitas General Plan 2040 Final Environmental Impact Report**

In conjunction with the City’s adoption of the General Plan, on March 9, 2021, the City Council certified the General Plan FEIR (State Clearinghouse No. 2020070348), which analyzed the potential environmental impacts associated with implementation of the General Plan.

**2.2.2 - Milpitas Metro Specific Plan**

The General Plan designates the Metro Specific Plan Area and mandates the maintenance and implementation of the Metro Specific Plan through Action LU-2a.

The Milpitas Transit Area Specific Plan (TASP) was adopted in 2008. The Metro Specific Plan was adopted by the Milpitas City Council on February 7, 2023, as an update to the TASP. The purpose of the Metro Specific Plan is to create consistency between the TASP and the General Plan.

The Metro Specific Plan increased the TASP area from approximately 437 acres to approximately 510 acres, through annexation of lands to the east and west. The long-term objective of the Metro Specific Plan is to continue to accelerate the transformation of the area to a vibrant, connected, and fully developed, transit-oriented neighborhood. The Metro Specific Plan encompasses land located in the southeastern portion of the City.

The Metro Specific Plan buildout numbers for dwelling units, office, retail, and hotel rooms are provided in Table 2.

**Table 2: Metro Specific Plan Buildout Estimates**

| Category  | General Plan Buildout Estimate |
|---|--------------------------------|
| Dwelling Units  | 14,577                         |
| Office (Square Feet)  | 4,050,000                      |
| Retail (Square Feet)  | 2,540,000                      |
| Hotel (Rooms)   | 1,342                          |
| Sources:<br>City of Milpitas. 2022. Milpitas Metro Specific Plan Draft Subsequent EIR. Website:<br><a href="https://www.milpitas.gov/DocumentCenter/View/1184">https://www.milpitas.gov/DocumentCenter/View/1184</a> . Accessed August 9, 2023. |                                |

The City utilizes specific plans to implement the policies of the General Plan in defined areas. The proposed project is partially located in the Metro Specific Plan Area. Development within the Metro Specific Plan Area is required to follow the policies and actions of the General Plan. It also contains policies and actions specific to the Metro Specific Plan Area that do not apply to the remainder of the Planning Area. As such, there are policies, actions, and mitigation measures relevant to the proposed project which only apply to the Metro Specific Plan Area portion of the project site.

The Metro Specific Plan established seven land use classifications specific to the Metro Specific Plan Area (Exhibit 3):

1. Metro Residential Retail High Density Mixed Use (RRMU)
2. Metro Boulevard Very High Density Mixed Use (BVMU)
3. Metro Multi-Family High Density Residential (MFH)
4. Metro Multi-Family Very High Density Residential (VHD)
5. Metro Urban Residential (URR)
6. Metro Business Park Research and Development (BPRD)
7. Metro Business Park Research and Development, Limited Residential (BPRD-R)

Implementation of Metro Specific Plan requires updates to the City’s Zoning Map (Exhibit 4) and the City of Milpitas Zoning Ordinance (Zoning Ordinance), which are undertaken as part of the proposed project.

### **City of Milpitas Metro Specific Plan Subsequent Final Environmental Impact Report**

In conjunction with the City’s adoption of the Metro Specific Plan on February 7, 2023, the City Council certified the Metro Specific Plan SFEIR (State Clearinghouse No. 2006032091), which analyzed the potential environmental impacts associated with implementation of the Metro Specific Plan.

The Metro Specific Plan SFEIR tiered from the TASP FEIR (State Clearinghouse No. 2006032091), which was certified in May 2008. The Metro Specific Plan SFEIR used analysis and information provided in the TASP FEIR to inform the analysis contained therein.

### 2.2.3 - Milpitas Zoning Ordinance

The current Zoning Ordinance was originally adopted in 1955 and was last updated in 2008. Accordingly, the Zoning Ordinance is not currently consistent with City-approved planning documents. The proposed project would ensure consistency with the General Plan and Metro Specific Plan by making amendments to the Zoning Ordinance, where needed, to conform to the current land use designations.

## 2.3 - Project Characteristics

### 2.3.1 - Project Summary

The proposed project would update the Zoning Ordinance and Zoning Map and would also implement minor technical amendments to the General Plan Land Use Element and General Plan Land Use Map to ensure vertical consistency among the City's planning documents.

#### Zoning Ordinance and Zoning Map Updates

The proposed project would include updates to the City's current Zoning Ordinance, zoning districts, and Zoning Map to ensure conformity with current General Plan and Metro Specific Plan land use designations.

The land use designations include a new BPRD General Plan land use designation, as well as seven Metro Specific Plan land use designations (RRMU; BVMU; MFH; VHD; URR; BPRD; and BPRD-R). All of these land use designations were thoroughly analyzed in the environmental documents certified by the City before approving the General Plan and Metro Specific Plan.

To ensure consistency with the approved General Plan and Metro Specific Plan, the proposed project would include updates to zoning districts along with specific development standards that would implement the purpose and goals of the General Plan and Metro Specific Plan land use designations, facilitating mixed-use, commercial, industrial, residential, and transit-oriented development in key opportunity areas within the General Plan Planning Area and Metro Specific Plan Area (as shown in Exhibits 5, 5a, 5b, 5c, and 5d).

As shown in Appendix A, the proposed project also includes minor technical clarifications to existing policies to facilitate implementation of the approved General Plan. None of these clarifications would result in impacts to the physical environment.

#### **Proposed Zoning Districts Implementing the General Plan**

The proposed conforming updates to the zoning districts and development standards for the Planning Area necessary to bring them into alignment with the General Plan are described below:



- **Business Park Research and Development (BPRD) Zone:** The BPRD District includes important employment centers, business parks, high-intensity office buildings, advanced manufacturing, and other light industrial uses. The BPRD District would also include the integration of research and development, office, warehouse, and light manufacturing uses on consolidated sites with supportive ancillary uses.

### ***Proposed Zoning Districts Implementing the Metro Specific Plan***

The proposed conforming updates to the zoning districts and development standards necessary to bring them into alignment with the Metro Specific Plan Area are described below:

- **Metro Multi-Family High Density Residential (R3-Metro) Zoning District:** The R3-Metro District includes High Density Residential areas (30 to 40 dwelling units per acre) with a mix of multi-family unit types and small-scale neighborhood businesses. The R3-Metro District implements the Multi-Family High Density Residential (MFH) land use designation as described in the Metro Specific Plan.
- **Metro Multi-Family Very High Density Residential (R4-Metro) Zoning District:** The R4-Metro District includes very high-density residential areas (40 to 85 dwelling units per acre) with low- and mid-rise multi-family residential buildings and compatible commercial uses. The R4-Metro District is intended to provide for higher density residential “villages” structured around transit station, streets, creek side open spaces, trails, and parks. The R4-Metro District implements the Multi-Family Very High Density Residential (VHD) land use designation as described in the Metro Specific Plan.
- **Metro Urban Residential (R5-Metro) Zoning District:** The R5-Metro District includes very high-density residential areas (70 to 120 dwelling units per acre) with high-rise residential buildings and compatible commercial uses located around transit stations. The R5-Metro District implements the Urban Residential (URR) land use designation as described in the Metro Specific Plan.
- **Metro High Density Mixed Use (MXD2-Metro) Zoning District:** The MXD2-Metro District includes a mix of retail, restaurant, entertainment, and commercial service uses on the ground floor and residential or office uses on upper stories. The MXD2-Metro District includes mixed-use floor area ratios (FARs) between 1.0 and 2.5 and residential densities between 40 to 85 dwelling units per acre. The MXD2-Metro District implements the Residential Retail Mixed Use (RRMU) land use designation as described in the Metro Specific Plan.
- **Metro Very High Density Mixed Use (MXD3-Metro) Zoning District:** MXD3-Metro District includes urban areas with a mix of very high-density housing, retail, and employment uses. The MXD3-Metro District includes mixed-use FARs between 2.5 and 5.0 and residential densities between 85 to 250 dwelling units per acre. The MXD3-Metro District implements the Boulevard Very High Density Mixed Use (BVMU) land use designation as described in the Metro Specific Plan.
- **Metro Business Park Research and Development, Limited Residential (BPRD-R-Metro) Zone:** The BPRD-R-Metro District includes important employment centers, especially for jobs in the high-tech industry, with limited, integrated residential development (mixed-use FARs in the

range of 1.0 to 5.0). The BPRD-R-Metro District includes business parks, high-intensity office buildings, advanced manufacturing, other light industrial uses, and limited residential uses. The BPRD-R-Metro District implements the Business Park Research and Development, Limited Residential (BPRD-R) land use designations as described in the Metro Specific Plan.

- **Metro Business Park Research and Development (BPRD-Metro) Zone:** The BPRD-Metro District includes important employment centers, business parks, high-intensity office buildings, advanced manufacturing, and other light industrial uses. The BPRD-Metro District includes FARs between 1.0 and 2.5, with additional FAR up to 4.0 for properties within 1,000 feet of the Milpitas Transit Center. The BPRD-Metro District implements the Business Park Research and Development Lower Intensity and Higher Intensity (BPRD-L and BPRD-H) land use designations as described in the Metro Specific Plan.

### **Existing Zoning Districts Undergoing Zoning Map Updates**

In addition to the new zoning districts described above, certain other parcels within the City would be rezoned for the purpose of ensuring consistency with their corresponding land use designations as identified in the updated General Plan. The existing zoning districts undergoing increases in acreage as part of the updates to the Zoning Map and development standards are described below:

- **General Commercial (C2) Zone:** The purpose of the C2 District is to provide for general commercial needs of neighborhood areas of the City and to promote stable, attractive commercial development. Permitted uses include those which primarily provide for day-to-day shopping needs, such as grocery stores, offices, restaurants, and certain other stores. The C2 District corresponds to the Neighborhood Commercial Mixed Use (NCMU) and General Neighborhood Commercial (GNC) land use designations. The C2 District allows a FAR of 0.5.
- **Mixed Use District (MXD) Zone:** The purpose of the MXD District is to encourage a compatible mix of residential, retail, entertainment, office, and commercial services within a pedestrian-oriented streetscape. Permitted uses include those which provide an “around-the-clock-environment” with urban open areas that serve multiple purposes and can be used for special events. Residential uses within the MXD District have a minimum of 21 dwelling units per gross acre and a maximum of 30 dwelling units per gross acre.
- **Park and Public Open Space (POS) Zone:** The POS District provides for public open space and recreational uses to preserve environmentally sensitive areas and accommodate community service or recreational facilities. Permitted uses include public parks, recreational facilities, public trails, and public community gardens.
- **Single-Family Residential (R1) Zone:** The purpose and intent of this zone is to stabilize and protect the residential characteristics of the City’s single-family neighborhoods and to promote and encourage a suitable environment for family life. The R1 District is intended for the suburban family home and the service appurtenant thereto. One dwelling unit per lot is allowed and allowable lot sizes vary.
  - **R1-3:** The R1-3 Zone requires a minimum 3,000 square-foot lot area and specific setback requirements. Residential uses within the R1-3 Zone have a minimum of three dwelling units per gross acre and a maximum of 14.52 dwelling units per gross acre.

- **Multi-Family High Density Residential (R3) Zone:** The purpose and intent of this zone is to stabilize and protect the residential characteristics of the City’s high-density multi-family neighborhoods and to promote, insofar as compatible with the intensity of land use, a suitable environment for family life. Lots in this zoning district must be at least 8,000 square feet and there must be a minimum of 2,000 square feet per dwelling unit.
- **Institutional Zone (I):** The purpose and intent of the Institutional District is to encourage the orderly development of public service and educational uses in the community and to ensure their presence as a vital part of the neighborhood balance. This zone conditionally permits correctional facilities, private universities, government offices, public hospitals, public libraries, parks, museums, public service uses, etc. Mobile food vending and temporary seasonal sales are permitted by right.

The existing zoning districts undergoing decreases in acreage as part of the updates to the Zoning Map and development standards are described below:

- **Single-Family Residential (R1) Zone:** The purpose and intent of this zone is to stabilize and protect the residential characteristics of the City’s single-family neighborhoods and to promote and encourage a suitable environment for family life. The R1 District is intended for the suburban family home and relevant services. One dwelling unit per lot is allowed and allowable lot sizes vary.
  - **R1-2.5:** The R1-2.5 Zone requires a minimum 2,500-square-foot lot area and specific setback requirements. Residential uses within the R1-2.5 Zone have a minimum of three dwelling units per gross acre and a maximum of 15 dwelling units per gross acre.
  - **R1-6:** The R1-6 Zone requires a minimum 6,000 square-foot lot area and specific setback requirements. Residential uses within the R1-6 Zone have a minimum of three dwelling units per gross acre and a maximum of 7.26 dwelling units per gross acre.
  - **R1-10:** The R1-10 Zone requires a minimum 10,000 square-foot lot area and specific setback requirements. Residential uses within the R1-10 Zone have a minimum of three dwelling units per gross acre and a maximum of 4.36 dwelling units per gross acre.
- **Multi-Family Very High Density Residential (R4) Zone:** The purpose and intent of the R4 Zone is to stabilize and protect the residential characteristics of the City’s high-density multi-family residential areas and to promote a suitable residential environment. The R4 District is intended to provide for higher density residential villages structured around transit stations, streets, creek side open spaces, trails, and parks. Residential uses within the R4 Zone have a minimum of 31 dwelling units per gross acre and a maximum of 40 dwelling units per gross acre.
- **Light Industrial (M1) Zone:** The M1 Zone is reserved for the construction, use, and occupancy of facilities for office, research, limited and light manufacturing, and other compatible uses. The M1 Zone allows a maximum FAR of 0.4.
- **Industrial Park (MP) Zone:** The MP Zone is reserved for the construction, use, and occupancy of facilities for office, research, general manufacturing, warehousing and distribution, and other compatible uses. The MP Zone allows a maximum FAR of 0.5.

- **Agricultural (A) Zone:** The purpose and intent of the A Zone is to preserve lands best suited for agricultural use from the encroachment of incompatible uses and to preserve in agricultural use land suited to eventual development in other uses.
- **Highway Services (HS) Zone:** The purpose and intent of the HS Zone is to provide for the wide range of personal and business services primarily oriented to the automobile customer and transient residential uses such as motels or mobile home parks. The HS Zone allows a maximum FAR of 0.5.
- **Neighborhood Commercial (C1) Zone:** The purpose and intent of the C1 Zone is to provide for general commercial needs of neighborhood areas of the City and to promote stable, attractive commercial development, which will afford a pleasant shopping environment and complement the essential residential character of the neighborhood. The C1 Zone currently allows a maximum FAR of 0.35.

**Existing Land Use Designations vs. Proposed Zoning Districts**

Table 3 and Table 4, as well as Exhibit 6a, demonstrate the changes in maximum density allowed for the parcels not within the Metro Specific Plan Area. Tables 3 and 4 calculate the maximum development allowed for the parcels being evaluated. However, there are a number of factors that can limit the actual density constructed; actual buildout would likely occur at levels below the maximum allowed. By statute, zoning actions, development agreements, and tentative maps all must be consistent with the general plan. (Government Code §§ 65680 [zoning], 65867.5 [development agreements], and 66473.5 [tentative maps]; see also *Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 536 [zoning]) Accordingly, for purposes of this analysis, the maximum density for the parcels not within the Metro Specific Plan is assumed to be limited by the applicable General Plan density range. As such, the potential maximum density and intensity of development would remain the same for every parcel with proposed zoning changes.

**Table 3: Change in Maximum Units at Buildout of the Proposed Project for Residential Parcels not Within the Metro Specific Plan Area**

| Land Use Designation | Existing Total Acreage | Density Range for Land Use Designation | Maximum Buildout of Units | Corresponding Zoning District | Proposed Total Acreage | Density of Zoning District |
|----------------------|------------------------|--|---------------------------|-------------------------------|------------------------|----------------------------|
| HDR                  | 230.10                 | 16-30 du/ac                            | 6,903 du                  | R3                            | 274.82                 | 12-20 du/ac                |
| MDR                  | 271.57                 | 6-15 du/ac <sup>1</sup>                | 4,074 du                  | R2                            | 129.49                 | 7-11 du/ac                 |
|                      |                        |  |                           | R1-2.5                        | 6.25                   | 3-15 du/ac                 |
|                      |                        |  |                           | R1-3                          | 113.08                 | 3-14.52 du/ac              |
|                      |                        |  |                           | R1-4                          | 20.05                  | 3-10.89 du/ac              |
|                      |                        |  |                           | R1-5                          | 3.02                   | 3-8.71 du/ac               |
| LDR                  | 1,455.26               | 3-5 du/ac <sup>2</sup>                 | 7,276 du                  | R1-6                          | 1,357.13               | 3-7.26 du/ac               |
|                      |                        |  |                           | R1-10                         | 84.13                  | 3-4.36 du/ac               |
| VHDR                 | 21.78                  | 31-40 du/ac                            | 871 du                    | R4                            | 115.59                 | 31-40 du/ac                |

| Land Use Designation | Existing Total Acreage | Density Range for Land Use Designation | Maximum Buildout of Units | Corresponding Zoning District | Proposed Total Acreage | Density of Zoning District |
|----------------------|------------------------|--|---------------------------|-------------------------------|------------------------|----------------------------|
| NCMU <sup>3, 4</sup> | 70.27                  | 29 du/ac                               | 2,038 du                  | MXD                           | 51.455                 | 21-30 du/ac                |
| <b>Total</b>         | 2,048.98               | —                                      | 21,162 du                 | —                             | 2,155.015              | —                          |

Notes:  
 All values are approximate.  
 ac = acre  
 du = dwelling units  
 FAR = floor area ratio  
 HDR = High Density Residential  
 LDR = Low Density Residential  
 MDR = Medium Density Residential  
 NCMU = Neighborhood Commercial Mixed-Use  
 sf = square feet  
 VHDR = Very High Density Residential

<sup>1</sup> As described below, the proposed project would also update the minimum allowable density for the Medium Density Residential (MDR) land use designation from 6-15 du/ac to 7-15 du/ac.

<sup>2</sup> As described below, the proposed project would also update the maximum allowable density for the Low Density Residential (LDR) land use designation from 3-5 du/ac to 3-7 du/ac.

<sup>3</sup> The NCMU land use designation and MXD zone are mixed use, and therefore, allow for both residential and nonresidential development. For the purpose of simplifying this calculation, it is assumed that 50 percent of the acreage for both the existing NCMU land use designation and the proposed MXD zone would be residential, and 50 percent of the acreage would be nonresidential. Therefore, 50 percent of the acreage for the existing NCMU land use designation (70.27 acres) and 50 percent of the acreage for the proposed MXD zone (51.455) are analyzed in this table, utilizing their corresponding development standards. The remaining 50 percent of the acreage is analyzed in Table 4, below, utilizing the corresponding development standards.

<sup>4</sup> The NCMU land use designation includes multiple implementing zoning districts, including C1, C2, CO, and MXD. For the purposes of simplifying this calculation, this table and Table 4, below, utilize the MXD Zone and C1 Zone as the only implementing zones. C1 and CO both correspond with other land use designations analyzed in Table 4, below.

**Table 4: Change in Square Footage at Buildout of the Proposed Project for Nonresidential Parcels not Within the Metro Specific Plan Area**

| Land Use Designation | Existing Total Acreage | FAR  | Square Footage at Maximum Buildout | Corresponding Zoning District | Proposed Total Acreage | Maximum Allowable FAR |
|----------------------|------------------------|------|------------------------------------|-------------------------------|------------------------|-----------------------|
| BPRD <sup>1</sup>    | 518.13                 | 2.5  | 56,424,357 sf                      | BPRD                          | 485.15                 | 2.5                   |
| GNC                  | 154.59                 | 0.5  | 3,366,970.2 sf                     | HS <sup>2</sup>               | 89.96                  | 0.50                  |
|                      |                        |      |                                    | CO <sup>3</sup>               | 13.4                   | 0.50                  |
| NC                   | 27.39                  | 0.75 | 894,831.3 sf                       | C1 <sup>4</sup>               | 59.25                  | 0.35                  |
| MFG                  | 499.73                 | 1.0  | 21,768,238.8 sf                    | M1                            | 20.58                  | 0.40                  |
|                      |                        |      |                                    | M2                            | 583.79                 | 0.40                  |
| INP                  | 231.20                 | 1.0  | 10,071,072 sf                      | MP <sup>5</sup>               | 260.34                 | 0.50                  |
| NCMU <sup>7</sup>    | 70.27                  | 0.75 | 2,295,720.9 sf                     | C2 <sup>6</sup>               | 246.76                 | 0.50                  |
|                      |                        |      |                                    | MXD                           | 51.455                 | 0.75                  |
| <b>Total</b>         | 2,701.15               | —    | 94,821,190.2 sf                    | —                             | 1,510.685              | —                     |

| Land Use Designation   | Existing Total Acreage | FAR | Square Footage at Maximum Buildout | Corresponding Zoning District | Proposed Total Acreage | Maximum Allowable FAR |
|--|------------------------|-----|------------------------------------|-------------------------------|------------------------|-----------------------|
| <p>Notes:</p> <p>All values are approximate.</p> <p>The Agricultural District (A), Institutional Zoning District (I), Waterways, and Public Open Space (POS) District are not represented in this table because they do not have development standards, and therefore would not serve this calculation.</p> <p>BPRD = Business Park Research Development<br/>                     FAR = floor area ratio<br/>                     GNC = General Neighborhood Commercial<br/>                     INP = Industrial Park<br/>                     MFG = Manufacturing<br/>                     NC = Neighborhood Commercial<br/>                     NCMU = Neighborhood Commercial Mixed-Use<br/>                     sf = square feet</p> <p><sup>1</sup> The BPRD land use designation includes multiple implementing zoning districts, including BPRD and MP. For the purposes of simplifying this calculation, this table utilizes the BPRD zone as the only implementing zone because MP corresponds to the INP land use designation as well.</p> <p><sup>2</sup> The HS Zone implements multiple land use designations including GNC and NC. For the purposes of simplifying this calculation, this table utilizes the GNC land use designation as the only associated land use designation because NC corresponds with other districts. Additionally, the development standards of the HS Zone were most consistent with the development standards of the GNC land use designation.</p> <p><sup>3</sup> The CO zone implements multiple land use designations including NCMU, GNC, and NC. For the purposes of simplifying this calculation, this table utilizes the GNC land use designation as the only associated land use designation because NCMU and NC both correspond with other districts. Additionally, the development standards of the CO zone were most consistent with the development standards of the GNC land use designation.</p> <p><sup>4</sup> The C1 Zone implements multiple land use designations including NCMU and NC. For the purposes of simplifying this calculation, this table utilizes the NC land use designation as the only associated land use designation because NCMU also corresponds with the MXD zone.</p> <p><sup>5</sup> The MP zone implements multiple land use designations including BPRD and INP. For the purposes of simplifying this calculation, this table utilizes the INP land use designation as the only associated land use designation because the BPRD land use designation more directly corresponds with the BPRD zone.</p> <p><sup>6</sup> The NCMU land use designation and MXD zone are mixed use, and, therefore, allow for both residential and nonresidential development. For the purpose of simplifying this calculation, it is assumed that 50 percent of the existing acreage for both the NCMU land use designation and the proposed MXD zone would be residential, and 50 percent of the existing NCMU acreage would be nonresidential. Therefore, 50 percent of the acreage for the existing NCMU land use designation (70.27 acres) and 50 percent of the acreage for the proposed MXD zone (51.455) are analyzed in Table 3, above, utilizing their corresponding development standards. The remaining 50 percent of the acreage is analyzed in this table, utilizing the corresponding development standards for nonresidential development.</p> <p><sup>7</sup> The C2 zone is an implementing zone for multiple land use designations, including NCMU, GNC, and NC. For the purposes of simplifying this calculation, this table utilizes the NCMU land use designation as the only associated land use designation because GNC and NC both correspond with other districts. Additionally, the majority of parcels being rezoned would correspond to the NCMU land use designation.</p> |                        |     |                                    |                               |                        |                       |

As shown in Table 5, as well as Exhibit 6b, the proposed zones within the Metro Specific Plan Area would directly implement the existing Metro Specific Plan land use designations with the same allowable density ranges. As such, buildout would be equivalent to what was evaluated and approved in the Metro Specific Plan.

**Table 5: Metro Specific Plan Land Use Designations and Proposed Zones Within the Metro Specific Plan Area**

| Metro Specific Plan Land Use Designation  | Proposed Metro Zones | FAR/Density of Land Use Designation   |
|---|----------------------|---|
| RRMU-Metro  | MXD2-Metro           | 40-85 du/ac<br>1.0-2.5 FAR  |
| BVMU-Metro  | MXD3-Metro           | 85-250 du/ac  |
| MFH-Metro   | R3-Metro             | 30-40 du/ac   |
| VHD-Metro   | R4-Metro             | 40-85 du/ac   |
| URR-Metro   | R5-Metro             | 70-120 du/ac  |
| BPRD-Metro  | BPRD-Metro           | 1.0-2.5 FAR<br>4.0 FAR for properties within 1,000 feet of the Milpitas Transit Center <sup>1</sup> |
| BPRD-R-Metro  | BPRD-R               | 1.0-5.0 FAR for Mixed-use<br>1.0 FAR for office and R&D   |
| PF-Metro  | I-Metro              | N/A   |
| POS-Metro   | POS                  | N/A   |
| Notes:<br>du/ac = density units per acre<br>FAR = floor area ratio<br><sup>1</sup> Allowable FAR utilizes a sliding scale for FAR based on distance from the Milpitas Transit Center between 2.5 and 4.0 FAR. |                      |   |

### General Plan Amendments

As part of the proposed project, 295 parcels would undergo land use updates to establish consistency between the General Plan Land Use Map and updated Zoning Map (Exhibit 7). Also, the Neighborhood Commercial (C1) Zoning District would no longer be considered an implementing Zone for the GNC Land Use Designation. The C1 Zone would be an implementing zone for the NC Land Use Designation only.

The proposed project would also clarify the allowed residential density of several General Plan land use designations, so they are consistent and aligned with the allowed density of the corresponding zoning districts. The proposed project would incrementally increase the allowable density for the Low Density Residential (LDR) land use designation from 3-5 du/ac to 3-7 du/ac, but would not exceed the corresponding zoning density, which allows for 3-15 du/ac (Table 3).

The proposed project would also update the minimum allowable density for the Medium Density Residential (MDR) land use designation from 6-15 du/ac to 7-15 du/ac. The maximum density would not be impacted. Table 6 illustrates eight of the parcels undergoing General Plan land use designation updates. Seven of the parcels would be converted to the Permanent Open Space (POS) land use designation, thereby reducing the overall allowable intensity of development.

**Table 6: General Plan Land Use Map Amendments**

| Assessor's Parcel Number (APN) | Current General Plan Land Use                     | Density     | Proposed General Plan Land Use | Density          |
|--------------------------------|---|-------------|--------------------------------|------------------|
| 8319031                        | General Neighborhood Commercial (GNC)             | 0.5 FAR     | Permanent Open Space (POS)     | N/A (Open Space) |
| 8319027                        | Business Park/Research and Development (BPRD)     | 2.5 FAR     | Public Facilities (PF)         | N/A              |
| 2259085                        | High Density Residential (HDR)                    | 16-30 du/ac | POS                            | N/A (Open Space) |
| 2201021                        | Manufacturing (MFG)                               | 1.0 FAR     | POS                            | N/A (Open Space) |
| 2239002                        | Industrial Park (INP)                             | 1.0 FAR     | POS                            | N/A (Open Space) |
| 8326002                        | Milpitas Gateway-Main Street Specific Plan (MGSP) | N/A         | POS                            | N/A (Open Space) |
| 8327051                        | MGSP  | N/A         | POS                            | N/A (Open Space) |
| 8334002                        | MGSP  | N/A         | POS                            | N/A (Open Space) |

Notes:  
APN = Assessor's Parcel Number

Furthermore, 287 parcels, totaling approximately 12.04 acres and currently designated MDR in the General Plan would be updated to High Density Residential (HDR) to ensure consistency between the General Plan Land Use Map, Zoning Ordinance, and actual built form/density. The parcels are currently zoned R3, which would align with the HDR land use designation. Note that these parcels are largely built out, and updates to the land use designation would be consistent with the City's planning documents. Therefore, these updates would not be expected to result in any significant development.

Lastly, the BPRD land use designation description included in the approved General Plan would undergo the following minor change shown in strikethrough:

The Business Park Research & Development (BPRD) is intended to accommodate business parks, high-intensity office buildings, light manufacturing parks, and light industrial areas that provide for a variety of businesses that support employment opportunities and services for Milpitas and the region. The BPRD designation would enable the integration of research and development, office, ~~small~~ warehouse and light manufacturing uses in one location, and allows existing firms to grow/expand operations on-site.

This change would not impact relevant development standards such as building height or FAR and thus, would not impact intensity and density of development.



