Trail, Pedestrian, and Bicycle Master Plan

Final Initial Study – Mitigated Negative Declaration

prepared by

City of Milpitas
Engineering Department
455 East Calaveras Boulevard
Milpitas, California 95035
Contact: Fanny Yu, Associate Civil Engineer

prepared with the assistance of

Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

April 2022

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
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Initial Study

1. Project Title

City of Milpitas Trail, Pedestrian and Bicycle Master Plan

2. Lead Agency Name and Address

City of Milpitas
Engineering Department
455 East Calaveras Boulevard
Milpitas, California 95035

3. Contact Person and Phone Number

Fanny Yu, Associate Civil Engineer, 408-586-3318

4. Project Location

Citywide, City of Milpitas (see Figure 1 for regional location and Figure 2 for project location)

5. Project Sponsor's Name and Address

City of Milpitas
Engineering Department
455 East Calaveras Boulevard
Milpitas, California 95035

6. General Plan Designation

N/A, Citywide

7. Zoning

N/A, Citywide

8. Description of Project

The proposed City of Milpitas Trail, Pedestrian, and Bicycle Master Plan (the "Plan") is intended to increase walking and biking in the city of Milpitas through the provision and enhancement of safe and convenient active modes of travel. The Plan has two basic elements: 1) a vision, goals, and policies to support a safe and expansive active transportation network to improve active transportation choices, and 2) a comprehensive list of recommended improvements to bicycle and pedestrian infrastructure.

Figure 1 Regional Location

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Plan Area

N

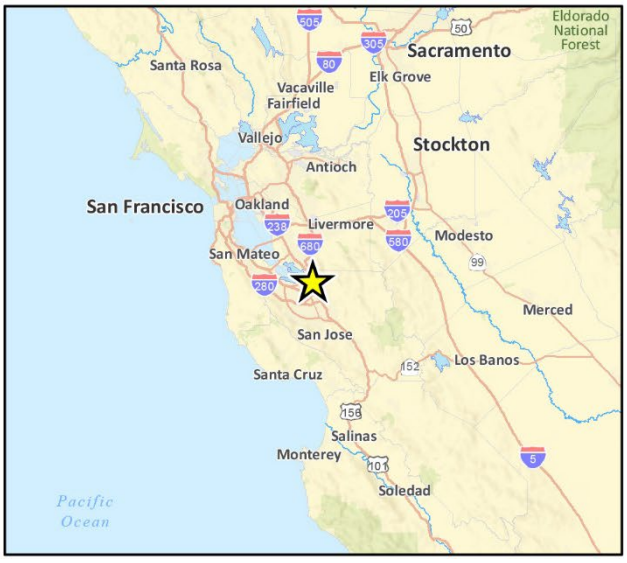

Figure 2 Plan Area

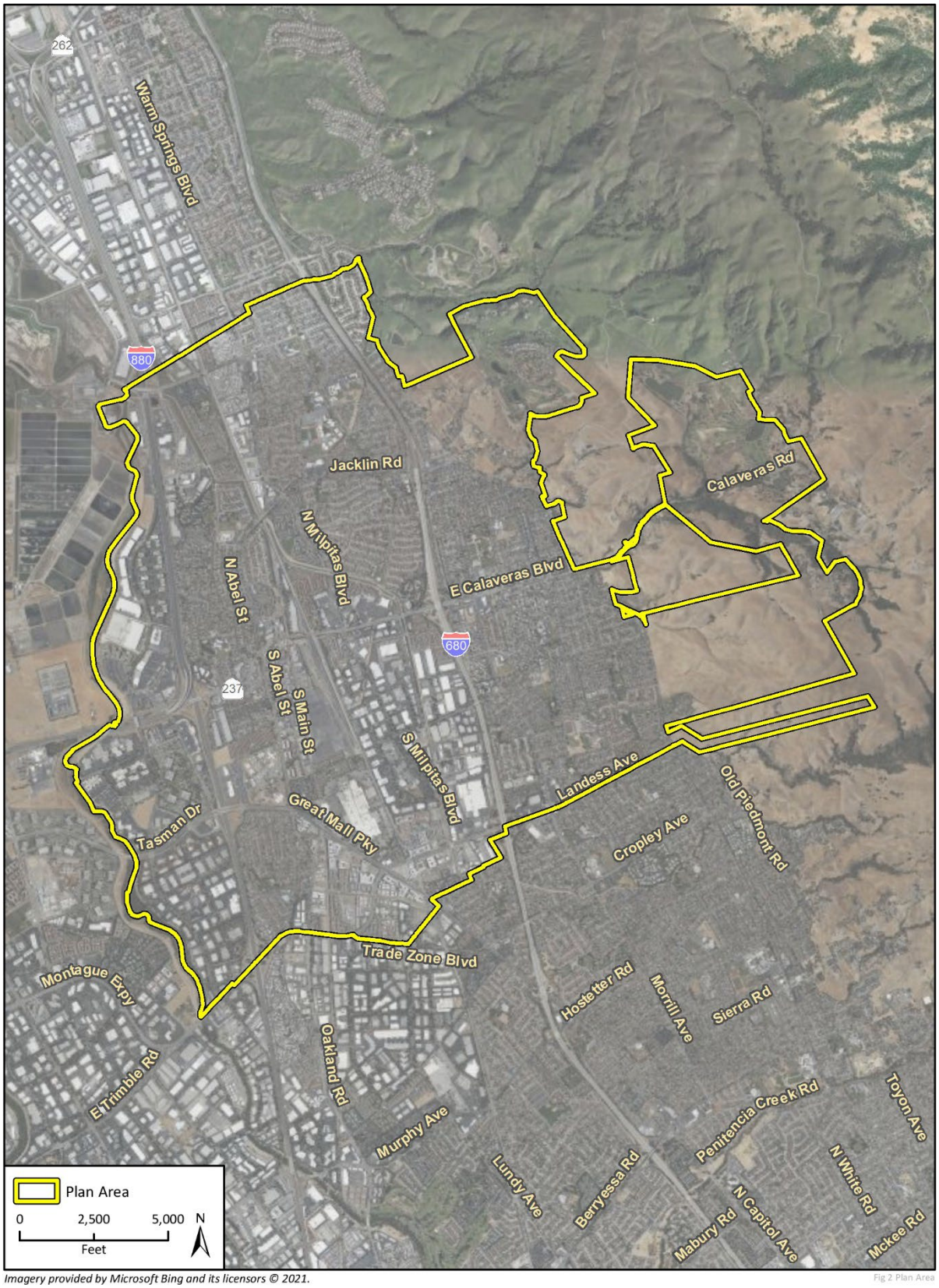

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Fig 2 Plan Area

The Plan's goals include:

- Provide a transportation system that efficiently, equitably, and effectively supports the City's land use vision, minimizes vehicle miles traveled (VMT), enhances connectivity of the existing network, and supports the use of all modes of transportation.
- Provide a safe, healthy, comfortable, equitable, and efficient transportation choices for all modes of transportation to enable people of all races, cultures, ethnicities, religions, sexual orientation, gender, incomes levels, ages and abilities, especially people of color and those disproportionally affected by access to a personal vehicle, systemic transportation inequalities, racism, oppression, and poverty to increase safe physical activity, reduce usage of personal vehicles, access to goods and services, employment opportunities, and for personal travel; to provide for efficient goods movement.
- Support the development and maintenance of the public transit system to provide an integrated, accessible, convenient, safe, comfortable, and effective mobility option.
- Promote, provide, and maintain an expanded, safe, convenient and comprehensive network of facilities for pedestrians and bicyclists of all ages and abilities to support walking and bicycling as viable modes of transportation, for recreational use, and to promote public.
- Implement measures that increase transit use and other non-motorized travel modes that lead to improved utilization of the existing transportation system, such as accessibility improvements to public transit stops and stations by walking and biking, and provide transit stops near employment centers and higher density residential developments and in areas where infrastructure is lacking and access without a car is unsafe.
- Support and expand the City's efforts to promote economic, environmental and social sustainability through initiatives to reduce greenhouse gas emissions and other air pollutants, reduce runoff, promote public health, equity and engage the community in an inclusive planning process.
- Identify strategies and funding sources to implement the actions identified in the City's Circulation Element.

Recommended trail, pedestrian, and bicycle projects listed in the Plan were selected based on input gathered from several community engagement activities, neighboring jurisdictions, and agency partners. The City held pop up events, public workshops in person and virtually, and gathered online input from participants as part of the Plan's outreach strategy. A full list of pedestrian, bikeway, and trail projects are included in Appendix A.

Pedestrian Improvements

Proposed pedestrian improvements would create a safer, more comfortable, and better-connected pedestrian network in Milpitas. Improvements include filling sidewalk gaps, prioritizing pedestrian travel through safe crossings at major roadways, creating pedestrian focused commercial corridors, and considering accessibility to pedestrian facilities. The Plan includes two main pedestrian improvement areas, Commercial Priority Area and Neighborhood Priority Area, as shown in Figure 4 and Figure 5. The Plan also includes proposed pedestrian spot improvements that include streetscape improvements, such as sidewalk amenities, and signal improvements, such as right turn restrictions. Appendix A presents the Plan's full list of pedestrian improvement projects and project locations are shown in Figure 4 and Figure 5.

Bikeway Improvements

The Plan provides a bicycle network that would connect residential roadways with paved shared use paths, protected crossings, and improved bikeways to support bicycle travel throughout Milpitas. Proposed bicycle projects include four classes of facilities:

- Class II bike lanes: dedicated lane for bicycle travel adjacent to traffic and in the right-of-way.
- Class IIB buffered bike lane: dedicated lane for bicycle travel adjacent to traffic and in the right of way, separated from motor vehicles by a painted buffer.
- Class IIIB bike boulevard: calm, local roadways that prioritize bicycle travel through traffic calming features such as traffic diverters and speed bumps.
- Class IV cycle track: on-street bikeway separated from motor vehicles by a curb, median, planters, or other physical barrier.

The Plan also includes proposed pedestrian spot improvements such as bike lane and intersection connectivity. Appendix A presents the Plan's full list of bikeway improvement projects and project locations are shown in Figure 5.

Trail Improvements

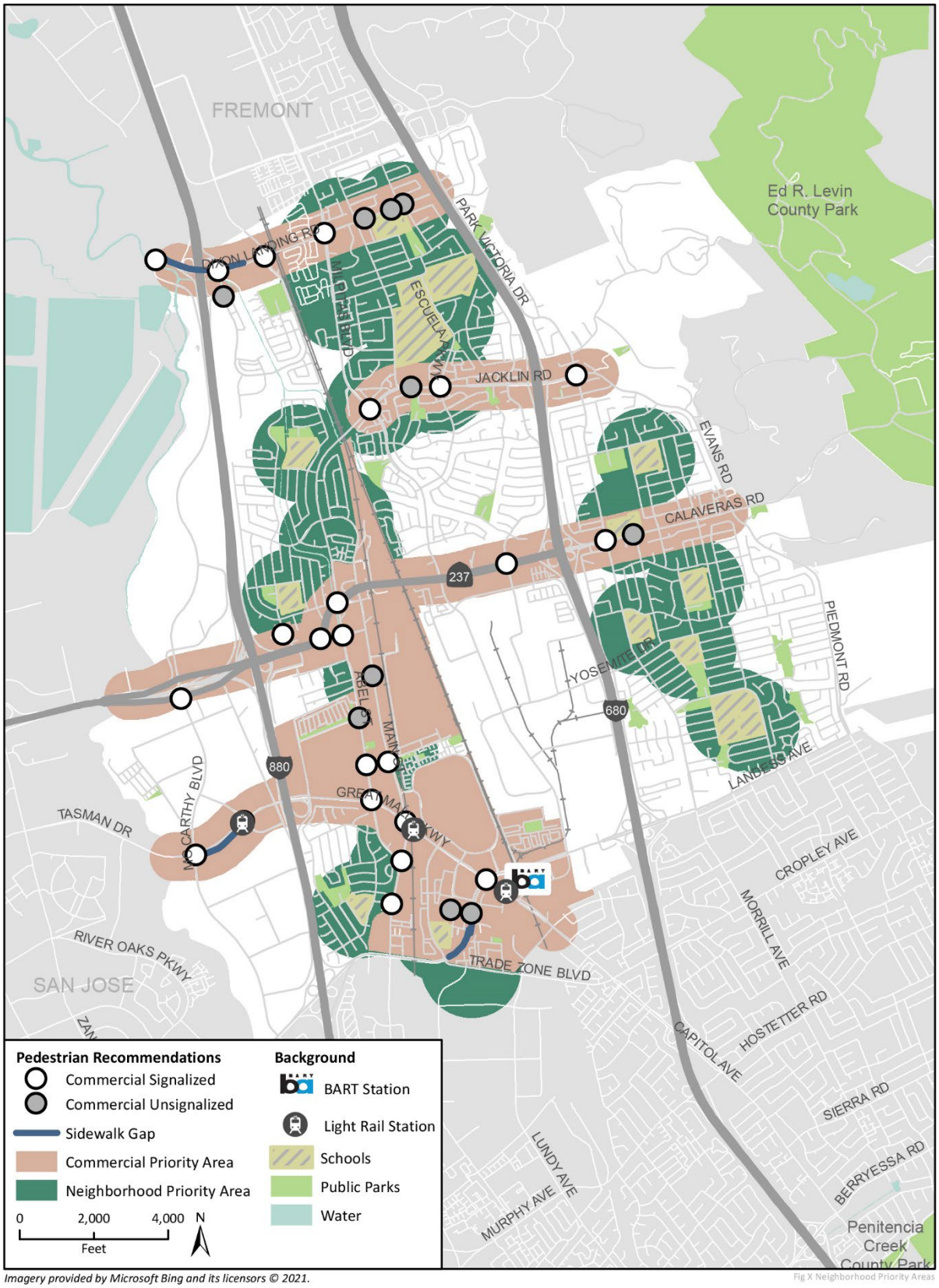
The trail network in Milpitas includes unpaved trails and paved shared use paths. The Plan proposes to expand existing paths along creek corridors and adjacent to major roadways to support a connected trail system. All proposed trails would be paved and implemented as Class I facilities[1]. Path design would comply with standards from Santa Clara County, Valley Water, and local requirements. The Plan also includes proposed trail spot improvements that include trail access improvements, such as roadway crossings; trailhead amenities, such as lighting and wayfinding signage; and new trail connections. Appendix A presents the Plans full list of trail improvement projects and project locations are shown in Figure 6.

The Plan includes a list of projects identified for further study. Projects for future study are shown in Figure 7 and include major roadway crossings such as bridges, undercrossings, and overcrossings. These projects, although included in the Plan, are not analyzed in this CEQA document because they are identified as potential opportunities in the Milpitas that require further study.

Adoption of the proposed Plan would set in place a long-term program for the future construction of the active transportation projects listed in Appendix A; however, adoption in itself would not directly involve the construction of such projects. Thus, this Initial Study – Mitigated Negative Declaration (IS-MND) evaluates the environmental impacts associated with the Plan at a programmatic level and provides programmatic-level mitigation measures. All future active transportation projects forwarded as implementing actions of the Plan, when proposed for construction, will be compared with the Plan program and programmatic mitigation measures, with the anticipated benefit of more detailed construction drawings and scheduling information.

[1] A Class I facility is a paved shared use path completely separated from the roadway and typically shared with bicyclists and pedestrians.

Figure 3 Proposed Pedestrian Commercial Area Improvements



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Additional data provided by City of Milpitas, 2021.

Fig X Neighborhood Priority Areas

Figure 4 Proposed Pedestrian Neighborhood Area Improvements

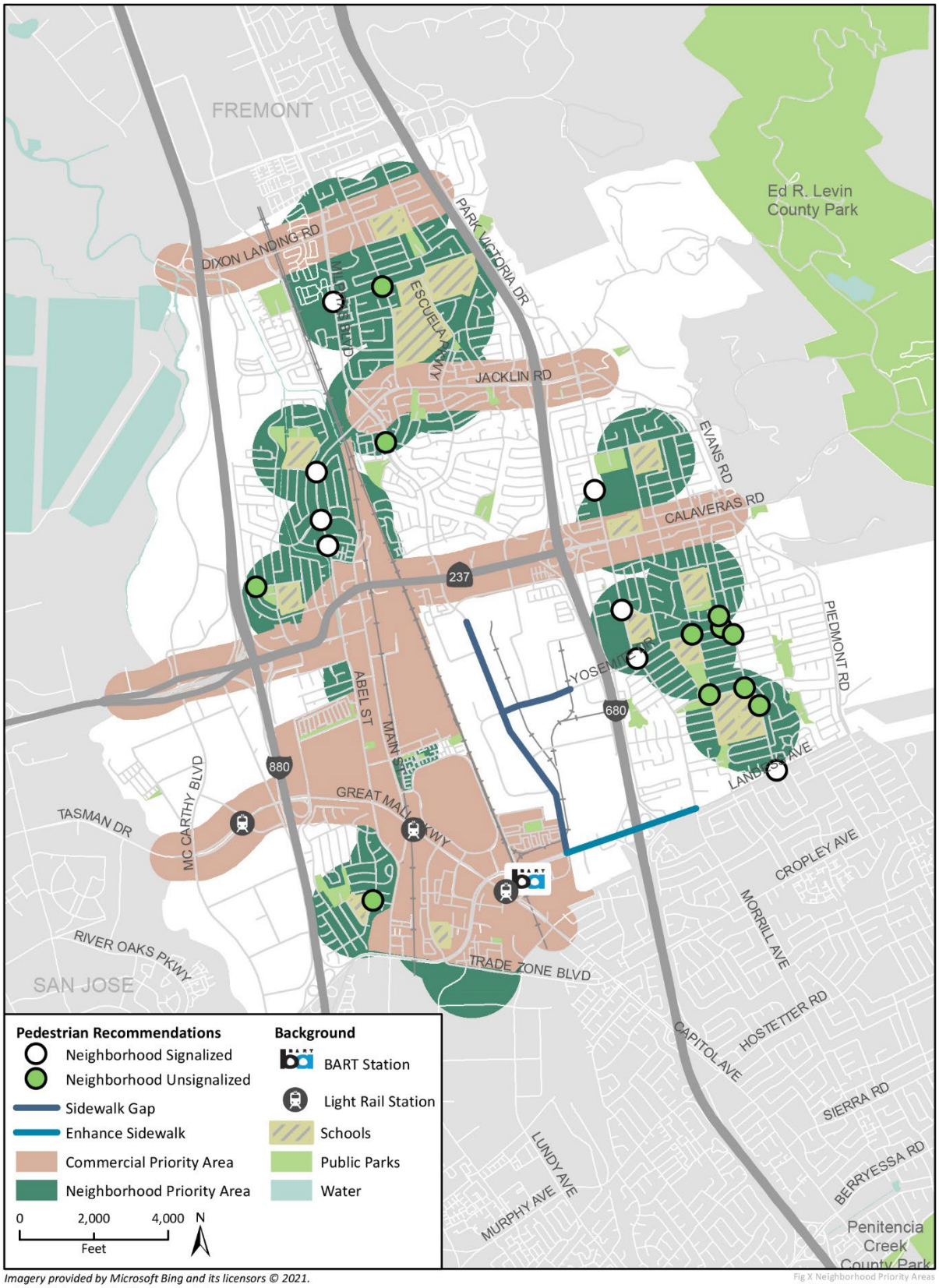

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Fig X Neighborhood Priority Areas