## Project Summary

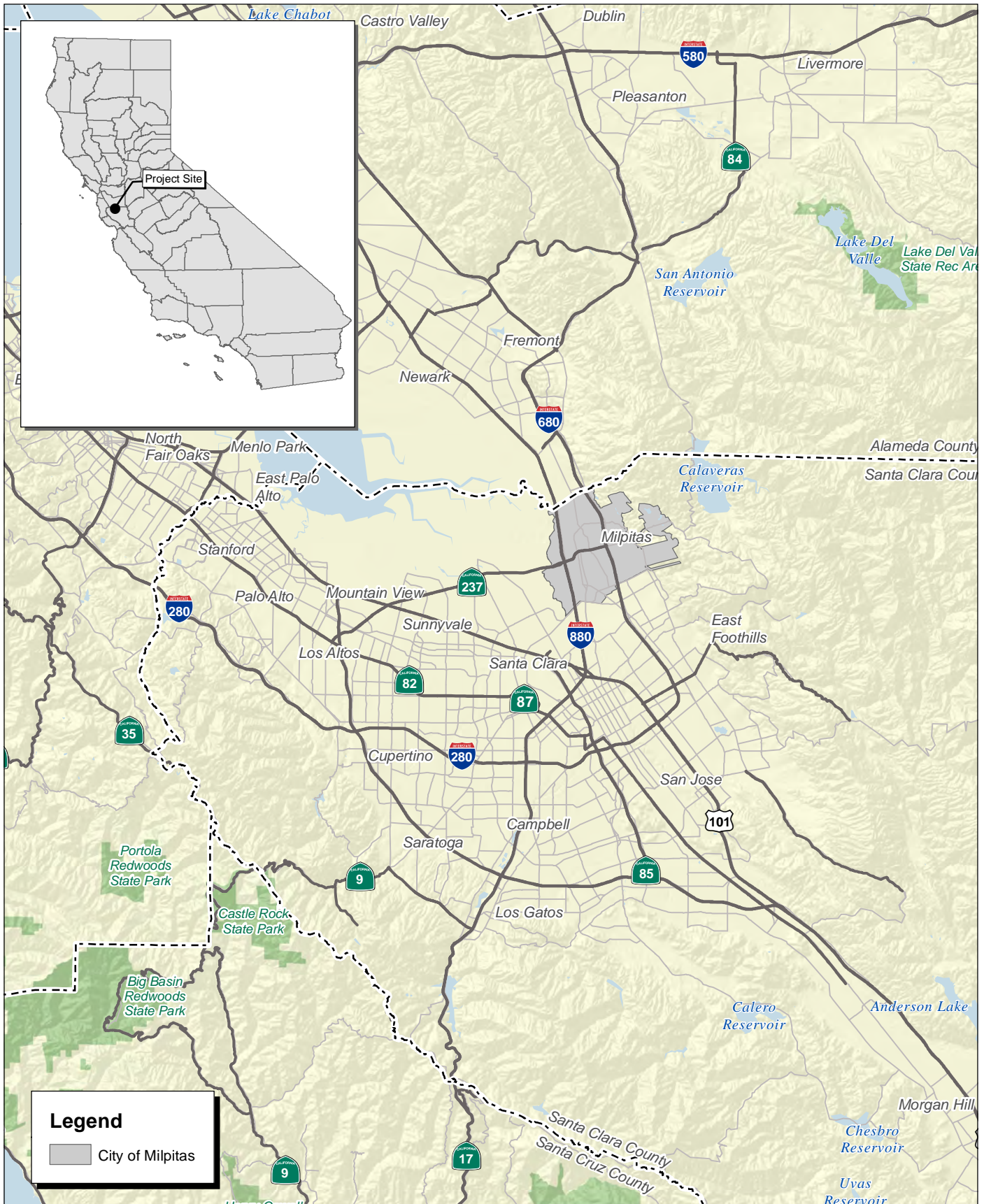
The proposed project would update the Zoning Map, the General Plan Land Use Map, and some General Plan and Zoning Ordinance text. However, as explained above, overall land uses, density, and intensity at full buildout of the City would remain relatively the same as previously evaluated in the approved General Plan and Metro Specific Plan.

## 2.4 - Discretionary Approvals

The proposed project requires the following discretionary approvals from the City of Milpitas:

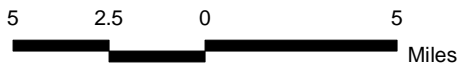
- Approval of General Plan Amendments
- Approval of Zoning Ordinance Amendments
- Approval of Zoning Map Amendments

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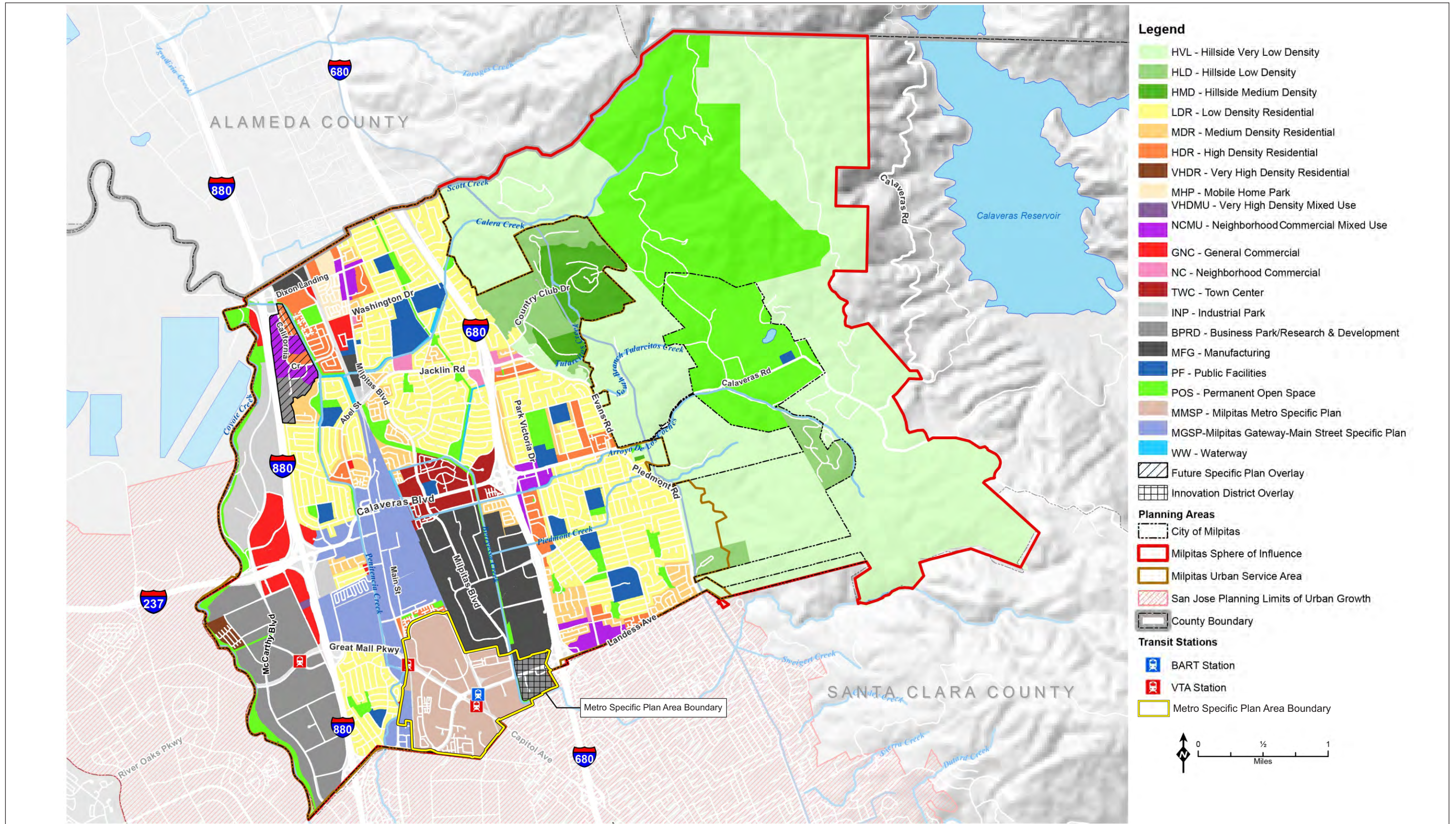
Source: Census 2000 Data, The California Spatial Information Library (CaSIL).

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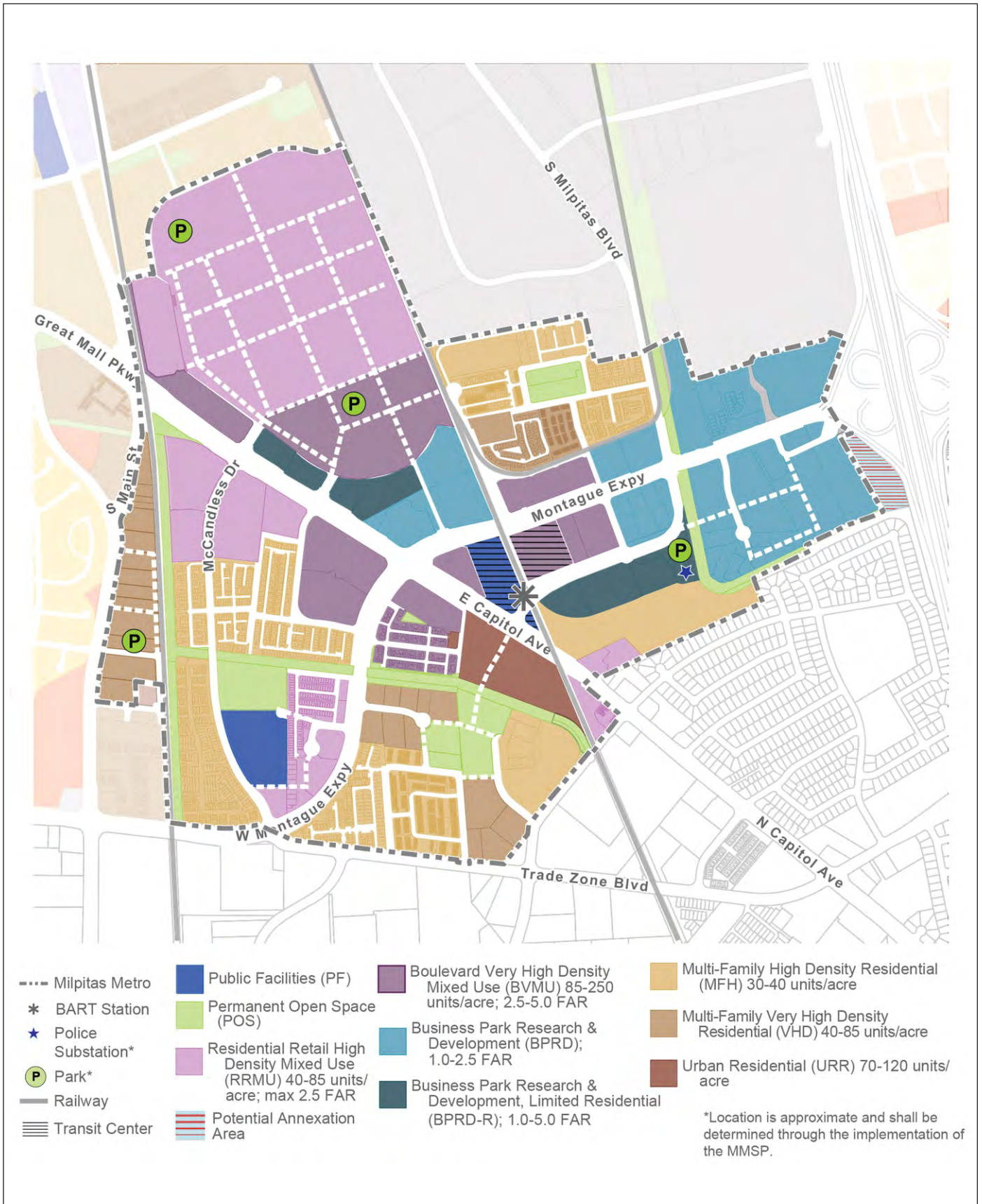
## Exhibit 1 Regional Location Map

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Source: City of Milpitas; Santa Clara County; USGS; CalAtlas. August 4, 2020..

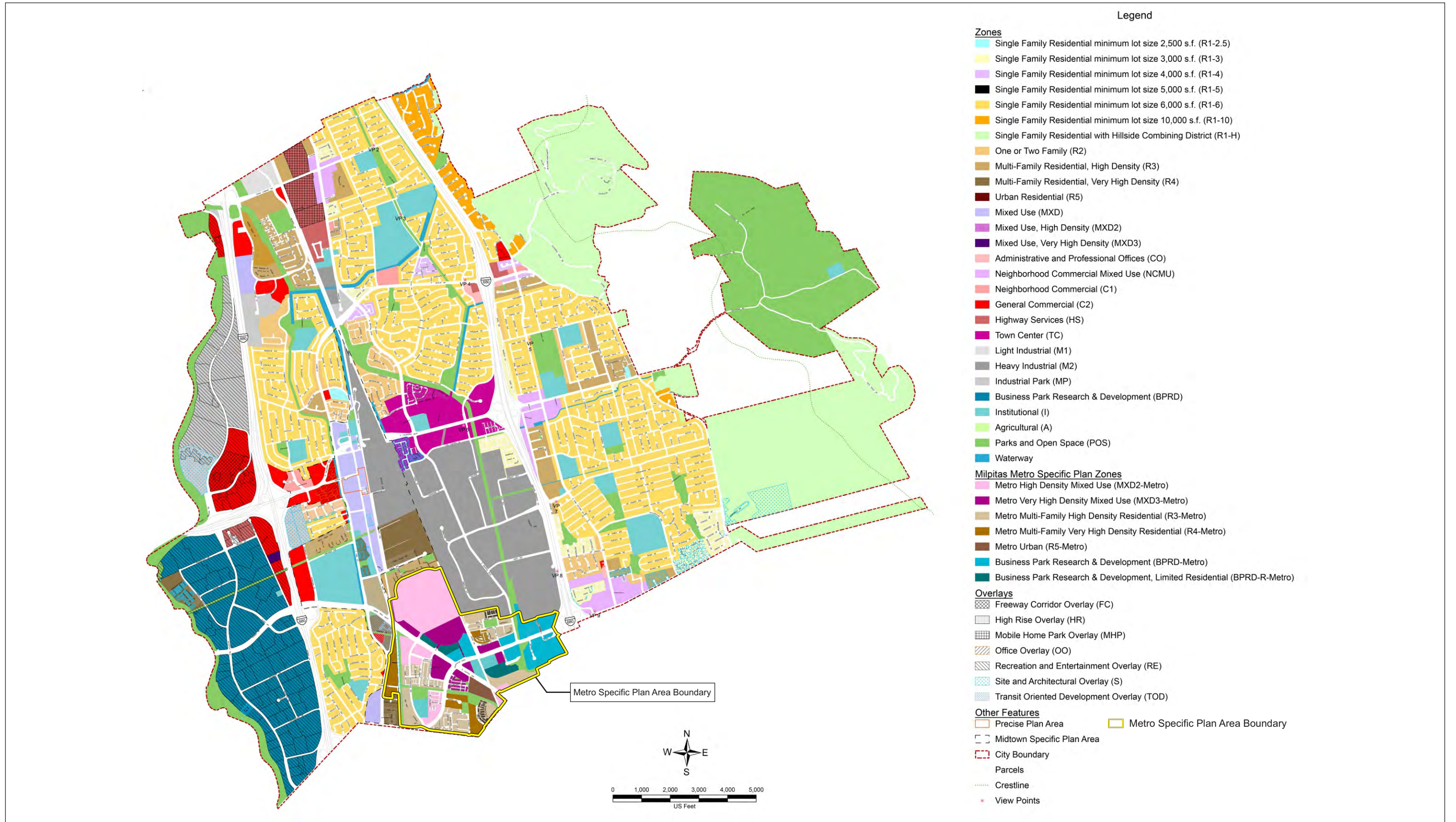
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Source: General Plan; City of Milpitas. Roads; US Census Bureau 2019 TIGER. Basemap; ESRI. April 06, 2022.

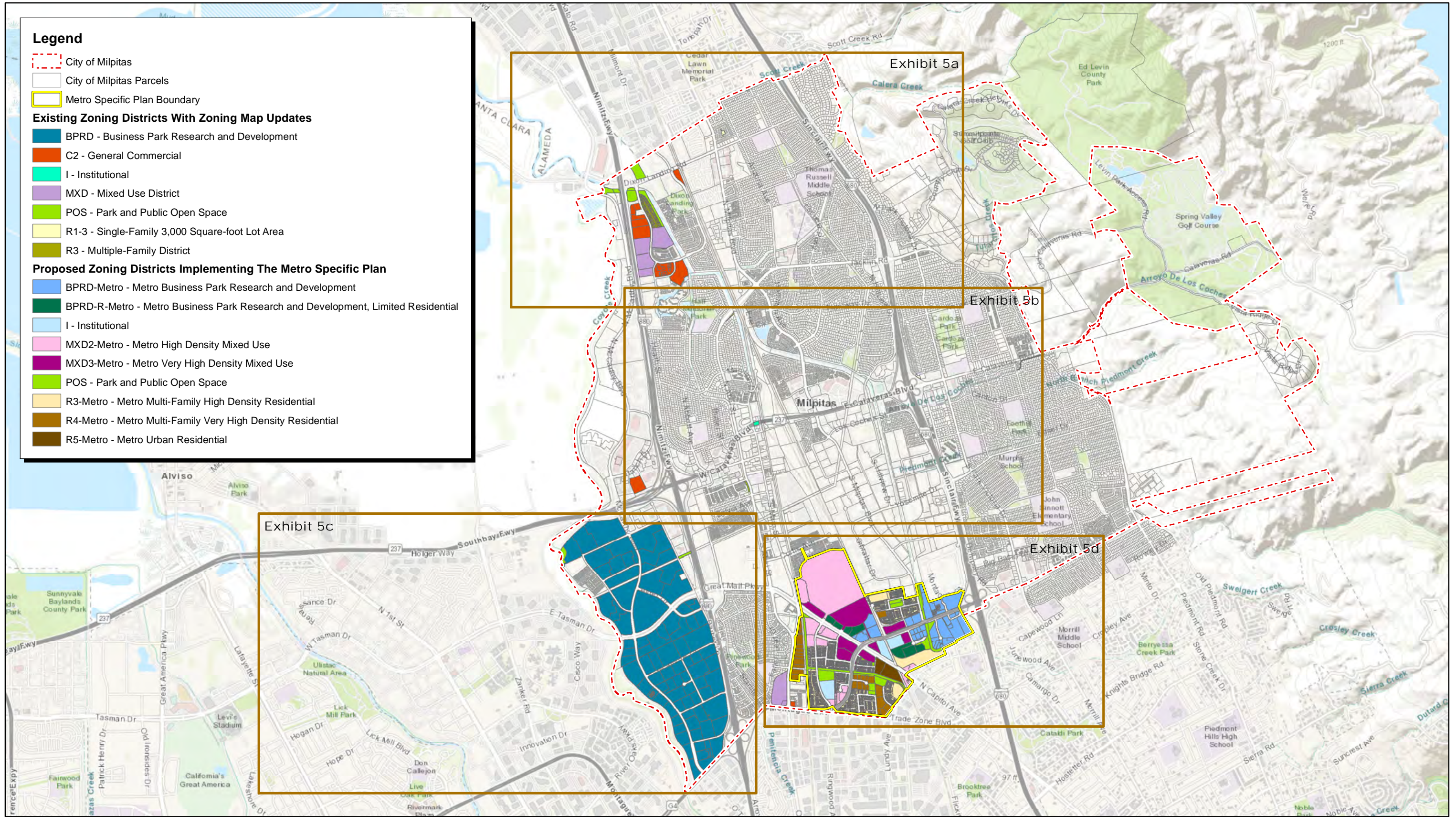
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Source: City of Milpitas, June 28, 2023.

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Source: City of Milpitas, updated 12/2023.

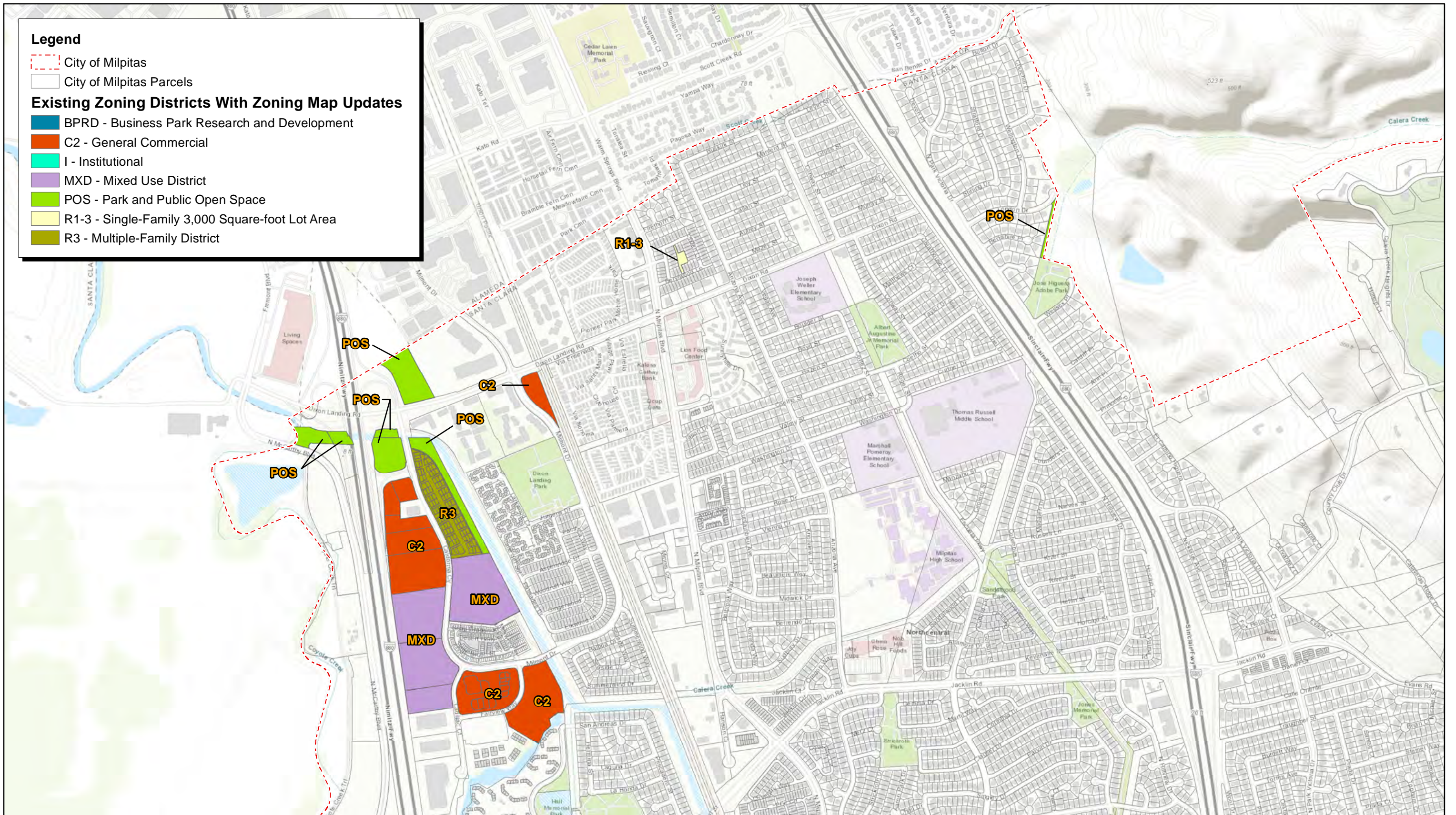


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**Exhibit 5**  
**Proposed Zoning Map - Overall Key Map**

CITY OF MILPITAS  
 ZONING DISTRICTS, AND ZONING MAP, AND GENERAL PLAN AMENDMENT PROJECT  
 ADDENDUM TO THE CITY OF MILPITAS GENERAL PLAN UPDATE FEIR  
 AND THE CITY OF MILPITAS METRO SPECIFIC PLAN SUBSEQUENT FEI

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Source: City of Milpitas, updated 12/2023.

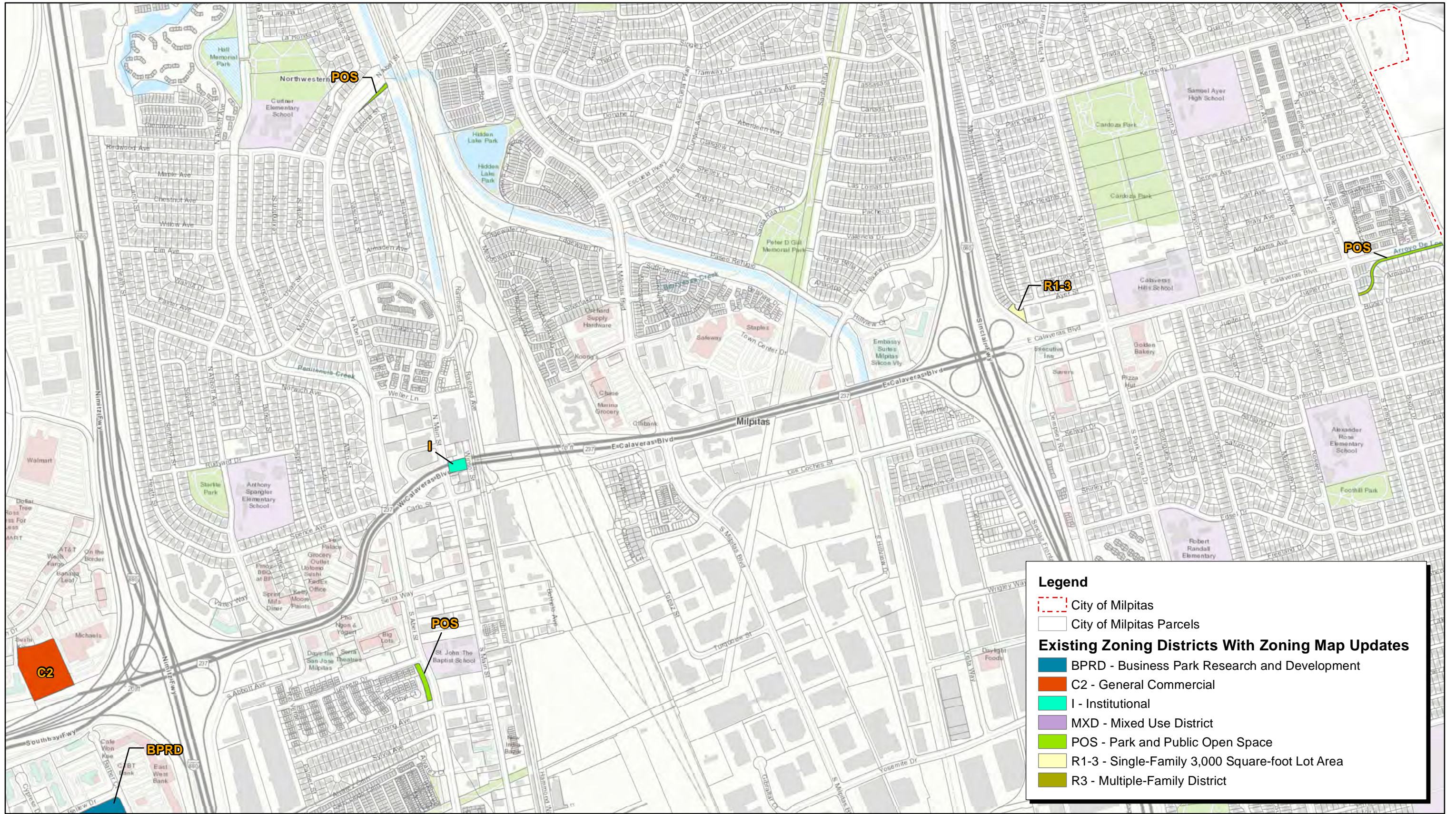


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**Exhibit 5a**  
**Proposed Zoning Map - Detailed Map**

CITY OF MILPITAS  
ZONING DISTRICTS, AND ZONING MAP, AND GENERAL PLAN AMENDMENT PROJECT  
ADDENDUM TO THE CITY OF MILPITAS GENERAL PLAN UPDATE FEIR  
AND THE CITY OF MILPITAS METRO SPECIFIC PLAN SUBSEQUENT FEIR

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Source: City of Milpitas, updated 12/2023.



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Source: City of Milpitas, updated 12/2023.

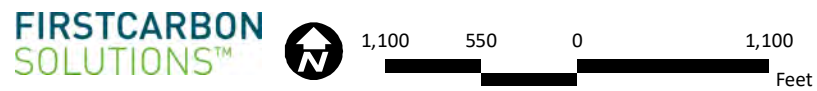
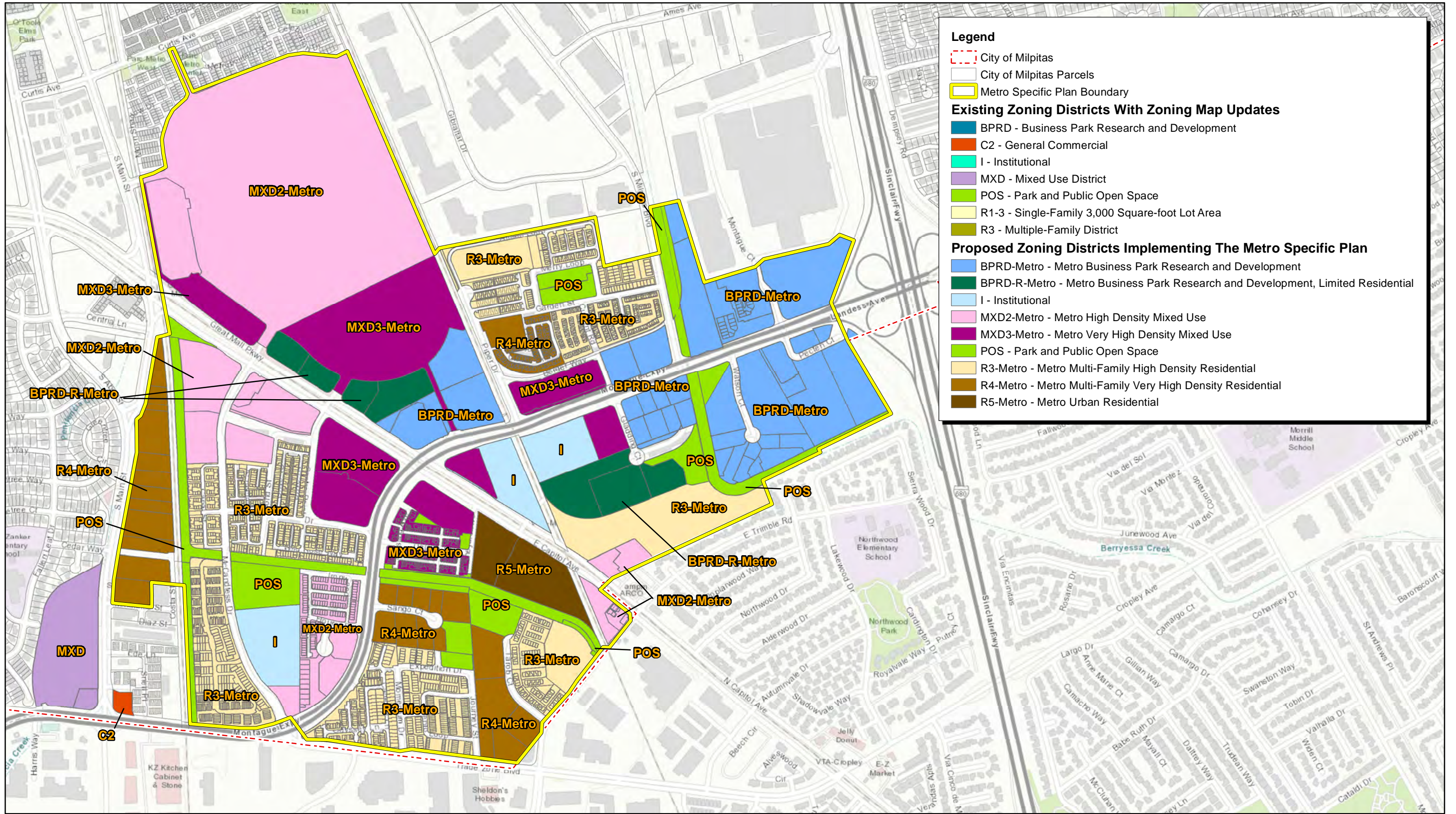


Exhibit 5c  
Proposed Zoning Map - Detailed Map

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**Legend**

- City of Milpitas
- City of Milpitas Parcels
- Metro Specific Plan Boundary

**Existing Zoning Districts With Zoning Map Updates**

- BPRD - Business Park Research and Development
- C2 - General Commercial
- I - Institutional
- MXD - Mixed Use District
- POS - Park and Public Open Space
- R1-3 - Single-Family 3,000 Square-foot Lot Area
- R3 - Multiple-Family District

**Proposed Zoning Districts Implementing The Metro Specific Plan**

- BPRD-Metro - Metro Business Park Research and Development
- BPRD-R-Metro - Metro Business Park Research and Development, Limited Residential
- I - Institutional
- MXD2-Metro - Metro High Density Mixed Use
- MXD3-Metro - Metro Very High Density Mixed Use
- POS - Park and Public Open Space
- R3-Metro - Metro Multi-Family High Density Residential
- R4-Metro - Metro Multi-Family Very High Density Residential
- R5-Metro - Metro Urban Residential

Source: City of Milpitas, updated 12/2023.

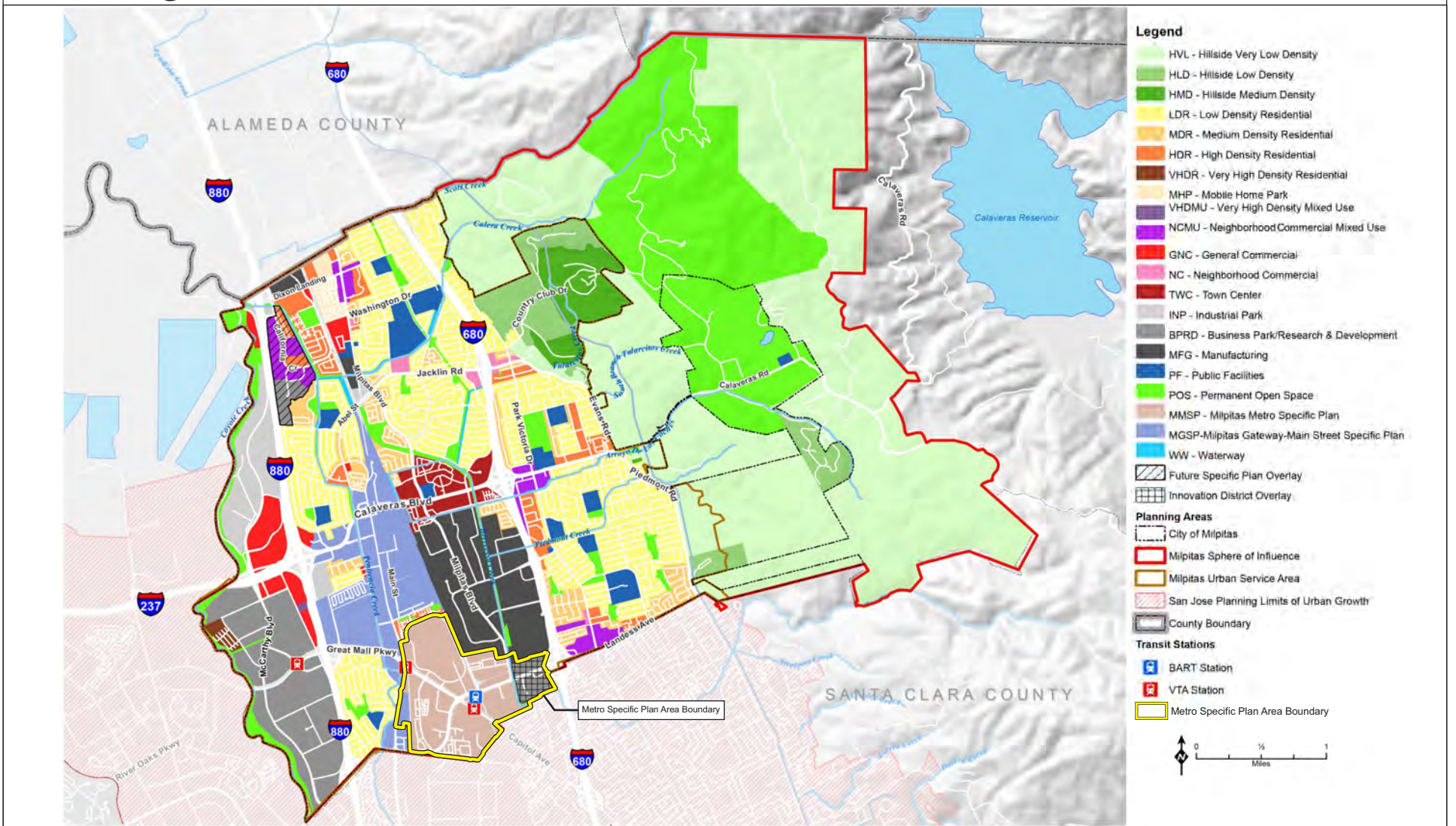


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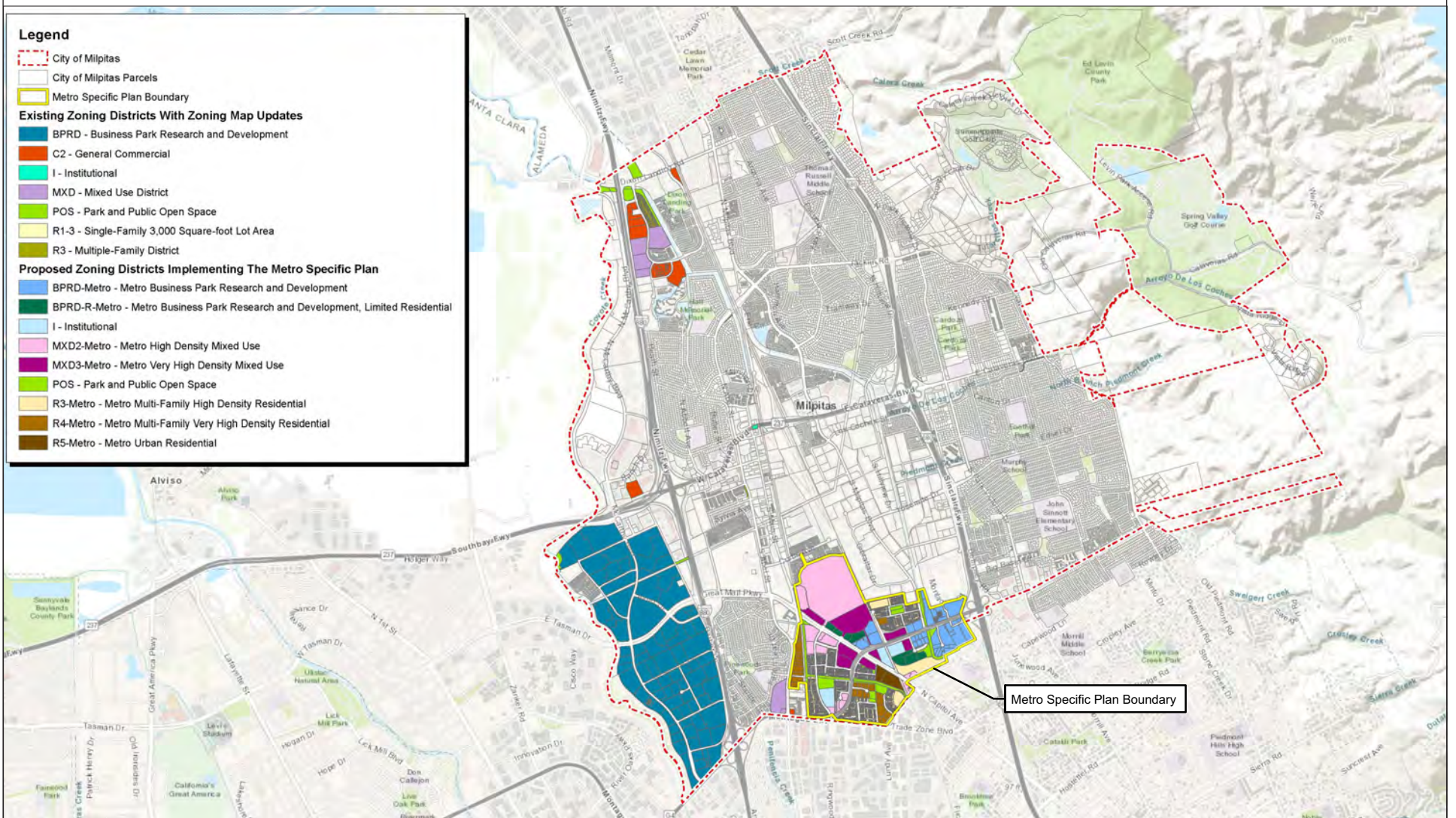
Exhibit 5d  
Proposed Zoning Map - Detailed Map

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# Existing General Plan Land Use

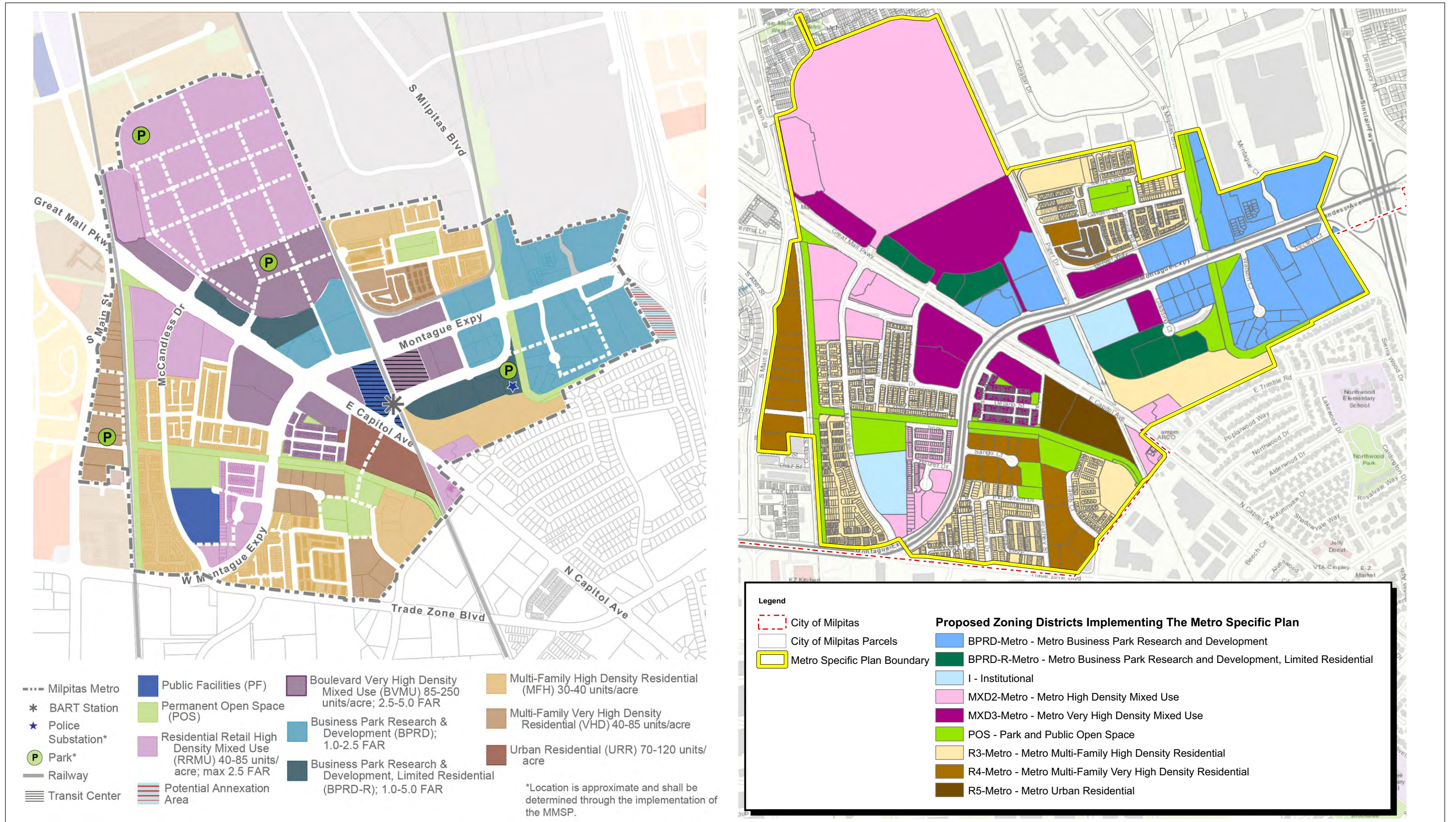


# Proposed Zoning



Source: City of Milpitas, updated 12/2023.

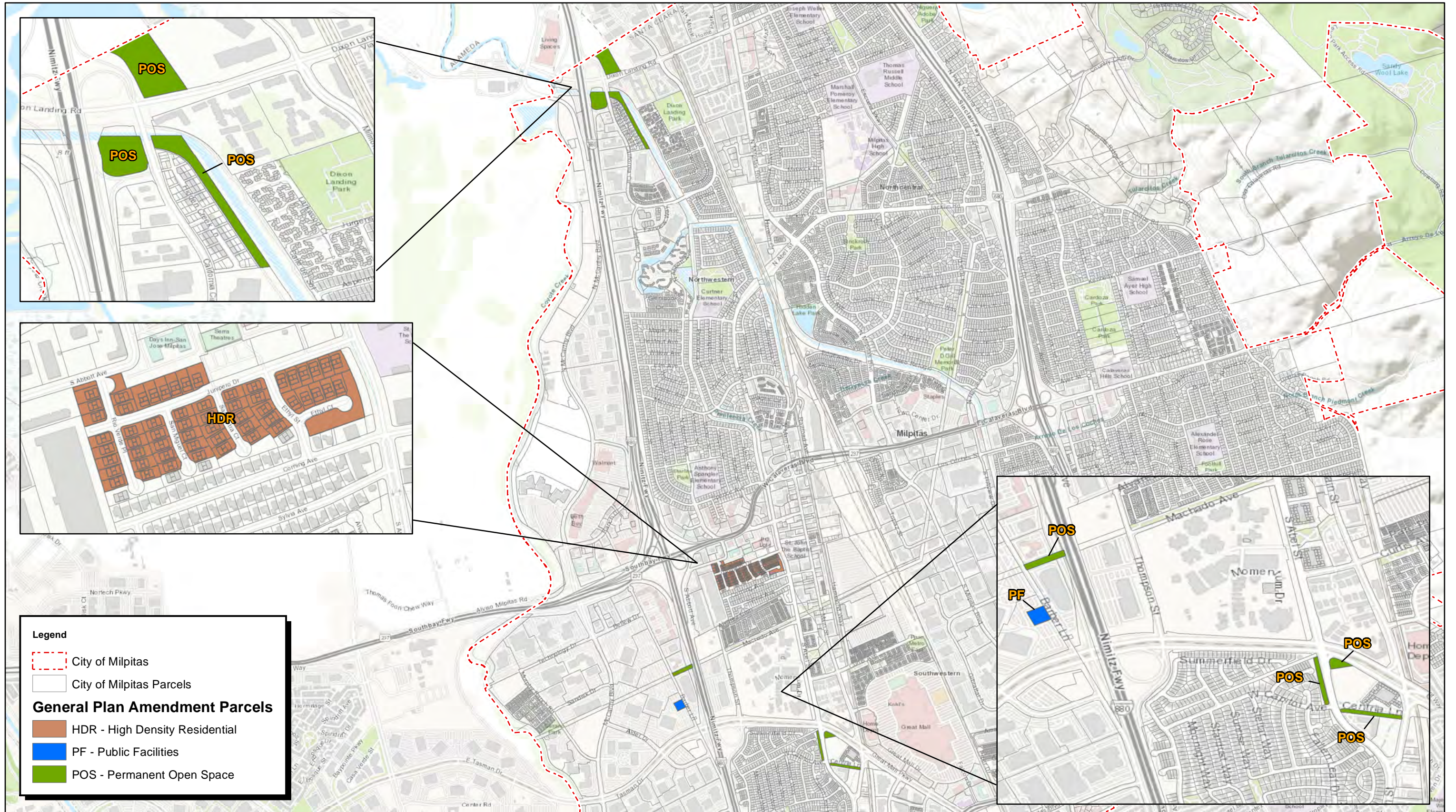
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Source: City of Milpitas.

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Source: City of Milpitas, updated 12/2023.



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Exhibit 7  
General Plan Amendment Parcels

CITY OF MILPITAS  
ZONING DISTRICTS, AND ZONING MAP, AND GENERAL PLAN AMENDMENT PROJECT  
ADDENDUM TO THE CITY OF MILPITAS GENERAL PLAN UPDATE FEIR  
AND THE CITY OF MILPITAS METRO SPECIFIC PLAN SUBSEQUENT FEIR

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## SECTION 3: CEQA CHECKLIST

The purpose of the checklist is to evaluate the categories in terms of any changed condition (e.g., changed circumstances, project changes, or new information of substantial importance) that may result in a changed environmental result (e.g., a new significant impact or substantial increase in the severity of a previously identified significant effect) (CEQA Guidelines § 15162).

The questions posed in the checklist come from Appendix G of the CEQA Guidelines. A “no” answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no change in the condition or status of the impact since it was analyzed and addressed with mitigation measures in the Final EIR. These environmental categories might be answered with a “no” in the checklist, since the proposed project does not introduce changes that would result in a modification to the conclusion of the previously approved CEQA document.

This Addendum addresses the conclusions of the General Plan FEIR and the Metro Specific Plan SFEIR to establish planning document consistency and evaluate minor technical General Plan Amendments.

### 3.1 - Explanation of Checklist Evaluation Categories

#### (1) Conclusion in General Plan FEIR and Metro Specific Plan SFEIR and Related Documents

This column summarizes the conclusion of the previous certified EIRs relative to the environmental issue listed under each topic.

#### (2) Do the Proposed Changes Involve New Impacts?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(1), this column indicates whether the changes represented by the proposed project will result in new significant environmental impacts not previously identified or mitigated by the previous certified EIRs or whether the changes will result in a substantial increase in the severity of a previously identified significant impact.

#### (3) New Circumstances Involving New Impacts?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(2), this column indicates whether there have been substantial changes with respect to the circumstances under which the proposed project is undertaken that will require major revisions to the previous certified EIRs due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

#### (4) New Information Requiring New Analysis or Verification?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3)(A-D), this column indicates whether 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 certified EIRs was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous certified EIRs or negative declaration;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous certified EIRs;
- (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 certified EIRs would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the additional analysis completed as part of this environmental review were to find that the conclusions of the previous certified EIRs remain the same and no new significant impacts are identified, or identified impacts are not found to be substantially more severe, or additional mitigation is not necessary, then the question would be answered “no” and no additional environmental document would be required.

## (5) Mitigation Measures Implemented or Address Impacts

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3), this column indicates whether the previous certified EIRs provide mitigation measures to address effects in the related impact category. Any previously adopted mitigation measures will be identified. The response will also address proposed revisions to previously adopted mitigation measures. These mitigation measures will be implemented with the construction of the project, as applicable. If “NA” is indicated, the previous certified EIRs have concluded that the impact either does not occur with this project or is not significant, and therefore no additional mitigation measures are needed.

## 3.2 - Discussion and Mitigation Sections

The following sections include three components for each environmental checklist question: discussion of each checklist question and any potential impacts to the environment, any mitigation measures required, and a conclusion of the analysis. Each component is further described below:

### (1) Discussion

A discussion of the elements of the checklist is provided under each environmental category in order to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented.

## (2) Mitigation Measures

Applicable mitigation measures from the previous certified EIRs that apply to the proposed project are listed under each environmental category.

## (3) Conclusions

A discussion of the conclusion relating to the analysis is contained in each section.

### 3.3 - Environmental Topics

The following topics are evaluated in accordance with current CEQA Guidelines and requirements:

- Aesthetics, Light, and Glare
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| <b>I. Aesthetics, Light, and Glare</b><br><i>Except as provided in Public Resources Code Section 21099, would the project:</i>  |                                 |   |   |   |   |                                       |   |
| a) Have a substantial adverse effect on a scenic vista?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |

## Discussion

### a. Have a substantial adverse effect on a scenic vista?

#### Summary of General Plan FEIR

The General Plan FEIR indicated that there are no officially designated scenic vistas in the Planning Area. Significant visual resources in the Planning Area include Mission Hills and Monument Peak; Mount Diablo, though outside the Planning Area is considered a significant visual feature visible from the city limits.

The majority of areas within the City that are designated for urban land uses are already developed. Additionally, the General Plan does not propose to convert any open space lands to urban uses. However, implementation of the General Plan could lead to new and expanded urban development in the City, which could result in interference with views of visual features surrounding the City. Development could also occur along highway corridors with high scenic values; however, the General Plan is developed to minimize interruption of views of nearby visual features by ensuring that new development is primarily an extension of the existing urban landscape.

The General Plan FEIR concluded that the implementation of the policies and actions contained in the General Plan would ensure that new urban residential and nonresidential development in the City is located in and around existing urbanized areas and developed to be visually compatible with open space resources. Therefore, the General Plan FEIR concluded that implementation of the General Plan would result in a less than significant impact regarding scenic vistas.

#### Summary of Metro Specific Plan SFEIR

There are no officially designated scenic vistas within the Metro Specific Plan Area. The Metro Specific Plan SFEIR concluded that the policy updates made to the TASP as part of the Metro Specific Plan would require compliance with the General Plan and the Metro Plan; furthermore, through compliance with these existing regulations, the changes made to the TASP policies by the Metro Specific Plan would not substantially change the overall impacts on aesthetics.

In addition, it was determined that the majority of projects that would be developed as a part of the Metro Specific Plan would not result in aesthetic impacts pursuant to Public Resources Code Section 21099, which states that visual resource impacts of residential, mixed-use residential, or employment center projects on an infill site within a Transit Priority Area shall not be considered significant impacts on the environment.

Therefore, the Metro Specific Plan SFEIR concluded that impacts related to aesthetics would be less than significant.

#### Proposed Project Analysis and Conclusions

There are no officially designated scenic vistas within the Metro Specific Plan Area or the General Plan Planning Area. As described in Section 2, Project Description, buildout of the proposed project would result in a similar intensity of development as that anticipated in the General Plan and Metro Specific Plan.

Furthermore, the proposed project does not include any specific development proposals at this time. Future development and associated land use activities would be subject to the General Plan policies and Metro Specific Plan policies, as applicable, including provisions associated with the protection of visual resources and visual compatibility with open space resources.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts related to scenic vistas or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway?**

### **Summary of General Plan FEIR**

The General Plan FEIR indicated that no designated State Scenic Highway is located within the Planning Area, and no scenic highways provide views of the Planning Area. Therefore, the General Plan FEIR concluded that impacts associated with General Plan implementation would be less than significant with respect to scenic resources.

### **Summary of Metro Specific Plan SFEIR**

There are no designated State Scenic Highways within the Metro Specific Plan Area, and no scenic highways provide views of the Planning Area. Refer to summary provided in Impact I(a).

### **Proposed Project Analysis and Conclusions**

There are no officially designated State Scenic Highways within the Metro Specific Plan Area or the General Plan Planning Area. A portion of I-680 in the northern portion of the City is listed as eligible for designation as a State Scenic Highway. However, there are no changes being proposed in the immediate vicinity of this portion of I-680. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

### **Summary of General Plan FEIR**

The General Plan FEIR found that the Planning Area is considered an urbanized area. Zoning and other regulations governing scenic quality in the City include the Design Guidelines and Plan Review Checklist, the City of Milpitas Master Streetscape Plan, and voter-approved Measures I, J, and K (summarized on page LU-2 of the General Plan Land Use Element. The General Plan FEIR also noted that the policies and actions included in the General Plan are intended to complement and further the intent of these provisions regulating scenic quality and resources, and any development



occurring under the General Plan would be subject to compliance with these guidelines, as well as applicable regulations set forth in the City of Milpitas Municipal Code (Municipal Code).

The General Plan FEIR concluded that, with compliance with applicable regulations, implementation of the General Plan would result in a less than significant impact related to consistency with regulations governing scenic quality.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan Area is in an urbanized area. Refer to summary provided in Impact I(a).

### **Proposed Project Analysis and Conclusions**

As described in Section 2, Project Description, buildout of the proposed project would result in a similar intensity of development as that anticipated in the General Plan and Metro Specific Plan.

Additionally, the proposed project includes updating the Zoning Ordinance to further protect visual character of the environment by specifying height restrictions, design standards, and FAR regulations for various new zoning districts. Future development associated with implementation of the proposed project would undergo discretionary review to ensure that such development matches the surrounding visual character and complies with development standards in the General Plan, Metro Specific Plan, and Zoning Ordinance. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

### **Summary of General Plan FEIR**

The General Plan FEIR found that implementation of the General Plan would introduce new sources of daytime glare into previously developed areas and increase the amount of daytime glare in existing urbanized areas. Additionally, exterior lighting around commercial and industrial areas may be present throughout the night, and nighttime lighting would be most severe in areas that do not currently experience high levels of nighttime lighting. The General Plan FEIR also indicated that future development would be required to be consistent with the General Plan, as well as lighting and design requirements in the Municipal Code. Therefore, the General Plan FEIR concluded that, with the implementation of applicable General Plan policies and actions and the Municipal Code during the design review process, impacts related to daytime glare and nighttime lighting would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

Refer to summary provided in Impact I(a).

## Proposed Project Analysis and Conclusions

As described in Section 2, Project Description, buildout of the proposed project would result in a similar intensity of development as that anticipated in the General Plan and Metro Specific Plan.

As such, the proposed project would likely introduce a similar amount of light and glare to the Metro Specific Plan Area and the Planning Area.

While the proposed project does not include any specific development proposals at this time, future individual development projects would likely introduce new sources of daytime glare into previously undeveloped areas and increase the amount of daytime glare in existing urbanized areas. As already noted, future development associated with the implementation of the proposed project would be required to be consistent with the policies contained in the General Plan, Metro Specific Plan, and Municipal Code, as applicable and would be subject to regulatory process and environmental review. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## Mitigation Measures

### General Plan FEIR Mitigation Measures

None.

### Metro Specific Plan SFEIR Mitigation Measures

None.

### Mitigation Measures for the Proposed Project

None required.