Figure 5 Proposed Bikeway Improvements by Priority

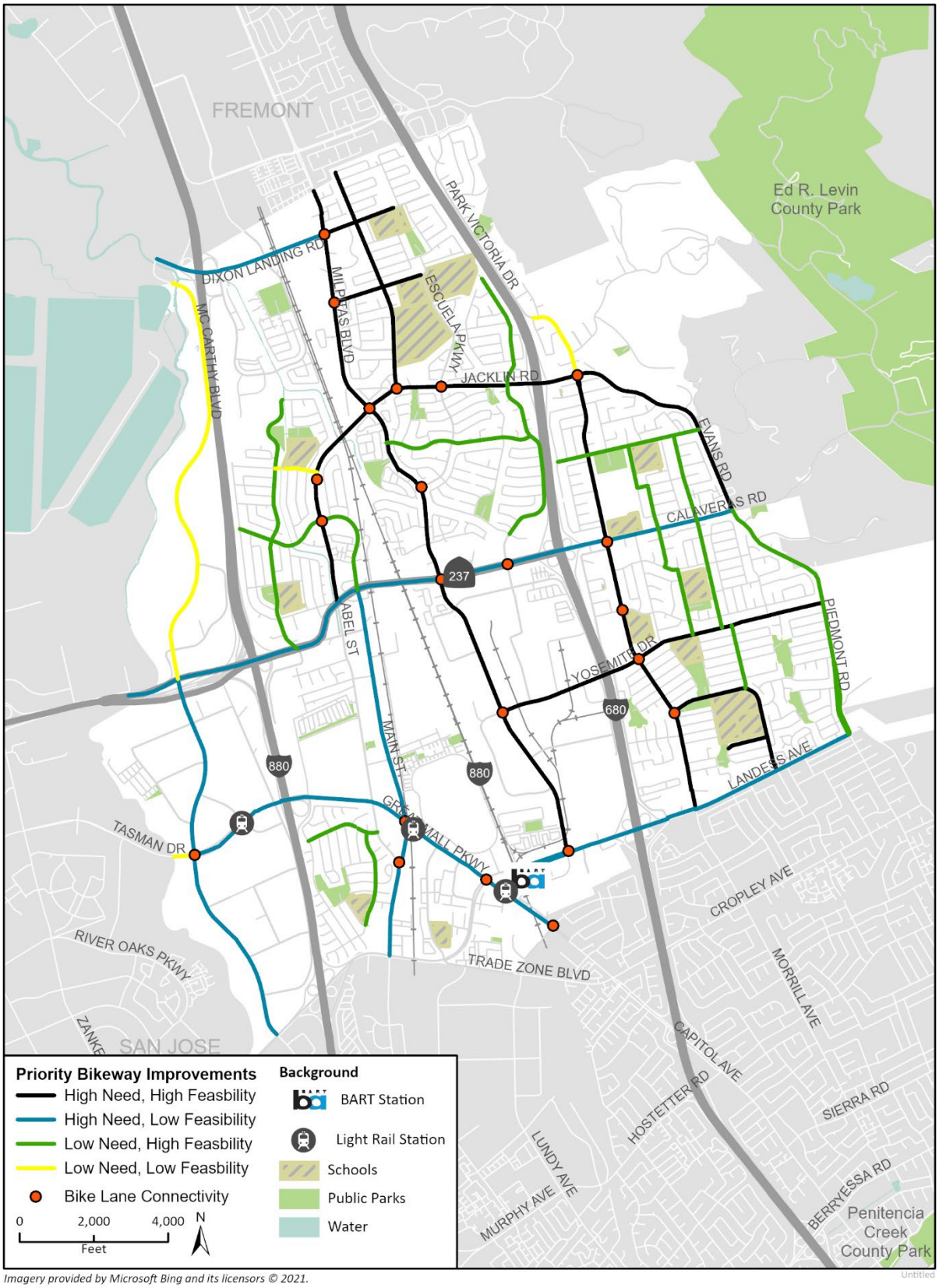

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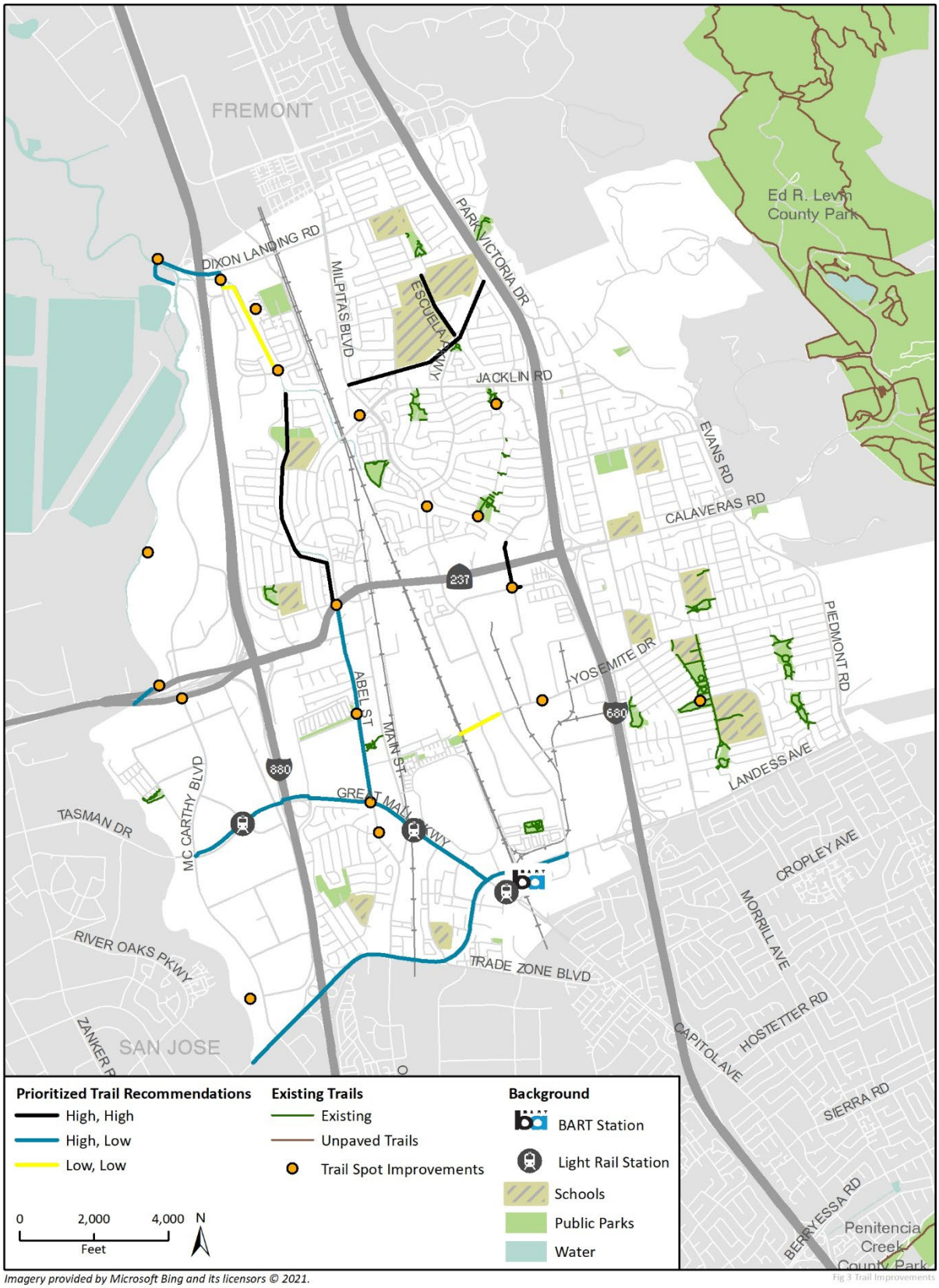
Figure 6 Proposed Trail Improvements by Priority



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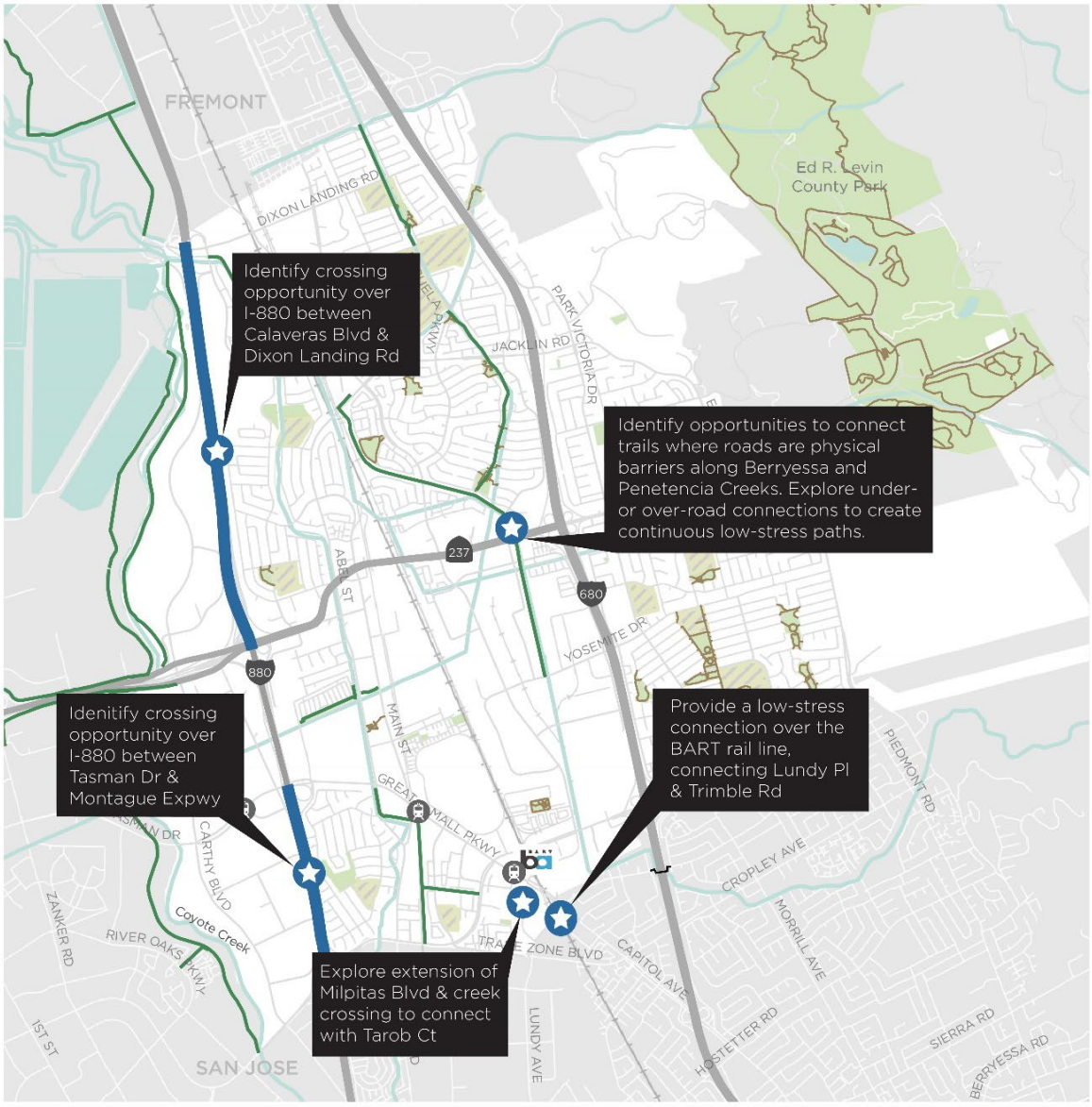
Additional data provided by City of Milpitas, 2021.

Fig 3 Trail Improvements

Figure 7 Proposed Projects for Future Study



Source: Alta Planning + Design, 2021.

9. Surrounding Land Uses and Setting

Milpitas is a suburban community measuring 13.6 square miles in size, and located at the southeastern edge of the San Francisco Bay. It is comprised of the range of urban land use, including industrial, commercial, institutional, and residential in a range of densities. City is bisected by two major freeways, Interstate 880 (I-880) and Interstate 680 (I-680), and by the State Route 237 expressway/freeway, and a County expressway. Milpitas is located on a generally flat plain between the steep Mission Hills to the east and the marshy flats of the bay to the west (City of Milpitas 2020). The foothill of Mt. Diablo border the City to the east. The City is located north of the City of San Jose and south of the City of Fremont just north of the Alameda County line.

10. Other Public Agencies Whose Approval is Required

None.

11. Have California Native American Tribes Traditionally and Culturally Affiliated with the Project Area Requested Consultation Pursuant to Public Resources Code Section 21080.3.1?

The City received a request from Tamien Nation for consultation on the project, pursuant to Public Resources Code (PRC) Section 21080.3.1.

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Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

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

Determination

Based on this initial evaluation:

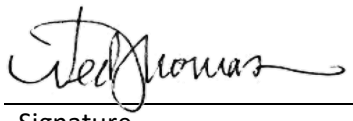
☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

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

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

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

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



Signature

April 22, 2022

Date

Ned Thomas

Printed Name

Planning Director

Title

Environmental Checklist

1 Aesthetics

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	□	□	□	■
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	□	□	□	■
c. 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 a 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?	□	□	■	□
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	□	□	■	□

The Plan Area is characterized by a generally flat developed land characterized by a range of low-density suburban land uses. The area is framed by the rising Mission Hills to the east and the shoreline of the San Francisco Bay to the west. Milpitas is similar development patterns in Fremont to the north and San Jose to the south.

a. Would the project have a substantial adverse effect on a scenic vista?

Mission Hills and Monument Peak are identified in the General Plan as significant visual resources. The General Plan also identifies Mount Diablo as a significant visual feature outside of the Planning Area because it dominates the skyline (City of Milpitas 2020).

Other than these topographical features, the Plan Area does not contain any designated scenic vistas. The proposed active transportation improvements contemplated in the Plan would not affect the identified visual resources.

Several proposed bicycle, pedestrian, and trail projects in the Plan would make scenic vistas more accessible to Milpitas residents and visitors. For example, the proposed Class II, IIB, and IV bike lanes

along Evans Road and Piedmont Road would provide views of the Mission Hills. Other proposed bike lane additions running east and west throughout Milpitas would provide access routes with views of the eastern hills. This impact would be less than significant.

In summary, the construction of trail, pedestrian, and bicycle facility improvements in Milpitas under the proposed Plan would not adversely affect scenic vistas, and may enhance access to some of these vistas. No impact would occur.

NO IMPACT

b. Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

A scenic highway is generally defined by Caltrans as a public highway that traverses an area of outstanding scenic quality, containing striking views, flora, geology, or other unique natural attributes. Directly north of Milpitas, beginning at the Alameda County line, Interstate 680 (I-680) is an eligible state scenic highway, but is not officially designated (Caltrans 2019). This eligibility does not continue into Santa Clara County and therefore does not apply within the Plan Area. New improvements and infrastructure listed in the Plan such as additional bike paths and pedestrian safety improvements would not block or otherwise alter scenic vistas from this segment of I-680. Additionally, no buildings or other visual barriers that could affect existing scenic vistas are proposed in the Plan. Therefore, the Plan would not have an adverse effect on a scenic resource within a scenic highway.

NO IMPACT

c. Would the project 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 a 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?

The proposed Plan would facilitate development of active transportation projects within Milpitas city limits. New bicycle, pedestrian, and trail projects listed in the Plan would not conflict with General Plan policies to protect public views of scenic resources. General Plan policy *CD 1-4* in the Community Design Element directs the city to "(r)ecognize, enhance, celebrate and preserve, where possible, natural features and ecosystems, and protect cultural and historic resources." *CD 1-5* directs the city to "(m)aintain and enhance pedestrian and bicycle access and views to and from all local creek corridors."

Proposed improvements in the Plan would not significantly alter these natural resources and could provide greater access and enjoyment of natural features and ecosystems by providing recreational access. Zoning regulations applicable to scenic quality in Milpitas Municipal Code Title XI address antennas, fence and wall heights on residential properties, outdoor storage and displays, recycling collections facilities, wireless telecommunication facilities, grading, and hillside development, among other issues. New bicycle, pedestrian, and trail projects would involve installation of new feature such as lighting, kiosks, and wayfinding signage. These features would not include features that would conflict with these regulations. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

Projects listed in the Plan would add the following types of lighting to improve visibility and enhance safety for pedestrians and bicyclists:

- Pedestrian-scale lighting on Class I shared-use paths and from the public right-of-way to transit stations
- Pedestrian-oriented lighting along all trail segments and sidewalks
- Crosswalk lighting (Rectangular Rapid Flashing Beacons and Pedestrian Hybrid Beacons)

Active transportation projects under the Plan would result in additional nighttime lighting near shared-use paths, streets, and crosswalks in Milpitas. However, lighting for bicyclists and pedestrians is generally smaller in scale and provides less illumination than typical lighting on streetscapes. New lighting also would be installed within or adjacent to already urbanized corridors within Milpitas where street and building lighting is already present. Lighting in these areas, at a scale appropriate for bicyclists and pedestrians, would not substantially affect views in less developed parts of the city (e.g., the eastern hills) that are darker at night. Proposed lighting under the Plan would not substantially increase nighttime lighting levels or glare in Milpitas to the extent that would affect views. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	■
b. Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	☐	■
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	■
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	■
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	■

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

Proposed bicycle, pedestrian, and trail projects in the Plan are within urbanized corridors which the California Department of Conservation does not identify as suitable for farmland (California Department of Conservation 2018). The Plan Area does not contain any agricultural lands identified by the California Department of Conservation's Farmland Mapping and Monitoring Program considered prime farmland, unique farmland, or farmland of statewide importance (City of Milpitas 2020). There would be no impact.