## Conclusion

With regard to Aesthetics, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area   | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Substantial Changes in Project Involving New or More Severe Impacts? | Substantial Changes in Circumstances Involving New or More Severe Impacts? | New Information of Substantial Importance Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|--|---------------------------------|---|--|--|---|---------------------------------------|---|
| <p><b>II. Agriculture and Forestry Resources</b></p> <p><i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i></p> |                                 |   |  |  |   |                                       |   |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?  | Less than significant impact    | No impact                               | No   | No   | No  | None                                  | None  |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?   | Less than significant impact    | No impact                               | No   | No   | No  | None                                  | None  |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or  | No impact                       | No impact                               | No   | No   | No  | None                                  | None  |

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Substantial Changes in Project Involving New or More Severe Impacts? | Substantial Changes in Circumstances Involving New or More Severe Impacts? | New Information of Substantial Importance Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|--|--|---|---------------------------------------|---|
| timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?  |                                 |   |  |  |   |                                       |   |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?  | No impact                       | No impact                               | No   | No   | No  | None                                  | None  |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use? | Less than significant impact    | No impact                               | No   | No   | No  | None                                  | None  |

## Discussion

**a-e) Conversion of Important Farmland to Nonagricultural Use, Conflict with Existing Zoning for Agricultural Use or Williamson Act Contracts, Conflict with Existing Forest Land Zoning, Conversion of Forest Land to Non-Forest Use, and Other Changes to Convert Farmland to Nonagricultural Use or Forest Land to Non-Forest Use**

**Would the project:**

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?**
- b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?**

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**
- d) **Result in the loss of forest land or conversion of forest land to non-forest use?**
- e) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use?**

### **Summary of General Plan FEIR**

The General Plan FEIR indicated that there are no parcels within the City that have a land use designation for agricultural use or forest land, contain agriculture or forestry uses, have a Williamson Act Contract, or are on lands identified by the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP).

The majority of the areas within the City are designated for urban land uses and are already developed. While there are three parcels throughout the Planning Area that are zoned for agricultural use, none of these parcels are in active agricultural production. Furthermore, parcels within the Zoning District Agricultural District (A) are not intended to be used exclusively for agricultural uses in perpetuity. Table 1: General Plan Designations and Implementing Zoning Districts in the General Plan Land Use Element notes that the A zoning district is consistent with all land use designations; therefore, a zoning change from A to any other zoning district can be made in general accord with the General Plan.

Therefore, the General Plan FEIR concluded that implementation of the General Plan would result in a less than significant impact on Agricultural and Forestry Resources.

### **Summary of the Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR states that there are no areas with a land use or zoning designation for agricultural or forestry resources in the Metro Specific Plan Area, nor are there any lands currently being used for agriculture or forestry in the Metro Specific Plan Area. As such, the Metro Specific Plan SFEIR concluded that there would be no impacts related to agriculture and forestry.

### **Proposed Project Analysis and Conclusions**

As part of the proposed project, Assessor's Parcel Number (APN) 2201021, totaling approximately 4.09 acres, would undergo both a General Plan Amendment to change the land use designation from MFG to POS and change the zoning designation from A to POS. These changes would ensure consistency with the parcel's existing land uses. Additionally, there are no lands within the General Plan Planning Area or the Metro Specific Plan Area currently being used for agriculture or forestry. Therefore, implementation of the proposed project would not introduce new significant environmental impacts related to agriculture and forestry or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## Mitigation Measures

### General Plan FEIR Mitigation Measures

None.

### Metro Specific Plan SFEIR Mitigation Measures

None.

### Mitigation Measures for the Proposed Project

None required.

## Conclusion

With regard to Agricultural and Forestry Resources, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures                              |
|---|---------------------------------|---|---|---|---|---------------------------------------|--|
| <b>III. Air Quality</b>   |                                 |   |   |   |   |                                       |  |
| <i>Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:</i> |                                 |   |   |   |   |                                       |  |
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None   |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?                              | Less than significant impact    | Significant and unavoidable impact      | No  | No  | No  | None                                  | MM AQ-1, MM AQ-2, MM AQ-3, MM AQ-4, MM AQ-5, MM AQ-6, MM AQ-7, and MM AQ-8 |
| c) Expose sensitive receptors to substantial pollutant concentrations?  | Less than significant impact    | Significant and unavoidable impact      | No  | No  | No  | None                                  | MM AQ-9  |
| d) Result in other emissions (such as those leading to odors or) adversely affecting a substantial number of people?  | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None   |

## Discussion

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

#### Summary of General Plan FEIR

The General Plan FEIR determined that the General Plan includes various policies and actions aimed at improving air quality by promoting compact urban development form, emphasizing infill development, and ensuring that land use patterns do not expose sensitive receptors<sup>2</sup> to pollutant concentrations. The General Plan would also reduce Vehicle Miles Traveled (VMT) per service population at buildout using complete streets and multimodal transportation systems. The General Plan FEIR determined that the implementation of the General Plan would be consistent with the Bay Area Air Quality Management District's (BAAQMD) 2017 Clean Air Plan through policies reducing greenhouse gas emissions, criteria pollutant emissions, odors, health risks, and other emissions. The General Plan would also be consistent with the goals of the BAAQMD by reducing emissions of criteria pollutants associated with VMT. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

#### Summary of Metro Specific Plan SFEIR

The Metro Specific Plan includes various policies and improvements that support regional attainment of the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). These policies include recommended sustainability measures, such as green building and Leadership in Energy and Environmental Design (LEED) certification, reduction in GHG emissions, and coordination at local and regional levels to improve air quality. The Metro Specific Plan also promotes alternative modes of transportation, alternative transportation development, and VMT reductions. Additionally, the Metro Specific Plan SFEIR identified policies that aim to protect public health and reduce GHG emissions, such as policies that require new development near toxic air contaminant (TAC) sources be designed to minimize any potential health risks to adjacent receptors. The Metro Specific Plan SFEIR also identified control measures within the 2017 Clean Air Plan aimed at reducing air pollution related to transportation, energy, building, waste management, water, and stationary source control measures. The Metro Specific Plan SFEIR further determined that the Metro Specific Plan would not cause the disruption, delay, or otherwise hinder implementation of any applicable control measure from the 2017 Clean Air Plan. Therefore, the Metro Specific Plan SFEIR concluded that the Metro Specific Plan would have less than significant impacts related to conflicts with a clean air plan.

#### Proposed Project Analysis and Conclusions

The proposed project would update the Zoning Ordinance and Zoning Map, as well as make minor technical amendments to the General Plan Land Use Element and General Plan Land Use Map, to create conformity between the General Plan, the Metro Specific Plan, and the Zoning Ordinance. As

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<sup>2</sup> Air pollution does not affect every individual in the population in the same way, and some groups are more sensitive to adverse health effects than others. Residences, schools, day care centers, hospitals, nursing and convalescent homes, and parks are often identified as "sensitive receptors" since their occupants are sensitive to poor air quality. The groups identified with these land uses may have increased susceptibility to respiratory distress or, as in the case of residential receptors, their exposure time is greater than that for other land uses. BAAQMD defines sensitive receptors as children, adults, and seniors occupying or residing in residential dwellings, schools, day care centers, hospitals, and senior-care facilities.



explained under Section 2.3, Project Characteristics, buildout of the proposed project would result in relatively similar land use densities and intensities as was previously evaluated under the approved General Plan FEIR and Metro Specific Plan SFEIR. Therefore, air quality impacts associated with the proposed project would be consistent with those identified in the General Plan FEIR and Metro Specific Plan SFEIR analyses, including the conclusions that both the General Plan and Metro Specific Plan are consistent with the BAAQMD's 2017 Clean Air Plan and would have a less than significant impact, as future individual development projects under the proposed project would be required to comply with policies and measures contained in both the General Plan and Metro Specific Plan. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

- b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?**

### **Summary of General Plan FEIR**

Refer to summary provided in Impact III(a).

### **Summary of Metro Specific Plan SFEIR**

#### ***Construction***

The Metro Specific Plan SFEIR found that construction under the Metro Specific Plan would result in temporary generation of ozone precursors (reactive organic gases [ROG], nitrogen oxides [NO<sub>x</sub>]), carbon monoxide (CO), and particulate matter emissions, which could result in short-term impacts on ambient air quality within the Metro Specific Plan Area from construction equipment exhaust, haul trucks, demolition, etc. The construction emission impacts associated with future individual development projects would be short-term in nature and limited to the period of time when construction activity is taking place for the particular development, but concurrent construction of multiple projects would generate combined criteria pollutant emissions that could exceed BAAQMD's project-level thresholds, resulting in a potentially significant impact. Per MM AQ-1 through MM AQ-4, the use of at least Tier 4 engines and renewable diesel for off-road equipment newer trucks to reduce NO<sub>x</sub> and particulate matter exhaust emission levels, and use of low-volatile organic compounds (VOC) paints to reduce ROG emission levels would be required during construction activities. Additionally, the Metro Specific Plan SFEIR would implement MM AQ-5, which requires construction projects to implement Best Management Practices (BMPs) to reduce fugitive dust emissions. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to fugitive particulate matter less than 10 micrometers in diameter (PM<sub>10</sub>) and particulate matter less than 2.5 micrometers in diameter (PM<sub>2.5</sub>) emissions would be less than significant.

However, there could be conditions under the Metro Specific Plan where the amount of construction activity for an individual development project or a combination of projects could result in the generation of ROG, NO<sub>x</sub>, and particulate matter emissions that exceed the BAAQMD significant thresholds. Therefore, MM AQ-6, which requires applicants to assess, determine, and mitigate total emissions from proposed construction activities, would reduce impacts related to exceeding BAAQMD's daily pollutant thresholds. However, the Metro Specific Plan SFEIR concluded that

construction air quality impacts would be significant and unavoidable because it is possible that mitigation for future project health risks may be inadequate to reduce impacts below BAAQMD's threshold level.

### **Operation**

The Metro Specific Plan SFEIR determined that the Metro Specific Plan's operational emissions would potentially exceed BAAQMD's regional significance thresholds for ROG, NO<sub>x</sub>, and CO. However, implementation of MM AQ-7 and MM AQ-8 would help ensure that individual development projects within the City would not contribute a significant level of air pollution such that regional air quality within the San Francisco Bay Area Air Basin (SFBAAB) would be degraded. However, because cumulative development would potentially exceed the regional significance thresholds, the Metro Specific Plan SFEIR concluded that health impacts related to regional criteria pollutants would be significant and unavoidable.

### **Criteria Pollutants**

The Metro Specific Plan SFEIR determined that the implementation of the Metro Specific Plan would have a significant and unavoidable impact with regard to exposing sensitive receptors to particulate matter pollution during construction and operation. The Metro Specific Plan SFEIR further identified that construction emissions resulting from future individual development projects could exceed BAAQMD's regional ROG, NO<sub>x</sub>, and particulate matter thresholds. MM AQ-1 through MM AQ-6 would reduce regional emissions below BAAQMD's regional thresholds, and MM AQ-7 and MM AQ-8 would reduce regional emissions of ROG, NO<sub>x</sub>, and particulate matter operational emissions to below the BAAQMD's regional thresholds. However, the Metro Specific Plan SFEIR determined that health impacts related to regional criteria pollutants would be significant and unavoidable because offset programs under MM AQ-6 and MM AQ-8 may not be available at the time of future development. Additionally, the Metro Specific Plan SFEIR determined that CO emitted by traffic would exceed BAAQMD screening criteria. However, according to the Metro Specific Plan SFEIR, maximum traffic volumes would be less than the BAAQMD's recommended screening criterion of 44,000 vehicles per hour or 24,000 vehicles per hour for areas where vertical and/or horizontal mixing is substantially limited. Therefore, the Metro Specific Plan SFEIR concluded that the Metro Specific Plan would be consistent with the City/County Association of Government's Congestion Management Plan and would have less than significant impacts related to concentrations of CO.

### **Proposed Project Analysis and Conclusions**

Consistent with the General Plan FEIR, future individual development projects resulting from buildout of the proposed project would be evaluated under the policies and programs contained in the General Plan. The overall buildout numbers from the proposed project would be similar to those contained in the General Plan, resulting in similar operational emissions. As such, the traffic volumes would continue to meet the BAAQMD screening criteria for CO concentrations.

The proposed project would be required to implement Metro Specific Plan SFEIR mitigation measures, SFEIR MM AQ-1 through AQ-4, which require the use of at least Tier 4 engines and renewable diesel for off-road equipment, newer trucks to reduce NO<sub>x</sub> and particulate matter exhaust emission levels, and use of low-VOC paints to reduce ROG emission levels would be required during

construction activities in areas within the Metro Specific Plan; and Metro Specific Plan SFEIR MM AQ-5, which requires construction projects within the Metro Plan Area to implement BMPs (as recommended by BAAQMD) to reduce these fugitive dust emissions. These MMs would reduce fugitive PM<sub>10</sub> and PM<sub>2.5</sub> emissions from the proposed project in areas within the Metro Specific Plan to less than significant levels. In addition, the proposed project would also be required to implement Metro Specific Plan SFEIR MM AQ-6 for project areas under the Metro Specific Plan, requiring applicants for individual development to assess and determine the estimated total emissions from proposed construction activities (subject to City review and approval), and coordinate with BAAQMD or a third-party or governmental entity to determine the mitigation fees for each development project's applicant to pay on a pro rata basis to BAAQMD or a third-party or governmental entity to offset their pollutant emissions as necessary, such that BAAQMD's daily pollutant thresholds would not be exceeded.

During operations, activities within the Metro Specific Plan would also be required to implement Metro Specific Plan SFEIR MM AQ-7 to reduce operational area source emissions to the extent feasible, and Metro Specific Plan MM AQ-8 to offset operational criteria pollutant emissions through the purchase of mitigation credits.

As discussed above, the Metro Specific Plan SFEIR concluded that, even with implementation of MM AQ-1 through AQ-8, offset of cumulative impacts to criteria pollutants could not be guaranteed to reduce impact levels below the BAAQMD's significance threshold. Since the proposed project would implement similar land use densities and intensities as the existing Metro Specific Plan, the proposed project in areas under the Metro Specific Plan would be consistent with the analysis within the Metro Specific Plan SFEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

**c. Expose sensitive receptors to substantial pollutant concentrations?**

**Summary of General Plan FEIR**

The General Plan FEIR determined that the implementation of the General Plan would have the potential to introduce new sources of TAC and PM<sub>2.5</sub> emissions within the City as well as siting new sensitive receptors in close proximity to existing sources of air pollutants. However, the General Plan FEIR identified various policies and actions within the General Plan intended to minimize exposure of TACs to sensitive receptors within the City. 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. Additionally, Policy CON 7-3 requires projects that generate high levels of pollutants to incorporate air quality mitigations into design, and Action CO-7c requires site-specific air quality Health Risk Assessments (HRAs) for developments that would place sensitive receptors within a specific distance from sources of TAC emissions. Furthermore, the General Plan FEIR found that all new sources of TAC emissions within the City would be required to obtain an Air Permit from BAAQMD, including the analysis of TAC or PM<sub>2.5</sub> emissions generated and potential health impacts to the nearest sensitive receptor. Therefore, the General Plan FEIR determined that the General Plan

would minimize exposure to TACs and PM<sub>2.5</sub> concentrations within the City. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

## Summary of Metro Specific Plan SFEIR

### ***Toxic Air Contaminants***

The Metro Specific Plan SFEIR determined that additional emissions generated by new stationary sources, vehicle trips, and construction activity could expose receptors to cancer and non-cancer risks in excess of BAAQMD significance thresholds during construction and operation. Furthermore, the Metro Specific Plan includes industrial development within 1,000 feet of existing sensitive receptors. Therefore, MM AQ-9 requires applicants to provide a project-level evaluation of construction- and operational-related health risks from future individual development projects. However, the Metro Specific Plan SFEIR concluded that impacts would be significant and unavoidable because it is possible that mitigation for future project health risks may be inadequate to reduce impacts below BAAQMD's threshold level.

## Proposed Project Analysis and Conclusions

As discussed above, buildout of the proposed project would result in similar land use densities and intensities as those analyzed under the General Plan FEIR and the Metro Specific Plan SFEIR. The proposed project would not propose any significant land use modifications that could result in a substantial increase in air pollutant emissions. Furthermore, future individual development projects would be required to comply with applicable General Plan policies and measures described above, as well as applicable BAAQMD rules and regulations, designed to minimize the potential exposure of sensitive receptors to substantial concentrations of TACs and PM<sub>2.5</sub> within the City. Within the Metro Specific Plan Area, future individual development projects would be required to implement Metro Specific Plan SFEIR MM AQ-9, which requires individual projects within 1,000 feet of a sensitive receptor to provide a project-level evaluation of construction- and operational-related health risks. Furthermore, SFEIR MM AQ-1, which requires the use of at least Tier 4 engines and renewable diesel for off-road equipment, would also reduce TACs during construction. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

## Summary of General Plan FEIR

The General Plan FEIR determined that potential odor sources within the City are the Newby Island Landfill and Composting operation, the Santa Clara/San Jose Wastewater Facility, which is also known as the Water Pollution Control Plant (WPCP), the Zanker Landfill and Composting Facility, and the Zanker Organic Digester Facility. The General Plan FEIR found that the General Plan does not include land uses within the vicinity of these or any other potential sources of objectional odors. Future individual development projects with the potential to generate significant objectional odors would be required to undergo CEQA review, as applicable, and the implementation of the General

Plan policies would further minimize the potential for other emissions to adversely affect a substantial number of people. Therefore, the General Plan FEIR concluded that impacts related to odors would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that the implementation of the Metro Specific Plan would have a less than significant impact related to odors. While odors from heavy-duty equipment and paving equipment could result during construction, these odors would be identical to those generated by construction activities in the previously adopted and previously analyzed TASP. Therefore, the Metro Specific Plan SFEIR concluded that construction-related odor impacts would be less than significant. During operation, diesel exhaust from landscaping equipment and trash pickup could create unpleasant exhaust odors. However, the Metro Specific Plan SFEIR determined that these impacts would be temporary and localized. Therefore, the Metro Specific Plan SFEIR concluded that operation-related odor impacts would be less than significant.

### **Proposed Project Analysis and Conclusions**

Implementation of the proposed project would result in similar land use patterns as well as land use densities and intensities to those identified and analyzed under the General Plan FEIR and Metro Specific Plan SFEIR. Furthermore, the proposed project would not place sensitive land uses near odor sources beyond what was analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## **Mitigation Measures**

### **General Plan FEIR Mitigation Measures**

None.

### **Metro Specific Plan SFEIR Mitigation Measures**

#### **MM AQ-1      Require at Least Tier 4 Final Engines on Construction Equipment**

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

**MM AQ-2      Require Use of Diesel Trucks with 2010-Compliant Model Year Engines**

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

**MM AQ-3      Require Construction Fleet to Use Renewable Diesel**

All applicants proposing development of projects within the Metro Plan Area shall require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 hp and operating for more than 20 total hours over the entire duration of construction activities shall operate on renewable diesel (such as high performance renewable diesel).

**MM AQ-4      Require Low-VOC Coatings During Construction**

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

**MM AQ-5      Require Fugitive Dust Best Management Practices**

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

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site will be covered.
- All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads, driveways, or driving surfaces shall be limited to 15 miles per hour (mph).

- All roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used.
- A publicly visible sign will be posted with the telephone number and the name of the person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The phone number of the BAAQMD will also be visible to ensure compliance.

**MM AQ-6 Purchase Mitigation Credits for Construction Emissions Exceeding BAAQMD’s Daily Pollutant Thresholds**

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

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

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

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

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

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

**MM AQ-7      Restrict Use of Natural Gas in New Development**

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

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

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

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

Project applicants not excluded by the condition above shall estimate annual average operational emissions for each operational year over the life of the project



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

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

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

#### **MM AQ-9 Prepare a Health Risk Assessment**

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

## Mitigation Measures for the Proposed Project

Implement MM AQ-1, MM AQ-2, MM AQ-3, MM AQ-4, MM AQ-5, MM AQ-6, MM AQ-7, MM AQ-8, and MM AQ-9.

## Conclusion

With regard to Air Quality, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No new mitigation measures or alternatives previously found not to be feasible, would in fact be feasible and would reduce one or more significant effects of the project. No new mitigation measures or alternatives which are considerably different from those analyzed in the previously certified EIRs would substantially reduce significant impacts. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| <b>IV. Biological Resources</b>   |                                 |   |   |   |   |                                       |   |
| <i>Would the project:</i>   |                                 |   |   |   |   |                                       |   |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service? | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| c) Have a substantial adverse effect on State or federally  | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   |                                 |   |   |   |   |                                       |   |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites? | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other  | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |

| Environmental Issue Area                                      | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| approved local, regional, or State Habitat Conservation Plan? |                                 |   |   |   |   |                                       |   |

## Discussion

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

### Summary of General Plan FEIR

The General Plan FEIR concluded that development associated with the implementation of the General Plan could result in the direct loss of habitat areas associated with special-status plant and animal species. Additionally, indirect impacts to special-status plant and animal species could occur, including habitat degradation, due to impacts to water quality, increased human presence, and loss of foraging habitat. However, special-status plant and animal species receive protection from various federal and State laws and regulations, including the Endangered Species Act and the California Endangered Species Act (CESA). These regulations generally prohibit the removal of a species or direct impact to foraging and breeding habitats without a special permit. Additionally, the General Plan FEIR indicated that the General Plan includes various policies and actions intended to reduce or avoid impacts to special-status plant and animal species, such as General Plan Policies CON 2-1, CON 2-3, CON 3-1, CON 3-2, CON 3-4, CON 3-5, and CON 3-7, which require the conservation and/or replacement of trees, preservation of riparian corridors, and development of an urban forest along major corridors. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

### Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR concluded that future development projects would be required to comply with the General Plan and the Metro Specific Plan. Furthermore, the Metro Specific Plan SFEIR determined that the Metro Specific Plan could impact biological resources, such as burrowing owls, special-status raptor and bird species, significant trees, wetland, creeks, drainages, and riparian habitats. However, with the implementation of policies within the General Plan and the Metro Specific Plan, the Metro Specific Plan SFEIR concluded that impacts related to biological resources would be less than significant.

## Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development and would result in similar land use patterns, densities, and intensities to those already evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR, thereby precluding the potential for new impacts associated with biological resources beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Future development and land use activities resulting from the proposed project would be subject to federal and State regulations, including the Endangered Species Act and CESA, as well as General Plan goals, policies, and actions that would reduce impacts related to special-status plant and animal species.

Future development projects would also be evaluated for conformance with the General Plan, Metro Specific Plan, Municipal Code, and other regulations, as applicable. Applicable policies may include, but are not limited to, General Plan Policies CON 2-1, CON 2-3, CON 3-1, CON 3-2, CON 3-4, CON 3-5, and CON 3-7, which require the conservation and/or replacement of trees, preservation of riparian corridors, and development of an urban forest along major corridors. The General Plan also includes Action CON-2a, 2b, 2f, 3a through 3c, 3f, 3g, 3j, and 3l, which involve coordination with the California Department of Fish and Wildlife (CDFW), Santa Clara County, the Santa Clara Valley Water District, and local water district groups; and require compliance with the Santa Clara Valley Habitat Plan. Additionally, applicable Metro Specific Plan policies may include Policy SC 9.1, which protects bird habitat, Policy SC 8.1, which requires review and permitting for construction over the Santa Clara Valley Water District fee or easement lands, Policy SC 8.2, which requires new development adjacent to creeks to comply with standards for land uses near streams, and Policy SC 8.3, which requires minimum setbacks adjacent to creeks and drainage channels.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

## Summary of General Plan FEIR

The General Plan FEIR concluded that development associated with the implementation of the General Plan could change the physical environment, thereby adversely affecting riparian habitat or sensitive natural communities. A California Natural Diversity Database (CNDDDB) search revealed three sensitive natural communities within the 12-quad region of the Planning Area, including the aquatic communities of the Northern Coastal Salt Marsh and the Sycamore Alluvial Woodland, as well as the terrestrial community of Serpentine Bunchgrass grassland. Additionally, the General Plan FEIR identified numerous aquatic habitats that qualify as sensitive habitat within the City. Therefore, implementation of individual projects would require site-specific review of the project 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. Furthermore,

development projects would be required to comply with the General Plan’s policies intended to protect sensitive natural communities, such as General Plan Policies CON-3.1 through CON-3.6, which require the preservation and enhancement of biological communities and riparian habitat and limit the disturbance of natural water bodies and drainage systems in the City. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

Refer to summary provided in Impact IV(a).

### **Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development and would result in similar land use patterns, densities, and intensities to those already evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR, thereby precluding the potential for new impacts associated with sensitive natural communities and riparian habitat beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Future development and land use activities resulting from the proposed project would be subject to federal and State regulations, as well as General Plan goals, policies, and actions, detailed above, which would require site-specific review of future project sites to determine whether riparian habitat or natural sensitive communities are present and mitigate as necessary.

Future development projects would also be evaluated for conformance with the General Plan, Metro Specific Plan, Municipal Code, and other regulations, as applicable. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

### **Summary of General Plan FEIR**

The General Plan FEIR determined that the City contains numerous aquatic habitats that qualify as federally protected wetlands and jurisdictional waters found in the northwest corner of the Planning Area. Section 404 of the Clean Water Act (CWA) requires any project that involves disturbance to a wetland or water of the United States to obtain a permit that authorizes the disturbance. If a project cannot avoid a wetland or jurisdictional water, then the United States Army Corps of Engineers (USACE) requires that an equal amount of wetland be created elsewhere to mitigate loss of wetlands.

The General Plan FEIR determined that construction activities could result in the disturbance or loss of protected waters of the United States, but individual projects would be required to have a detailed review of the project site to determine the presence or absence of water features and to reduce, avoid, or compensate for impacts to these resources. Furthermore, projects would be required to comply with the General Plan’s policies and actions intended to protect wetlands and

jurisdictional water features, such as General Plan Policies CON-3.1 through CON-3.6, which require the preservation and enhancement of biological communities and riparian habitat and limit the disturbance of natural water bodies and drainage systems in the City. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

Refer to summary provided in Impact IV(a).

### **Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development and would result in similar land use patterns, densities, and intensities to those already evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR, thereby precluding the potential for new impacts associated with federally protected wetlands beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Future development and land use activities resulting from the proposed project would be subject to federal and State regulations, including CWA and USACE requirements, as well as General Plan goals, policies, and actions intended to protect wetlands and jurisdictional water features, described above.

Future development projects would also be evaluated for conformance with the General Plan, Metro Specific Plan, Zoning Ordinance, and other regulations, as applicable. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

### **Summary of General Plan FEIR**

The General Plan FEIR concluded that implementation of the General Plan would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors. The General Plan FEIR found that the City contains numerous aquatic habitats that may be used for movement of wildlife, but the areas of land next to waterways within the city limits were generally designated for urban uses by the previous Land Use Map and were generally developed with urban uses. Therefore, the creeks at the time did not function as important movement corridors for native wildlife.

The updated General Plan Land Use Map that was adopted as part of the implementation of the most recent General Plan designates the majority of land adjacent to existing waterways as POS to allow the area to be used by wildlife as movement corridors.

Discretionary projects associated with the implementation of the General Plan would be required to undergo a detailed review to determine the presence or absence of movement corridors on the project site and to reduce, avoid, or compensate for impacts to these resources. Furthermore, the



General Plan contains policies and actions intended to protect movement corridors, including Policies CON-3.1 through CON-3.6 and Actions CON-3a through 3c, CON-3e, CON-3f, CON-3h, CON-3j, and CON-3l. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

Refer to summary provided in Impact IV(a).

### **Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development and would result in similar land use patterns, densities, and intensities to those already evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR. Additionally, the proposed project does not propose to convert any open space lands to urban uses. In fact, as illustrated in Table 6, seven of the eight parcels undergoing General Plan land use designation updates would be converted to the POS land use designation, thereby reducing the overall allowable intensity of development. This would preclude the potential for new impacts on wildlife movement corridors beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Future development and land use activities resulting from the proposed project would be subject to federal and State regulations, including CWA and USACE requirements, as well as General Plan goals, policies, and actions, described above, which require individual projects to determine the presence or absence of movement corridors and to mitigate impacts as necessary.

Furthermore, future development projects would also be evaluated for conformance with the General Plan, Metro Specific Plan, Municipal Code, and other regulations, as applicable. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

- e. **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

### **Summary of General Plan FEIR**

The General Plan FEIR concluded that since the General Plan is a policy-level document, it would not conflict with local policies or ordinances. Further, individual development projects associated with the implementation of the General Plan would be required to comply with the General Plan and with the Municipal Code. Therefore, impacts would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

Refer to summary provided in Impact IV(a).

### **Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development and would result in similar land use patterns, densities, and intensities to those already evaluated in the General Plan FEIR and the

Metro Specific Plan SFEIR, thereby precluding the potential for new impacts on the City's existing and proposed local policies protecting biological resources beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Future development projects would be evaluated for conformance with the General Plan, Metro Specific Plan, Municipal Code, and other regulations, as applicable. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

**f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan?**

**Summary of General Plan FEIR**

The General Plan FEIR found that implementation of the General Plan would not conflict with the Santa Clara Valley Habitat Plan or any other Habitat Conservation Plans. The City is not currently a permittee of the Santa Clara Valley Habitat Plan, and the land within the city limits is not within the Habitat Plan Study Area and Permit Area. Additionally, the General Plan FEIR determined that the Land Use Map did not re-designate any land designated for open space or habitat protection. Although the City is not a permittee of the Santa Clara Valley Habitat Plan, future projects associated with the implementation of the General Plan would be required to comply with the Santa Clara Valley Habitat Plan through the implementation of General Plan Action CON-3a, which states "Require 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." Therefore, the General Plan FEIR concluded that impacts would be less than significant.

**Summary of Metro Specific Plan SFEIR**

Refer to summary provided in Impact IV(a).

**Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development and would result in similar land use patterns, densities, and intensities to those already evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR, thereby precluding the potential for new impacts on Habitat Conservation Plans (HCPs) or Natural Community Conservation Plans (NCCPs) beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Future development and land use activities resulting from the proposed project would be required to comply with the Santa Clara Valley Habitat Plan through the implementation of Action CON-3a in the General Plan. Furthermore, future development projects would also be evaluated for conformance with the General Plan, Metro Specific Plan, Santa Clara Valley Habitat Plan, Municipal Code, and other regulations, as applicable. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## Mitigation Measures

### General Plan FEIR Mitigation Measures

None.

### Metro Specific Plan SFEIR Mitigation Measures

None.

### Mitigation Measures for the Proposed Project

None required.

## Conclusion

With regard to Biological Resources, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area   | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|--|---------------------------------|---|---|---|---|---------------------------------------|---|
| <b>V. Cultural and Tribal Cultural Resources</b>   |                                 |   |   |   |   |                                       |   |
| <i>Would the project:</i>  |                                 |   |   |   |   |                                       |   |
| a) Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| c) Disturb any human remains, including those interred outside of formal cemeteries?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| <i>Would the project cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:</i> |                                 |   |   |   |   |                                       |   |
| d) 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   | Less than significant impact    | No impact                               | No  | No  | No  | None                                  | None  |

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| e) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe. | Less than significant impact    | No impact                               | No  | No  | No  | None                                  | None  |

## Discussion

### Cultural Resources

- a. Cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5?

#### Summary of General Plan FEIR

The General Plan FEIR determined that the General Plan Planning Area includes various known historic resource sites and would have the potential for undiscovered prehistoric sites to be located in the Planning Area as well. Thirty-three cultural resources have been identified within the Planning Area and 25 buildings are identified on the Santa Clara County Historic Property Data File Directory. The General Plan FEIR further determined that future development associated with the implementation of the General Plan could affect known historical or unknown historical and archaeological resources which have not yet been identified.

Future projects would be evaluated for conformance with the General Plan, Municipal Code, and other applicable State and local regulations, as well as analyzed for potential environmental impacts, consistent with CEQA. Additionally, the General Plan FEIR includes policies and actions that would reduce impacts to cultural, historic, and archaeological resources, such as requiring archaeological monitoring, halting ground-disturbing activities and construction in the event that a resource is discovered, and Tribal consultation. Therefore, the General Plan FEIR concluded that impacts related to historic and archaeological resources would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that future projects associated with the implementation of the Metro Specific Plan would include ground-disturbing activities that could potentially affect known archaeological resources. The Metro Specific Plan SFEIR identified only one known archaeological resource (CA-SCL-593) within the Metro Specific Plan Area. However, future projects would be required to comply with General Plan Actions CON-4a and 4b, which require surveys prior to the approval of a project that would require excavation in an area sensitive for cultural or archaeological resources and the approval of measures to conserve, preserve, and document discovered resources. Additionally, the Metro Specific Plan SFEIR determined that Metro Specific Plan Policy SC 7 would require archaeological monitoring to reduce impacts. Therefore, the Metro Specific Plan SFEIR concluded that impacts would be less than significant.

### **Proposed Project Analysis and Conclusions**

The proposed project does not include any ground disturbance and therefore would not directly result in impacts related to historic resources. Future individual development projects would be required to comply with General Plan policies and actions, such as Policy CON 4-1, which requires a record search of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) at Sonoma State University. Furthermore, Policy CON 5-2 requires that future individual development projects evaluate the condition of historical buildings when considering the demolition of historic structures, and Action CON 4a requires a cultural survey prior to approval of any project in areas that are sensitive for cultural or archaeological resources. If historic resources are identified, Action CON 4b requires that all development, infrastructure, and other ground-disturbing projects comply with certain conditions and processes in the event that there is an inadvertent discovery of historic resources. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

### **Summary of General Plan FEIR**

Refer to summary provided in Impact V(a).

## Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that there is a moderate to high potential for unrecorded Native American cultural resources to be located within the Metro Specific Plan Area. Future projects associated with the implementation of the Metro Specific Plan would be required to comply with General Plan Actions CON-4a and Action CON-4b, which require archaeological monitoring and protection measures if resources are uncovered. Metro Specific Plan Policy SC 7 would also be implemented, which requires archaeological monitoring. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to unknown archaeological resources would be less than significant.

## Proposed Project Analysis and Conclusions

The proposed project does not include any ground disturbance and therefore would not directly result in impacts related to historic resources. Future individual development projects would be required to comply with General Plan policies and actions, such as Policy CON 4-1, which requires a record search of the CHRIS at the NWIC at Sonoma State University. Action CON 4a requires a cultural survey prior to approval of any project in areas that are sensitive for cultural or archaeological resources. If archaeological resources are identified, Action CON 4b requires that all development, infrastructure, and other ground-disturbing projects comply with certain conditions and processes in the event that there is an inadvertent discovery of archaeological resources. Furthermore, Metro Specific Plan Policy SC 7 requires archaeological and Native American monitoring, cultural sensitivity training for the general contractor and those conducting ground-disturbing activities, and inadvertent discovery procedures for all projects involving ground disturbance within the Metro Specific Plan Area. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

### c. Disturb any human remains, including those interred outside of formal cemeteries?

## Summary of General Plan FEIR

The General Plan FEIR determined that excavation and construction activities allowed under the General Plan may yield human remains that may not be marked in former burials. Future projects may disturb or destroy buried Native American human remains. However, the General Plan FEIR further identified that future development projects in the City would be evaluated for conformance with the General Plan, Municipal Code, and State and local regulations, as well as analyzed for potential environmental impacts, consistent with CEQA. Public Resources Code Section 5097 requires construction activities to stop work and follow specific notification procedures in the event that human remains are inadvertently discovered during development activities. The General Plan also 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. Therefore, the General Plan FEIR concluded that impacts related to human remains would be less than significant.

## Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that future projects associated with the implementation of the Metro Specific Plan would include ground-disturbing activities that could potentially affect human remains. The Metro Specific Plan SFEIR found that human remains were identified in association with CA-SCL-593 within the Metro Specific Plan Area and identified a moderate to high potential for encountering as-yet undiscovered archaeological resources containing further human remains. Metro Specific Plan Policy SC 7 requires archaeological monitoring that would reduce impacts related to human remains, and if human remains are discovered, General Plan Action CON-4b would require halting work, notifying the County Coroner, and determining next steps to reduce and mitigate impacts. The General Plan also 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. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to human remains would be less than significant.

## Proposed Project Analysis and Conclusions

The proposed project does not include any ground disturbance and therefore would not result in impacts related to historic resources. Future individual development projects would be required to comply with General Plan policies and actions, such as Policy CON 4-1, which requires a record search of the CHRIS at the NWIC at Sonoma State University. Policy CON 4-2 requires that if human remains are found during construction, they are treated in 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 requires collaboration with Native American Tribal representatives to identify and appropriately address impacts to Native American cultural resources and sacred sites during the development review process. Action CON 4a requires a cultural survey prior to approval of any project in areas that are sensitive for cultural or archaeological resources. If archaeological resources are identified, Action CON 4b requires all development, infrastructure, and other ground-disturbing projects comply with certain conditions and processes in the event that there is an inadvertent discovery of human remains. Furthermore, Metro Specific Plan Policy SC 7 requires archaeological and Native American monitoring, cultural sensitivity training for the general contractor and those conducting ground-disturbing activities, and inadvertent discovery procedures for all projects involving ground disturbance within the Metro Specific Plan Area. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## Tribal Cultural Resources

**Would the project cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:**



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

### **Summary of General Plan FEIR**

The General Plan FEIR identified that no responses to Tribal consultation conducted under Senate Bill (SB) 18 were received and no specific resources were identified through consultation with affiliated Tribes. However, the General Plan FEIR determined that it is possible unknown cultural resources may be present and could be adversely affected by the implementation of the General Plan. Future projects would be required to be evaluated for project-specific impacts under CEQA at the time of project application, and the General Plan and CEQA Guidelines require Tribal consultation and the protection of any identified archaeological and Tribal resources. With the implementation of General Plan policies and actions, such as General Plan Action CON 4a and 4b, local review guidelines, and State and local guidelines, the General Plan FEIR concluded that impacts related to Tribal Cultural Resources (TCRs) would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that the General Plan includes policies and actions to protect TCRs in compliance with AB 52. While ground disturbance associated with new construction could result in temporary or permanent construction-related impacts on TCRs during ground disturbance, no TCRs have been identified within the Metro Specific Plan Area. Furthermore, the City has not received any requests from Tribes to be notified of future projects under AB 52. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to TCRs would be less than significant.

### **Proposed Project Analysis and Conclusions**

The proposed project does not include any ground disturbance and therefore would not directly result in impacts related to TCRs. Future individual development projects would be required to comply with General Plan policies and actions, such as Policy CON 4-1, which requires a record search of the CHRIS at the NWIC at Sonoma State University. Policy CON 4-2 requires that if TCRs are found during construction, they are treated in 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 requires collaboration with Native American Tribal representatives to identify and appropriately address, impacts to Native American cultural resources and sacred sites during the development review process. Policy CON 4-4 requires compliance with SB 18 and AB 52 related to Tribal intergovernmental consultation. Action CON 4a requires a cultural survey prior to approval of any project in areas that are sensitive for TCRs. If archaeological resources are identified, Action CON 4b requires that all development, infrastructure, and other ground-disturbing activities comply with certain conditions and processes in the event that there is an inadvertent discovery of TCRs. Furthermore, Metro Specific Plan Policy SC 7 requires archaeological and Native American

monitoring, cultural sensitivity training for the general contractor and those conducting ground-disturbing activities, and inadvertent discovery procedures for all projects involving ground disturbance within the Metro Specific Plan Area. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## Mitigation Measures

### General Plan FEIR Mitigation Measures

None.

### Metro Specific Plan SFEIR Mitigation Measures

None.

### Mitigation Measures for the Proposed Project

None required.

## Conclusion

With regard to Cultural Resources and Tribal Cultural Resources, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| <b>VI. Energy</b><br><i>Would the project:</i>  |                                 |   |   |   |   |                                       |   |
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |

## Discussion

- a. **Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**
- b. **Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?**

### Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would not cause an inefficient, wasteful, or unnecessary use of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Buildout of the General Plan would use energy resources for the operation of buildings, on-road vehicle trips, and off-road construction activities. However, the General Plan FEIR determined that future individual development projects would conserve energy to the maximum extent feasible and would reduce per capita energy consumption to achieve this goal, since the General Plan requires that all implementing projects comply with all applicable federal, State, and local regulations regulating energy usage. Furthermore, the General Plan FEIR would comply with the State’s latest Title 24 building energy efficiency standards and other

Statewide measures intended to improve energy efficiency. Therefore, the General Plan FEIR concluded that impacts related to energy would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that energy would be required during construction of the Metro Specific Plan for construction equipment, employee and haul truck trips, lighting, and heat. The Metro Specific Plan FEIR found that the Metro Specific Plan was compliant with the applicable federal, State, and local regulations regulating energy usage. The Metro Specific Plan SFEIR determined that the Metro Specific Plan is compliant with the General Plan and the updated Climate Action Plan (CAP). The Metro Specific Plan also aims to promote higher density and intensity development to provide an opportunity for advancing sustainability measures related to accessibility, energy use, and resource management. The Metro Specific Plan SFEIR identified that the Metro Specific Plan would be consistent with the goals of the Plan Bay Area 2050 prepared by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC).

Future individual development projects would also comply with the State's latest Title 24 building energy efficiency standards, as well as the Municipal Code. The Metro Specific Plan further incorporates policies to prevent wasteful, inefficient, or unnecessary consumption of energy. Additionally, the Metro Specific Plan FEIR identified that Silicon Valley Clean Energy (SVCE), the local Community Choice Aggregation (CCA), in conjunction with the Pacific Gas and Electric Company (PG&E), would maintain sufficient capacity to serve residential and commercial electricity customers in the Metro Specific Plan Area. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to energy resources would be less than significant.

### **Proposed Project Analysis and Conclusions**

As discussed in Section 2.3.1, Project Summary, implementation of the proposed project would result in similar land use patterns, densities and intensities to those analyzed by the General Plan FEIR and Metro Specific Plan SFEIR. Therefore, the effects of the proposed project were anticipated in the General Plan FEIR and Metro Specific Plan SFEIR and there are no project-specific effects that were not analyzed in the General Plan FEIR and Metro Specific Plan SFEIR. All projects within the City would be required to comply with applicable regulations stated above to ensure efficient energy use. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## **Mitigation Measures**

### **General Plan FEIR Mitigation Measures**

None.

### **Metro Specific Plan SFEIR Mitigation Measures**

None.

## Mitigation Measures for the Proposed Project

None required.

## Conclusion

With regard to Energy, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area   | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|--|---------------------------------|---|---|---|---|---------------------------------------|---|
| <b>VII. Geology, Seismicity, and Soils</b>   |                                 |   |   |   |   |                                       |   |
| <i>Would the project:</i>  |                                 |   |   |   |   |                                       |   |
| a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:<br>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| ii) Strong seismic ground shaking?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| iii) Seismic-related ground failure, including liquefaction?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |

| Environmental Issue Area   | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|--|---------------------------------|---|---|---|---|---------------------------------------|---|
| iv) Landslides?  | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| b) Result in substantial soil erosion or the loss of topsoil?  | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?  | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |

## Discussion

- a. **Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**
  - i. **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**
  - ii. **Strong seismic ground shaking?**
  - iii. **Seismic-related ground failure, including liquefaction?**
  - iv. **Landslides?**
- b. **Result in substantial soil erosion or the loss of topsoil?**
- c. **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**
- d. **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

### Summary of General Plan FEIR

The General Plan FEIR determined that development associated with the implementation of the General Plan would have the potential to expose people or structures to substantial adverse effects, related to surface rupture, ground shaking, liquefaction, landslides, ground instability/failure, or expansive soils. The Planning Area includes known active faults, and the Hayward Fault Zone traverses the Planning Area. Unstable geologic units could be present within the Planning Area, including those at risk for liquefaction, landslides, lateral spreading, subsidence, or collapse, and the majority of the land within the Planning Area has moderately to very highly expansive soils, while the eastern and western portions of the Planning Area have low expansive soils. The areas with



moderately to highly expansive soils would require special design considerations due to shrink-swell potentials.

Furthermore, the General Plan FEIR determined that implementation of the General Plan has the potential to result in substantial soil erosion or loss of topsoil. Construction-related erosion could result in the loss of a substantial amount of nonrenewable topsoil and adversely affect water quality in surface waters. However, the General Plan FEIR identified that, because the majority of the land within the city limits contains urban uses, the erosion potential is low.

The General Plan FEIR found that all future projects would be required to comply with the provisions of the California Building Standards Code (CBC), which require geotechnical studies, engineering improvements to address potential seismic and ground failure issues, and earthquake-resistant construction techniques. Future individual development projects would be evaluated for conformance with the CBC, General Plan, Zoning Ordinance, and other regulations. Further, the General Plan requires review of development proposals to ensure compliance with the California Health and Safety Code, applicable building standards related to seismic safety, and CEQA. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR concluded that future individual development projects in the Metro Specific Plan Area would be required to comply with the CBC, building permit applications (which require a preliminary soils report) the Municipal Code, a geotechnical investigation and appropriate mitigation measures for development within a seismic hazard zone, and General Plan Policy 5.a-I-3, which requires that projects comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to geology and soils would be less than significant.

### **Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development, which precludes the potential for new impacts associated with seismic hazards, erosion, sedimentation, unstable geologic units, and expansive soils beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Construction-related soil erosion could occur during future discretionary projects associated with the implementation of the proposed project. However, most development that could occur as a result of the proposed project would take place on lands that already contain urban uses, which have a low erosion potential.

Furthermore, future development and land use activities resulting from the proposed project would be subject to General Plan goals, policies, and actions that would reduce impacts related to development occurring in a fault zone, ground shaking, ground failure, and landslides. Future development projects would be evaluated for conformance with the California Building Standards Commission (CBSC), General Plan, Metro Specific Plan, Zoning Ordinance, and other regulations described above, as applicable. Future projects would be required to develop and implement a site-specific geotechnical study in compliance with the State and City codes. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create

substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

### **Summary of General Plan FEIR**

The General Plan FEIR determined that implementation of the General Plan would not have the potential for soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. Construction within the city limits would not require the use of septic tanks or alternative wastewater disposal systems because wastewater would be discharged into the existing public sanitary sewer system in the Planning Area. Additionally, the General Plan FEIR identified that adequate system capacity is ensured through implementation and periodic auditing of the Sewer System Management Plan (SSMP) and sewer-related capital improvement project (CIP) projects and studies. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

Refer to summary provided in Impact VII(a).

### **Proposed Project Analysis and Conclusions**

Existing urban development within the General Plan Planning Area and the Metro Specific Plan Area is currently served with sanitary sewer service provided by the City. New urban development that would occur within the Planning Area or the Metro Specific Plan Area as a result of the proposed project would be served by sanitary sewer service. No new septic systems or alternative wastewater systems are contemplated by the proposed project. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

- f. **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

### **Summary of General Plan FEIR**

The General Plan FEIR determined that there could be fossils of potential scientific significance and other unique geologic features that remain undiscovered and are not recorded. Ground-disturbing construction associated with the implementation of the General Plan could potentially uncover previously unknown resources. However, the General Plan FEIR found that implementation of the General Plan policies and actions would ensure steps would be taken to minimize impacts to paleontological resources if they are discovered during construction. This includes Action CON 4b, which requires that all work within 100 feet of a paleontological discovery cease until it can be evaluated by a paleontologist. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

## Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact VII(a).

## Proposed Project Analysis and Conclusions

The proposed project would largely maintain the existing land use patterns throughout the General Plan Planning Area and the Metro Specific Plan Area, thereby precluding the potential for new, unaddressed impacts on paleontological resources beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Future individual development projects would be required to adhere to all federal, State, and local policies regarding paleontological resources, including Action CON 4b. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## Mitigation Measures

### General Plan FEIR Mitigation Measures

None.

### Metro Specific Plan SFEIR Mitigation Measures

None.

### Mitigation Measures for the Proposed Project

None required.

## Conclusion

With regard to Geology, Seismicity, and Soils, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| <b>VIII. Greenhouse Gas Emissions</b>   |                                 |   |   |   |   |                                       |   |
| <i>Would the project:</i>   |                                 |   |   |   |   |                                       |   |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?       | Less than significant impact    | Significant and unavoidable impact      | No  | No  | No  | None                                  | MM GHG-1, MM GHG-2, and MM GHG-3              |
| b) Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | Less than significant impact    | Significant and unavoidable impact      | No  | No  | No  | None                                  | MM GHG-1, MM GHG-2, and MM GHG-3              |

## Discussion

- a. **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**
- b. **Conflict with any applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

### Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would contribute to increases of GHG emissions that are associated with global climate change, including increases of carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O).

#### Short-term Emissions

Short-term GHG emissions would occur because of construction equipment used for demolition, grading, paving, and building construction activities. The General Plan FEIR identified that construction-related GHG emissions would be assessed on a project-by-project basis and would be required to comply with the State’s requirements for GHG emissions, as required by the City’s CAP

and the BAAQMD. For example, Milpitas CAP Measure 12.2 encourages projects to comply with BAAQMD performance-based BMPs that reduce GHG emissions during construction. Further, General Plan Policy CON 704 requires projects to adhere to the requirements of the BAAQMD, and Policy CON 705 requires the City to use the development review process and the CEQA process to evaluate and mitigate effects of new development on air quality.

### ***Long-Term Emissions***

The General Plan FEIR determined that future individual development projects would result in continuous GHG emissions from mobile, area, and operational sources. However, the implementation of the General Plan would reduce VMT per capita and per service population at buildout, thereby decreasing GHG emissions in the long run. Additionally, the General Plan FEIR acknowledges that the City's CAP is a Qualified GHG Reduction Plan, which identifies reduction measures and implementation strategies to achieve the State-recommended GHG emissions reduction targets. The General Plan FEIR identifies several General Plan policies that directly support and implement the goals established by the CAP. Because future individual development projects would be required to comply with the General Plan and adopted federal, State, and local regulations, the General Plan FEIR concluded that impacts related to the generation of GHG emissions would be less than significant.

### ***Conflict with Applicable Plans and Policies***

The General Plan FEIR determined that the General Plan is consistent with the city's adopted CAP, which satisfies the GHG reduction requirements established by Assembly Bill (AB) 32. In addition, the General Plan FEIR found that the General Plan would not conflict with the implementation of regional transportation-related GHG targets outlined in ABAG's Plan Bay Area because of the land use modifications contained in the General Plan and the corresponding reduction in VMT. The General Plan would also not conflict with any provisions of the Scoping Plan or other applicable regulations related to GHG reductions because the General Plan expands transit access, increases mobility options, promotes a compact pedestrian-oriented urban development pattern, and focuses new development on infill sites with higher densities. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

## **Summary of Metro Specific Plan SFEIR**

### ***Construction-related Emissions***

The Metro Specific Plan SFEIR determined that the implementation of the Metro Specific Plan would result in the temporary generation of GHG emissions from mobile and stationary construction equipment exhaust and employee and haul truck vehicle exhaust. However, construction-related GHG emissions from the Metro Specific Plan would be required to comply with MM GHG-1, which would reduce construction emissions consistent with BAAQMD guidance and Statewide emission reduction goals.

### ***Operation-related Emissions***

The Metro Specific Plan SFEIR determined that operation of the Metro Specific Plan would generate direct and indirect GHG emissions from vehicle trips, natural gas combustion, landscaping activities, electricity consumption, water and wastewater generation, and water use. The Metro Specific Plan

SFEIR also found that implementation of the Metro Specific Plan would reduce VMT per service population at buildout, consistent with SB 743, through various policies prioritizing transit and pedestrian connectivity and transit infrastructure. However, the Metro Specific Plan SFEIR determined that mobile emissions from the Metro Specific Plan would not achieve the State's carbon neutrality goal by 2045.

The Metro Specific Plan includes policies to reduce emissions from building energy consumption, area sources, water consumption, and waste generation; however, the Metro Specific Plan SFEIR determined that there is no guarantee that all of the voluntary sustainability features would be included in all future development, and impacts would be potentially significant. Therefore, future individual projects would be required to implement MM GHG-2 to reduce operational GHG emissions in the sectors with the largest amount of emissions. If all measures included in MM GHG-2 were implemented, then the Metro Specific Plan would be consistent with the State's reduction targets for 2030. Implementation of MM GHG-3 as part of future individual projects would further reduce net operational GHG emissions through purchase of GHG mitigation credits if not all of the measures in MM GHG-2 are implemented. However, the Metro Specific Plan FEIR concluded that there could still be GHG emissions by 2045 and carbon neutrality may not be achieved. Therefore, the Metro Specific Plan SFEIR concluded that impacts would be significant and unavoidable.

### **Proposed Project Analysis and Conclusions**

As described under Section 2.3.1, Project Summary, the proposed project would result in similar land use densities and intensities to those identified and analyzed in the General Plan FEIR and Metro Specific Plan SFEIR. For areas under the General Plan FEIR but outside the Metro Specific Plan SFEIR, the proposed project would comply with applicable policies and measures contained in the General Plan and the City's adopted CAP. Therefore, the effects of the proposed project were anticipated in the General Plan FEIR and Metro Specific Plan SFEIR and there are no project-specific effects that were not analyzed in the General Plan EIR. Future individual development projects within the Metro Specific Plan Area would be required to implement Metro Specific Plan SFEIR MM GHG-1, which would require the implementation of BAAQMD-Recommended Construction BMPs, Metro Specific Plan SFEIR MM GHG-2, which would require individual development projects to implement operational GHG reduction measures, and Metro Specific Plan SFEIR MM GHG-3, which would require individual development projects to purchase GHG mitigation credits.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## **Mitigation Measures**

### **General Plan FEIR Mitigation Measures**

None.

## Metro Specific Plan SFEIR Mitigation Measures

### MM GHG-1 **Require Implementation of BAAQMD-Recommended Construction Best Management Practices**

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

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

### MM GHG-2 **Implement Operational GHG Reduction Measures or Their Equivalent**

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

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

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

- **Natural Gas Infrastructure.** Future development within the Metro Plan Area shall utilize electric space and water heating to the maximum extent feasible or to the extent required by existing or future regulations. Natural gas infrastructure and appliances shall not be installed to the extent feasible as determined by the availability and capacity of electrical power distribution infrastructure.
- **Solar Roofs.** Mounted rooftop electricity-generating solar panels convert solar energy to electricity for use in commercial and residential buildings.
- New construction in the Metro Plan Area shall be required to either employ solar roofs on at least 30 percent of roof square footage or provide equivalent GHG reductions through proposed new measures or pay a mitigation fee per Mitigation Measure GHG-3. The inclusion of solar roofs may be part of meeting LEED® Silver or equivalent requirements.
- **Water Minimization Programs.** For waste that is generated by nonresidential uses, recycling, composting of food waste and other organics, and the use of reusable products instead of disposal products diverts solid waste from the landfill stream.  
New nonresidential uses in the Metro Plan Area shall be required to implement recycling (including organics recycling) and reusable product use programs or provide equivalent GHG reductions through proposed new measures or pay a mitigation fee per Mitigation Measure GHG-3. The inclusion of these measures may be part of meeting LEED® Silver or equivalent requirements.

### MM GHG-3 Purchase GHG Mitigation Credits

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

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

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



- **Additional:** GHG reductions must be additional to any that would have occurred in the absence of the Climate Action Reserve, or of a market for GHG reductions generally. “Business as usual” reductions (i.e., those that would occur in the absence of a GHG reduction market) should not be eligible for registration.
- **Permanent:** To function as offsets to GHG emissions, GHG reductions must effectively be “permanent.” This means, in general, that any net reversal in GHG reductions used to offset emissions must be fully accounted for and compensated through the achievement of additional reductions.
- **Quantifiable:** GHG reductions or GHG removal enhancements must be able to be accurately measured and calculated relative to a project baseline in a reliable and replicable manner for all GHG emission sources, GHG sinks, or GHG reservoirs included within the offset project boundary, while accounting for uncertainty and activity-shifting leakage and market-shifting leakage.
- **Verified:** GHG reductions must result from activities that have been verified. Verification requires third-party review of monitoring data for a project to ensure the data are complete and accurate.
- **Enforceable:** The emission reductions from offset must be backed by a legal instrument or contract that defines exclusive ownership and the legal instrument can be enforced within the legal system in the country in which the offset project occurs or through other compulsory means. Please note that per this mitigation measure, only credits originating within the United States are allowed.

GHG credits must also meet the following requirements:

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

for the criteria provided in this measure; and (2) the protocols used for the credits meet or exceed the standards for stringency used in ARB protocols for offsets under the California cap-and-trade system.

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

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

### **Mitigation Measures for the Proposed Project**

Implement MM GHG-1, MM GHG-2, and MM GHG-3.

## **Conclusion**

With regard to GHG Emissions, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.

4. No new mitigation measures or alternatives previously found not to be feasible, would in fact be feasible and would reduce one or more significant effects of the project. No new mitigation measures or alternatives which are considerably different from those analyzed in the previously certified EIRs would substantially reduce significant impacts.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| <b>IX. Hazards and Hazardous Materials</b>  |                                 |   |   |   |   |                                       |   |
| <i>Would the project:</i>   |                                 |   |   |   |   |                                       |   |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?                                 | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?  |                                 |   |   |   |   |                                       |   |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| g) Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?  | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |

## Discussion

- a. **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**
- b. **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**
- c. **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

### Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan has the potential to create a significant hazard to the public or to the environment through routine transport, use, or disposal of hazardous materials. Future development projects allowed under the General Plan may involve the transportation, use, and/or disposal of hazardous materials for construction and operation. Therefore, the General Plan FEIR found that there is a potential for accidental release of hazardous materials. The use, transportation, and disposal of hazardous materials is regulated and monitored by local fire departments, Certified Unified Program Agencies (CUPAs), the California Occupational Health and Safety Administration (Cal/OSHA), and the California Department of Toxic Substances Control (DTSC), consistent with the requirements of federal, State, and local regulations and policies. These requirements would limit the potential for a project to expose nearby uses, such as schools, to hazardous emissions or an accidental release. In the event of a hazardous materials spill or release, notification and cleanup operations would be performed in compliance with applicable regulations. Facilities that store hazardous materials are also required to maintain a Hazardous Materials Business Plan per General Plan Safety Element Policy SA-5.3. Per General Plan Action SA-5a, applications for future discretionary projects must provide detailed information regarding the potential for the historical use of hazardous materials on-site as well as mitigation measures if warranted. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

### Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR concluded that future individual development projects under the Metro Specific Plan could cause impacts related to hazards and hazardous materials because development could be located in an area with a known hazardous release site, include demolition of structures potentially containing hazardous building materials, result in the future use, transport, and disposal of hazardous substances, and require construction near a school. However, future discretionary projects would be required to comply with federal, State, and local policies regarding hazardous materials and outlined above. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to hazards and hazardous materials would be less than significant.

## Proposed Project Analysis and Conclusions

The proposed project includes similar land uses and intensity of development to those contemplated in the General Plan FEIR and the Metro Specific Plan SFEIR. The proposed project does not propose specific development. Future development and land use activities within the Planning Area and Metro Specific Plan Area, including development within 0.25 mile of a school, would be subject to all applicable federal, State, and local policies for the transport, use and disposal of hazardous materials as described above, including General Plan Action SA-5a. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

## Summary of General Plan FEIR

The General Plan FEIR determined that there are no hazardous materials release sites compiled pursuant to Government Code Section 65962.5 within the Planning Area. The General Plan FEIR identified 65 locations with a Milpitas address listed in the EnviroStor database. Of these sites, two are active, eight require no further action, four are certified, two are closed, two are protective filers, 37 are inactive and need evaluation, two are inactive and withdrawn, and eight are referred to RWQCB, SB 1248 local agency, or other agency. The General Plan FEIR further identified 95 Leaking Underground Storage Tank (LUST) locations within the City listed in the GeoTracker database. Of these sites, 93 have undergone LUST cleanup and have been closed by the State, one is open for site assessment, and one is an open verification monitoring case. These sites are subject to various federal and State laws such as Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and oversight by various regulatory agencies, including the United States Environmental Protection Agency (EPA), DTSC, and RWQCB. The General Plan FEIR concluded that future development projects would comply with applicable federal and State regulations, reducing impacts to less than significant.