NO IMPACT

b. Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?

Milpitas does not have any land zoned for agricultural use (City of Milpitas 2020), and there are no Williamson Act contract parcels in Milpitas (DOC 2021). Therefore, proposed bicycle, pedestrian, and trail projects included in the Plan would not be located on agricultural land or conflict with Williamson Act contracts for preservation of agricultural use. No impact would occur.

NO IMPACT

c. Would the project 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. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

Milpitas does not have any land zoned for forestry or forest lands (City of Milpitas 2020). Therefore, the Plan would not conflict with zoning for forest land or timberland, and would not result in the loss of forest land. No impact would occur.

NO IMPACT

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

As discussed in *Items a* and *d*, the Plan would not result in the conversion of land used for agricultural or forestry purposes. Therefore, no impact would occur.

NO IMPACT

3 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	■	☐
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	■	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	■	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	■	☐

Overview of Air Pollution

The federal and State Clean Air Acts (CAA) mandate the control and reduction of certain air pollutants. Under these laws, the U.S. Environmental Protection Agency (U.S. EPA) and the California Air Resources Board (CARB) have established the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS) for "criteria pollutants" and other pollutants. Some pollutants are emitted directly from a source (e.g., vehicle tailpipe, an exhaust stack of a factory, etc.) into the atmosphere, including carbon monoxide (CO), volatile organic compounds (VOC)/reactive organic gases (ROG),[2] nitrogen oxides (NO_X), particulate matter with diameters of ten microns or less (PM_{10}) and 2.5 microns or less ($PM_{2.5}$), sulfur dioxide, and lead. Other pollutants are created indirectly through chemical reactions in the atmosphere, such as ozone, which is created by atmospheric chemical and photochemical reactions primarily between ROG and NO_X. Secondary pollutants include oxidants, ozone, and sulfate and nitrate particulates (smog).

Air Quality Standards and Attainment

The Plan Area is located in the San Francisco Bay Area Air Basin (SFBAAB) which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). As the local air quality management agency, BAAQMD is required to monitor air pollutant levels to ensure that the NAAQS and CAAQS are met and, if they are not met, to develop strategies to meet the standards.

[2] CARB defines VOC and ROG similarly as, "any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate," with the exception that VOC are compounds that participate in atmospheric photochemical reactions. For the purposes of this analysis, ROG and VOC are considered comparable in terms of mass emissions, and the term ROG is used in this IS-MND.

Depending on whether the standards are met or exceeded, the SFBAAB is classified as being in "attainment" or "nonattainment." Under state law, air districts are required to prepare a plan for air quality improvement for pollutants for which the district is in non-compliance. The SFBAAB is designated a nonattainment area for the state and federal ozone standards, the state and federal $PM_{2.5}$ (particulate matter up to 2.5 microns in size) standards and the state PM_{10} (particulate matter up to 10 microns in size) (BAAQMD 2017a). This nonattainment status is a result of a number of sources in the region, such as mobile sources, wood burning, industrial combustion, and dust, in the SFBAAB.

Air Quality Management

Because the San Francisco Bay Area Air Basin currently exceeds the federal ozone and $PM_{2.5}$ standards and the state ozone, PM_{10}, and $PM_{2.5}$ standards, the BAAQMD is required to implement strategies to reduce pollutant levels to achieve attainment of the NAAQS and CAAQS. BAAQMD adopted the 2017 Clean Air Plan (2017 Plan) as an update to the 2010 Clean Air Plan. The 2017 Plan provides a regional strategy to protect public health and the climate. Consistent with the greenhouse gas (GHG) reduction targets adopted by the state, the 2017 Plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions to 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. To fulfill state ozone planning requirements, the 2017 control strategy includes all feasible measures to reduce emissions of ozone precursors (ROG and NO_X) and reduce transport of ozone and its precursors to neighboring air basins. In addition, the 2017 Plan builds upon and enhances the BAAQMD's efforts to reduce emissions of fine particulate matter and toxic air contaminants (TAC) (BAAQMD 2017a).

Impact Analysis

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

The California CAA requires that air districts create a Clean Air Plan that describes how the jurisdiction will meet air quality standards. The most recently adopted air quality plan is the BAAQMD 2017 Plan. The 2017 Plan includes control measures related to stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and super-GHG pollutants.

The 2017 CAP focuses on two paramount goals:

- Protect air quality and health at the regional and local scale by attaining all national and state air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TACs
- Protect the climate by reducing Bay Area GHG emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050

Under BAAQMD's methodology, a determination of consistency with the 2017 Plan should demonstrate that a project:

- Supports the primary goals of the air quality plan
- Includes applicable control measures from the air quality plan
- Does not disrupt or hinder implementation of any air quality plan control measures

The Plan would improve trail, bicycle, and pedestrian facilities throughout Milpitas. Planning for additional active transportation facilities, including safe routes to schools and transit, would be consistent with strategies in the 2017 Plan to reduce emissions of criteria air pollutants from transportation. Transportation Control Measure TR7 in the 2017 Plan encourages planning for safe routes to schools and transit, and Measure TR9 encourages planning for bicycle access and pedestrian facilities in local plans, as a means of reducing mobile emissions. Therefore, the Plan would be consistent with the BAAQMD's 2017 Plan. Impacts would be less than significant impact.

LESS THAN SIGNIFICANT IMPACT

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

Milpitas is within the jurisdiction of BAAQMD. Emissions of ozone precursors and particulate matter during construction of the proposed active transportation projects listed in the Plan could incrementally contribute to an existing air quality violation. Because the proposed facilities would not contribute to urban growth or generate additional motor vehicle trips, they would not introduce new long-term sources of air pollutants into the BAAQMD region. In fact, improvements to trail, bicycle, and pedestrian facilities would be expected to encourage people to bicycle and walk to destinations thereby reducing automobile use, incrementally reducing emissions associated with motor vehicle use.

The construction of active transportation projects would generate temporary emissions from three primary sources: the operation of construction vehicles (e.g., scrapers, loaders, and dump trucks); ground disturbance during clearing and grading, creating fugitive dust; and the application of asphalt, paint, or other oil-based substances. The extent of daily emissions, particularly ROGs and NO_X emissions, generated by construction equipment would depend on the quantity of equipment used and the hours of operation for each project. The extent of fugitive dust ($PM_{2.5}$ and PM_{10}) emissions would depend upon the following factors: 1) the amount of disturbed soils; 2) the length of disturbance time; 3) whether existing structures are demolished; 4) whether excavation is involved; and 5) whether transporting excavated materials offsite is necessary. The amount of ROG emissions generated by paints and oil-based substances such as asphalt depends upon the type and amount of material utilized.

BAAQMD's May 2017 *CEQA Air Quality Guidelines* provide thresholds for plan-level impacts for criteria pollutants and precursors (BAAQMD 2017b). There are no construction emissions thresholds for plans. However, impacts would be significant if the project is not consistent with the 2017 Plan and if projected vehicles miles traveled or vehicle trip increase would be less than or equal to projected population increase.

By facilitating active transportation, it is expected that the Plan would reduce motor vehicle trips and vehicle miles traveled (VMT) in Milpitas and the greater Santa Clara County, incrementally improving regional air quality to the extent that the automobile use is reduced. As described above under *Item a*, the Plan would be consistent with 2017 Plan Transportation Control Measures TR7 and TR9 to encourage planning for safe routes to schools and transit and for bicycle access and pedestrian facilities. Therefore, the Plan includes applicable control measures from the 2017 Plan and would not disrupt or hinder implementation of the 2017 Plan.

Because implementation of the Plan would decrease VMT and would not result in a population increase, it would not result in exceedance of the BAAQMD threshold for criteria pollutants and precursors. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. Would the project expose sensitive receptors to substantial pollutant concentrations?

Certain population groups, such as children, the elderly, and people with health problems, are particularly sensitive to air pollution. Therefore, the majority of sensitive receptor locations are schools, hospitals, and residences, all of which occur within the Plan Area. Localized air quality impacts to sensitive receptors typically result from Carbon Monoxide (CO) hotspots and TACs. A CO hotspot is a localized concentration of CO that is above a CO ambient air quality standard. Localized CO hotspots can occur at intersections with heavy peak hour traffic. TACs are defined by California law as air pollutants that may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health.

Proposed bicycle and pedestrian projects adjacent to travel lanes for motor vehicles would temporarily expose users of these facilities to particulate matter, CO, and other pollutants from motor vehicle exhaust. However, users would only be exposed to air pollutants for brief periods while using bicycle and pedestrian projects and are not considered sensitive receptors. In addition, according to a 2017 review of scientific literature published in the Lancet Public Health journal, "consensus exists that despite the harmful effects of air pollution exposure, physical activity from active commuting provides more gains in health outcomes than air pollution exposure provides losses" (Cepeda et. al 2017). Therefore, it is anticipated that the health benefits from increased bicycling and pedestrian activity under the Plan would outweigh the risks from exposure to air pollution.

The proposed active transportation projects would not generate operational pollutants that would expose adjacent sensitive receptors to substantial pollutant concentrations. Furthermore, because the Plan is intended to facilitate additional bicycling and walking, it would reduce VMT in Milpitas, thereby incrementally reducing the exposure of sensitive receptors to pollutant concentrations from motor vehicles. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

During construction activities, heavy equipment and vehicles would emit odors associated with vehicle and engine exhaust and during idling. However, these odors would be intermittent and temporary, would cease upon completion, and odors disperse with distance. Overall, project construction would not generate other emissions, such as those leading to odors, affecting a substantial number of people. Furthermore, bicyclists and pedestrians would not be exposed to any objectionable odors from construction because active transportation facilities would be closed to the public when under construction. Construction-related impacts would be less than significant.

Table 3-3 in the BAAQMD 2017 *CEQA Air Quality Guidelines* provides screening distances for land uses that have the potential to generate substantial odor complaints. The uses in the table include wastewater treatment plants, landfills or transfer stations, refineries, composting facilities, confined animal facilities, food manufacturing, smelting plants, and chemical plants (BAAQMD 2017a). The Plan would not facilitate the construction of any of these facilities, and use of pedestrian, bicycle,

and trail improvements would not generate other emissions, such as those leading to odors, that would affect a substantial number of people. No operational impacts would occur.

LESS THAN SIGNIFICANT IMPACT

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4 Biological Resources

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

Existing Setting

Milpitas is located within the Bay Area/Delta bioregion (City of Milpitas 2020). T This bioregion extends from the Pacific Ocean to the Sacramento Valley and San Joaquin Valley bioregions to the northeast and southeast, and a short stretch of the eastern boundary joins the Sierra bioregion at Amador and Calaveras counties. The Bay Area/Delta Bioregion is one of the most populous areas of the State, encompassing the San Francisco Bay Area and the Sacramento-San Joaquin River Delta. The water that flows through the Delta supplies two-thirds of California's drinking water, irrigating farmland, and sustaining fish and wildlife and their habitat. The bioregion fans out from San Francisco Bay in a jagged semi-circle that takes in all or part of 12 counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano, Sonoma, and parts of Sacramento and Yolo (City of Milpitas 2020).

The habitats and vegetation of the Bay Area/Delta Bioregion are as varied as the geography. According to the California Wildlife Habitat Relationship System there are 13 land use cover types within Milpitas, including Annual Grassland, Blue Oak Woodland, Coastal Oak Woodland, Valley Oak Woodland, Cropland, Irrigated Grain Crops, Dryland Grain Crops, Vineyard, Fresh Emergent Wetland, Lacustrine, Montane Hardwood, Valley Foothill Riparian, and Urban (City of Milpitas 2020). Urban cover encompasses approximately 82 percent of the City, while Annual Grassland covers approximately 15 percent of the City's 8,863 acres (City of Milpitas 2020). The remaining three percent of the City is covered by the other 11 land use cover types. Urban habitats include both native and non-native species and vegetative structure usually includes tree groves, street strips, shade trees, lawns, and shrub cover. Annual Grassland habitat occurs mostly on flat plains and gently rolling foothills.

There are 21 special status plant and wildlife species found or potentially existing within a one-mile radius of Milpitas, according to the California Natural Diversity Database (CNDDB), California Native Plant Survey Inventory of Rare and Endangered Plants, and the United States Fish and Wildlife Service endangered and threatened species list (City of Milpitas 2020). Special status plant species include alkali milk-vetch *Astragalus tener var. tener)*, Congdon's tarplant (*Centromadia parryi ssp. condonii),* Hoover's button-celery (*Eryngium arstulatum var. hooveri),* most beautiful jewel-flower *(Streptanhus albidus ssp. permaonenus)*, robust spineflower (*Chorizanthe robusta var. robusta*), and Santa Clara red ribbons (*Clarkia concinna ssp. automixa*). Special status wildlife species include, Berkeley kangaroo rat (*Dipodomys heermanni berkeleyensis*), burrowing owl (*Athene cuniclari*), California red-legged frog (*Rana draytonii*), California tiger salamander (*Ambystoma californiense*), Crotch bumble bee (*Bombus crotchii*), golden eagle (*aquila chrysaetos*), great blue heron (*Ardea herodias*), obscure bumble bee (*Bombus caliginosus*), salt-marsh harvest mouse (*Reithrodontomys raviventris*), salt-marsh common yellowthroat (*Geothlypis trichas sinuosa*), Townsend's big-eared bat (*Corynorhinus townsendii*), western bumble bee (*Bombus occidentalis*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), white-tailed kite (*Elanus lecurus*), and Yuma myotis (*Myotis yumanensis*). The California Department of Fish and Wildlife (CDFW) identifies a sensitive natural community, the Northern Coastal Salt Marsh, within one mile of Milpitas city limits, to the northwest (City of Milpitas 2020).

Birds protected under the California Fish and Game Code (CFGC) nest in a wide range of habitats including previously disturbed and ruderal areas (e.g., medians and road shoulders) and within areas of maintained ornamental vegetation (i.e., lawns, gardens, parks, and trails). Wetlands and associated riparian areas often function as habitat for special-status species and may act as important wildlife movement corridors.

Approach to Impacts Analysis

As a programmatic evaluation, this section considers the potential for direct and indirect impacts to sensitive biological resources that could occur at the project-level if active transportation projects listed in the Plan are constructed in specific vegetation communities or habitats. Many of the proposed trail, bicycle, and pedestrian facilities listed in the Plan would be located within the limits of existing roads, sidewalks, or other previously disturbed areas and would be unlikely to affect sensitive biological resources. However, the construction of proposed Class I trail improvements and Class IIIB and IV bike lanes along creeks or open space may result in the loss of vegetation or impact waterways, which could directly affect special-status or sensitive biological resources. Table 1 lists representative projects included in the Plan that have the potential to impact biological resources and includes a brief description of the proposed project activities.

Table 1 Representative Active Transportation Projects with Potential Effects on Biological Resources[1]

Roadway or Creek	Limits (From/To)	Project Type	Miles
Penitencia Creek	San Andres Drive to Calaveras Boulevard	Class I Trail Improvement	1.2
Calera Creek	Milpitas Boulevard to Hillview Drive	Class I Trail Improvement	0.9
Hillview Drive/Los Coches Street	Berryessa Creek to Berryessa Creek	Class I Trail Improvement	0.3
Montague Expressway	Piper Drive to Coyote Creek Trail	Class I Trail Improvement	1.8
North McCarthy Boulevard	Dixon Landing Road to Coyote Creek Trail	Class I Trail Improvement	0.2
Coyote Creek	Calaveras Boulevard & Coyote Creek Trail (North) to Calaveras Boulevard & Coyote Creek Trail (South)	Class I Trail Improvement	0.1
Penitencia Creek	Milmont Drive to California Circle	Class I Trail Improvement	0.6
Dixon Landing Road	Milpitas Boulevard to Hetch Hetchy Trail	Class IV Bikeway Improvement	0.4
Tahoe Drive	Sinnott Park to Yellowstone Avenue	Class IIIB Bikeway Improvement	0.2
Hillview Drive	Jacklin Road to Calera Creek	Class IIIB Bikeway Improvement	0.4
Hillview Drive	Jacklin Road to Berryessa Creek Trail	Class IIIB Bikeway Improvement	0.9
East Tasman Drive	Coyote Creek Trail to McCarthy Boulevard	Class IV Bikeway Improvement	0.2

[1] Table does not include spot improvements.

Impact Analysis

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

Based on the locations of proposed active transportation projects included in the Plan, as shown in Figure 3, Figure 4, and Figure 5 of the *Project Description*, most projects would be within existing paved, disturbed, or graded rights-of-way. For all construction work, staging, parking and associated activity that would be fully contained within previously disturbed areas, the projects would not

modify or otherwise impact suitable habitat for sensitive species. It is not expected that projects in previously disturbed areas would directly disturb natural habitat, where soil compaction could cause direct mortality from the collapse of underground burrows, or the trimming or removal of obligate host plants could cause direct mortality or loss of suitable habitat for special-status species. Therefore, projects occurring entirely within existing disturbed areas would not result in significant impacts to non-avian federal or state listed species or other non-avian special-status species.

Some proposed Class I trail improvements, and Class IV and IIIB bikeway improvements would be located adjacent to or would transverse creeks, streams, or open space that could include special-status species. As listed in Table 1, linear improvement projects run adjacent to or terminate at creeks such as Penitencia Creek, Calera Creek, Berryessa Creek, and Coyote Creek. Other projects would be constructed adjacent to or terminate at existing trails or parks that may support special-status species, such as Coyote Creek Trail, Hetch Hetchy Trail, Berryessa Creek Trail, or Sinnott Park. Notably, Coyote Creek provides habitat for saltmarsh common yellowthroat (City of Milpitas 2020).In the event of disturbance or removal of vegetation around creeks or open space, projects could result in direct mortality of special-status species. In addition, these activities could result in the loss of breeding, foraging, and refuge habitat.