## Summary of Metro Specific Plan SFEIR

Refer to summary provided in Impact IX(a).

## Proposed Project Analysis and Conclusions

The proposed project does not propose any physical development. As described above, there are no hazardous materials release sites within the Planning Area. While there are LUST sites and sites identified by EnviroStor in the Planning Area, these sites would be evaluated and restored subject to federal and State laws and regulatory agencies, including the CERCLA, the EPA, DTSC, and the RWQCB, in the case that any specific development was proposed at these sites. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

### **Summary of General Plan FEIR**

The General Plan FEIR determined that there are no airport facilities within the Planning Area and the nearest airport facility is the San Jose International Airport, located approximately two miles south of the Milpitas border. The Airport Influence Area (AIA) extends south along State Route (SR) 87 to just south of I-280, approximately 3 miles northeast of the City. The National Transportation Safety Board Aviation Accident Database identifies a total of eight aircraft accidents at the San Jose International Airport, and these incidents were small-scale and did not occur within Milpitas city limits. Furthermore, the General Plan FEIR identified that the City is not located within one of the Airport Safety Zones for the San Jose International Airport. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

Refer to summary provided in Impact IX(a).

### **Proposed Project Analysis and Conclusions**

The proposed project does not propose any development in areas not previously contemplated by the General Plan FEIR and the Metro Specific Plan SFEIR. As described in the General Plan FEIR, the closest airport to the Planning Area is the San Jose International Airport, located approximately two miles south of the City. Further, the City is not located within one of the Airport Safety Zones identified by the Comprehensive Land Use Plan for the San Jose International Airport. Therefore, development and land use activities contemplated by the proposed project would not expose persons residing or working in the Planning Area or the Metro Specific Plan Area to aviation safety hazards. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

- f. **Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

### **Summary of General Plan FEIR**

The General Plan FEIR determined that implementation of the General Plan would not remove or impede any established evacuation routes within the City and that the General Plan does not include land uses, policies, or other components that conflict with adopted emergency response or evacuation plans. However, the City could receive a development proposal that could potentially interfere with an established emergency evacuation route or plan. The Santa Clara County Operation Area and the Santa Clara County Emergency Management Organization provide mutual aid to communities via the Santa Clara County Sheriff's Office, Santa Clara County Fire Department (SCCFD), and the State of California Office of Emergency Services. The City of Milpitas Emergency Operations Plan (EOP) also addresses the integration and coordination within other governmental



agencies required during an emergency. The General Plan FEIR found that coordination with these agencies required by the General Plan would ensure the City's emergency access routes, emergency contact lists, and public information regarding designated facilities and routes are regularly reviewed and updated. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

Refer to summary provided in Impact IX(a).

### **Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development within the Planning Area or the Metro Specific Plan Area. Therefore, the proposed project would not directly interfere with emergency response or evacuation. The proposed project includes shifts in zoning districts along established vehicular corridors but does not propose any increase in overall development associated with the buildout of the General Plan or the Metro Specific Plan. Roadways would continue to accommodate project-related traffic, and individual projects would be required to make improvements where needed to ensure adequate capacity for emergency response. Therefore, the implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

### **Summary of General Plan FEIR**

The General Plan FEIR determined that the City and its vicinity are not categorized as Very High Fire Hazard Severity Zone (VHFHSZ) by the California Department of Forestry and Fire Protection (CAL FIRE) and that Local Responsibility Areas (LRA) are concentrated in the incorporated areas of the City and served by the Milpitas Fire Department. The General Plan FEIR identified policies and actions in the General Plan which require adequate water supply and water flow availability, adequate emergency access, adequate fire protection services, fire safe design site standards, and public awareness regarding fire safety. Future individual development projects associated with the implementation of the General Plan would be required to comply with the provisions of federal, State, and local requirements related to wildland fire hazards. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

Refer to summary provided in Impact IX(a).

### **Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development within the Planning Area or the Metro Specific Plan Area. Furthermore, the proposed project would implement the General Plan and Metro Specific Plan with the same intensity of development. As such, future individual development

projects resulting from the proposed project would not expose additional people to wildland fire hazards. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## Mitigation Measures

### General Plan FEIR Mitigation Measures

None.

### Metro Specific Plan SFEIR Mitigation Measures

None.

### Mitigation Measures for the Proposed Project

None required.

## Conclusion

With regard to Hazards and Hazardous Materials, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area   | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|--|---------------------------------|---|---|---|---|---------------------------------------|---|
| <b>X. Hydrology and Water Quality</b>  |                                 |   |   |   |   |                                       |   |
| <i>Would the project:</i>  |                                 |   |   |   |   |                                       |   |
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?                                  | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| (i) result in substantial erosion or siltation on- or off-site;  | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;  | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| (iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| (iv) impede or redirect flood flows?  | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |

## Discussion

- a. **Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**
- b. **Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**
- e. **Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

### Summary of General Plan FEIR

#### **Construction**

The General Plan FEIR determined that grading, excavation, removal of vegetation cover, and loading activities associated with construction of future individual development projects could temporarily increase runoff, erosion, and sedimentation. Construction activities could also result in soil compaction and wind erosion impacts with the potential to adversely affect soil and reduce revegetation potential at construction sites. A future development project would require an approved SWPPP if it disturbs more than one acre of land to ensure BMPs are implemented during project construction. Further, the General Plan FEIR identifies that specific projects larger than one acre in size are required to obtain National Pollutant Discharge Elimination System (NPDES) coverage under the California General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities from the Regional Water Quality Control Board (RWQCB). Therefore, the General Plan FEIR concluded that impacts would be less than significant.

#### **New Development**

The General Plan FEIR determined that development associated with the implementation of the General Plan could introduce constituents into the stormwater system associated with urban runoff and could increase impervious surfaces that could reduce rainwater infiltration and groundwater recharge. However, the majority of development imagined by the General Plan is within areas currently developed with urban uses, and the amount and type of runoff would be similar to the existing conditions. Additionally, the General Plan FEIR identified that the implementation of the General Plan would not appreciably add to the volume of impervious surfaces in the City or the Santa Clara Plain Recharge Area and that there are adequate water supplies. Furthermore, the General Plan FEIR identified that each future development project is required to prepare a detailed project-specific drainage plan, Water Quality Management Plan (WQMP), and a SWPPP to control stormwater runoff and erosion. Future projects would also require a Dewatering permit, NPDES permit, and Waste Discharge permit from the RWQCB and compliance with all stormwater sewer system (Municipal Separate Storm Sewer System [MS4]) requirements.

Furthermore, the General Plan FEIR identified various policies and actions in the General Plan which would reduce water pollution, enhance storm drainage, and reduce the potential for water quality impacts. Applicable policies include, but not are limited to, General Plan Policies SA 2-2, SA 2-3, UCS 1-1 through UCS 1-3, and UCS 4-1 through UCS 4-15. These policies involve coordination with agencies and landowners to plan, construct, and maintain stormwater management facilities,

demonstration of stormwater runoff detention, retention, and/or conveyance for project sites, requiring all future projects to analyze infrastructure and service impacts and mitigate as necessary, as well as incorporate BMPs and Low Impact Development (LID) measures. Therefore, the General Plan FEIR concluded that impacts would be less than significant with implementation of all applicable federal, State, and local policies and regulations.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR concluded that future individual development projects under the Metro Specific Plan would require compliance with the General Plan and, therefore, the Metro Specific Plan would not substantially change the overall impacts on hydrology and water quality. It was determined that the Metro Specific Plan would not substantially affect groundwater levels, interfere substantially with groundwater recharge, substantially alter the course of a stream or river, or be subject to inundation by seiche, tsunami, or mudflow. The Metro Specific Plan could create impacts related to hydrology and water quality because development projects in the Specific Plan area could result in erosion, entrainment of sediment in runoff, sedimentation, localized ponding, flooding, and potential release of chemicals during construction, could include increase discharge of pollutants in stormwater, and could result in impacts from construction within a flood zone. However, with the implementation of policies in the General Plan described above, impacts related to hydrology and water quality would be reduced to less than significant. Furthermore, the Metro Specific Plan includes Policies ICS 1.1 through ICS 1.3 and ICS 2.1 through ICS 2.2, which set standards for stormwater drainage and development in flood hazard zones.

Therefore, the Metro Specific Plan SFEIR concluded that impacts related to hydrology and water quality would be less than significant.

### **Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development. It imagines similar land use patterns as well as a similar intensity and density of development to those imagined in the General Plan and Metro Specific Plan, and therefore, impacts related to polluted runoff are not anticipated beyond those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. Furthermore, future development and land use activities within the City's jurisdiction would be subject to General Plan policies and Metro Specific Plan policies detailed above, as applicable, including provisions associated with the protection of water quality and runoff. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

- c. **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**
- i. **Result in substantial erosion or siltation on- or off-site;**
  - ii. **Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;**
  - iii. **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;**  
**or**
  - iv. **Impede or redirect flood flows?**

### **Summary of General Plan FEIR**

The General Plan FEIR determined that the implementation of the General Plan could alter the Planning Area's storm drainage system, primarily in areas that are currently undeveloped or underutilized. Construction activities are regulated by the NPDES General Construction Stormwater Permit, which requires the preparation of a SWPPP to control the discharge of pollutants. Additionally, the General Plan FEIR found that the City must implement post-construction stormwater management in new development and redevelopment projects. Furthermore, the Santa Clara Valley Urban Runoff Prevention Program (SCVURPP) implements pollution prevention, source control, and monitoring and outreach programs aimed at reducing pollutants in stormwater runoff and protecting water quality. The General Plan FEIR also identifies several policies and actions within the General Plan which seek to reduce impacts associated with stormwater and drainage, such as Policies SA 2-2, SA 2-3, UCS 1-1 through UCS 1-3, and UCS 4-1 through UCS 4-14. Future projects would also be required to obtain permits from USACE and the CDFW if any work is performed within a waterway, and future development projects must include project-specific floodplain and drainage studies, as necessary. Therefore, the General Plan FEIR concluded that impacts would be less than significant with implementation of General Plan policies and Actions, the Municipal Code, federal and State regulations, and regulations for the SCVURPP.

### **Summary of Metro Specific Plan SFEIR**

Refer to summary provided in Impact X(a).

### **Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development and would result in similar land uses, densities, and intensities to those contemplated in the General Plan and Metro Specific Plan. Therefore, the proposed project would not result in any changes to existing drainage patterns, nor would it result in stream alteration that could result in erosion or siltation in the City beyond those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. Furthermore, future development and land use activities within the City's jurisdiction would be subject to General Plan policies and Metro Specific Plan policies, as applicable, including provisions associated with the protection of water quality and runoff, such as General Plan Policies SA 2-3, UCS 1-2, UCS 4-2, UCS 4-5, and UCS 4-14 and Metro Specific Plan Policies ICS 1.1 and ICS 1.2, detailed above.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

**Summary of General Plan FEIR**

***Flood***

The General Plan FEIR determined that the Planning Area is subject to flooding along natural creeks, drainages, and lakes. Milpitas contains areas within the 1 percent annual chance flood hazard zone, the 0.2 percent annual chance flood hazard zone, and areas of undetermined flood hazard. Portions of the City may also be at risk of inundation from upstream dam failure. According to the General Plan FEIR, the City is a participant in the National Flood Insurance Program (NFIP), which provides property owners and renters with 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 Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), which the City is consistent with through the implementation of Floodplain Management Regulations. Further, the General Plan FEIR determined that future projects would require an approved SWPPP designed to control stormwater quality degradation, and the City regulates stormwater discharge in accordance with the NPDES programs and WQMP stormwater requirements. Therefore, the General Plan FEIR concluded that impacts would be less than significant with implementation of the General Plan and compliance with applicable federal, State, and local regulations.

***Tsunami and Seiches***

The General Plan FEIR determined that there are no tsunami inundation areas or tsunami inundation lines within the Planning Area. However, there are multiple dam inundation areas that could impact the Planning Area. Therefore, the Santa Clara Valley Water District's Dam Safety Program operates a comprehensive Dam Safety Program for the public. The Dam Safety Program includes periodic special engineering studies, a surveillance and monitoring program, routine inspections, maintenance activities, and emergency response and preparedness plans. This program ensures the continued operation of the 10 major dams within the County, ensuring that Milpitas is not at significant risk from dam failure. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

**Summary of Metro Specific Plan SFEIR**

Refer to summary provided in Impact X(a).

**Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development. This precludes the potential for new impacts associated with 100-year flood hazards, levees, dam failure, tsunami, seiche, or mudflow. Future individual development projects would be evaluated for inundation risks pursuant to General Plan and Metro Specific Plan policies as detailed in General Plan Policies SA 2-3 through



SA 2-10, which describe flood control measures and requirements for new developments to reduce flooding risks; and Metro Specific Plan Policies ICS 2.1 and ICS 2.2, which describe standards and reduction measures for development that would occur in flood zones. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## Mitigation Measures

### General Plan FEIR Mitigation Measures

None.

### Metro Specific Plan SFEIR Mitigation Measures

None.

### Mitigation Measures for the Proposed Project

None required.

## Conclusion

With regard to Hydrology and Water Quality, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area   | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|--|---------------------------------|---|---|---|---|---------------------------------------|---|
| <b>XI. Land Use and Planning</b><br><i>Would the project:</i>  |                                 |   |   |   |   |                                       |   |
| a) Physically divide an established community?   | Less than significant impact    | No impact                               | No  | No  | No  | None                                  | None  |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |

## Discussion

The proposed project would largely maintain existing land use patterns and designations within the city limits, Planning Area, and Metro Specific Plan Area and would occur within the same building envelopes that were analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR.

### a. Physically divide an established community?

#### Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would not physically divide an established community. The land uses allowed under the General Plan provide opportunities for new growth at infill locations within existing urbanized areas of the City and would not create physical division within the community. The General Plan FEIR found that development projects would be designed to complement the character of the existing community and provide connectivity between the existing development and new development. Furthermore, according to the General Plan FEIR, the General Plan would not include any new areas designated for urbanization or new roadways, infrastructure, or features that would divide existing communities. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

## Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR concluded that the Metro Specific Plan would not divide an established community or conflict with adjacent uses or the established pattern of development. The Metro Specific Plan would further create street connections, trail connections and pedestrian bridges across major thoroughfares, connecting the Metro Specific Plan Area's residents and employees with jobs, services, parks, and transit. Additionally, the Metro Specific Plan SFEIR found that the Metro Specific Plan's urban design and development standards would contribute to fewer incompatible uses in the Metro Specific Plan Area. Furthermore, the Metro Specific Plan would enhance community connectivity for existing residential uses and would continue implementing similar goals as the TASP regarding community connectivity.

Therefore, the Metro Specific Plan SFEIR concluded that the Metro Specific Plan would have no impacts related to the division of an established community.

## Proposed Project Analysis and Conclusions

The proposed project would result in similar land use patterns to those evaluated in the General Plan and Metro Specific Plan. Furthermore, the proposed project would not alter existing roadways. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

## Summary of General Plan FEIR

The General Plan FEIR found that the General Plan was prepared in conformance with State laws and regulations, and therefore would not conflict with continued application of State land use plans, policies, and regulations. Additionally, the General Plan focuses on a balanced land use pattern that promotes the City as a desirable place to live and work. The General Plan enhances policies and measures from the previous General Plan that were intended for environmental protection, and the implementation of the General Plan would not remove or conflict with City plans, policies, or regulations adopted for environmental protection. Furthermore, future development projects would be required to be consistent with all applicable policies, standards, and regulations. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

## Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would support the goals and policies of the General Plan and Plan Bay Area 2050 with its focus on creating walkable, transit-oriented areas with a mix of neighborhood-serving uses, creating new job opportunities near transit, providing affordable and market rate housing, and encouraging non-vehicular modes of transportation. Additionally, the Metro Specific Plan SFEIR found that all future projects would be required to adhere to the relevant policies of the Comprehensive Airport Land Use Plan for Santa Clara County for Norman Y. Mineta San Jose International Airport.

Therefore, the Metro Specific Plan SFEIR concluded that impacts related to conflicts with a land use plan, policy, or regulation would be less than significant.

### **Proposed Project Analysis and Conclusions**

The proposed project contains various updates to the Zoning Ordinance. These updates would result in a similar density and intensity of development as well as similar land use patterns to those imagined in the General Plan and Metro Specific Plan, as the purpose of these updates is to establish consistency between the General Plan and Zoning Code. As described in Section 2.3.1 Project Summary, the proposed project also creates eight new zoning districts with development standards designed to correspond with various General Plan land use designations. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## **Mitigation Measures**

### **General Plan FEIR Mitigation Measures**

None.

### **Metro Specific Plan SFEIR Mitigation Measures**

None.

### **Mitigation Measures for the Proposed Project**

None required.

## **Conclusion**

With regard to Land Use and Planning, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| <b>XII. Mineral Resources</b><br><i>Would the project:</i>  |                                 |   |   |   |   |                                       |   |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?                                | Less than significant impact    | No impact                               | No  | No  | No  | None                                  | None  |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | Less than significant impact    | No impact                               | No  | No  | No  | None                                  | None  |

## Discussion

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?**
- b) **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

### Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would not result in the loss of availability of a known mineral resource. The Planning Area contains four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources, located outside city limits. These areas are part of the South San Francisco Bay Production-Consumption Region, contain sandstone deposits, and are currently being quarried. Additionally, the General Plan FEIR determined that the Planning Area does not contain sites designated as a locally important mineral resource recovery site by the General Plan. The Santa Clara County General Plan identifies important mineral resources within the County, including the hillside areas within the City’s SOI. However, the General Plan FEIR determined that the implementation of the General Plan would not result in the loss of a locally important mineral resource recovery site, and impacts would be less than significant. Therefore, the General Plan FEIR identified that there would be no loss of known or

locally important mineral resources as a result of the implementation of the General Plan, and impacts would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR concluded that there would be no impacts to mineral resources because there are no mineral resources in the Metro Specific Plan Area.

### **Proposed Project Analysis and Conclusions**

The proposed project does not propose any changes within the Planning Area that could potentially result in development in areas not previously contemplated by the General Plan FEIR or the Metro Specific Plan SFEIR. This precludes the potential for new impacts associated with mineral resources. Therefore, implementation of the proposed project would not introduce environmental impacts or create more severe environmental impacts than those analyzed in the General Plan FEIR or the Metro Specific Plan SFEIR. No additional analysis is required.

## **Mitigation Measures**

### **General Plan FEIR Mitigation Measures**

None.

### **Metro Specific Plan SFEIR Mitigation Measures**

None.

### **Mitigation Measures for the Proposed Project**

None required.

## **Conclusion**

With regard to Mineral Resources, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area  | Conclusion in General Plan FEIR   | Conclusion in Metro Specific Plan SFEIR  | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---|--|---|---|---|---------------------------------------|---|
| <b>XIII. Noise</b><br><i>Would the project:</i>   |   |  |   |   |   |                                       |   |
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | Significant and unavoidable impact (traffic noise)<br><br>Less than significant impact (railroad noise)<br><br>Less than significant impact (stationary noise sources)<br><br>Less than significant impact (construction noise sources) | Less than significant impact (traffic noise)<br><br>Less than significant impact (mixed-use and transit-oriented development)<br><br>Less than significant impact (stationary noise sources)<br><br>Significant and unavoidable (construction noise sources)<br><br>Less than significant impact (sire noise at future police station) | No  | No  | No  | None                                  | MM NOI-1                                      |
| b) Generation of excessive groundborne vibration or groundborne noise levels?   | Less than significant impact  | Significant and unavoidable impact (construction)<br><br>Less than significant impact (operation)  | No  | No  | No  | None                                  | MM NOI-2 and MM NOI-3                         |

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | No impact                       | No impact                               | No  | No  | No  | None                                  | None  |

**Discussion**

- a. **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

**Summary of General Plan FEIR**

**Traffic Noise**

The General Plan FEIR indicated that 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. While the General Plan included several policies and actions to reduce noise and land use compatibility impacts from traffic noise sources, the General Plan FEIR concluded that traffic noise would still exceed applicable noise exposure criteria even with implementation of General Plan requirements. Impacts related to traffic noise on existing noise-sensitive uses in the City were therefore determined to be significant and unavoidable.

**Railroad Noise Sources**

The General Plan FEIR indicated that although future development located along railroad lines could expose residents to unacceptable exterior noise levels, implementation of General Plan policies and actions related to noise mitigation would ensure that development allowed under the General Plan



would not expose residents to noise levels associated with railroad operations in excess of the City's established standards. Therefore, the General Plan FEIR concluded that implementation of applicable General Plan policies and actions would ensure that development allowed under the General Plan would not be exposed to noise levels associated with railroad operations in excess of the City's established standards, and impacts would be less than significant.

### ***Stationary Noise Sources***

The General Plan FEIR indicated that future development could result in land uses that generate noise levels in excess of applicable City noise standards for non-transportation noise sources. However, implementation of General Plan policies and actions would ensure that development allowed under the General Plan would reduce noise impacts from stationary noise sources, and impacts would be less than significant.

### ***Construction Noise Sources***

The General Plan FEIR indicated that future development could result in an increase of construction noise sources that could result in periods of significant ambient noise level increases and the potential for annoyance. The General Plan FEIR noted that due to the temporary nature of construction noise, noise increase from construction activities would not lead to ongoing or long-term exceedances of the City's noise standards. In addition, the ambient noise standards established by the General Plan do not apply to temporary noise sources such as construction activity. The General Plan FEIR concluded that implementation of General Plan policies and actions would reduce noise impacts from construction noise to a less than significant level.

## **Summary of Metro Specific Plan SFEIR**

### ***Construction***

The Metro Specific Plan SFEIR indicated that construction of future development associated with the Metro Specific Plan would generate noise and temporarily increase noise levels at nearby land uses. Most construction activities would be limited to the daytime allowable hours for construction defined in the Municipal Code, but some construction noise could occur during nighttime hours and/or could result in a substantial temporary increase in ambient noise levels. Construction noise would be reduced through compliance with General Plan Policies and actions. However, construction noise from development consistent with the Metro Specific Plan could occur during nighttime hours and/or could result in substantial temporary increase in ambient noise levels in the City during daytime or nighttime hours. It is not possible to ensure that in all instances and for all future projects that mitigation measures would be able to reduce construction noise to less than significant levels; therefore, the Metro Specific Plan SFEIR conservatively concluded that construction noise impacts from implementation of the Metro Specific be would be significant and unavoidable.

### ***Operation***

#### ***Traffic Noise***

The Metro Specific Plan SFEIR indicated that implementation of the Metro Specific Plan would result in changes to the land use classifications (i.e., increased allowable densities and intensities, new land use classifications, and change in location of land use classifications) within the Metro Specific Plan Area and could therefore result in increases in traffic in certain portions of the Metro Specific Plan

Area or in the redistribution of traffic along new or different segments. The Metro Specific Plan SFEIR concluded that traffic noise increases would be below General Plan significance thresholds, and impacts related to traffic noise would be less than significant.

#### *Noise Impacts Related to Mixed-Use and Transit-Oriented Development*

The Metro Specific Plan SFEIR indicated that the Metro Specific Plan would not directly result in the relocation of rail or Bay Area Rapid Transit (BART) tracks or result in increases in rail or BART activity, and that impacts associated with noise from rail and BART activity would be less than significant.

#### *Operational Mechanical Equipment Noise*

The Metro Specific Plan SFEIR indicated that development within the Metro Specific Plan Area would be expected to include the installation and operation of stationary sources of noise, such as heating, ventilation, and air conditioning (HVAC) equipment, and emergency generators, which could expose adjacent land uses and sensitive receptors to excessive noise. The Metro Specific Plan SFEIR presented typical noise generation from HVAC equipment and emergency generators and discussed potential reductions. However, the Metro Specific Plan SFEIR noted that because operational mechanical equipment for specific future projects would vary, it determined that the potential reductions could not be quantified and therefore impacts would potentially be significant. The Metro Specific Plan SFEIR concluded that compliance with applicable General Plan policies and actions would help reduce the effects of mechanical equipment noise on nearby sensitive uses, and that implementation of MM NOI-1 would further reduce potential impacts by requiring applicants of future projects under the Metro Specific Plan to conduct a noise analysis to estimate noise levels of project-specific mechanical equipment and implement mitigation measures to ensure noise levels are below allowable limits. The Metro Specific Plan SFEIR concluded that compliance with applicable General Plan policies and actions and implementation of MM NOI-1 would reduce operational impacts associated with operational mechanical equipment to less than significant.

#### *Siren Noise at Future Police Station*

The Metro Specific Plan SFEIR indicated that development of the police station could introduce operational noise in the form of siren noise. However, because siren use would be temporary and would occur to protect public health and safety, it would result in a less than significant noise impact.

## **Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development in areas not previously contemplated by the General Plan and Metro Specific Plan. As described in Section 2, Project Description, buildout of the proposed project would result in a similar intensity of development as that anticipated in the General Plan and Metro Specific Plan. Therefore, the proposed project does not anticipate any additional construction noise impacts beyond those analyzed in the General Plan FEIR and Metro Specific Plan SFEIR. Furthermore, future development and land use activities resulting from the proposed project would be subject to General Plan goals, policies and actions that would reduce noise and land use compatibility impacts from traffic noise sources, stationary sources, railroad-related sources, and construction sources. Future development located within the Metro Specific Plan Area would also be required to adhere to Metro Specific Plan policies, including the

implementation of MM NOI-1, which mandates that all development projects within the Metro Specific Plan Area conduct a noise analysis to estimate noise levels of project-specific mechanical equipment and implement mitigation measures to ensure noise levels are below allowable limits.

As such, implementation of MM NOI-1 and the Metro Specific Plan goals and policies would reduce the proposed project's noise impacts to a less than significant level within the Metro Specific Plan.

For portions of the proposed project outside of the Metro Specific Plan, the goals, policies, and actions from the General Plan would help reduce potential future noise impacts resultant from the proposed project. Similar to the conclusions of the General Plan FEIR, potential impacts related to traffic noise would continue to be significant and unavoidable for the proposed project. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

**b. Generation of excessive groundborne vibration or groundborne noise levels?**

**Summary of General Plan FEIR**

***Construction***

The General Plan FEIR indicated that construction associated with development under the General Plan could create perceptible vibration levels and potential damage to existing structures, resulting in a potentially significant impact. However, the General Plan FEIR concluded that, given the temporary nature of construction, and with compliance with applicable General Plan policies and actions, impacts from construction vibration would be less than significant.

***Operation***

The General Plan FEIR indicated that development could expose persons to excessive groundborne vibration levels caused by trains; given the programmatic nature of the General Plan, the locations of buildings and their sensitivity to vibration were not known at the time General Plan FEIR was certified. The General Plan FEIR concluded that compliance with applicable General Plan policies and actions would require that individual development projects undergo project-specific environmental review and address potential vibration impacts associated with railroad operations. Therefore, the General Plan FEIR determined that impacts related to groundborne vibration during operation would be less than significant.

**Summary of Metro Specific Plan SFEIR**

***Construction***

The Metro Specific Plan SFEIR concluded that some construction activities could result in vibration levels in excess of significance thresholds that could result in damage to structures and vibration-related annoyance, resulting in a potentially significant impact. Development consistent with the Metro Specific Plan would be required to comply with applicable General Plan policies and actions. Future development requiring pile driving within 100 feet of an existing structure or utilizing other ground-disturbing equipment within 25 feet of existing structures would also be required to implement MM NOI-2, which requires that construction contractors implement all feasible means to

avoid damage to adjacent and nearby buildings from construction-generated vibration. MM NOI-3 requires implementation of a nighttime construction vibration control plan to reduce vibration-related annoyance impacts.

The Metro Specific Plan SFEIR concluded that even with compliance with General Plan policies and MM NOI-2 and MM NOI-3, because it is not possible to ensure that mitigation measures would reduce construction vibration to less than significant levels, construction groundborne vibration impacts would remain significant and unavoidable.

### **Operation**

The Metro Specific Plan SFEIR indicated that while sensitive receptors could be exposed to groundborne vibration from Amtrak trains, freight trains, and BART, the Metro Specific Plan would not result in relocation or the increased use of these facilities beyond what would otherwise exist without the implementation of the Metro Specific Plan. Therefore, it concluded that rail or BART-related operational vibration impacts would not be directly affiliated with the Metro Specific Plan, and impacts would be less than significant.

### **Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development in areas not previously contemplated by the General Plan and Metro Specific Plan. As described in Section 2, Project Description, buildout of the proposed project would result in a similar intensity of development as that anticipated in the General Plan and Metro Specific Plan. Therefore, the proposed project does not anticipate any additional construction vibration impacts beyond those analyzed in the General Plan FEIR and Metro Specific Plan SFEIR.

In compliance with General Plan policies and actions, buildout of the proposed project would be required to undergo project-specific environmental review and address potential vibration impacts associated with railroad operations. Furthermore, buildout of the proposed project within the Metro Specific Plan Area would be required to comply with applicable Metro Specific Plan policies and actions. Development resulting from the proposed project within the Metro Specific Plan would also be required to comply with Metro Specific Plan SFEIR MM NOI-2 and MM NOI-3, which provide mitigation to protect potentially susceptible structures from construction-generated vibration and also require individual development projects to implement a nighttime construction vibration control plan to reduce vibration-related annoyance impacts. With implementation of the goals, policies, and actions provided by the General Plan, buildout of the proposed project outside of the Metro Specific Plan Area would be less than significant.