These proposed Class I trail improvements and Class IV and IIIB bikeway improvements would have the potential to temporarily or permanently disturb or remove natural habitat, which could directly impact special-status species. In addition, higher usage of new sidewalks or widened roads, bike paths, and trails could cause increased mortality of species in nearby natural habitat. Construction and maintenance activities for individual active transportation projects could result in potentially significant impacts to federal and state listed species under all circumstances, while impacts to non-listed species may be considered significant under CEQA if they result in reduced viability of the survival of a local or regional population. Therefore, the proposed active transportation projects could result in direct and indirect effects on sensitive biological resources including special-status species, resulting in a potentially significant impact.

Many projects also would require the removal of vegetation that could serve as habitat for migratory birds protected under the CFGC. Projects could remove ruderal vegetation, ornamental roadside vegetation, or street trees along roadways. Protected migratory birds can be expected to nest within and adjacent to a wide range of disturbed areas, including existing trails, creeks, road medians, road and sidewalk shoulders, ornamental vegetation, and ruderal areas. Construction noise and activity in previously disturbed areas could result in nest abandonment, injury or mortality of birds protected under the CFGC, violating State regulations to protect migratory birds. Potentially significant impacts on special-status migratory birds include:

- Direct mortality resulting from the movement of equipment and vehicles through an individual project area
- Direct mortality resulting from removal of trees with active bird nests
- Abandoned eggs or young and subsequent nest failure for special-status nesting birds, including raptors, and other non-special-status migratory birds resulting from construction-related noises
- Loss or disturbance of rookeries and other colonial nests

These adverse effects on listed or special status bird species would be a potentially significant impact.

Maintaining the consistency of individual projects with adopted federal and state regulations that protect special-status species, including their habitat and movement corridors, would ensure that

the City incorporate appropriate design measures, including avoidance, if appropriate. Mitigation Measures BIO-1 and BIO-2 would further ensure potential impacts are avoided or reduced to less than significant. These measures would require assessment of biological resources at a project-specific level, mitigation of impacts to special-status species, and protection of such species during construction. The City shall implement the following mitigation measures for all trail, bicycle, and pedestrian improvements included in the Plan, as appropriate.

Mitigation Measures

BIO-1 Biological Resources Screening and Assessment

Prior to final design approval of individual active transportation projects listed in the Plan that involve ground disturbance in or directly adjacent to natural habitat, or the removal or trimming of trees, the City shall have a qualified biologist conduct an analysis of the project to identify biological constraints and potential impacts to sensitive biological resources, including potential impacts to special-status plants, animals, and their habitats, as well as protected natural communities including wetland and terrestrial communities and protected trees. For those projects where ground disturbance would not affect natural habitat (i.e., work is limited to paved, ruderal, or developed areas only), a desktop analysis to identify biological constraints for the project may be sufficient. This analysis shall include queries of agency databases such as the CNDDB, the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants of California*, the U.S. Fish and Wildlife Service (USFWS) *Information for Planning and Consultation (IPaC)*, USFWS *Critical Habitat Portal*, and USFWS *National Wetlands Inventory (NWI)* as well as other relevant literature for baseline information on special-status species and other sensitive biological resources occurring at the individual project site and in the immediate surrounding area. The qualified biologist shall determine, based on the nature of construction activities, if a field reconnaissance is necessary for such projects to completely assess biological constraints.

If the biologist identifies protected biological resources within the limits of and/or potentially adversely affected by the project, the City shall first prepare alternative designs that seek to avoid and/or minimize impacts to the biological resources. If the project cannot be designed without complete avoidance, the City shall have the qualified biologist identify the specific impacts to special-status species, develop project-specific avoidance and mitigation procedures to be followed to reduce biological impacts to a less-than-significant level, identify any state or federal listed species that would necessitate coordination with the appropriate regulatory agency (i.e., USFWS, National Marine Fisheries Services [NMFS], CDFW, U.S. Army Corps of Engineers [USACE]) to obtain regulatory permits, and implement project-specific avoidance and mitigation measures prior to and during any construction activities.

Mitigation actions that may be required should impacts to special-status species be identified include:

- Pre-construction surveys to identify the presence of special-status species within and adjacent to work areas.
- Worker Environmental Awareness Program training for all construction personnel.
- Complete avoidance of special-status species where and if possible. Avoidance measures may include:
    - Delimiting and flagging of special-status species avoidance buffer areas (Environmentally Sensitive Areas or ESAs)

  - Monitoring of construction activity near ESAs
  - Installation of special-status species exclusion fencing.

- Relocation of special-status species out of work areas (with applicable permits and authorizations as necessary).
- Restoration of temporarily disturbed special-status species' habitat.
- Compensatory mitigation for impacts to special-status species habitat at a minimum ratio appropriate for extent and quality of permanently disturbed habitat. Mitigation ratios may vary from 1:1 to 5:1.

BIO-2 Construction Best Management Practices

Based on the results of the biological resources screening and assessment required by Mitigation Measure BIO-1 for certain active transportation projects, and the extent of potential impacts to special-status species, the City shall incorporate one or more of the following construction Best Management Practices (BMPs) as recommended by a qualified biologist into all grading and construction plans:

- A 20 mile-per-hour speed limit shall be designated in all construction areas to minimize dust emissions and noise.
- All vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas, and clearing of vegetation for vehicle access shall be avoided to the greatest extent feasible.
- The number of access routes, number, and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the goal of the project.
- Equipment washout and fueling areas shall be located within the limits of grading at a minimum of 100 feet from waters, wetlands, or other sensitive resources as identified by a qualified biologist. Washout areas shall be designed to fully contain polluted water and materials for subsequent removal from the site.
- Daily construction work schedules shall be limited to between 7:00 a.m. and 7:00 p.m. only (consistent with the City's noise ordinance).
- Mufflers shall be used on all construction equipment and vehicles shall be in good operating condition.
- Drip pans shall be placed under all stationary vehicles and mechanical equipment.
- All trash shall be placed in sealed containers and shall be removed from the project site a minimum of once per week.
- No pets are permitted on project site during construction.

Implementation of Mitigation Measures BIO-1 and BIO-2 would protect special-status species that may be affected by construction of the proposed active transportation projects, reducing potential impacts to a less than significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Northern Coastal Salt Marsh, a sensitive natural community, occurs approximately one mile northwest of Milpitas city limits. Northern Coastal Salt Marshes occur along margins of the San Francisco Bay that are sheltered from excessive wave action. They support a high amount of vegetation such as cordgrass and pickleweed, as well as provide potential habitat for a plant of special concern, the Point Reyes bird's-beak (*Cordylanthus maritimus* ssp. *palustris*). Proposed active transportation projects would not occur within the Northern Coastal Salt Marsh habitat; therefore, implementation of the Plan would not result in significant impacts to any sensitive natural communities.

Wetland habitat occurs along several creeks in the City and may be impacted by the development of individual trail and bikeway projects, specifically new Class I shared-use paths, and Class IIIB and Class IV bikeways (USFWS 2021). Riparian habitat associated with Waters of the State falls under the jurisdiction of CDFW, as discussed below under Impact c. Individual active transportation projects, such as those in Table 1 could potentially result in construction work within jurisdictional limits including cut and fill below the top of delineated banks, removal or modification to wetlands, or trimming and clearing of riparian vegetation. Therefore, implementation of the Plan would have a potentially significant impact on riparian habitat. Mitigation Measures BIO-3 and BIO-4 would ensure avoidance of impacts or mitigate those impacts to less than significant through a project-level analysis to delineate sensitive aquatic environments, and design or modify the project to avoid direct and indirect impacts on these areas through compensatory mitigation.

Mitigation Measures

BIO-3 Riparian Communities

For trail or bikeway projects located within or immediately adjacent to natural areas, if the initial screening of biological resources under Mitigation Measure BIO-1 identifies the presence of riparian communities within or adjacent to a project site, the City shall design or modify the project to avoid direct and indirect impacts on these habitats, if feasible. Additionally, the City shall minimize the loss of riparian vegetation by trimming rather than removal where feasible.

Prior to construction, the City shall install orange construction barrier fencing to identify environmentally sensitive areas around the riparian area (50 feet from edge) and other sensitive natural communities (50 feet from edge), or as defined by the agency with regulatory authority over the resource(s). The location of the fencing shall be marked in the field with stakes and flagging and shown on the construction drawings. The fencing shall be installed before construction activities are initiated and shall be maintained throughout the construction period. The following paragraph shall be included in the construction specifications:

> The Contractor's attention is directed to the areas designated as "environmentally sensitive areas." These areas are protected, and no entry by the Contractor for any purpose will be allowed unless specifically authorized in writing by lead agency overseeing the bicycle improvement project. The Contractor will take measures to ensure that the Contractor's forces do not enter or disturb these areas, including giving written notice to employees and subcontractors.

Temporary fences around the environmentally sensitive areas shall be installed as the first order of work. Temporary fences shall be furnished, constructed, maintained, and removed as shown on the plans, as specified in the special provisions, and as directed by the project engineer. The fencing shall be commercial-quality woven polypropylene, orange in color, and at least 4 feet high (Tensor Polygrid or equivalent). The fencing shall be tightly strung on posts with maximum 10-foot spacing.

Immediately upon completion of construction activities, the contractor shall stabilize exposed soil/slopes. On highly erodible soils/slopes, the contractor shall use a non-vegetative material that binds the soil initially and breaks down within a few years. If more aggressive erosion control treatments are needed, geotextile mats, excelsior blankets, or other soil stabilization products shall be used. All stabilization efforts should include habitat restoration efforts.

BIO-4 Compensatory Mitigation

If individual trail or bikeway projects located within or immediately adjacent to natural areas involve the disturbance of riparian communities during construction, the City shall compensate for the disturbance to ensure no net loss of habitat functions and values. Compensatory mitigation ratios shall be determined on a project-by-project basis once project impacts have been determined. Compensatory mitigation shall be at a minimum ratio of two acres restored, created, and/or preserved for each acre disturbed. Compensation may comprise on-site restoration/creation, off-site restoration, preservation, or mitigation credits (or a combination of these elements). The City shall develop and implement a restoration and monitoring plan that describes how the habitat shall be created, the success criteria that will be sued to quantify mitigation success, and the frequency and duration of monitoring.

By delineating, avoiding, and/or compensating for the loss of sensitive habitats, implementation of Mitigation Measures BIO-3 and BIO-4 would reduce the impact on sensitive habitats to a less than significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

c. Would the project 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?

Milpitas contains numerous aquatic habitats that qualify as federally protected wetlands and jurisdictional waters. The following creeks are located in the City: Arroyo de los Coches Creek, Berryessa Creek, Coyote Creek; Calera Creek; Scott Creek; Penitencia Creek; Piedmont Creek; and Tularcitos Creek. Wetlands are found in the northwest corner of the City along Coyote Creek. Individual proposed active transportation projects may be located in or adjacent to wetlands and creeks. Specifically, the Class I trail improvements and Class IIIB and IV bikeway improvements planned along or limited by Penitencia, Calera, and Coyote Creeks could be constructed adjacent to or across freshwater emergent wetlands. Implementation of active transportation projects under the Plan has the potential to impact federal and state Jurisdictional Waters under Sections 401 and 404 of the Clean Water Act and Sections 1600-1616 of the CFGC. Cut and fill activity below the top of delineated banks, removal, or modification to wetlands, or trimming and clearing of riparian vegetation could affect state or federally regulated aquatic resources in several ways including disturbances to the hydrologic structure, increased siltation, and modifications to bed and bank.

A formal Jurisdictional Delineation would be required to assess the extent of impacts to waters of the state and waters of the U.S., and to support Clean Water Act and Sections 1600-1616 permitting

for projects that could directly impact USACE, CDFW, or Regional Water Quality Control Board (RWQCB) jurisdictional areas. If it is determined that a trail, bicycle, or pedestrian project would impact wetland resources, the appropriate permits under Sections 401 and 404 of the Clean Water Act and Sections 1600-1616 of the CFGC would be required. Mitigation Measure BIO-5 would ensure avoidance of impacts or mitigate those impacts to less than significant through a project-level analysis to delineate jurisdictional waters and wetlands and perform restoration if necessary.

Mitigation Measures

BIO-5 Jurisdictional Delineation and Restoration for Impacts to Waters and Wetlands

For individual trail or bikeway projects listed in the Plan, if waters of the state or waters of the U.S. are present within or immediately adjacent to the area of construction, a qualified wetlands biologist shall perform a wetland delineation following the 1987 Army Corps of Engineers Wetlands Delineation Manual and any applicable regional supplements to the Delineation Manual. The jurisdictional delineation shall determine the extent of the jurisdiction for CDFW, USACE, and/or RWQCB, and shall be conducted in accordance with the requirement set forth by each agency. The result shall be a preliminary jurisdictional delineation report to be submitted to the implementing agency, USACE, RWQCB, and CDFW, as appropriate, for review and approval. Jurisdictional areas shall be avoided to the maximum extent possible.

Impacts to waters and wetlands shall be mitigated through one or more options to meet the required amount of mitigation based on direct impacts from project development under the mitigation ratios outlined below. Mitigation for impacts to waters and wetlands can be achieved through the acquisition and in-perpetuity management of similar habitat or through the in-lieu funding of such through an existing mitigation bank. Funding and management of internal mitigation areas can be managed internally. Funding and management of off-site mitigation lands shall be provided through purchase of credits from an existing, approved mitigation bank or land purchased by implementing entity and placed into a conservation easement or other covenant restricting development (e.g., deed restriction). Internal mitigation lands, or in lieu funding sufficient to acquire lands shall provide habitat at a minimum 1:1 ratio for impacted lands, comparable to habitat to be impacted by individual project activity. Compensatory mitigation for wetlands communities can be combined with other compensatory mitigation (e.g., sensitive vegetation communities) as applicable.

BIO-6 General Avoidance and Minimization

~~For individual trail or bikeway projects located within or immediately adjacent to waters of the state, waters of the U.S., or wetlands, potential jurisdictional features identified in jurisdictional delineation reports shall be avoided. Identified jurisdictional features shall be documented in a report detailing how all identified jurisdictional features should be avoided.~~

- ~~Material/spoils generated from project activities shall be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary perimeter sediment barriers such as berms, silt fences, fiber rolls (non- monofilament), covers, sand/gravel bags, and straw bale barriers, as appropriate.~~
- ~~Materials shall be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank.~~

- ~~Spillage of material shall be stopped if it can be done safely. The contaminated area shall be cleaned, and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative shall be notified.~~

Implementation of these measures would reduce the level of impact on wetlands to a less than significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as providing a linkage between foraging and denning areas, or they may be regional in nature. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return. Others may be important as dispersal corridors for young animals. A group of habitat linkages in an area can form a wildlife corridor network.

Wildlife movement corridors can be both large and small scale. Regionally, the City is located within an Essential Connectivity Area (ECA) as mapped in the report California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California (Caltrans 2010). ECAs represent principal connections between Natural Landscape Blocks. ECAs are regions in which land conservation and management actions should be prioritized to maintain and enhance ecological connectivity. ECAs are mapped based on coarse ecological condition indicators, rather than the needs of particular species and thus serve the majority of species in each region. However, this ECA is located in the northeastern portion of the City, where no active transportation projects are planned. Implementation of the Plan would therefore not impact movement through the ECA.

Milpitas supports a diversity of wildlife and has several creek channels which serve as smaller scale movement corridors for both terrestrial and aquatic species throughout the City. Specifically, Coyote Creek, which is surrounded by open space, and Penitencia and Berryessa Creeks, which are surrounded by open space and urban land uses, function as an important movement corridor for native wildlife (City of Milpitas 2020). The Plan is not anticipated to affect wildlife movement in areas of paved and disturbed rights-of-way. Although some active transportation projects such as Class I trail improvements would be adjacent to riparian corridors and waterways, the location of these projects would not disrupt a critical wildlife movement corridor, considering that terrestrial or aquatic wildlife can cross a pedestrian or bicycle path with relative ease, and the level and speed of path use is not a substantial overall deterrent to wildlife moving across the proposed path. Adverse effects on the movement of terrestrial species would be temporary and limited to specific activities including installation of temporary fencing, night lighting, construction noise, construction of multi-use paths, and the presence of construction personnel during working hours. Pedestrian and bicycle path development is not expected to result in significant changes to the genetic connectivity among local populations of wildlife, or within a broader regional context, and is not expected to prevent local wildlife movement. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The City has established a Tree Protection and Heritage Tree Program in Section 7 of the Milpitas Municipal Code. The Tree Protection Ordinance makes it unlawful to remove existing trees that meet certain size requirements or are heritage trees or groves of trees. Heritage trees can be designated as such with a resolution by the City Council pursuant to Section X-2-7.01 of Municipal Code. Pursuant to Section X-2-4.02 of the Milpitas Municipal Code, a permit from the Public Works Department is required to remove any street tree, protected tree, or heritage tree. A permit is not required for trimming of branches less than four inches in diameter or removal of less than 10 percent of tree canopy.

Tree trimming and the removal of some streetscape trees may be required for some individual projects that involve street modifications. Any proposed active transportation project involving tree trimming or removal of heritage, protected, or street trees would require permits from the Public Works Department. Additionally, the Public Works Department may determine that a removed tree be replaced with at least two trees commensurate with the size of the removed tree, in accordance with Milpitas Municipal Code Section X-2-4-.02. With adherence to the City's Municipal Code, proposed active transportation projects would not conflict with local policies and ordinances and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The Santa Clara Valley Habitat Plan is a habitat conservation plan (HCP) and natural community conservation plan (NCCP) encompassing about 812 square miles, or approximately 62 percent of Santa Clara County (City of Milpitas 2020). The City of Milpitas is currently not a permittee of the Santa Clara Valley Habitat Plan and the Plan Area is not included in the Habitat Plan Study Area and Permit Area. However, the Plan Area is identified in the HCP/NCCP as within the expanded study area and permit area for Burrowing Owl Conservation.

The proposed active transportation projects do not re-designate any land currently designated for open space or habitat protection. Though Milpitas is not a permittee of the Santa Clara Valley Habitat Plan, the City is within the expanded study and permit area for Burrowing Owl Conservation. Therefore, there is potential for burrowing owls to occur in the City and future projects would be required to comply with all of the conditions of the Santa Clara Valley Habitat Plan to protect burrowing owls. Conditions include avoiding direct impacts on legally protected plant and wildlife species, incorporating urban-reserve system interface design requirements, maintaining hydrologic conditions, and protecting water quality, including stream and riparian setbacks, wetland and pond avoidance and minimization, and avoid or minimize impacts to western burrowing owls (Santa Clara Valley Habitat Agency 2012). Adherence to these conditions in the Habitat Plan would be ensured with implementation of Mitigation Measures BIO-1 through BIO-5~~6~~, outlined in *Item a, Item b,* and *Item c*, which would protect sensitive species, water quality, and wetlands. Future active transportation projects facilitated by the Plan would be required to comply with applicable conditions of the Habitat Plan and therefore, impacts related to consistency with the HCP/NCCP would be less than significant with mitigation incorporated.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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5 Cultural Resources

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

According to files maintained by the Northwest Information Center (NWIC) of the California Historical Resources Information System, there exist 33 recorded cultural resources within the City of Milpitas (City of Milpitas 2020). Known cultural resources include historic buildings and railroads, prehistoric villages and artifacts, and refuses. Further, the Santa Clara County Historic Property Data File Directory identified 25 historic buildings within the City. Some of those buildings overlap with cultural resources identified by NWIC.

The significance of a cultural resource and subsequently the significance of any impact is determined by, among other things, consideration of whether that resource can increase our knowledge of the past. The determining factors are site content and degree of preservation. A finding of archaeological significance follows the criteria established in the *CEQA Guidelines*.

CEQA Guidelines Section 15064.5 (Determining the Significance of Impacts to Archaeological Resources) states:

> (a)(3) […] Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the CRHR (Public Resources Code, Section 5024.1, Title 14 CCR, Section 4852).
>
> (a)(4) The fact that a resource is not listed in, or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.
>
> (b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

A substantial adverse change in the significance of a historical resource means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the

significance of the historical resource would be materially impaired. Generally, impacts to historical resources can be mitigated to below a level of significance by following the Secretary of the Interior's Guidelines for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Standards) [Guidelines Section 15064.6(b)]. In some circumstances, documentation of an historical resource by way of historic narrative photographs or architectural drawings will not mitigate the impact of demolition below the level of significance [Guidelines Section 15126.4(b)(2)].

Preservation in place is the preferred form of mitigation for archaeological resources as it retains the relationship between artifact and context and may avoid conflicts with groups associated with the site [Guidelines Section 15126.4 (b)(3)(A)].

Impact Analysis

a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

There are numerous previously recorded historical resources within the city limits. In addition, other properties in Milpitas have the potential to include historical resources pending further evaluation. According to the California Office of Historic Preservation, any physical evidence of human activities over 45 years of age can be recorded and evaluated for consideration as historical resources (California Office of Historic Preservation 1995). This includes not only buildings, but also structures, objects, sites, and districts.

The Plan proposes a variety of active transportation projects such as improved bikeways and bike paths. They would be constructed in existing public rights-of-way and would not require the acquisition of private property that could contain historical structures or contributing features in their surrounding landscapes. Therefore, implementation of the Plan itself would not result in the demolition or alteration of structures which are or would qualify as historical resources. Furthermore, although active transportation projects would introduce new street features such as curbs, planter boxes, striping, and signs; the modest scale and nature of these project elements would be consistent with the function and character of existing roadways proposed for modification.

The Plan therefore would not substantially alter the general setting or indirectly impact any known or potential historical resources such that its significance would be materially impaired. As a result, the Plan would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

LESS THAN SIGNIFICANT IMPACT

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

There are numerous previously recorded archaeological resources within the city limits. Archaeological materials associated with Native American and early Euro-American occupation may exist throughout the city, including where proposed active transportation projects are located, and have the potential to provide important scientific information regarding history and prehistory. Therefore, the Plan could affect known and unknown cultural resources. Because the Plan is being analyzed on a program level, the majority of projects do not yet have complete design plans and known archaeological resources cannot be identified at this time. The majority of the proposed

active transportation projects would occur in or adjacent to already disturbed corridors in an urban environment, where it is unlikely that ground disturbance would encounter intact archaeological resources. However, ground-disturbing activities associated with implementation of the Plan would still have the potential to damage or destroy archaeological resources, especially if they occur below the existing road base, in less disturbed sediments, or previously undisturbed areas. Consequently, mitigation is necessary to ensure that potential impacts to cultural resources are reduced to a less-than-significant level.

Mitigation Measure

CUL-1 Archaeological Resources Assessment

If cultural resources are encountered during ground-disturbing activities for a proposed active transportation project listed in the Plan, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology in either prehistoric or historic archaeology shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If a unknown discovery is encountered and proves to be significant under the State CEQA Guidelines and cannot be avoided by the project, additional work such as excavating the cultural deposit to fully characterize its extent, and collecting and curating artifacts may be warranted to mitigate any significant impacts to cultural resources. In the event that archaeological resources of Native American origin are identified during project construction, a qualified archaeologist will consult with the City to begin Native American consultation procedures.

By implementing Mitigation Measure CUL-1, the City would evaluate and protect significant archaeological resources if encountered during construction, resulting in a less than significant impact.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

c. Would the project disturb any human remains, including those interred outside of formal cemeteries?

Ground disturbing activities during implementation of the Plan could potentially encounter human remains. If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance occur until the county coroner has made the necessary findings as to the origin and disposition pursuant to the Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site and make recommendations to the landowner within 48 hours of being granted access. With adherence to these existing regulations, impacts to human remains would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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6 Energy

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

a. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Construction of the proposed active transportation projects listed in the Plan would result in short term consumption of energy from the use of construction equipment and processes. Energy use during construction would be primarily from fuel consumption to operate heavy equipment, light duty vehicles, machinery, and generators. The scope of construction activity that requires energy use would be limited because many facilities would simply require restriping of or minimal surface treatments on existing paved rights-of-way, while others would add narrow linear strips of pavement to widen existing roadways or construct new shared-use paths. Therefore, the Plan would not result in wasteful or inefficient use of energy during construction. After construction, proposed active transportation projects would provide a safe and better connected non-motorized transportation system in the Plan Area, facilitating an increase the number of bicyclists and pedestrians and potentially resulting in a decrease in the number of motor vehicle trips. Decreasing the number of personal vehicles on roadways would reduce overall energy consumption in Milpitas, mainly from fuel consumption. Some proposed shared-use paths, pedestrian routes to transit stations, and crosswalk enhancements could include light fixtures that would require energy use at nighttime. However, energy for lighting would be minimal relative to existing lighting in the Milpitas and offset by the reduced use of fossil fuels for vehicle transport. Therefore, the Plan would have a less than significant impact from wasteful, inefficient, or unnecessary consumption of energy resources

LESS THAN SIGNIFICANT IMPACT

b. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The City of Milpitas adopted their Smart City Infrastructure Program in October 2020 to modernize citywide services, conserve and generate clean energy, and reduce operations and maintenance expenses, with one program pillar being efficient lighting infrastructure. The Smart City initiative will

add energy-efficient LED fixtures, lighting motion sensors, and improve public safety and increase visibility for residents using outdoor public spaces after dark. Proposed path and trail lighting amenities in the Plan would not conflict with this initiative. By improving the active transportation network in Milpitas, the Plan would be expected to result in an overall reduction in motor vehicle trips and an improvement in energy efficiency. In addition, as described in Section 3, *Air Quality*, and Section 8, *Greenhouse Gas Emissions*, the Plan would be consistent with the 2017 Clean Air Plan. Therefore, the Plan would not conflict with any state or local plans for energy efficiency, and this impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

7 Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1. 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?	☐	☐	■	☐
2. Strong seismic ground shaking?	☐	☐	■	☐
3. Seismic-related ground failure, including liquefaction?	☐	☐	■	☐
4. Landslides?	☐	☐	■	☐
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	■	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	■	☐	☐
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	■	☐	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	■
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	■	☐	☐

a.1. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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?

The proposed active transportation projects listed in the Plan would be located in the San Francisco Bay Area, a region of considerable seismic activity. According to the U.S. Geological Survey (USGS), one Quaternary fault (with evidence of movement in the last 15,000 years) is located on the eastern side of the Plan Area: the Hayward fault (USGS 2021). This active fault runs on a northwest-southeast axis, paralleling the rising hillsides. According to the California Department of Conservation's Alquist-Priolo Earthquake Fault Zoning Map this narrow band of land surrounding the Hayward fault is in an Earthquake Fault Zone, carrying a substantial risk of surface rupture during seismic activity. Most proposed projects in the Plan are located outside of designated fault zones. Only proposed improvements along the hillside fault zone such as the Class II bike lane along Evans Road and Class IIB buffered bike lane along Piedmont Road are within the fault zone. Fault rupture may result in breakage or cracks in the proposed bicycle facilities but would not cause a potentially adverse risk to trail users. This impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.2. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

Major earthquakes have occurred in the vicinity of the Plan Area in the past and can be expected to occur again in the near future (City of Milpitas 2020). Strong ground shaking at any of the proposed active transportation projects could result from a rupture of faults in or near the Plan Area or of the major regional earthquake faults in the Bay Area. Such strong ground shaking could damage pavement at proposed bicycle and pedestrian facilities listed in the Plan. However, the City would resurface pavement that is substantially damaged by ground shaking to prevent a long-term risk of injury. While the Plan does propose further study dedicated to overcrossings and substantial infrastructure, the proposals in the Plan do not include proposed habitable structures that could be vulnerable to collapse during ground shaking. Therefore, the Plan would not expose people or structures to substantial adverse effects of seismic ground shaking. This impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.3. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Liquefaction, which is primarily associated with unconsolidated, saturated materials, is most common in areas of sand and silt or on reclaimed lands. In these areas, ground failure and differential settlement could result from a severe earthquake, damaging paved surfaces and elevated structures. Liquefaction potential is highest in areas underlain by poorly engineered fills, mud, and unconsolidated alluvium. As mapped in Figure 3.6-2 in the City's General Plan Update, low-lying parts of Milpitas nearest San Francisco Bay and in along Calera Creek descending from the southern hills are susceptible to liquefaction (City of Milpitas 2020). Proposed bicycle and pedestrian projects listed in the Plan would not include habitable structures that could expose people to adverse effects from seismic-related ground failure, including liquefaction. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.4. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

As mapped in Figure 3.6-5 in the Milpitas General Plan Draft EIR, slopes with landslide potential are located in the eastern hillside portion of the city (City of Milpitas 2020). Unstable slopes that may be susceptible to landslides within the city limits are primarily to the east of Evans Road. Proposed bicycle facilities would not be located in areas mapped as having moderately or generally unstable slopes. Crosswalk enhancements listed in the Plan would not have the potential to cause loss, injury, or death from landslide events. Therefore, the impact from exposure to landslides would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project result in substantial soil erosion or the loss of topsoil?

The active transportation projects listed in the Plan that would be constructed within existing paved rights-of-way are unlikely to cause substantial soil erosion or loss of topsoil. However, the construction of proposed shared-use paths and bicycle facilities that require roadway widening would involve ground disturbance of unpaved areas, including trails. This construction activity could cause erosion and sedimentation. However, any grading activity within city limits is subject to the erosion control plan requirements of Title II, Chapter 13, Section 10 of the Milpitas Municipal Code. Pursuant to Section II-13-10 of the Municipal Code projects completing an erosion control plan must, "fully indicate necessary land treatment, structural measures and timing requirements which will effectively minimize soil erosion and sedimentation." In addition to local erosion control regulations, if any proposed trail, pedestrian, or bicycle facility would involve disturbance of an area over one acre in size, it would be required to comply with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit Requirements, which would limit peak post-project runoff levels to pre-project levels. The City would also be required to prepare a Storm Water Pollution Prevention Plan (SWPPP), a sediment and erosion control plan that describes the activities to prevent stormwater contamination, control sedimentation and erosion, and comply with the requirements of the statewide permit. Therefore, the Plan would have a less than significant impact from soil erosion or the loss of topsoil.

LESS THAN SIGNIFICANT IMPACT

c. Would the project 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?

The proposed active transportation projects that would be constructed within existing paved rights-of-way would not result in landslides, lateral spreading, subsidence, liquefaction, or collapse because they would occur on already developed land. Proposed facilities that would occur on undeveloped parcels would adhere, as applicable, to Mitigation Measure GEO-1 (below) to minimize the risk of expansive soils. Therefore, the Plan would not result in unstable geologic units or soils and impacts would be less than significant with mitigation incorporated.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

d. Would the project 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?

According to the Natural Resource Conservation Service's Web Soil Survey, multiple soil types that occur in Milpitas have a potential for shrinking and swelling behavior (NRCS 2020). In areas underlain by expansive soils, the shrinking and swelling of soil can disrupt or damage paved surfaces. Proposed bicycle and pedestrian projects located within existing paved rights-of-way would be unlikely to experience substantial shrink-swell from soil movement. However, proposed Class I, IIIB, and IV shared-use paths on previously unpaved ground could endanger trail users if expansive soils are present and cause the ground to crack. For these projects, site-specific geotechnical investigations would be required. The impact of expansive soils would be potentially significant.

Mitigation Measures

Mitigation Measure GEO-1 would be required to reduce potential hazards from expansive soils.

GEO-1 Expansive Soils

If a Class I, IIIB, or IV shared-use path project listed in the Plan is located in an area mapped as having expansive underlying soil, the City shall ensure that a site-specific geotechnical investigation is conducted by a qualified engineer. The investigation shall identify hazardous conditions and recommend appropriate design factors to minimize hazards. Such measures could include concrete slabs on grade with increased steel reinforcement, removal of highly expansive material and replacement with non-expansive import fill material, or chemical treatment with hydrated lime to reduce the expansion characteristics of the soils.

With implementation of this mitigation measure, expansive soils would be remediated on a site-specific basis, and potential impacts would be reduced to a less-than-significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

e. Would the project 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?

None of the projects listed in the proposed Plan would involve the construction of septic tanks or alternative wastewater disposal systems. No impact would occur.

NO IMPACT

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Significant paleontological resources are fossils or assemblages of fossils that are unique, unusual, rare, uncommon, diagnostically important, or are common but have the potential to provide valuable scientific information for evaluating evolutionary patterns and processes, or which could improve our understanding of fossil chronologies, the ecology and geographic distribution of fossil organisms, or the history of geologic layers. Evaluating the potential for impacts to paleontological resources from implementing the Plan involves three distinct steps: 1) identify the geologic units that occur (i.e., are mapped at the surface or may be directly underlying mapped units) within the study area; 2) determine the paleontological sensitivity of mapped or underlying geologic units; and 3) determine if the active transportation projects proposed in the Plan have the potential to disturb paleontologically sensitive geologic units.

Paleontological Resource Potential

The Society of Vertebrate Paleontology (SVP) (2010) describes sedimentary rock units as having a high, low, undetermined, or no potential for containing significant nonrenewable paleontological resources. This criterion is based on rock units within which vertebrate or significant invertebrate fossils have been determined by previous studies to be present or likely to be present. While these standards were written specifically to protect vertebrate paleontological resources, all fields of paleontology have adopted these guidelines, which are given here verbatim:

I. **High Potential (sensitivity)** – Rock units from which significant vertebrate or significant invertebrate fossils or significant suites of plant fossils have been recovered are considered to have a high potential for containing significant non-renewable fossiliferous resources. These units include but are not limited to, sedimentary formations and some volcanic formations that contain significant nonrenewable paleontological resources anywhere in their geographical extent, and sedimentary rock units temporally or lithologically suitable for the preservation of fossils. Sensitivity comprises both (a) the potential for yielding abundant or significant vertebrate fossils or for yielding a few significant fossils, large or small, vertebrate, invertebrate, or botanical; and (b) the importance of recovered evidence for new and significant taxonomic, phylogenetic, ecologic, or stratigraphic data. Areas that contain potentially datable organic remains older than Recent, including deposits associated with nests or middens, and areas which may contain new vertebrate deposits, traces, or trackways are also classified as significant.

II. **Low Potential (sensitivity)** – Sedimentary rock units that are potentially fossiliferous, but have not yielded fossils in the past, or contain common and/or widespread invertebrate fossils of well documented and understood taphonomic, phylogenetic species and habitat ecology. Reports in the paleontological literature or field surveys by a qualified vertebrate paleontologist may allow determination that some areas or units have low potential for yielding significant fossils prior to the start of construction. Generally, these units will be poorly represented by specimens in institutional collections and will not require protection or salvage operations. However, as excavation for construction proceeds, it is possible that significant and unanticipated paleontological resources might be encountered and require a change of classification from Low to High Potential and, thus, require monitoring and mitigation if the resources are found to be significant.

III. **Undetermined Potential (sensitivity)** – Specific areas underlain by sedimentary rock units for which little information is available are considered to have undetermined fossiliferous potentials. Field surveys by a qualified vertebrate paleontologist to specifically determine the potentials of the rock units are required before programs of impact mitigation for such areas may be developed.

IV. **No Potential** – Rock units of metamorphic or igneous origin are commonly classified as having no potential for containing significant paleontological resources.

Existing Conditions

Milpitas is situated in the middle of the Coast Ranges, one of 11 major geomorphic provinces in California (California Geological Survey 2002). A geomorphic province is a region of unique topography and geology that is distinguished from other regions based on its landforms and geologic history. During the Cenozoic era, the area of the present-day Coast Ranges was covered by seawater and a thick deposit of marine to nonmarine shale, sandstone, and conglomerate accumulated on the Franciscan basement rock (Bartow and Nilsen 1990). Later, during the late

Miocene to Pliocene eras, a mountain-building episode occurred in the vicinity of the present-day Coast Ranges, resulting in their uplift above sea level. Subsequently, from the late Pliocene to Pleistocene eras, extensive deposits of terrestrial alluvial fan and fluvial sediments were deposited in the Coast Ranges (Norris and Webb 1990).

Paleontological Impact Analysis

There could be fossils of potential scientific significance and other unique geologic features that remain undiscovered in the City or are not recorded. Class I, IIIB, and IV trails or trail connections may require excavation in previously undisturbed areas. Ground-disturbing construction associated with an active transportation project could uncover previously unknown paleontological resources. Damage to or destruction of a paleontological resource would be considered a potentially significant impact under local, state, or federal criteria. Although most projects would occur in highly disturbed urban areas where excavations are unlikely to encounter intact geologic sediments, widening of the right-of-way, excavation for new trails, or creating new trail connections carries potential to impact intact geologic units that may yield paleontological resources. Implementation of Mitigation Measure GEO-2 would reduce impacts to paleontological resources to a less-than-significant level by requiring paleontological resource studies for projects in high sensitivity geologic units within the Plan Area and further requirements to avoid or reduce impacts to such resources on a project-by-project basis.