Within the Metro Specific Plan Area, Metro Specific Plan policies and actions, and MM NOI-2 and MM NOI-3 would help reduce vibration impacts associated with the proposed project. However, similar to the conclusions of the Metro Specific Plan SFEIR, vibration impacts resulting from construction of development under the proposed project would not differ significantly from those analyzed under the Metro Specific Plan SFEIR, and as such, impacts would remain significant and unavoidable.

Implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

- c. **For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

### **Summary of General Plan FEIR**

Impacts related to airports are discussed in Section 3.8, Hazards and Hazardous Materials, of the General Plan FEIR. The General Plan FEIR concluded that Milpitas is not located within an airport land use plan or within two miles of a public airport. Therefore, implementation of the General Plan would result in less than significant impacts related to aircraft noise.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR indicated that there are no private or public airport facilities located in the City, and concluded there would be no impact related to exposing people residing or working in the Metro Specific Plan Area to excessive aircraft noise levels.

### **Proposed Project Analysis and Conclusions**

The area associated with the proposed project the same as the General Plan Planning Area and the Metro Specific Plan Area. As such, the proposed project is not located within an airport land use plan or within two miles of a public airport, and the proposed project would not expose people residing or working in the Planning Area or the Metro Specific Plan Area to excessive aircraft noise. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## **Mitigation Measures**

### **General Plan FEIR Mitigation Measures**

None.

### **Metro Specific Plan SFEIR Mitigation Measures**

#### **MM NOI-1 Mechanical Equipment Noise Reduction Plan**

To reduce potential noise impacts resulting from mechanical equipment (including but not limited to HVAC equipment and emergency generators), the applicants of future projects under the Metro Plan shall conduct a noise analysis to estimate noise levels of project-specific mechanical equipment. The noise analysis shall be based on the selected equipment models and design features. The applicant for the project shall create a Noise Reduction Plan to ensure noise levels of equipment, once installed, are below the applicable criteria described below.

The Noise Reduction Plan shall include any necessary noise reduction measures required to reduce project-specific mechanical equipment noise to a less than significant level. The plan shall also demonstrate that with the inclusion of selected measures, noise from equipment would be below the significance thresholds. Feasible noise reduction measures to reduce noise below the significance thresholds include, but are not limited to, selecting quieter equipment, utilizing silencers and acoustical equipment at vent openings, siting equipment farther from the roofline, and/or enclosing all equipment in a mechanical equipment room designed to reduce noise. Regarding emergency generators, additional noise reduction options include, but are not limited to, installing quieter model generators, incorporating noise-reducing emergency generator weather enclosures, and installing exhaust mufflers or silences. The results of the noise analysis and the final Noise Reduction Plan shall be provided to the City prior to the issuance of building permits.

The noise analysis and Noise Reduction Plan shall be prepared by persons qualified in acoustical analysis and/or engineering. The Noise Reduction Plan shall demonstrate with reasonable certainty that noise from mechanical equipment selected for the project, including the attenuation features incorporated into the project design, will not exceed the City of Milpitas property plane thresholds of 55 dBA during daytime hours or 45 dBA during nighttime hours for nearby residential land uses.

The applicants of future projects under the Metro Plan shall incorporate all feasible methods to reduce noise and any other feasible recommendations from the acoustical analysis and Noise Reduction Plan into the building design and operations, as necessary, to ensure that noise sources meet applicable requirements of the respective noise ordinances at receiving properties.

#### **MM NOI-2      Protect Potentially Susceptible Structures from Construction-Generated Vibration**

If a future development project in the Metro Plan requires any of the following construction activities, then this measure would apply:

- Pile driving within approximately 100 feet of an existing structure.
- Construction with other ground-disturbing equipment (e.g., jackhammers, bulldozers, excavators, etc.) within 25 feet of an existing structure.

The construction contractor shall consult with the City to determine whether adjacent or nearby structures could be adversely affected by construction-generated vibration. If buildings adjacent to construction activity are identified that could be adversely affected, the project applicant will incorporate into construction specifications for their project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby buildings. Such methods to help reduce vibration-related damage effects may include maintaining a safe distance between the construction site and the potentially affected building (e.g., at

least 100 feet for “historic and some old buildings”) or using “quiet” pile driving technologies (such as predrilling piles or using sonic pile drivers).

Should pile driving be required within 100 feet of a building in the “historic or some old building” category, within 75 feet of buildings in the “older residential structures” category, and within 55 feet of buildings in the “modern industrial/commercial” category, the City will work with the construction contractor to implement a monitoring program to minimize damage to adjacent buildings and ensure that any such damage is documented and repaired. If required, the monitoring program will include the following components:

- Prior to the start of any ground-disturbing activity, the project applicant will engage a historic architect or qualified historic preservation professional to undertake a pre-construction survey of nearby affected buildings that may be considered historic. For buildings that are not potentially historic, a structural engineer or other professional with similar qualifications will document and photograph the existing conditions of potentially affected buildings within 100 feet of pile driving activity.
- Based on the construction and condition of the resource(s), the consultant will also establish a standard maximum vibration level that will not be exceeded at any building, based on existing conditions, character-defining features, soil conditions, and anticipated construction practices. Common standards are a peak particle velocity of 0.25 inch per second for “historic and some old buildings,” a peak particle velocity of 0.3 inch per second for “older residential structures,” and a peak particle velocity of 0.5 inch per second for “new residential structures” and “modern industrial/commercial buildings,” as shown in Table 3.4-2.
- To ensure that vibration levels do not exceed the established standard, the project applicant will monitor vibration levels at each structure and prohibit vibratory construction activities that generate vibration levels in excess of the standard.
- Should vibration levels be observed in excess of the selected standard, construction will be halted, and alternative construction techniques put in practice, to the extent feasible (e.g., predrilled piles could be substituted for driven piles, if feasible, based on soil conditions, or smaller, lighter equipment could be used in some cases).
- The historic preservation professional (for effects on historic buildings) and/or structural engineer (for effects on non-historic structures) will conduct regular periodic inspections (every 3 months) of each building during ground-disturbing activity on the project site. Should damage to any building occur, the building(s) will be remediated to their pre-construction condition at the conclusion of ground-disturbing activity on the site.

**MM NOI-3 Implement Nighttime Construction Vibration Control Plan to Reduce Vibration-Related Annoyance Impacts on Adjacent Land Uses**

Should vibration-generating construction activities for future development under the Metro Plan be proposed outside of the daytime hours of 7:00 a.m. to 7:00 p.m., and should non-pile driving equipment be proposed within 25 feet of occupied residences or buildings where people sleep, the construction contractor for a project in the Metro Plan Area shall develop a nighttime construction vibration control plan. In addition, should nighttime pile driving activities be proposed within 100 feet of such buildings, the construction contractor for a project in the Metro Plan Area shall similarly develop a nighttime construction vibration control plan. The construction vibration control plan shall demonstrate that vibration levels at the residential land uses during nighttime hours will not exceed 0.1 PPV in/sec.

In addition, the construction contractor will appoint a project vibration coordinator who will serve as the point of contact for vibration-related complaints during project construction. The contact information for the project vibration coordinator shall be posted at the project site and on a publicly available project website for future development projects under the Metro Plan. Should residents in the project area submit complaints to the project vibration coordinator for nighttime construction vibration concerns, the project vibration coordinator shall work with the construction team to adjust activities to reduce vibration or to reschedule activities for a less sensitive time.

**Mitigation Measures for the Proposed Project**

Implement MM NOI-1, MM NOI-2, and MM NOI-3.

**Conclusion**

With regard to Noise, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No new mitigation measures or alternatives previously found not to be feasible, would in fact be feasible and would reduce one or more significant effects of the project. No new mitigation measures or alternatives which are considerably different from those analyzed in the previously certified EIRs would substantially reduce significant impacts.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.



| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| <b>XIV. Population and Housing</b><br><i>Would the project:</i>   |                                 |   |   |   |   |                                       |   |
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?   | Less than significant impact    | No impact                               | No  | No  | No  | None                                  | None  |

## Discussion

- a. **Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

### Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would not induce substantial unplanned growth in the City, either directly or indirectly. The General Plan accommodates future growth in the City, including new businesses, expansion of existing business, and new residential uses. The General Plan FEIR also identified that as future development occurs, new roads, infrastructure, and services would be required to serve the development, and that this infrastructure would accommodate the planned growth. There are few areas within the City designated for urban land uses that are not already developed as described in the General Plan FEIR,

and new growth is focused on infill sites throughout the City with higher density uses focused around major transportation corridors. Therefore, with implementation of the General Plan policies and actions intended to guide growth to appropriate areas and provide services necessary to accommodate growth, the General Plan FEIR concluded that impacts would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would seek to increase housing and jobs production in the City and would increase the population within the City. However, the population growth would be considered planned because the Metro Specific Plan calls for the development of multiuse neighborhoods around transit nodes. Additionally, the Metro Specific Plan includes area-wide infrastructure improvements to accommodate residential and mixed-use development; therefore, the Metro Specific Plan SFEIR found that the plan would support the movement of individuals that would live and work in the Metro Specific Plan Area. The Metro Specific Plan would also support the population and housing goals from the 2040 General Plan, including Goals A, B, C, D, and E from the Housing Element, which aim to provide adequate sites to accommodate the City's share of the regional housing need. Therefore, because the population and employment growth would be consistent with the City's growth plans and the growth envisioned for the Bay Area, the Metro Specific Plan SFEIR concluded that impacts would be less than significant.

### **Proposed Project Analysis and Conclusions**

The proposed project would update the Zoning Ordinance and Zoning Map, as well as make minor technical amendments to the General Plan and General Plan Land Use Map to ensure vertical consistency among the City's planning documents. As described in Section 2.3.1 Project Summary, the potential maximum density and intensity of development would remain the same for every parcel with proposed changes. Therefore, the proposed project does not anticipate any changes to direct and indirect population growth impacts in the City beyond those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR.

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

### **Summary of General Plan FEIR**

The General Plan FEIR determined that implementation of the General Plan would not displace substantial numbers of existing people or housing. The General Plan FEIR found that the majority of developed land in the Planning Area consists of residential uses, which would not undergo significant land use changes under the General Plan. Furthermore, the General Plan focuses on infill development in vacant and underutilized areas of the City, and the General Plan would generally increase the overall number of dwelling units within the City. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

## Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would not displace substantial number of existing people or housing. The Metro Specific Plan aims to provide more housing in the Metro Specific Plan Area by providing affordable and market rate housing through changes in land use classification. Additionally, future development projects would comply with existing federal, State, and local regulations that would avoid the displacement of people and housing through requirements for replacement housing, preservation of and increases in affordable housing, rental increase limits, and landlord-tenant dispute resolution. Furthermore, the Metro Specific Plan SFEIR determined that the Metro Specific Plan's area is currently used for primarily industrial, manufacturing, and research and development (R&D) uses. Therefore, no residences would be displaced in the eastern expansion area of the Metro Specific Plan. Further, future development projects would be required to undergo environmental review pursuant to CEQA to reduce impacts related to displacing people or housing. Therefore, the Metro Specific Plan SFEIR concluded that impacts would be less than significant.

## Proposed Project Analysis and Conclusions

The proposed project would update the City's current Zoning Ordinance, zoning districts, and Zoning Map to ensure conformity with current General Plan and Metro Specific Plan land use designations. The proposed project does not propose any physical development and would not lower the number of housing units allowed within the City. The land use patterns that would result from the proposed project would be similar to those envisioned and evaluated in the General Plan and Metro Specific Plan. As such, there are no areas designated for residential development that would be rezoned for nonresidential uses. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## Mitigation Measures

### General Plan FEIR Mitigation Measures

None.

### Metro Specific Plan FEIR Mitigation Measures

None.

### Mitigation Measures for the Proposed Project

None required.

## Conclusion

With regard to Population and Housing, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| <b>XV. Public Services</b>  |                                 |   |   |   |   |                                       |   |
| <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i> |                                 |   |   |   |   |                                       |   |
| a) Fire protection?   | Less than significant impact    | —                                       | No  | No  | No  | None                                  | NA  |
| b) Police protection?   | Less than significant impact    | —                                       | No  | No  | No  | None                                  | NA  |
| c) Schools?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| d) Parks?   | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| e) Other public facilities?   | Less than significant impact    | —                                       | No  | No  | No  | None                                  | NA  |

## Discussion

**Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

- a. Fire protection?
- b. Police protection?
- c. Schools?
- d. Parks?
- e. Other public facilities?

## Summary of General Plan FEIR

The General Plan FEIR determined that the implementation of the General Plan would result in additional residents and businesses in the City, which would result in increased demand for public services, including fire protection, police protection, schools, parks, and other public facilities, such as libraries. However, the General Plan SFEIR identified various policies and actions within the General Plan which would ensure that public services are provided at acceptable levels and that the City would maintain and implement public facility master plans to ensure compliance with applicable federal, State, and regional laws related to public services. While new public facilities would likely be required to serve growth contemplated by the General Plan, future development projects would be required to comply with regulations, policies, and standards in the General Plan and would be subject to CEQA review as appropriate. Therefore, the General Plan FEIR concluded that impacts related to fire protection would be less than significant.

## Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR determined that the implementation of the Metro Specific Plan would increase the demand for public services, including fire protection, police protection, schools, and parks, due to the expansion of the Metro Specific Plan Area and the additional population growth expected. The Metro Specific Plan SFEIR concluded that the Metro Specific Plan includes policies meant to minimize physical impacts on the environment due to the need for new or altered public facilities.

### ***Fire Protection***

Metro Specific Plan Policies ICS 8.1, ICS 8.2, ICS 8.4, and ICS 8.5 require the City to prepare a “standards of cover” analysis to determine impacts on the Fire Department, hire additional staff and purchase equipment, site and develop future fire stations to reduce environmental impacts, and minimize noise and traffic impacts resulting from future fire stations. New development would also be required to pay an annual special tax to cover the cost of public service provision, as applicable. However, the Metro Specific Plan SFEIR determined that a CEQA conclusion could not be made because site-specific information on future fire stations that could be required was not known. Therefore, additional CEQA review would be required as additional fire protection services are required.

### ***Police Protection***

The Metro Specific Plan includes the addition of Policy ICS 9.2, which requires an additional police substation to be built within the Metro Specific Plan Area. As such, the Metro Specific Plan SFEIR determined that it is not possible to identify the specific nature, extent, and significance of physical impacts on the environment resulting from the construction and operation of a future police facility, because site-specific information was not available.

Therefore, the Metro Specific Plan SFEIR determined that a CEQA conclusion could not be made because site-specific information on a future police station was not known. As such, additional CEQA review would be required as additional police protection services are required.

### **Schools**

Future development associated with the Metro Specific Plan would be required to pay school impact fees to support additional school facilities and services as applicable, and therefore, the Metro Specific Plan SFEIR concluded that impacts on school services would be less than significant.

### **Parks**

The Metro Specific Plan identifies new parks that would be constructed in the Metro Specific Plan Area and includes policies to provide recreational facilities in the form of a trail system and open space in new developments. The Metro Specific Plan requires phased projects to prioritize the development of public amenities to serve new populations, require residential and mixed-use projects to develop and maintain private public spaces, use a hybrid model of an “acres ratio” and the Recreational Value System to assess public space facilities and identify opportunities for growth, and ensure that each district will include open space with amenities suitable to serve the area.

Overall, the Metro Specific Plan SFEIR concluded that impacts related to the construction of additional recreational facilities would be less than significant.

### **Other Public Facilities**

The Metro Specific Plan SFEIR did not discuss or analyze impacts to other public facilities. Therefore, no CEQA determination was made in the Metro Specific Plan SFEIR.

## **Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development, land use, or policy changes within the Planning Area or Metro Specific Plan Area that could result in direct or indirect population growth not previously contemplated by the General Plan FEIR and the Metro Specific Plan SFEIR. Additionally, the proposed project would largely maintain existing land use patterns as were envisioned and evaluated in the General Plan and the Metro Specific Plan Area and, as such, would result in similar intensity and density of development. This precludes the potential for new impacts associated with new or expanded public services beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Furthermore, future development projects would be required to comply with applicable federal, State, regional, and local laws and regulations related to public services, including the policies and actions of the General Plan and the Metro Specific Plan.

### **Fire Protection**

Applicable policies related to fire protection include, but are not limited to, General Plan Policies SA 3-1 through SA 3-9, which involve siting, development, staffing, and equipment requirements for critical facilities within the City. Policies SA 4-1, SA 4-8, SA 4-9, and SA 4-10 related to the provision of adequate funding for police and fire facilities and personnel, fire protection in hillside areas, response time for fire and emergency medical services, and adequate water supplies, would also be applicable to future development. Furthermore, Action SA 4b requires applications for future development to be reviewed by the Fire Department to evaluate impacts and facilitate adequate fire services. Future development within the Metro Specific Plan Area would also be required to comply with various policies including, but not limited to Metro Specific Plan Policy ICS 8.1 through ICS 8.6,

which establish standards for new fire facilities, staffing, and funding, including siting standards and updated emergency and disaster response plans. Furthermore, Policy M 1.2 ensures that all streets shall meet Fire Department design requirements for access and firefighting operations.

### **Police Protection**

Applicable policies from the General Plan and Metro Specific Plan related to police protection include, but are not limited to, General Plan Policies SA 3-1 through SA 3-9, which involve siting, development, staffing, and equipment requirements for critical facilities within the City. Policies SA 4-1 through SA 4-7, related to adequate funding for police facilities and personnel, community-based crime prevention, enhancing safety through physical site planning, and coordination with Valley Transportation Authority (VTA) security and BART Police, would also be applicable to future development. Furthermore, Actions SA 4a and SA 4d require future development to consult with the Police Department to ensure adequate police services and crime prevention measures and encourage using technology as a means of crime reduction. Future development within the Metro Specific Plan Area would also be required to comply with various policies including, but not limited to, Metro Specific Plan Policy ICS 9.1, which requires the City to hire additional police staff and purchase equipment to provide an adequate level of service.

### **Schools**

Applicable policies from the General Plan and Metro Specific Plan include, but are not limited to General Plan Policy UCS 1-5, Action UCS-8a, and Action UCS-8c, which require the payment of applicable school impact fees for future development and require the City to develop criteria for the siting of schools. Future development within the Metro Specific Plan Area would also be required to comply with various policies including, but not limited to, Metro Specific Plan Policies ICS 10.2 and ICS 10.2 through ICS 8.6, which require coordination with school districts on facilities needed to accommodate new students and ensure that all school impact fees are paid by future projects.

### **Parks**

Applicable policies related to parks include, but are not limited to, General Plan Policies PROS 1-1 through 1-16, which establish standards for parkland acreage within the Planning Area, require dedication of parkland within future development or payment of in lieu fees, and provide various requirements for expansion, design, and maintenance of park facilities. Future development within the Metro Specific Plan Area would also be required to comply with various policies including, but not limited to, Metro Specific Plan Policies PPS 3.1, COS 1, PPS 5.5, PPS 1.2, PPS 1.3, and M 5.1 through M 5.3, which establish standards for parks, recreational facilities, and trails within the Metro Specific Plan Area.

### **Other Public Facilities**

Applicable policies related to other public facilities include, but are not limited to, General Plan Policies UCS 1-5, UCS 8-7, and UCS 8-8, which involve paying impact fees, supporting the provision of civic, library, and community facilities, and supporting the Santa Clara County Library District.

### **Conclusion**



Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## Mitigation Measures

### General Plan FEIR Mitigation Measures

None.

### Metro Specific Plan SFEIR Mitigation Measures

None.

### Mitigation Measures for the Proposed Project

None required.

## Conclusion

With regard to Public Services, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area   | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|--|---------------------------------|---|---|---|---|---------------------------------------|---|
| <b>XVI. Recreation</b><br><i>Would the project:</i>  |                                 |   |   |   |   |                                       |   |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?                       | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |

**Discussion**

- a. **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**
- b. **Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

**Summary of General Plan FEIR**

The General Plan FEIR determined that the implementation of the General Plan would increase the demand for parks and recreation facilities due to an increase in population, employment, and tourism in the City. The additional demand on existing parks and recreational facilities would

increase the need for maintenance and improvements. The General Plan FEIR found that the provision of new parks and recreation facilities would reduce the potential for adverse impacts and physical deterioration of existing parks and facilities. New facilities would be provided at a pace and in locations appropriate to serve new development in order to maintain the City-adopted standard for park space of 5 acres per 1,000 residents. New neighborhood and community parks and trails would generally be accommodated in the POS and Public Facilities land use designations to accommodate new parks and trails, in accordance with General Plan Policy PROS-1.4. The General Plan FEIR concluded that future projects would be analyzed for conformance with the General Plan, Municipal Code, and other applicable regulations, including evaluation pursuant to CEQA. Additionally, 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. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that impacts related to recreational facilities would be less than significant. The Metro Specific Plan SFEIR determined that the Metro Specific Plan's implementation would increase the demand for recreational facilities due to the expansion of the Metro Specific Plan Area and the additional population growth expected. The Metro Specific Plan identifies new parks that would be constructed in the Metro Specific Plan Area and includes policies to provide recreational facilities in the form of a trail system and open space in new developments. The Metro Specific Plan requires phased projects to prioritize the development of public amenities to serve new populations, require residential and mixed-use projects to develop and maintain private public spaces, use a hybrid model of an "acres ratio" and the Recreational Value System to assess public space facilities and identify opportunities for growth, and ensure that each district will include open space with amenities suitable to serve the area. Overall, the Metro Specific Plan SFEIR concluded that impacts related to recreational facilities would be less than significant.

### **Proposed Project Analysis and Conclusions**

The proposed project does not propose any physical development, land use, or policy changes within the Planning Area or Metro Specific Plan Area that could result in direct or indirect population growth not previously contemplated by the General Plan FEIR and the Metro Specific Plan SFEIR. Additionally, the proposed project would largely maintain existing land use patterns as imagined in the General Plan Planning Area and the Metro Specific Plan Area. This precludes the potential for new impacts associated with new or expanded parks and recreational facilities beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Furthermore, future development projects would be required to comply with applicable federal, State, regional, and local laws and regulations related to parks and recreational facilities, including the policies and actions of the General Plan and the Metro Specific Plan.

Applicable policies include, but are not limited to, General Plan Policies PROS 1-1 through 1-16, which establish standards for parkland acreage within the Planning Area, require dedication of parkland within future development or payment of in lieu fees, and provide various requirements for expansion, design, and maintenance of park facilities. Future development within the Metro Specific Plan Area would also be required to comply with various policies including, but not limited to, Metro

Specific Plan Policies PPS 3.1, COS 1, PPS 5.5, PPS 1.2, PPS 1.3, and M 5.1 through M 5.3, which establish standards for park, recreational facilities, and trails within the Metro Specific Plan Area.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## Mitigation Measures

### General Plan FEIR Mitigation Measures

None.

### Metro Specific Plan SFEIR Mitigation Measures

None.

### Mitigation Measures for the Proposed Project

None required.

## Conclusion

With regard to Recreation, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area   | Conclusion in General Plan FEIR    | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|--|------------------------------------|---|---|---|---|---------------------------------------|---|
| <b>XVII. Transportation</b><br><i>Would the project:</i>   |                                    |   |   |   |   |                                       |   |
| a) Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?                   | Less than significant impact       | Less than significant impact            | No  | No  | No  | None                                  | None  |
| b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?  | Significant and unavoidable impact | Less than significant impact            | No  | No  | No  | None available                        | None  |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | Less than significant impact       | Less than significant impact            | No  | No  | No  | None                                  | None  |
| d) Result in inadequate emergency access?  | Less than significant impact       | Less than significant impact            | No  | No  | No  | None                                  | None  |

## Discussion

- a. **Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

### Summary of General Plan FEIR

The General Plan FEIR determined that the policies included in the General Plan would support and further the implementation of a variety of City transportation plans, including the Bikeway Master

Plan and the Trails Master Plan. The General Plan FEIR also identified that the context of the City's transportation network would be considered through policies that support interjurisdictional coordination and linking the development of transportation facilities to the surrounding land uses. Furthermore, the VTA has provided Level of Service (LOS) thresholds for intersections and roadways since the 1990s, including for intersections and roadways within the Planning Area, but LOS is no longer considered an environmental impact under CEQA. As such, the General Plan's policies focus on the development of a multimodal transportation network and the enhancement of facilities to improve walking, bicycling, and transit use. Therefore, the General Plan FEIR concluded that impacts related to conflict with a program, plan, ordinance, or policy associated with the circulation system would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would result in less than significant impacts related to conflict with programs, plans, ordinances, or policies addressing the circulation system of the Metro Specific Plan Area. The Metro Specific Plan SFEIR determined that the Metro Specific Plan would result in increased demand for pedestrian, bicycle, and transit trips in the Metro Specific Plan Area, but the addition of multi-family housing, retail development, and commercial uses would result in convenient, walkable access to a range of services and employment opportunities. The Metro Specific Plan SFEIR further identified that the increased transit demand would be accommodated by various transit providers within the Metro Specific Plan Area, such as BART, VTA light rail, VTA bus routes, Altamont Commuter Express (ACE) shuttles, and an AC Transit line. The Metro Specific Plan also includes various policies meant to minimize potential impacts to pedestrians, bicyclists, and transit users, such as Policies M 2, M 2.1.1 through M 2.1.5, M 2.2, M 2.2.1 through M 2.2.5, M 5.1, and M 8, which detail the specific transportation and circulation improvements, requirements, and Transportation Demand Management (TDM) measures to be implemented.

The Metro Specific Plan SFEIR further determined that the Metro Specific Plan would be consistent with the Draft Trail, Pedestrian, and Bicycle Plan; the City of Milpitas Transportation Analysis Policy; the Plan Bay Area 2050; the Valley Transportation Plan 2040; the Santa Clara Countywide Bicycle Plan; and VTA's Bicycle Technical Guidelines. Goals and policies developed for the Metro Specific Plan would provide enhanced connectivity to destinations throughout the City as well as improved safety and quality of active transportation infrastructure. Therefore, the Metro Specific Plan concluded that impacts related to conflicts with a program, policy, plan, or ordinance associated with the circulation system would be less than significant.

### **Proposed Project Analysis and Conclusions**

The proposed project would result in a similar intensity and density of development within the General Plan Planning Area and the Metro Specific Plan Area, as well as result in similar land use patterns, to those imagined in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, the proposed project would not be expected to alter transportation patterns and uses or conflict with any programs, plans, policies, or ordinances associated with the circulation system. Future development projects would be required to comply with all applicable standards, policies, and regulations described above. Therefore, the proposed project would not introduce new significant

environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

- b. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?**

### **Summary of General Plan FEIR**

The General Plan FEIR determined that the implementation of the General Plan would result in less than significant impacts related to residential VMT and significant and unavoidable impacts related to employment-based VMT. The General Plan FEIR identified that residential uses in the City were projected to generate an average of 11.03 VMT per capita, which is below the applied significance threshold of 11.48 VMT per capita. However, the General Plan FEIR further identified that the projected VMT per employee (20.41) for the City was nearly 31 percent higher than the applied significance threshold (14.14 VMT per employee). The General Plan's land use patterns, intensities, and policies include several components that aim to reduce VMT, and individual development projects would also be required to complete VMT analyses and implement TDM measures as applicable. Although these measures would likely reduce VMT impacts to less than significant when considered at an individual project-level, the General Plan FEIR determined that they cannot be guaranteed and are not possible to fully quantify or mitigate at the programmatic level. Therefore, the General Plan FEIR concluded that impacts related to VMT would be significant and unavoidable.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that the Metro Plan would substantially lower VMT per service population, per capita, and per employee as compared to both the 2040 Santa Clara countywide average and the General Plan at buildout. The Metro Specific Plan includes new residences, retail opportunities, and employment sites within the Metro Specific Plan Area located near BART and light rail stations, and therefore, the Metro Specific Plan SFEIR determined that many residents, employees, and visitors would opt to walk, bicycle, or use transit for trips. Furthermore, Metro Specific Plan Policy M 8 requires new development to implement TDM measures in order to achieve a 15 percent reduction in VMT per resident or employee compared to the countywide average. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to VMT would be less than significant.

### **Proposed Project Analysis and Conclusions**

The proposed project would result in similar land use patterns, densities, and intensities to those envisioned and evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR. As such, it is unlikely that the proposed project would result in additional impacts related to VMT. Future development projects would be required to comply with all applicable standards, policies, and regulations described above. Therefore, the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

### **Summary of General Plan FEIR**

The General Plan FEIR determined that the General Plan would not directly result in any modification to the transportation network and would have no impact related to increasing hazards related to design features. Furthermore, future facilities associated with the implementation of the General Plan would be required to meet applicable federal, State, and City design standards. General Plan Policy CIR 2-2 requires that intersections are designed to safely and comfortably accommodate all transportation modes and users. Therefore, the General Plan FEIR concluded that impacts related to hazards due to geometric design features would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that any improvements to the transportation and circulation system within the Metro Specific Plan Area would be designed and constructed to federal, regional, and local standards, and would therefore not result in hazardous design features. The design of new streets, circulation improvements, and access points would also be reviewed for compliance with safety guidelines and standards as part of the development review process. Furthermore, the Metro Specific Plan SFEIR found that sidewalks, bike lanes, and paths would be added to create a more comprehensive facilities network, thereby enhancing access and safety for nonmotorized users. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to hazards due geometric design features would be less than significant.