Mitigation Measures

GEO-2 Paleontological Resource Studies

The City of Milpitas shall require the following specific measures for individual bicycle, pedestrian, and trail projects that could disturb geologic units with high paleontological sensitivity:

1. **Retain a Qualified Paleontologist.** Prior to any excavations, a qualified paleontologist shall be retained to review all project plans where ground disturbance is expected, as well as areas mapped as Pleistocene deposits at the surface, to determine if paleontologically sensitive units could be impacted. A qualified professional paleontologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010). If it is determined that no paleontologically sensitive units could be impacted, then specific project impacts shall be deemed less than significant and no further mitigation would be required. If it is determined that a paleontologically sensitive unit could be impacted, then the subsequent mitigation measures provided here shall be followed as a minimum standard.
    a. The qualified professional paleontologist shall direct all mitigation measures related to paleontological resources and design a Paleontological Resources Mitigation and Monitoring Program (PRMMP) for the project, which outlines the procedures and protocol for conducting paleontological monitoring and mitigation. Monitoring shall be conducted by a qualified paleontological monitor who meets the minimum qualifications per standards set forth by the SVP. The PRMMP shall address the following procedures and protocols:
        - Timing and duration of monitoring
        - Procedures for work stoppage and fossil collection
        - The type and extent of data that should be collected with any recovered fossils

- Identify an appropriate curatorial institution
- Identify the minimum qualifications for qualified paleontologists and paleontological monitors
- Identify the conditions under which modifications to the monitoring schedule can be implemented
- Details to be included in the final monitoring report.

2. **Paleontological Worker Environmental Awareness Program (WEAP).** Prior to the start of construction, the qualified paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be fulfilled at the time of a preconstruction meeting at which a qualified paleontologist shall attend.
3. **Paleontological Monitoring.** Paleontological monitoring should be conducted during ground disturbing construction activities (i.e., grading, trenching, foundation work) in previously undisturbed sediments with high paleontological sensitivities including Pleistocene alluvial deposits when excavations exceed 5 ft below ground surface.
   b. Paleontological monitoring shall be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources and meets the minimum standards of the SVP (2010) for a paleontological resources monitor. The duration and timing of the monitoring will be determined by the qualified paleontologist and the location and extent of proposed ground disturbance. If the qualified paleontologist determines that full-time monitoring is no longer warranted, based on the specific geologic conditions at the surface or at depth, he/she may recommend that monitoring be reduced to periodic spot-checking or cease entirely.
   c. **Fossil Discoveries.** In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A qualified paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the qualified paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:
   d. **Salvage of Fossils.** If fossils are discovered, all work in the immediate vicinity should be halted to allow the paleontological monitor, and/or lead paleontologist to evaluate the discovery and determine if the fossil may be considered significant. If the fossils are determined to be potentially significant, the qualified paleontologist (or paleontological monitor) should recover them following standard field procedures for collecting paleontological as outlined in the PRMMP prepared for the project. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist should have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. If fossils are discovered, the qualified paleontologist (or paleontological monitor) shall recover them as specified in the project's PRMMP.

4. **Preparation and Curation of Recovered Fossils**. Once salvaged, significant fossils should be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the

University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the qualified paleontologist.

5. **Final Paleontological Mitigation Report.** Upon completion of ground disturbing activity (and curation of fossils if necessary) the qualified paleontologist should prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report should include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated. The report shall be submitted to the City of Milpitas. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

With implementation of Mitigation Measure GEO-2 to protect paleontological resources, the Plan would have a less than significant impact on such resources.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

8 Greenhouse Gas Emissions

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

Overview of Climate Change and Greenhouse Gases

Climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period of time. Climate change is the result of numerous, cumulative sources of greenhouse gas (GHG) emissions contributing to the "greenhouse effect," a natural occurrence which takes place in Earth's atmosphere and helps regulate the temperature of the planet. The majority of radiation from the sun hits Earth's surface and warms it. The surface, in turn, radiates heat back towards the atmosphere in the form of infrared radiation. Gases and clouds in the atmosphere trap and prevent some of this heat from escaping into space and re-radiate it in all directions.

GHG emissions occur both naturally and as a result of human activities, such as fossil fuel burning, decomposition of landfill wastes, raising livestock, deforestation, and some agricultural practices. GHGs produced by human activities include carbon dioxide (CO_2), methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Different types of GHGs have varying global warming potentials (GWP). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally, 100 years). Because GHGs absorb different amounts of heat, a common reference gas (CO_2) is used to relate the amount of heat absorbed to the amount of the gas emitted, referred to as "carbon dioxide equivalent" (CO_2e), which is the amount of GHG emitted multiplied by its GWP. Carbon dioxide has a 100-year GWP of one. By contrast, methane has a GWP of 30, meaning its global warming effect is 30 times greater than CO_2 on a molecule per molecule basis (Intergovernmental Panel on Climate Change 2021).[3]

Anthropogenic activities since the beginning of the industrial revolution (approximately 250 years ago) are adding to the natural greenhouse effect by increasing the concentration of GHGs in the atmosphere that trap heat. Since the late 1700s, estimated concentrations of CO_2, methane, and

[3] The Intergovernmental Panel on Climate Change's (2021) *Sixth Assessment Report* determined that methane has a GWP of 30. However, the 2017 Climate Change Scoping Plan published by the California Air Resources Board uses a GWP of 25 for methane, consistent with the Intergovernmental Panel on Climate Change's (2007) *Fourth Assessment Report*. Therefore, this analysis utilizes a GWP of 25.

nitrous oxide in the atmosphere have increased by over 43 percent, 156 percent, and 17 percent, respectively, primarily due to human activity (United States Environmental Protection Agency 2021. Emissions resulting from human activities are thereby contributing to an average increase in Earth's temperature. Potential climate change impacts in California may include loss of snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years (State of California 2018).

Regulatory Framework

In response to climate change, California implemented Assembly Bill (AB) 32, the "California Global Warming Solutions Act of 2006." AB 32 required the reduction of statewide GHG emissions to 1990 emissions levels (essentially a 15 percent reduction below 2005 emission levels) by 2020 and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions. On September 8, 2016, the Governor signed Senate Bill 32 into law, extending AB 32 by requiring the State to further reduce GHG emissions to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, the California Air Resources Board (CARB) adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program and the Low Carbon Fuel Standard, and implementation of recently adopted policies and legislation, such as SB 1383 (aimed at reducing short-lived climate pollutants including methane, hydrofluorocarbon gases, and anthropogenic black carbon) and SB 100 (discussed further below). The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan Update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends local governments adopt policies and locally-appropriate quantitative thresholds consistent with a statewide per capita goal of six metric tons (MT) of CO_2e by 2030 and two MT of CO_2e by 2050 (CARB 2017).

Other relevant state laws and regulations include:

- **SB 375**: The Sustainable Communities and Climate Protection Act of 2008 (SB 375), signed in August 2008, enhances the state's ability to reach AB 32 goals by directing the CARB to develop regional GHG emission reduction targets to be achieved from passenger vehicles by 2020 and 2035. Metropolitan Planning Organizations are required to adopt a Sustainable Communities Strategy (SCS), which allocates land uses in the Metropolitan Planning Organization's Regional Transportation Plan (RTP). On March 22, 2018, CARB adopted updated regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035. The Association of Bay Area Governments (ABAG) was assigned targets of a 10 percent reduction in per capita GHG emissions from passenger vehicles from 2005 levels by 2020 and a 19 percent reduction in per capita GHG emissions from passenger vehicles from 2005 levels by 2035. ABAG adopted the 2040 Regional Transportation Plan/Sustainable Communities Strategy (ABAG RTP/SCS) in July 2017, which meets the requirements of SB 375
- **SB 100**: Adopted on September 10, 2018, SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the state's Renewables Portfolio Standard Program. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.
- **California Building Standards Code (California Code of Regulations Title 24)**: The California Building Standards Code consists of a compilation of several distinct standards and codes

related to building construction including plumbing, electrical, interior acoustics, energy efficiency, and handicap accessibility for persons with physical and sensory disabilities. The current iteration is the 2019 Title 24 standards. Part 6 is the Building Energy Efficiency Standards, which establishes energy-efficiency standards for residential and non-residential buildings in order to reduce California's energy demand. Part 12 is the California Green Building Standards Code (CALGreen), which includes mandatory minimum environmental performance standards for all ground-up new construction of residential and non-residential structures.

The City of Milpitas adopted a Climate Action Plan (CAP) in 2013 to guide Milpitas to be a more sustainable community by reducing GHG emissions and establishing a "qualified greenhouse gas reduction strategy" (City of Milpitas 2013). In addition, the CAP provides guidance for adapting to anticipated effects of climate change. The CAP includes five key sectors— energy use, vehicle miles, waste production, water usage, and off-road activities. The CAP incorporates best practices to produce a blueprint for achieving GHG emissions reduction in Milpitas and ultimately, to comply with AB 32 and SB 375. The 2013 Baseline Inventory identified the on-road transportation sector as the largest source of emissions in Milpitas, encompassing approximately 50 percent of overall community emissions. The nonresidential energy (29 percent), residential energy (10 percent), solid waste (8 percent), off-road equipment (2 percent), light rail (<1 percent), water and wastewater (<1 percent), and direct wastewater (<1 percent) sectors represent the other GHG sectors included in the CAP. The City is currently in the process of updating their 2013 CAP to meet recent GHG regulatory requirements.

Impact Analysis

a. Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

b. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Individual projects under the Plan do not generate sufficient GHG emissions to directly influence climate change. However, physical changes caused by a project can contribute incrementally to cumulative effects that are significant, even if individual changes resulting from a project are limited. The issue of climate change typically involves an analysis of whether a project's contribution towards an impact would be cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (*CEQA Guidelines*, Section 15064[h][1]).

Many proposed active transportation projects listed in the Plan would include minor surface treatments like restriping of lines and enhancing crosswalks, which would not involve construction activity that generates GHG emissions. However, some projects, such as Class I trail improvements along creeks, would require grading and paving activity to widen paved areas or construct new shared-use paths. The use of trucks to haul soil and grading equipment for earth movement typically emits the greatest amount of GHG emissions during construction. Because the Plan provides a list of projects for future implementation, not for immediate construction, the precise timing of construction and the list of construction equipment for individual projects is not precisely known at this time. At this programmatic level of analysis, construction-related emissions are speculative; such emissions depend on the characteristics of individual active transportation projects. BAAQMD's *CEQA Air Quality Guidelines* (2017) have no thresholds for determining plan-level impacts from

construction emissions. Therefore, construction emissions would not exceed an applicable plan-level threshold.

This section analyzes the Plan's long-term effect on GHG emissions by a qualitative discussion of its consistency with applicable plans and policies to reduce emissions. This approach is consistent with guidance from the BAAQMD's *CEQA Air Quality Guidelines* for plan-level analysis. The BAAQMD's 2017 Plan sets goals to reduce vehicle emissions and contribute to protecting the climate. The Plan would be consistent with these goals because it would facilitate walking and biking as substitute modes of travel for driving motorized vehicles. Currently an estimated 78.3 percent of Milpitas residents drive alone to work, and another 12 percent carpool (City of Milpitas 2021a). Combined, approximately 90 percent of residents drive to work. By contrast, it is estimated that only 1.4 percent of residents walk or bike to work. By improving connectivity and safety for pedestrians and bicyclists, the Plan would make active transportation a more viable alternative to driving for people who work locally. The proposed improvements also would make it easier for people to reach local Bay Area Regional Transit (BART) stations without driving and then commute to regional work sites in the greater Bay Area. This would address the so-called "first-mile/last-mile" problem where it is difficult for people to move between a transit stop and an origin or destination. Furthermore, a long-term increase in walking and bicycling behavior in Milpitas would offset any emissions from constructing new active transportation projects or from additional electricity use for light fixtures. Therefore, as discussed in Section 3, *Air Quality*, the Plan would be consistent with the primary goals of the 2017 Plan.

The 2017 Plan also contains 85 control strategies aimed at reducing air pollution and protecting the climate in the Bay Area. Applicable control measures to the Plan are measures TR2 (Trip Reduction Programs) and TR9 (Bicycle and Pedestrian Access Facilities). Control Measure TR2 encourages trip reduction policies and programs in local plans and Control Measure TR9 encourages planning for bicycle and pedestrian facilities in local plans.

By improving connectivity and safety for bicyclists and pedestrians, the Plan would make it easier for people to commute by cycling and walking, consistent with Control Measure TR2 to reduce work trips by motor vehicle. Planning for bicycle and pedestrian facilities at a local level would be consistent with Control Measure TR9. Pedestrian projects listed in the Plan also focus on closing sidewalk gaps and enhancing safety and accessibility to schools and transit. By planning for safe routes to schools and transit, the Plan would facilitate the City's efforts to get funding for individual pedestrian safety projects, consistent with Control Measure TR7. Implementation of the Plan also would not preclude any planned transit or bicycle pathways, and would not otherwise disrupt regional planning efforts to reduce VMT and meet federal and State air quality standards. Therefore, the Plan would not hinder implementation of any 2017 Plan's control measures.

The Plan also would be consistent with State targets for reducing GHG emissions. California's 2017 Climate Change Scoping Plan to achieve the target of cutting statewide emissions 40 percent from 1990 baseline levels encourages using streets for active transportation as one measure to reduce emissions from transportation (CARB 2017). As stated in the 2017 Scoping Plan, policies that increase active transportation "will need to play a greater role as California strives to achieve its 2030 and 2050 climate targets." The Plan would implement this approach at a local level, consistent with State policy to reduce GHG emissions in compliance with SB 32 and Executive Order B-55-18, eventually achieving statewide carbon neutrality by 2045.

The Milpitas 2040 General Plan contains several policies that promote bicycle and pedestrian-oriented development (City of Milpitas 2021b). Policy LU-4.2 calls for efforts to reduce regional VMT through active transportation, which the Plan does by planning for trail, bicycle, and pedestrian

improvements. The Plan would support and implement Policy CIR-2.1, which promotes a multimodal transportation system that encourages walking, bicycling, or transit use, by planning that multimodal system. Policy CIR-3.1 calls for coordination with Santa Clara Valley Transportation Authority (VTA) and BART to support safety and access to their station, which the Plan does by recommending and planning for improvements that allow safe access to transit.

The Milpitas CAP contains several goals and measures that support bicycle and pedestrian-oriented development, with which the Plan is consistent (City of Milpitas 2013). Measure 6.1 and 6.2, support connectivity along transit corridors and nodes and ensure a pedestrian-friendly environment around BART and light rail stations. The Plan would support these measures because the goal of the Plan is to provide more active transportation infrastructure that connects to BART and VTA stations. CAP Measure 7.2 encourages the initiation of a complete streets program that fosters pedestrian and bicycle activity, by setting out a plan to make active transportation safer. The Plan is consistent with this measure because it would result in complete streets throughout Milpitas. CAP Measures 7.3 and 7.4 encourage implementation and maintenance of infrastructure from the Bikeways Master Plan and outreach to promote bicycle use. This Plan is an updated and comprehensive version of and the Bikeways Master Plan that incorporates trails and pedestrian improvements and was formulated with the input of the community. Therefore, the Plan is consistent with CAP Measures 7.3 and 7.4.

In summary, the Plan would have a less than significant impact on the environment from GHG emissions, and would not conflict with applicable plans to reduce GHG emissions.

LESS THAN SIGNIFICANT IMPACT

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9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	■	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	■	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	☐	☐	■	☐
d. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	■	☐	☐
e. For a project located in 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?	☐	☐	■	☐
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	■

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b. Would the project 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?

None of the proposed active transportation projects listed in the Plan would involve the transport, use, or disposal of hazardous materials other than the routine use of chemicals during construction (e.g., fuel and engine fluids for equipment, paint, and asphalt) and would not create conditions which could lead to the release of hazardous substances. Users of new active transportation facilities would be subject to a very small risk of exposure to upset and accident conditions from the release of hazardous materials being transported on adjacent travel lanes for motor vehicles. However, this is not a reasonably foreseeable risk to pedestrians and bicyclists. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

As shown in Figures 20, 21, and 22 of the Plan, many bicycle and crosswalk projects listed would be located within one-quarter mile of schools. These are considered “safe route to school” projects, which improve connectivity and safety for students traveling to and from schools. Ground disturbance during construction of these projects could temporarily expose students and staff to emissions of fugitive dust. However, construction activity would be temporary, which would reduce the time of exposure to dust emissions. Bicycle and pedestrian projects near schools also would be constructed in linear pathways, which would reduce the amount of construction time near schools as construction proceeds along the proposed alignment. Therefore, construction within one-quarter mile of schools would be short-term and would result in minimal fugitive dust emissions. In addition, the projects would not involve hazardous emissions or handling of hazardous materials beyond the routine temporary use of fuel and engine fluids for construction equipment and the application of materials like asphalt and paints. The potential impact to schools would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project be located on a site that is included on a list of hazardous material 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?

According to databases of hazardous material sites maintained by the California Department of Toxic Substances Control (EnviroStor) and the California State Water Resources Control Board (GeoTracker), Milpitas has the following types of hazardous sites that are still active or need further investigation: leaking underground storage tanks (LUSTs), school cleanup sites, voluntary cleanup sites, corrective action sites, evaluation sites, and state response sites (DTSC 2021, SWRCB 2021). These sites are dispersed across many parts of Milpitas but have clusters along Montague Expressway between interstates 880 and 680, and along Milpitas Boulevard between Montague Expressway and Calaveras Boulevard. Many of these sites are located at industrial facilities that would not be affected by the construction of active transportation projects on public rights-of-way. However, proposed projects that involve the disturbance of soil at or near listed hazardous materials sites could potentially expose people and the environment to hazardous substances. For

example, a proposed Class IV separated bikeway would be installed on Milpitas Boulevard, an area currently near identified hazardous material sites. Therefore, the impact related to listed hazardous material sites would be potentially significant.

Mitigation Measures

Mitigation Measure HAZ-1 would be required to identify listed hazardous material sites on and near proposed bicycle and pedestrian improvements located near hazardous materials releases, to mitigate for hazardous contaminants where necessary.

HAZ-1 Hazardous Material Sites Investigation and Remediation

Prior to construction of any active transportation project listed in the Plan that requires ground disturbance, the City shall consult lists of hazardous material sites maintained by the California Department of Toxic Substances Control (DTSC), the State Water Resources Control Board (SWRCB), and the County of Santa Clara Hazardous Materials Compliance Division. Where a proposed improvement is located on or adjacent to an identified site, follow up Phase I, and as appropriate, Phase II hazardous waste site investigations shall be completed, and any contaminants shall be remediated to concentrations below applicable screening-level thresholds for human health. The investigation and, if necessary, remediation shall be conducted under the supervision of the County of Santa Clara Hazardous Materials Compliance Division or the City. No disturbance of contaminated soil shall be permitted unless an approved site cleanup and remediation plan has been implemented for the identified hazardous waste sites. Any ground disturbance shall be preceded by advance notification of and approval by the City.

By implementing Mitigation Measure HAZ-1, the City would investigate hazardous material sites and remediate contaminants, where applicable, so that people are not exposed to concentrations exceeding screening-level thresholds. This would reduce the impact to a less-than-significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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?

The nearest publicly available airport to Milpitas is Norman Y. Mineta San Jose International Airport, which is located approximately four miles southwest of city limits. Milpitas is outside the Airport Influence Area for the airport, as mapped in Santa Clara County (Santa Clara County Airport Land Use Commission 2011). Therefore, the Plan would be located outside the scope of an airport land use plan and more than two miles from the nearest airport, and it would not result in a safety hazard or excessive noise from airport activity. This impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The proposed active transportation projects would augment Milpitas' existing circulation system, giving people better multi-modal options to escape from a hazard. Although construction could temporarily close travel lanes, no streets would be permanently closed or blocked under the Plan. Therefore, the Plan would not impair the implementation or physically interfere with an adopted emergency response plan or emergency evacuation plan.

NO IMPACT

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

As discussed in Section 20, *Wildfire*, the Plan would not result in the exposure of people to significant risks associated with very high fire hazard severity zones. Furthermore, the proposed active transportation projects would almost entirely be located in urbanized or low-lying parts of Milpitas that are not prone to high fire risk. Therefore, the Plan would not result in a significant risk of loss, injury, or death involving wildland fires.

NO IMPACT

10 Hydrology and Water Quality

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

a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Proposed active transportation projects that would be constructed within an existing paved right-of-way, such as Class III and IIIB bicycle routes and boulevards, most Class II and IIB bike lanes, and crosswalk enhancements, would not degrade ground water quality because they would not result in additional runoff or pollutants. However, ground disturbance outside existing paved rights-of-way, especially grading and vegetation removal for Class I shared-use paths, and for Class II or Class IV bike lanes that require roadway widening, may result in soil erosion. In addition, converting pervious surfaces into paved facilities could increase the amount of runoff from urban areas and thus decrease water quality.

The proposed active transportation projects may be subject to stormwater requirements under the Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (Order Number R2-2009-0074) for the San Francisco Bay Area. This permit is intended to reduce the discharge of pollutants in the City's municipal separate storm sewer system (MS4). The MS4 permit was issued jointly to the City and other local agencies in the regional Santa Clara Valley Urban Runoff Pollution Prevention Program (California Regional Water Quality Control Board 2009). To achieve compliance with the regional program, and thus with the conditions of the most recently issued MS4 permit, the City has adopted local regulations. Specifically, Chapter XI-16, Stormwater and Urban Runoff Pollution Control, of the Milpitas Municipal Code gives legal effect to requirements of the NPDES permit for the discharge of stormwater runoff from the City's municipal storm sewer.

To comply with Provision C.3 of the NPDES permit, all project applicants must submit a Stormwater Management Plan (SWMP). The SWMP must be prepared under the direction of and certified by a licensed and qualified professional, which includes civil engineers, architects, or landscape architects. Conditions of approval for development projects include the installation and maintenance of Best Management Practices (BMPs) for site design and stormwater treatment.

Under Section XI-16-5 of the Milpitas Municipal Code, the City makes it unlawful to discharge non-stormwater into the municipal sewer system. Milpitas Municipal Code Section XI-16-12 requires that properties adjacent to a watercourse complies with Santa Clara Valley Water District and Water Resources Collaborative "Guidelines and Standards for Land Use Near Streams" for all development, construction, and maintenance activities. Further, Milpitas Municipal Code Section XI-16-6 requires regulated projects to design and construct Low Impact Development source control, site design, and stormwater treatment measures in order to reduce water quality impacts of urban runoff from a given project site for the life of the Plan.

In addition, if a proposed active transportation facility included in the Plan would involve disturbance of an area over one acre in size, it would be required to comply with NPDES Construction General Permit Requirements, which would limit peak post-project runoff levels to pre-project levels. Grading activity for some proposed Class I shared-use paths or Class IIB and Class IV bikeways, among other bicycle facilities listed in the Plan, may disturb more than one acre. For such projects to comply with the Construction General Permit, the City would have to prepare a Storm Water Pollution Prevention Plan (SWPPP), which includes BMPs to control erosion and sediment. Construction BMPs could include silt fencing, fiber rolls, stabilized construction entrances, stockpile management, and solid waste management. Post-construction stormwater performance standards are also required.

Compliance with existing regulatory requirements would ensure that the proposed active transportation projects would not violate water quality standards or waste discharge requirements and would not create substantial runoff water or otherwise degrade water quality. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Some proposed active transportation projects would use water during operation. Comfort stations along Class I trails could include restrooms or water foundations, and new landscaping and shade trees next to active transportation facilities would require irrigation. The proposed water stations could incrementally increase demand for groundwater in Milpitas. However, Milpitas does not use groundwater to meet customer demands under normal conditions and reserves groundwater supply for emergencies in the event that the San Francisco Public Utilities Commission and Santa Clara Valley Water District (SCVWD) cannot deliver contracted water supplies (City of Milpitas 2020). The City has two existing groundwater wells, one of which is active. Both wells include chlorine disinfection facilities but are solely for emergency water supply purposes. Because of the small scale of additional water demand and lack of current sourcing from groundwater, the additional use of potable water would not substantially decrease groundwater supplies. Therefore, the Plan would not substantially decrease groundwater supplies.

Proposed active transportation projects that would be constructed within existing paved rights-of-way, such as Class III bicycle routes and boulevards, most Class II bike lanes, and crosswalk enhancements, would not result in new impermeable surfaces and thus would not interfere with groundwater recharge. However, new facilities constructed outside of existing paved rights-of-way, such as Class I shared-use paths and Class II bike lanes that require roadway widening, would increase the volume of impermeable surfaces in Milpitas. As a result, the proposed facilities could marginally reduce groundwater recharge and increase the amount of surface runoff. However, projects that disturb at least one acre would comply with the NPDES Construction General Permit by implementing BMPs to maintain or replicate the pre-development hydrologic regime. Implementation of required BMPs would minimize impacts related to groundwater recharge. Therefore, the Plan would not substantially interfere with groundwater recharge.

Milpitas is under the jurisdiction of the San Francisco Regional Water Quality Control Board (RWQCB), which is responsible for preparing the Water Quality Control Plan for the region (Basin Plan). The Basin Plan designates beneficial uses of water in the region and establishes narrative and numerical water quality objectives. The State has developed total maximum daily loads (TMDLs), which are a calculation of the maximum amount of a pollutant that a water body can have and still meet water quality objectives established by the region. As discussed under *Item a*, active transportation projects listed in the Plan that would disturb at least one acre would be required to comply with the State's Construction General Permit, which would minimize and avoid water quality impacts associated with soil erosion and stormwater runoff from project sites. Furthermore, projects proposed along creeks would be designed with consultation from Valley Water to ensure preservation of water quality. Implementation of proposed active transportation projects would not

violate water quality objectives for beneficial uses in the vicinity of a given project site or exceed TMDLs. Therefore, the Plan would not conflict with a water quality control plan.

The City overlies the Santa Clara Subbasin and the Plan Area is located within the Santa Clara Plain groundwater management area (City of Milpitas 2020). In September 2014, the California Legislature enacted comprehensive legislation aimed at strengthening local control and management of groundwater basins throughout the state. Known as the Sustainable Groundwater Management Act (SGMA), the legislation provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for state intervention when necessary to protect the resource. According to a July 2020 Groundwater Condition Report, SCVWD assessed that groundwater storage is above average (City of Milpitas 2020). Further, according to the 2016 Groundwater Management Plan, annual pumping would not exceed 200,000 acre feet per year. The long-term average groundwater pumping is 103,000 acre feet per year (City Milpitas 2020). Additionally, the transportation projects facilitated by the Plan would not draw on groundwater, except in emergency conditions. Therefore, the Plan would not conflict with any sustainable groundwater management plan and impacts related to groundwater would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c.(i) Would the project 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 result in substantial erosion or siltation on- or off-site?

c.(ii) Would the project 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

c.(iii) Would the project 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 that would 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?

Proposed active transportation projects that would be constructed within existing paved rights-of-way, such as Class III bicycle routes and boulevards and most Class II bike lanes, would not alter existing drainage patterns. New facilities located outside of existing paved rights-of-way, such as Class I shared-use paths and bike lanes that would require widening of roadways, could alter existing drainage patterns by introducing new impervious surfaces. However, proposed bicycle facilities would comply with erosion control systems and construction BMPs per the City's MS4 permit. BMPs may include directing runoff to permeable areas, maximizing stormwater storage for reuse, and incorporating porous materials into the project design. Compliance with these requirements would ensure that stormwater would be captured and retained on-site, and would minimize the risks of erosion, flooding, or excess stormwater in the local stormwater drainage system. Further, the Plan recommends bioswales where vegetation is planted along trails, in order to capture stormwater. Proposed active transportation projects would cross drainages using existing infrastructure. Therefore, the Plan would have a less than significant impact related to drainage patterns.

LESS THAN SIGNIFICANT IMPACT

c.(iv) Would the project 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 impede or redirect flood flows?

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

Proposed trail, bicycle, and pedestrian facilities constructed outside of existing paved rights-of-way would result in the addition of new impervious surfaces. However, proposed trail, bicycle, and pedestrian facilities would not include any new structures such as bridge abutments that could impede or redirect flood flows. Therefore, implementation of the Plan would not impede or redirect flood flows.

As designated by Federal Emergency Management Agency (FEMA), the City of Milpitas contains areas within the 1 percent annual chance flood hazard zone (100-year flood), the 0.2 percent annual chance flood hazard zone (500-year flood), and areas of undetermined flood hazard (City of Milpitas 2020). The Plan Area is subject to flooding problems along the creeks in the Plan Area, including Calera, Penitencia, and Berryessa, alongside which trail or bikeway improvements are planned. In addition, portions of the City may be at risk of inundation from upstream dam failure, with very little warning time. Future flooding trends may also be influenced by changes in the frequency and magnitude of precipitation, sea level rises, and storm surge due to climate change. Severe storm events are projected to increase, and low-lying areas near the San Francisco Bay may experience increased flood risk from the backwater effect from increasing sea levels and coastal storm surges, and could also increase riverine and localized flooding due to extreme precipitation events (City of Milpitas 2020).

Some proposed active transportation projects in the Plan would be located in the 100-year or 500-year flood zone, but the operation of bikeways and pedestrian facilities would not involve the use of pollutants that could be released during inundation and construction would be subject to BMPs in accordance with the NPDES permit. Proposed facilities also are not located near a large standing body of water that may be subject to a seiche, or standing wave. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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11 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	☐	☐	☐	■
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	■	☐

a. Would the project physically divide an established community?

The purpose of the proposed active transportation projects listed in the Plan is to increase connectivity in the community of the Milpitas by improving bicycle and pedestrian access. Although the Plan would induce the redesign of some existing streets for improved multi-modal access, no new roads or other large or linear facilities that would physically divide existing neighborhoods would be constructed. Therefore, the Plan would not divide an established community, but rather would enhance its connectivity. No impact would occur.

NO IMPACT

b. Would the project 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?

The Plan was developed in coordination with the City's existing General Plan and its recent General Plan update process. As discussed in Section 17, *Transportation*, the Plan would be consistent with multiple policies in the Circulation Element of the existing General Plan (updated in 2021) to improve pedestrian and bicyclist circulation. These policies are intended to reduce safety hazards in the circulation system and increase the share of active transportation users in Milpitas. Increasing active transportation would reduce environmental impacts associated with vehicle miles traveled by improving access to pedestrians and bicyclists, providing a substitute to driving. All projects listed in the Plan would also comply with policies in the adopted General Plan that are explicitly designed to avoid or mitigation environmental effects.

In addition, the Plan would also be consistent with the resilience and equity objectives in ABAG's Plan Bay Area (2050): to have a safe, inclusive multimodal transportation system, to conserve natural resources, open spaces, clean water, and clean air, and to actively reduce the region's environmental footprint. As discussed in Section 3, *Air Quality*, and Section 8, *Greenhouse Gas Emissions*, the Plan would facilitate a reduction in long-term air pollution and GHG emissions by encouraging people to substitute bicycling and walking for driving motor vehicles. The Plan would also further public health goals of increasing physical activity through bicycling and walking.

Therefore, the Plan would support ABAG's objectives to enhance climate protection and create healthy and safe communities.

The Plan would be consistent with applicable local and regional plans and policies to reduce environmental impacts. This impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

12 Mineral Resources

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

a. Would the project 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. Would the project 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?

There are four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources located in the foothills outside city limits (City of Milpitas 2020). Given that the only known identified regional mineral resource areas within the Plan Area are already in operation and currently quarried there is no additional potential for resource extraction in this zone. Therefore, the Plan would not result in the loss of availability of a known mineral resource or a locally important mineral resource recovery site. No impact would occur.

NO IMPACT

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13 Noise

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	■	☐	☐
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	■	☐
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	■	☐

Overview of Noise and Vibration

Noise

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (California Department of Transportation [Caltrans] 2013).

HUMAN PERCEPTION OF SOUND

Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response. Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; dividing the energy in half would result in a 3 dB decrease (Caltrans 2013a).

Human perception of noise has no simple correlation with sound energy: the perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not "sound twice as loud" as one source. It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA, increase or decrease (i.e., twice the sound energy); that a change of 5 dBA is readily perceptible (8 times the sound energy); and that an increase (or decrease) of 10 dBA sounds twice (half) as loud (10.5 times the sound energy) (Caltrans 2013a).

SOUND PROPAGATION AND SHIELDING

Sound changes in both level and frequency spectrum as it travels from the source to the receiver. The most obvious change is the decrease in the noise level as the distance from the source increases. The manner by which noise reduces with distance depends on factors such as the type of sources (e.g., point or line), the path the sound will travel, site conditions, and obstructions.

Sound levels are described as either a "sound power level" or a "sound pressure level," which are two distinct characteristics of sound. Both share the same unit of measurement, the dB. However, sound power (expressed as L_{pw}) is the energy converted into sound by the source. As sound energy travels through the air, it creates a sound wave that exerts pressure on receivers, such as an eardrum or microphone, which is the sound pressure level. Sound measurement instruments only measure sound pressure, and noise level limits are typically expressed as sound pressure levels.

Noise levels from a point source (e.g., construction, industrial machinery, air conditioning units) typically attenuate, or drop off, at a rate of 6 dBA per doubling of distance. Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2013). Noise levels may also be reduced by intervening structures; the amount of attenuation provided by this "shielding" depends on the size of the object and the frequencies of the noise levels. Natural terrain features, such as hills and dense woods, and man-made features, such as buildings and walls, can significantly alter noise levels. Generally, any large structure blocking the line of sight will provide at least a 5-dBA reduction in source noise levels at the receiver (Federal Highway Administration [FHWA] 2011). Structures can substantially reduce exposure to noise as well. The FHWA's guidance indicates that modern building construction generally provides an exterior-to-interior noise level reduction of 10 dBA with open windows and an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows (FHWA 2011).

DESCRIPTORS

The impact of noise is not a function of loudness alone. The time of day when noise occurs and the duration of the noise are also important factors of project noise impact. Most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed. Common noise descriptors are the equivalent noise level (L_{eq}), Day-Night Average Level (DNL; may also be symbolized as L_{dn}), and the community noise equivalent level (CNEL; may also be symbolized as L_{den}).

L_{eq} is one of the most frequently used noise metrics; it considers both duration and sound power level. The L_{eq} is defined as the single steady-state A-weighted sound level equal to the average sound energy over a time period. When no time period is specified, a 1-hour period is assumed. The L_{max} is the highest noise level within the sampling period, and the L_{min} is the lowest noise level within the measuring period. Normal conversational levels are in the 60 to 65-dBA L_{eq} range; ambient noise levels greater than 65 dBA L_{eq} can interrupt conversations (Federal Transit Administration [FTA] 2018).

Noise that occurs at night tends to be more disturbing than that occurring during the day. Community noise is usually measured using Day-Night Average Level (DNL or L_{DN}), which is the 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime hours (10:00 p.m. to 7:00 a.m.). Community noise can also be measured using Community Noise Equivalent Level (CNEL or L_{DEN}), which is the 24-hour average noise level with a +5 dBA penalty for noise occurring from 7:00 p.m. to 10:00 p.m. and a +10 dBA penalty for noise occurring from 10:00 p.m. to 7:00 a.m. (Caltrans 2013).[4] The relationship between the peak-hour L_{eq} value and the L_{DN}/CNEL depends on the distribution of noise during the day, evening, and night; however noise levels described by L_{DN} and CNEL usually differ by 1 dBA or less. Quiet suburban areas typically have CNEL noise levels in the range of 40 to 50 CNEL, while areas near arterial streets are in the 50 to 60+ CNEL range (FTA 2018).

Groundborne Vibration

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent buildings or structures and vibration energy may propagate through the buildings or structures. Vibration may be felt, may manifest as an audible low-frequency rumbling noise (referred to as groundborne noise), and may cause windows, items on shelves, and pictures on walls to rattle. Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors. The primary concern from vibration is that it can be intrusive and annoying to building occupants at vibration-sensitive land uses and may cause structural damage.

Typically, ground-borne vibration generated by manmade activities attenuates rapidly as distance from the source of the vibration increases. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS) vibration velocity. The PPV and RMS velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used as it corresponds to the stresses that are experienced by buildings (Caltrans 2020).

High levels of groundborne vibration may cause damage to nearby building or structures; at lower levels, groundborne vibration may cause minor cosmetic (i.e. non-structural damage) such as cracks. These vibration levels are nearly exclusively associated with high impact activities such as blasting, pile-driving, vibratory compaction, demolition, drilling, or excavation. The American Association of State Highway and Transportation Officials (AASHTO) has determined vibration levels with potential to damage nearby buildings and structures; these levels are identified in Table 2.