### **Proposed Project Analysis and Conclusions**

The proposed project includes zoning updates and minor General Plan Amendments that would not result in any physical development, which precludes the potential for new impacts associated with roadway safety. Future development projects, including streets, circulation improvements, and access points associated with the implementation of the proposed project would be required to comply with the applicable federal, State, and City design standards, such as General Plan Policy CIR 2-2, described above. Therefore, the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

- d. **Result in inadequate emergency access?**

### **Summary of General Plan FEIR**

The General Plan FEIR determined that the implementation of the General Plan would result in modifications to the existing transportation network, which could impact emergency access response time. However, future development associated with the General Plan would be required to comply with 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 entitlement process. Additionally, the General Plan FEIR found that emergency vehicles are able to use vehicle



preemption technology and sirens to reduce response times, and specific locations that would experience a reduction in roadway capacity would undergo individual operations analyses to assess and mitigate potential impacts to emergency vehicle access. General Plan Policies CIR 1-1, 1-7, 1-11, and 1-13 further focus on considering safety needs as part of planning and implementing transportation improvements. Therefore, the General Plan FEIR concluded that impacts related to emergency vehicle access would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that buildout of the Metro Specific Plan would not be expected to result in inadequate emergency access. Future individual development projects within the Metro Specific Plan Area would be required to comply with City and County standards and requirements, as well as Safety, Fire, and Building Codes, and would undergo review by public safety officials as part of the approval process. Furthermore, the Metro Specific Plan SFEIR identified that the addition of a police substation within the Metro Specific Plan Area would provide broader distribution of emergency response resources, thereby resulting in reduced travel distances and response times for emergency vehicles. Additionally, the Metro Specific Plan SFEIR found that emergency vehicles are able to use vehicle preemption technology and sirens to reduce response times, and specific locations that would experience a reduction in roadway capacity would undergo individual operations analyses to assess and mitigate potentially impacts to emergency vehicle access. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to emergency vehicle access would be less than significant.

### **Proposed Project Analysis and Conclusions**

The proposed project would result in similar intensity, density, and land use patterns to those envisioned and evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR, which precludes the potential for new impacts associated with emergency response. Furthermore, any future development projects associated with the implementation of the proposed project would be required to comply with the applicable City and County design standards. For example, General Plan Policies CIR 1-1, 1-7, 1-11, and 1-13 require prioritization of infrastructure and facility safety on streets, coordination with neighboring jurisdictions regarding planned developments and transportation improvements, maintenance of acceptable operations for major streets and intersections, and maintenance of updated emergency preparedness and evacuation plans and procedures. Therefore, the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## **Mitigation Measures**

### **General Plan FEIR Mitigation Measures**

None.

### **Metro Specific Plan SFEIR Mitigation Measures**

None.

## Mitigation Measures for the Proposed Project

None required.

## Conclusion

With regard to Transportation, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area   | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR  | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|--|---------------------------------|--|---|---|---|---------------------------------------|---|
| <b>XVIII. Utilities and Service Systems</b>  |                                 |  |   |   |   |                                       |   |
| <i>Would the project:</i>  |                                 |  |   |   |   |                                       |   |
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects? | Less than significant impact    | Less than significant impact (all facilities except future reservoir and pump stations, see below);<br><br>No CEQA conclusion could be made at the time. Future reservoir and pump station may be subject to further review under CEQA | No  | No  | No  | None                                  | None  |
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?  | Less than significant impact    | Less than significant impact   | No  | No  | No  | None                                  | None  |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has  | Less than significant impact    | Less than significant impact   | No  | No  | No  | None                                  | None  |

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|---|---|---|---------------------------------------|---|
| adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?   |                                 |   |   |   |   |                                       |   |
| d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |
| e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?  | Less than significant impact    | Less than significant impact            | No  | No  | No  | None                                  | None  |

**Discussion**

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

**Summary of General Plan FEIR**

**Water**

The General Plan FEIR determined that the implementation of the General Plan would increase demand for water supplies, including water conveyance and treatment infrastructure, but that the projected 2040 water supplies would be adequate to meet the demand that would be generated by buildout of the General Plan. Therefore, the General Plan would not result in the need to construct or expand water supply and treatment facilities that have not been addressed in the Santa Clara Valley Water District’s water master plans. Future discretionary projects would be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations, including the

requirements of CEQA. Further, the General Plan FEIR identifies several policies to ensure that water providers are consulted with during future land use changes to ensure that future supply meets demands. Future development would also be required to connect to existing water distribution infrastructure, pay the applicable water system connection fees, and pay the applicable water usage rates. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

### ***Wastewater***

The General Plan FEIR determined that the implementation of the General Plan would increase demand for wastewater services. The General Plan FEIR found that there is excess treatment capacity at the Regional Wastewater Facility (RWF), and no physical plant expansions would be required as a result of the General Plan. Further, future development projects would be evaluated for conformance with the General Plan, Municipal Code, and other applicable regulations, including the requirements of CEQA. The General Plan FEIR also identified policies within the General Plan that are designed to ensure adequate wastewater treatment capacity is available to serve development. Therefore, the General Plan FEIR concluded that impacts would be less than significant.

### ***Stormwater Drainage***

The General Plan FEIR determined that the implementation of the General Plan may result in increased areas of impervious surfaces throughout the Planning Area, requiring additional or expanded stormwater drainage, conveyance, and retention infrastructure. Future development would be required to evaluate stormwater drainage and conveyance facilities at the project level, and facilities would primarily be provided on sites with land use designations that allow such uses. Furthermore, General Plan Action UCS 4e requires compliance with the SCVURPP and the C.3 Stormwater Handbook, which includes post-construction stormwater controls on development projects. The General Plan FEIR also identifies several policies and actions designed to ensure adequate drainage infrastructure is available to serve development, minimize potential adverse effects of stormwater conveyance, and ensure that development does not move forward until adequate drainage capacity exists. All development projects would be required to demonstrate how stormwater detention and/or retention would occur on-site or be conveyed to the nearest drainage facility. Therefore, the General Plan FEIR concluded that impacts related to stormwater drainage would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would involve the relocation, construction, or expansion of numerous utility facilities. However, the additional facilities were included in the Water Master Plan, Sewer Master Plan, and Storm Drain Master Plan prepared by the City. These Master Plans were developed using modeling of the assumed buildout of the Metro Specific Plan, and as such, the demand on water, sewer, and storm drain utilities due to the growth associated with the Metro Specific Plan would be met through the utility improvements identified in the Master Plans.

### ***Construction***

The Metro Specific Plan SFEIR found that construction activities within the Metro Specific Plan Area would be served by existing utility systems and infrastructure. There would be adequate utility

service available to provide electricity during construction activities without requiring new or expanded facilities. Further, natural gas and telecommunications services are not generally used during construction, and limited construction-phase water needs would be met through the metered use of water conveyed by water trucks and tanks. The Metro Specific Plan SFEIR determined that construction would not result in substantially elevated wastewater generation levels into the local sanitary sewer system. Groundwater dewatering, required for major excavations, would be discharged into the storm drain system and subject to applicable regulatory controls. Therefore, the Metro Specific Plan SFEIR concluded that construction-related impacts to utilities and service systems would be less than significant.

### **Operation**

The Metro Specific Plan SFEIR requires various improvements to the water system, wastewater system, and stormwater drainage system. The environmental impacts of these improvements were evaluated in various topical sections of the Metro Specific Plan SFEIR. Two improvements discussed in the Metro Specific Plan SFEIR included the implementation of a 2-million-gallon storage reservoir and a new pump station. However, because the locations of these facilities are not currently known, the Metro Specific Plan SFEIR did not make a CEQA significance determination. Future facilities would be evaluated for potential environmental impacts pursuant to CEQA prior to construction. Furthermore, the Metro Specific Plan SFEIR identified that future projects would include building design features that reduce energy consumption and increase renewable energy generation, and projects would be required to comply with the California Green Building Standards Code, Title 24, Part 11, of the California Code of Regulations, which includes green and sustainable building requirements to achieve energy efficiency. The Metro Specific Plan SFEIR thereby identified that it would not require new or expanded electrical facilities, and the Metro Specific Plan would limit the use of natural gas. The Metro Specific Plan would not require the construction of new or expanded natural gas facilities or telecommunication facilities. Therefore, the Metro Specific Plan SFEIR concluded that impacts would be less than significant.

### **Proposed Project Analysis and Conclusions**

The purpose of the proposed project is to establish consistency between the General Plan, Metro Specific Plan, and Zoning Code; therefore, the proposed project would result in a similar density and intensity of development as well as similar land use patterns to those envisioned and evaluated in the General Plan and Metro Specific Plan. Accordingly, the proposed project would not result in direct or indirect population growth not previously contemplated by the General Plan FEIR and the Metro Specific Plan SFEIR, and would not result in the need for construction or relocation of any utilities infrastructure. Additionally, the proposed project would not increase demand for water supplies or wastewater due to an increase in population and employment. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

### **Summary of General Plan FEIR**

The General Plan FEIR determined that the implementation of the General Plan would result in increased demand for additional water supplies due to an increase in population and employment in the Planning Area, although the General Plan FEIR also found that the City would have adequate water supply to serve the General Plan's land uses with an available water supply of 17.5 million gallons per day (mgd) compared to the 13.7 mgd water demands at buildout according to the 2020 Water Master Plan Update (WMPU). Additionally, the General Plan includes various policies designed to ensure an adequate water supply for development and minimize the potential adverse effects of increased water use, such as General Plan Policies UCS 2-1 through UCS 2-8 and Actions UCS 2a through 2k, which require that the water system adequately meets the needs of existing and future development, that additional water supply sources are pursued, that new development pays its fair share of funding for water distribution, and that the use of recycled water is encouraged. Therefore, the General Plan FEIR concluded that impacts related to adequate water supplies would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would result in additional water demand. A Water Supply Assessment (WSA) was prepared for the Metro Specific Plan, which concluded that the City's water supplies would meet projected demands for the Metro Specific Plan through 2045 during normal hydrologic years. Further, once the City's groundwater wells identified in the City's 2020 Urban Water Management Plan (UWMP) start operating in 2030, the City's dry year supplies can better meet projected demands in single dry and multiple dry years. There are small supply shortfalls starting in the third year of a 5-year drought starting in 2030 and the fourth year of a 5-year drought starting in 2045, as described in the Metro Specific Plan SFEIR. The City would implement its Water Shortage Contingency Plan (WSCP) and reduce water demands as needed to address these shortfalls. Therefore, the Metro Specific SFEIR concluded that the total projected water supplies would meet the projected water demand associated with the Metro Specific Plan and impacts were determined to be less than significant.

### **Proposed Project Analysis and Conclusions**

Refer to Impact XVIII(a).

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

### **Summary of General Plan FEIR**

The General Plan FEIR determined that the implementation of the General Plan would not exceed the projected wastewater generation volumes described in the City's 2014 SSMP and the 2015 UWMP. The General Plan FEIR found that there would be an increased demand for water and wastewater services, including a reliable source of recycled water; however, these needs have been

addressed in the water and sewer master plans prepared for the City by West Yost Engineers and HydroScience Engineers, Inc., and the San Jose-Santa Clara Regional Wastewater Facility Master Plan. Projected future water demand will require that the districts continue to implement phased improvements to pump stations, sewer mains, and wastewater treatment plans. Furthermore, the General Plan FEIR identified various General Plan policies designed to ensure an adequate wastewater treatment capacity for development. Therefore, the General Plan FEIR concluded that impacts related to adequate wastewater treatment capacity would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that the implementation of the Metro Specific Plan would increase total wastewater demand due to the expected population growth. Metro Specific Plan policies require ultra-low-flow fixtures and encourage incorporation of water collection and retention devices. The City's overall wastewater generation, including within the Metro Specific Plan Area, would be approximately 9.22 mgd, which is well below the City's capacity of 14.25 mgd. Therefore, the Metro Specific Plan SFEIR concluded that there would be adequate capacity to serve the Metro Specific Plan's projected wastewater demand, and impacts would be less than significant.

### **Proposed Project Analysis and Conclusions**

Refer to Impact XVIII(a).

- d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**

### **Summary of General Plan FEIR**

The General Plan FEIR determined that implementation of the General Plan would result in an increase of approximately 32,886.5 tons of solid waste per year. The City's projected increase in solid waste generation associated with the implementation of the General Plan is well within the permitted capacity of the Newby Island Landfill<sup>3</sup>, which serves Milpitas. The General Plan FEIR also identified that future projects would be required to comply with applicable State and local requirements pertaining to solid waste, construction waste diversion, and recycling. Further, the General Plan includes actions to further reduce impacts on solid waste services. Therefore, the General Plan FEIR concluded that impacts related to solid waste would be less than significant.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that the implementation of the Metro Specific Plan would generate additional solid waste beyond the amount previously identified in the TASP. The Metro Specific Plan SFEIR found that the Kirby Canyon Landfill would have adequate capacity to serve the Metro Specific Plan because the solid waste generated by the Metro Specific Plan Area would only result in approximately 1.1 percent of the solid waste permitted daily. Therefore, the Metro Specific Plan SFEIR concluded that impacts related to solid waste would be less than significant.

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<sup>3</sup> At the time the General Plan FEIR was certified, the Newby Island Landfill provided solid waste disposal services for the City. However, the City entered a long-term agreement for landfill disposal with Kirby Canyon Landfill in 2017, as analyzed in the Metro Specific Plan SFEIR.



### **Proposed Project Analysis and Conclusions**

The proposed project would not result in direct or indirect population growth not previously contemplated by the General Plan FEIR and the Metro Specific Plan SFEIR and would not result in any physical development. This precludes the potential for new impacts associated with solid waste capacity beyond those already evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

- e. **Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?**

### **Summary of General Plan FEIR**

Refer to summary provided in Impact XVIII(d).

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that future development associated with the Metro Specific Plan would be required to comply with regulations requiring waste diversion, including AB 939, the City's Source Reduction and Recycling Program, and Integrated Waste Management Plan (IWMP). Furthermore, the Metro Specific Plan includes policies to provide organic waste collection services in residential and nonresidential development. Therefore, the Metro Specific Plan SFEIR concluded that impacts would be less than significant.

### **Proposed Project Analysis and Conclusions**

The proposed project does not include any physical development. Future individual development projects would be required to comply with General Plan and Metro Specific Plan policies as well as AB 939 and the City's IWMP. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## **Mitigation Measures**

### **General Plan FEIR Mitigation Measures**

None.

### **Metro Specific Plan SFEIR Mitigation Measures**

None.

### **Mitigation Measures for the Proposed Project**

None required.

## Conclusion

With regard to Utilities and Service Systems, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

| Environmental Issue Area   | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Substantial Changes in Project Involving New or More Severe Impacts? | Substantial Changes in Circumstances Involving New or More Severe Impacts? | New Information of Substantial Importance Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|--|---------------------------------|---|--|--|---|---------------------------------------|---|
| <b>XIX. Wildfire</b>   |                                 |   |  |  |   |                                       |   |
| <i>If located in or near State Responsibility Areas or lands classified as Very High Fire Hazard Severity Zones, would the project:</i>  |                                 |   |  |  |   |                                       |   |
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan?   | Less than significant impact    | No impact                               | No   | No   | No  | None                                  | None  |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?   | Less than significant impact    | No impact                               | No   | No   | No  | None                                  | None  |
| c) 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? | Less than significant impact    | No impact                               | No   | No   | No  | None                                  | None  |

| Environmental Issue Area  | Conclusion in General Plan FEIR | Conclusion in Metro Specific Plan SFEIR | Substantial Changes in Project Involving New or More Severe Impacts? | Substantial Changes in Circumstances Involving New or More Severe Impacts? | New Information of Substantial Importance Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures |
|---|---------------------------------|---|--|--|---|---------------------------------------|---|
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | Less than significant impact    | No impact                               | No   | No   | No  | None                                  | None  |

## Discussion

### a. Substantially impair an adopted emergency response plan or emergency evacuation plan?

#### Summary of General Plan FEIR

The General Plan FEIR indicated that implementation of the General Plan does not include any site-specific designs or proposals that would have potential to impair an adopted emergency response plan or evacuation plan. In addition, the General Plan does not include land uses, policies, or other components that conflict with adopted emergency response or evacuation plans which would be provided by the City of Milpitas as a member of the Santa Clara County Emergency Management Organization. The City maintains adequate staffing and access for emergency services, and all new development contemplated under the General Plan would be subject to all City regulations, reviews, and requirements related to emergency services, as well as CEQA analysis of project-specific impacts.

The General Plan FEIR concluded that implementation of the policies and actions contained in the General Plan would ensure resiliency and functionality in the event of a natural disaster. Therefore, the General Plan FEIR concluded that implementation of the General Plan would result in a less than significant impact regarding impairment of adopted emergency response plans or emergency evacuation plans.

#### Summary of Metro Specific Plan SFEIR

The Metro Specific Plan SFEIR found that the area surrounding the Metro Specific Plan Planning Area is generally developed and lacking features that exacerbate wildland fire risks. The Metro Specific Plan SFEIR is not located within or near a State Responsibility Area (SRA) or VHFHSZ.

In addition, it was determined that implementation of the Metro Specific Plan would not result in new or substantially more severe effects that were not analyzed in the General Plan FEIR. Therefore, the Metro Specific Plan SFEIR concluded that there would be no impact related to wildfire.

### **Proposed Project Analysis and Conclusions**

The proposed project does not include any specific development proposals. Future development and associated land use activities would be subject to General Plan and Metro Specific Plan policies, as applicable, including provisions associated with fire safety.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts related to wildfires to create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

### **Summary of General Plan FEIR**

The General Plan found that the City of Milpitas does not contain any areas determined to have either a High or Very High fire threat to people within city limits. While the General Plan does not include any site-specific design or proposals or entitlements with the potential to expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, all future development contemplated under the General Plan is required to comply with all applicable federal, State, and local policies and regulations related to wildland fire safety hazards, such as General Plan Policies SA 4-1, 4-8 through 4-11, and 6-7, which require ensuring adequate water supplies are available for fire suppression throughout the City, providing adequate funding for fire facilities and personnel, and maintaining a response time of 4 minutes or less for urban service areas.

The General Plan FEIR concluded that nothing in the General Plan will substantially alter the slope, prevailing winds, or other factors that would increase exposure of Milpitas residents to wildfires. Therefore, the General Plan FEIR concluded that implementation of the General Plan would result in a less than significant impact regarding the exposure of project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan Area is not located in an SRA or VHFHSZ. Refer to summary provided in Impact XIX(a).

### **Proposed Project Analysis and Conclusions**

The proposed project does not include any specific development proposals. Future development and associated land use activities would be subject to the General Plan policies and Metro Specific Plan policies, as applicable, including provisions associated with fire safety.

Applicable policies include, but are not limited to, General Plan Policies SA 4-1, 4-8 through 4-11, and 6-7, detailed above. General Plan Actions SA 4b, SA 4c, and SA 6g further require development applications to be reviewed by the Public Works Department and Fire Department and to incorporate a climate vulnerability assessment and strategies to safeguard human health and community assets into relevant plans, such as the Emergency Preparedness Plan, Local Hazard Mitigation Plan, and CAP.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts related to wildfires to create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

- c) **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?**

### **Summary of General Plan FEIR**

The General Plan FEIR found that proposed construction projects contemplated under the General Plan would be located in areas that are already urbanized and served by infrastructure. However, all development would be required to comply with applicable provisions from the California Fire Code (CFC), the California Code of Regulations, and the California Public Utilities Commission (CPUC). The General Plan also includes requirements for adequate water supply and flow availability and access for fire suppression.

The General Plan FEIR concluded that implementation of the policies and actions included in the General Plan and described above would ensure that wildland fire hazards would not be exacerbated by local infrastructure. Therefore, the General Plan FEIR concluded that implementation of the General Plan would result in a less than significant impact regarding installation or maintenance of infrastructure and wildfire risk.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan Area is urbanized and contains infrastructure typically associated with urbanized areas. Refer to summary provided in Impact XIX(a).

### **Proposed Project Analysis and Conclusions**

The proposed project does not include any specific development proposals. Future development and associated land use activities would be subject to the General Plan policies and Metro Specific Plan policies described above, as applicable, including provisions related to infrastructure and fire risk.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts related to infrastructure-related fire risk to create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

### **Summary of General Plan FEIR**

The General Plan FEIR found that a large portion of central Milpitas and areas along Coyote Creek are located within a mapped portion of 100-year and 500-year FEMA flood zones, according to the FEMA Flood Hazard Map Viewer. The General Plan Planning Area has not been impacted by fires, as wildfire areas within the City's SOI are located in the hillside areas outside of city limits. The topography in the urban areas of the Planning Area is generally flat and would not be at risk due to debris flows. However, as stated above, all future development under the General Plan will be evaluated for conformance to the CBC as well as the Zoning Ordinance and other City policies, and will be required to prepare a project-specific SWPPP by the RWQCB.

The General Plan FEIR concluded that proposed future development contemplated under the General Plan would not be subject to debris flows, as the topography of the urban portions of the General Plan Planning Area are generally flat, and portions of the Planning Area adjacent to hillside areas subject to landslides and debris flows are sparsely developed. Therefore, the General Plan would result in a less than significant impact regarding the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage change.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan Area is generally characterized by flat topography. Refer to summary provided in Impact XIX(a).

### **Proposed Project Analysis and Conclusions**

The proposed project does not include any specific development proposals. Future development and associated land use activities would be subject to the General Plan policies and Metro Specific Plan policies as applicable, including provisions associated with fire safety and flood hazard protection, such as General Plan Policies SA 2-1 through 2-11, which include various provisions related to flood hazards and flood control facilities.

Therefore, implementation of the proposed project would not introduce new significant environmental impacts related to risks from downslope or downstream flooding resulting from runoff or post-fire slope instability or create substantially more severe impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## **Mitigation Measures**

### **General Plan FEIR Mitigation Measures**

None.

### **Metro Specific Plan SFEIR Mitigation Measures**

None.

## Mitigation Measures for the Proposed Project

None required.

## Conclusion

With regard to Wildfire, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No mitigation measures are necessary because the proposed project's specific impacts would be less than significant.
5. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.



| Environmental Issue Area  | Conclusion in General Plan FEIR    | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures  |
|---|------------------------------------|---|---|---|---|---------------------------------------|--|
| <b>XX. Mandatory Findings of Significance</b>   |                                    |   |   |   |   |                                       |  |
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | Less than significant impact       | Less than significant impact            | No  | No  | No  | None                                  | None   |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a   | Significant and unavoidable impact | Significant and unavoidable impact      | No  | No  | No  | None                                  | MM AQ-1, MM AQ-2, MM AQ-3, MM AQ-4, MM AQ-5, MM AQ-6, MM AQ-7, MM AQ-8, MM AQ-9, MM GHG-1, MM GHG-2, |

| Environmental Issue Area   | Conclusion in General Plan FEIR    | Conclusion in Metro Specific Plan SFEIR | Do the Proposed Changes Involve New or More Severe Impacts? | New Circumstances Involving New or More Severe Impacts? | New Information Requiring New Analysis or Verification? | General Plan FEIR Mitigation Measures | Metro Specific Plan SFEIR Mitigation Measures  |
|--|------------------------------------|---|---|---|---|---------------------------------------|--|
| project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? |                                    |   |   |   |   |                                       | MM GHG-3, MM NOI-1, MM NOI-2, and MM NOI-3.  |
| c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?                               | Significant and unavoidable impact | Significant and unavoidable impact      |   |   |   | None                                  | MM AQ-1, MM AQ-2, MM AQ-3, MM AQ-4, MM AQ-5, MM AQ-6, MM AQ-7, MM AQ-8, MM AQ-9, MM GHG-1, MM GHG-2, MM GHG-3, MM NOI-1, MM NOI-2, and MM NOI-3. |

## Discussion

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

### Summary of General Plan FEIR

The General Plan FEIR determined that the General Plan would have less than significant impacts related to biological resources, cultural resources, and TCRs. Future individual development projects would be required to comply with the policies and actions of the General Plan, which would require site-specific review of project sites to determine whether movement corridors, sensitive habitat, special-status species, and potential cultural resources and TCRs are present. If any of these are

determined to be present, future projects would be required to mitigate and reduce impacts to the greatest extent feasible. Therefore, the General Plan FEIR concluded that the General Plan would not substantially degrade the quality of the environment, reduce special-status species habitats, or eliminate important examples of the major periods of California history or prehistory.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that the implementation of the Metro Specific Plan would have less than significant impacts related to biological resources and cultural resources, including historical and archaeological resources. Therefore, the Metro Specific Plan SFEIR concluded that the Metro Specific Plan would not substantially degrade the quality of the environment, reduce special-status species habitats, or eliminate important examples of the major periods of California history or prehistory.

### **Proposed Project Analysis and Conclusions**

The proposed project would result in a similar intensity and density of development, as well as similar land use patterns, to those envisioned and evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, the proposed project would have similar environmental effects related to biological resources, cultural resources, and TCRs as evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

### **Summary of General Plan FEIR**

The General Plan FEIR found that the General Plan would result in a significant and unavoidable cumulative impact related to noise because traffic noise increases would exceed the applicable noise exposure criteria. The General Plan would also result in a significant and unavoidable cumulative impact on the transportation network because it is unlikely that the 31 percent VMT reduction needed to reach the applied significance threshold would be obtained, since VMT reductions cannot be guaranteed and could not be fully quantified or mitigated at a citywide level in the programmatic General Plan. Therefore, the General Plan FEIR concluded that the implementation of the General Plan would have cumulatively considerable impacts related to noise and transportation.

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would not contribute to cumulatively considerable impacts on most resource areas. However, the Metro Specific Plan SFEIR further identified that the Metro Specific Plan would have potential impacts on air quality, GHG emissions, land use and planning, noise, population and housing, public services, recreation, transportation, and utilities and service systems. As discussed in the various environmental impact

sections of this document, the Metro Specific Plan SFEIR concluded that the implementation of the Metro Specific Plan would result in significant air quality impacts related to a net increase in criteria pollutants and exposing sensitive receptors to pollutant concentrations; significant GHG impacts related to conflict with applicable plans, policies, or regulations reducing GHG emissions; and significant noise impacts related to increases in ambient noise levels, and excessive groundborne vibration or noise levels. Therefore, the Metro Specific Plan SFEIR concluded that the Metro Specific Plan would have cumulatively considerable impacts related to air quality, GHG emissions, and noise.

### **Proposed Project Analysis and Conclusions**

The proposed project would result in a similar intensity and density of development, as well as similar land use patterns, to those envisioned and evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR, because the proposed project would ensure consistency between the Zoning Ordinance, the General Plan, and the Metro Specific Plan. Accordingly, the proposed project would have similar environmental effects related to noise, air quality, transportation, and GHG emissions, as evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

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

### **Summary of General Plan FEIR**

The General Plan FEIR determined that the General Plan would result in a significant and unavoidable cumulative impact related to traffic noise, which could have adverse effects on human beings. Refer to summary provided in Impact XX(b).

### **Summary of Metro Specific Plan SFEIR**

The Metro Specific Plan SFEIR determined that the Metro Specific Plan would have significant and unavoidable impacts related to air quality, GHG emissions, and noise, as discussed in the summary provided in Impact XX(b). Therefore, the Metro Specific Plan SFEIR concluded that the Metro Specific Plan would have an adverse impact on human beings, either directly or indirectly, from air pollutants, GHG emissions, and noise.

### **Proposed Project Analysis and Conclusions**

The proposed project would result in a similar intensity and density of development, as well as similar land use patterns, as envisioned and evaluated in the General Plan FEIR and the Metro Specific Plan SFEIR because the proposed project would ensure consistency between the Zoning Ordinance, the General Plan, and the Metro Specific Plan. Accordingly, the proposed project would have similar environmental effects related to noise, air quality, and GHG emissions, as evaluated and disclosed in the General Plan FEIR and the Metro Specific Plan SFEIR. Therefore, implementation of the proposed project would not introduce new significant environmental impacts or create

substantially more severe environmental impacts than those analyzed in the General Plan FEIR and the Metro Specific Plan SFEIR. No additional analysis is required.

## Mitigation Measures

### General Plan FEIR Mitigation Measures

None.

### Metro Specific Plan FEIR Mitigation Measures

MM AQ-1, MM AQ-2, MM AQ-3, MM AQ-4, MM AQ-5, MM AQ-6, MM AQ-7, MM AQ-8, MM AQ-9, MM GHG-1, MM GHG-2, MM GHG-3, MM NOI-1, MM NOI-2, and MM NOI-3.

### Mitigation Measures for the Proposed Project

Implement MM AQ-1, MM AQ-2, MM AQ-3, MM AQ-4, MM AQ-5, MM AQ-6, MM AQ-7, MM AQ-8, MM AQ-9, MM GHG-1, MM GHG-2, MM GHG-3, MM NOI-1, MM NOI-2, and MM NOI-3.

## Conclusion

With regard to Mandatory Findings of Significance, the analysis demonstrates that:

1. No substantial changes are proposed in the project which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
2. No substantial changes are proposed with respect to the circumstances under which the project is undertaken which require major revisions to the previously certified EIRs due to new significant effects or a substantial increase in the severity of previously identified effects.
3. No new information of substantial importance indicates any new or more significant effects than shown in the previously certified EIRs.
4. No new mitigation measures or alternatives previously found not to be feasible, would in fact be feasible and would reduce one or more significant effects of the project. No new mitigation measures or alternatives which are considerably different from those analyzed in the previously certified EIRs would substantially reduce significant impacts. None of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

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