Table 2 AASHTO Maximum Vibration Levels for Preventing Damage

Type of Situation	Limiting Velocity (in/sec)
Historic sites or other critical locations	0.1
Residential buildings, plastered walls	0.2–0.3
Residential buildings in good repair with gypsum board walls	0.4–0.5
Engineered structures, without plaster	1.0–1.5

Source: Caltrans 2020

[4] Because DNL and CNEL are typically used to assess human exposure to noise, the use of A-weighted sound pressure level (dBA) is implicit. Therefore, when expressing noise levels in terms of DNL or CNEL, the dBA unit is not included.

Numerous studies have been conducted to characterize the human response to vibration. The vibration annoyance potential criteria recommended for use by Caltrans, which are based on the general human response to different levels of groundborne vibration velocity levels, are described in Table 3.

Table 3 Vibration Annoyance Potential Criteria

	Vibration Level (in/sec PPV)	
Human Response	**Transient Sources**	**Continuous/Frequent Intermittent Sources[1]**
Severe	2.0	0.4
Strongly perceptible	0.9	0.10
Distinctly perceptible	0.25	0.04
Barely perceptible	0.04	0.01

in/sec = inches per second; PPV = peak particle velocity

[1] Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment.

Source: Caltrans 2020

SENSITIVE RECEIVERS

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Noise-sensitive land uses typically include residences, schools, libraries, places of worship, and long-term care facilities such as hospitals and nursing homes. There are noise sensitive land uses throughout the Plan Area.

Regulatory Setting

The City of Milpitas Noise Element contains Guiding Principles and Policies that are designed to include noise control in the planning process in order to maintain compatible land uses with acceptable environmental noise levels and protect Milpitas residents from excessive noise. The Noise Element establishes goals and policies that would apply to the proposed Plan. Goal 1 encourages the preservation of a nuisance-free environment by minimizing exposure to harmful and excessive noise levels. Goal 1 is supported by Policies N 1-1 , N 1-2, N 1-4, N 1-7, and N 1-8, which set land use compatibility noise standards, mitigation for excessive noise, and construction best practices.

To implement the City's noise policies, the City adopted Chapter 213 Noise Abatement in the Milpitas Municipal Code. The City's Noise Ordinance states that it is the City's policy to regulate and control unnecessary, excessive, and annoying noise and vibration in the city to maintain public health, welfare, and safety. Milpitas Municipal Code Section V-213-3(b) prohibits construction between 7:00 p.m. and 7:00 a.m. on weekdays and weekends, and entirely on holidays:

a. *Would the project result in 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?*

Construction Noise

Construction of the active transportation projects listed in the Plan would generate elevated noise levels on a temporary basis in the immediate vicinity of project sites. As shown in Table 4, average

noise levels associated with using heavy equipment at construction sites can range from approximately 76 to 88 dBA at 50 feet from the source, depending upon the types of equipment in operation at any given time and the phase of construction. The highest noise levels generally occur during excavation and grading, which involve using such equipment as backhoes, bulldozers, shovels, and front-end loaders. Although many active transportation projects would simply require restriping and signage, some projects would require heavy equipment for demolition and grading. For example, crosswalk enhancements could involve jackhammering of existing pavement and concrete to extend curbs, upgrade curb ramps, and install pedestrian beacons.

Table 4 Typical Construction Noise Levels

Equipment	25 feet from Source (dBA L_{eq})	50 feet from Source (dBA L_{eq})	100 feet from Source (dBA L_{eq})	200 feet from Source (dBA L_{eq})	500 feet from Source (dBA L_{eq})
Air Compressor	86	80	74	68	60
Backhoe	86	80	74	68	60
Concrete Mixer	91	85	79	73	65
Grader	91	85	79	73	65
Jack Hammer	94	88	82	76	68
Paver	91	85	79	73	65
Roller	91	85	79	73	65
Saw	82	76	70	64	56
Scraper	91	85	79	73	65
Truck	90	84	78	72	64

Note: pile drivers will not be used for active transportation projects.

Source: Noise level at 50 feet from Federal Transit Administration, 2018. Noise levels at 25 feet, 100 feet, 200 feet, and 500 feet were extrapolated using a 6 dBA attenuation rate per doubling of distance. Each noise level assumes the piece of equipment is operating at full power for the expected duration to complete the construction activity. The duration varies widely between each piece of equipment. Noise levels also depend on the model and year of the equipment used.

Noise levels from point sources such as equipment at construction sites typically attenuate at a rate of 6 dBA per doubling of distance. Therefore, only areas within several hundred feet of construction sites would typically be exposed to perceptible construction noise levels. The Milpitas Municipal Code does not establish numeric standards for construction noise. However, construction noise that substantially exceeds existing ambient noise levels could disturb sensitive receptors, such as residences and schools.

Construction activity under the Plan would be required to comply with Section V-213-3(b) of Milpitas Municipal Code, which prohibits construction related activity between 7:00 a.m. and 7:00 p.m. every day. This would prevent loud construction activity during evening and nighttime hours when nearby residences are most sensitive to noise. However, daytime construction noise could still disturb sensitive receivers. Therefore, the construction of active transportation projects could have a potentially significant impact on sensitive receivers from temporary increases in ambient noise levels.

Mitigation Measures

In addition to requirements for construction noise in the City's Municipal Code, the following mitigation measures are required to reduce the exposure of sensitive receptors to construction noise:

N-1 Noise Reduction Measures Near Sensitive Receptors

The City shall ensure that, where residences, schools, or other noise-sensitive uses are located within 500 feet of construction sites for active transportation projects listed in the Plan, appropriate measures shall be implemented to reduce noise exposure to the extent feasible. Specific techniques may include, but are not limited to:

- Locating stationary noise-generating construction equipment as far from sensitive receptors as feasible.
- Installing temporary noise barriers to block and deflect noise.

N-2 Noise Control Equipment

The City shall ensure that equipment and trucks used for construction of active transportation projects listed in the Plan utilize the best available noise control techniques (including mufflers, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds).

N-3 Impact Equipment

The City shall ensure that impact equipment (e.g., jack hammers, pavement breakers, and rock drills) used for construction of active transportation projects listed in the Plan be hydraulically or electrically powered wherever feasible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, use of an exhaust muffler on the compressed air exhaust can lower noise levels from the exhaust by up to about 10 dBA. When feasible, external jackets on the impact equipment can achieve a reduction of 5 dBA. Whenever feasible, use quieter procedures, such as drilling rather than impact equipment operation.

With implementation of local noise control requirements and proposed mitigation, temporary construction noise would be reduced to the extent feasible. Therefore, this impact would be less than significant with mitigation incorporated.

Operational Noise

The operation of proposed active transportation projects could generate temporary, intermittent noise from human conversations and the use of bicycles near sensitive residential uses. However, these noise sources would not substantially increase ambient noise levels relative to existing roadway traffic. In areas without roadway traffic, such as proposed Class I paths along creeks or existing trails away from roadways, active transportation users would not be near sensitive receivers. Further, the substitution of bicyclist and pedestrian trips for motor vehicle trips on proposed facilities also would incrementally reduce traffic noise. Therefore, the impact from permanent increases in noise would be less than significant.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

b. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

The use of heavy construction equipment can generate substantial vibration near the source. It is expected that construction of some proposed active transportation projects would generate temporary vibration from jackhammering to break up existing pavement, bulldozers for earthmoving, trucks loaded with construction materials, and vibratory rollers to even out the surface of new asphalt.

Similar to construction noise, vibration levels would vary depending on the type of construction project and related equipment use. In general, the construction of trail, bicycle, and pedestrian facilities projects would be unlikely to generate substantial vibration. Table 5 estimates vibration levels from equipment that may be used during construction of the proposed facilities.

Table 5 Vibration Levels for Construction Equipment

	PPV (in/sec)		
Equipment	**25 Feet**	**50 Feet**	**100 Feet**
Vibratory Roller	0.210	0.098	0.046
Large Bulldozer	0.089	0.042	0.019
Loaded Trucks	0.076	0.035	0.017
Jackhammer	0.035	0.016	0.008

Source: Caltrans 2013b

As shown in Table 5, construction activity would generate vibration levels reaching an estimated 0.098 PPV at a distance of 50 feet, during paving of new trail, bicycle, and pedestrian facilities. Because this vibration level would not exceed 0.25 PPV, Caltrans' recommended criterion for distinctly perceptible vibration from transient sources, it would not result in substantial annoyance to people of normal sensitivity. Construction activity that generates loud noises (and therefore vibration) also would be limited to normal weekday daytime hours, which would prevent the exposure of sensitive receptors to vibration during evening and nighttime hours. Furthermore, maximum vibration levels would not exceed the Caltrans criteria of 0.5 PPV for potential damage of historic and old buildings from transient vibration sources. Even if construction activity generated vibration as close as 25 feet from sensitive receptors, vibration levels reaching 0.21 PPV (as shown in Table 5) still would not exceed applicable Caltrans criteria for human annoyance and structural damage. Therefore, vibration would not be excessive, and this impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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?

There is no airport within Milpitas, and the nearest public airport is the San Jose International Airport, which is approximately four miles south of the City. Milpitas is not located within one of the Airport Safety Zones, as identified in the Comprehensive Land Use Plan for the San Jose International Airport (Santa Clara County Airport Land Use Commission 2011). No private airstrips are in the vicinity of Milpitas. Therefore, the Plan would not expose active transportation users to excessive noise levels from aircraft. This impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

14 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	■
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■

a. Would the project 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)?

b. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Implementation of the Plan would not involve the construction of infrastructure that could induce substantial population growth, such as new or increased capacity sewer or water lines, or the construction of new streets and roads, but rather would serve existing populations. While these local improvements would make the area more attractive to visitors, this would not be expected to result in a noticeable growth-inducing effect within Milpitas. Proposed on-street bicycle facilities and crosswalk and pedestrian enhancements also would be located within existing road corridors and would not require the extension of roads. In addition, because the proposed active transportation projects would be located in existing roadway corridors or open space areas, they would not require displacement of housing or people. No impact related to population and housing would occur.

NO IMPACT

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15 Public Services

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1 Fire protection?	☐	☐	■	☐
2 Police protection?	☐	☐	■	☐
3 Schools?	☐	☐	☐	■
4 Parks?	☐	☐	☐	■
5 Other public facilities?	☐	☐	☐	■

a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Proposed Class I, IIIB, and IV shared-use paths listed in the Plan that would be located outside existing rights-of-way would provide public access to areas that are not currently accessible and could require expanded police and fire protection service in these corridors. However, new shared-use paths could also increase access for police and fire providers into areas with poor existing access. In addition, proposed active transportation projects would be located in the urbanized city of Milpitas, which is already served by police and fire protection. The proposed projects would not involve residential, commercial, or other development that could substantially increase demand for

police or fire protection services in Milpitas. Therefore, the Plan would have a less than significant impact related to these public services.

LESS THAN SIGNIFICANT IMPACT

a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

The Plan would facilitate active transportation improvements, not the construction of residences or places of employment that would increase the population of school-age children in Milpitas. Because the Plan would not increase demand for school facilities, no impact would occur.

NO IMPACT

a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, public facilities, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

The Plan would not facilitate the construction of residences or places of employment that would increase the service population for park facilities in Milpitas. However, it would improve public access to existing parks. Projects listed in the Plan would complete bicycle connections and improve pedestrian access to Starlite Park, Hall Memorial Park, Sandalwood Park, Oliver W. Jones Memorial Park, Cardoza Park, Murphy Park and Robert E. Browne Park. Therefore, the Plan would not have an adverse environmental impact from the construction of parks.

NO IMPACT

a.5. Would the project result in substantial adverse physical impacts associated with the provision of other new or physically altered public facilities, or the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

As discussed above, the Plan would not facilitate an increase in Milpitas' population. Therefore, it would not increase demand for libraries or other governmental facilities. There would be no impact.

NO IMPACT

16 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	■	☐	☐

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?

As discussed in Section 15, *Public Services*, projects listed in the Plan would complete bicycle connections and improve pedestrian access to Starlite Park, Hall Memorial Park, Sandalwood Park, Oliver W. Jones Memorial Park, Cardoza Park, Murphy Park and Robert E. Browne Park. Therefore, the Plan would improve access to local parks in Milpitas. Improved access to local and regional parks could incrementally increase the number of visitors at these recreational facilities. However, the proposed active transportation projects would mainly serve existing residents and employees in Milpitas, and they would not increase the service population for local parks. Some current park users would be expected to switch travel modes active transportation, thereby reducing vehicle parking demand at some parks. In summary, it is not anticipated that improved access to parks would increase public use to the extent that would significantly accelerate or cause the physical deterioration of parks, requiring repair or expansion. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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?

Certain active transportation projects proposed in the Plan, particularly Class I, IIIB, and IV shared-use paths, would serve as new recreational facilities. The construction of these recreational facilities could have adverse environmental impacts, as described elsewhere in this IS-MND, before the implementation of mitigation measures. As discussed in Section 4, *Biological Resources*, impacts to special-status species, nesting birds, and wetlands and riparian communities during construction would be potentially significant. Section 5, *Cultural Resources*, notes that impacts to archaeological resources from ground disturbance could be significant. As discussed in Section 7, *Geology and Soils*, new bicycle paths on undisturbed soil could be subject to unstable conditions from expansive soils. Section 9, *Hazards and Hazardous Materials*, also indicates that soil disturbance could expose people to hazardous contaminants. Section 18, *Tribal Cultural Resources*, notes that impacts to

Native American resources from ground disturbance could be significant. Mitigation measures in these respective sections would reduce potential environmental impacts to a less-than-significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

17 Transportation

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

a. Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

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

The Plan builds on the goals and objectives outlined in the Circulation Element of the Milpitas General Plan. The General Plan guides the long-term physical development of the city, while the Plan would guide the city's implementation of recommendations that support the city's vision for improved multi-modal connectivity

Transit Facilities

Proposed active transportation routes in the Plan would improve multi-modal access to transit facilities, specifically the Milpitas BART station and three light rail and numerous bus stops operated by the VTA. In addition, proposed crosswalk enhancements would improve safety for pedestrians accessing light rail and bus stops. The Plan would not affect the capacity of transit facilities to accommodate public demand. There are several applicable policies in the Circulation Element that the Plan supports. Policy CIR 1-8 and CIR 2-1 promote multi-modal transportation options that provide safety and equity and encourage walking or bicycling, which the Plan adheres to by recommending active transportation projects. Policy CIR 4-2 and 4-3 support walking and biking to transit options. The Plan is consistent with these policies by prioritizing active transportation improvements that link to transit stations. Therefore, the Plan would not conflict with policies in the City's Circulation Element to improve transit access.

Roadway Facilities

The projects listed in the Plan, by their nature, would have little to no impact on roadway circulation for motor vehicles in Milpitas. One of the Plan's objectives is to reduce VMT by improving access for pedestrians and bicyclists, allowing people to substitute active transportation for driving. While increased bicycle activity on area roadways could incrementally increase travel times for motorized vehicles having to pass bicyclists or wait for them to cross intersections, this increase would be negligible and potentially offset by the reduction of local vehicle trips. Therefore, the Plan would not conflict with policies related to roadway facilities in the City's Circulation Element, and it would not conflict with statewide policy to reduce vehicle miles traveled under CEQA Guidelines section 15064.3, subdivision (b).

Bicycle and Trail Facilities

The existing bicycle network includes 48 miles of bikeways, including 25 miles of Class II bicycle lanes, 15 miles of Class III designated bicycle routes, and 8 miles of Class I paved shared use paths (City of Milpitas 2021a). While there are 15 miles of Class III designated bike routes, most of these routes do not have signage or pavement markings to support bicyclists. On-street bikeways are primarily located along major roadways with higher posted travel speeds and traffic volumes; many are also designated as freight routes. Milpitas does not currently have other bikeway types, such as buffered bike lanes, bike boulevards, or cycle tracks. The existing network generally supports travel north-south through many areas of Milpitas; however, opportunities for travel east-west across the city are limited. In all directions, on- and off-ramps for highways create safety concerns for those traveling by bike, and opportunities to cross the highways are limited. Where crossings do exist, they typically require navigating shared conditions with high-speed motor vehicles. Within neighborhoods, residential streets support lower-stress travel options for people bicycling. Lower posted speeds, fewer motor vehicles, and narrower rights-of-way contribute to more comfortable bicycling conditions with connections to schools, parks, and other neighborhood-based destinations. However, frequent major roadway crossings, indirect routes, and limited connectivity of low-stress routes reduce connectivity to other destinations across the city.

The existing network of trails is primarily comprised of paved shared use paths. The trail network also includes unpaved paths and/or soft surface trails, located primarily within parks. Paved paths are present along portions of Penitencia and Berryessa Creeks, and the Hetch Hetchy trail leads north from Peter Gill Memorial Park toward Fremont. While these paths have expanded over time, they are intermittent and limited in their utility as part of a connected system. Further, existing segments may need repair and other routine maintenance, such as regular clearing of debris and vegetation. In addition to local trails and paths, two regional recreational destinations are also located near Milpitas. The Coyote Creek Trail, which includes both a paved path and soft surface trail, is a designated segment of the San Francisco Bay Trail. Second, Ed R. Levin County Park to the east of Milpitas offers over 20 miles of unpaved trails. This park provides for recreational opportunities such as hiking, walking, and in some locations, biking. Unpaved sections of trail are also available along Coyote Creek to the west of Milpitas. Direct connections to both of these recreation areas are currently limited by active modes and rely heavily on motor vehicle use to access these regional trails. The Plan proposes a comprehensive set of improvements to address the aforementioned deficiencies in connectivity and safety.

The Milpitas General Plan Circulation Element contains several applicable policies that support trail and bicycle-oriented development, with which the Plan is consistent (City of Milpitas 2020b). Policies CIR 1-8 and CIR 2-1 promote multi-modal transportation options that provide safety and

equity and encourage walking or bicycling. The Plan is consistent with those policies by recommending safe and equitable active transportation projects. Policy CIR 2-3 encourages the use of traffic calming strategies for safer active transportation options. The Plan is consistent with this policy by recommending spot and linear trail and bikeway improvements that shield users from vehicles. Policies CIR 4-2, CIR 4-10, and CIR 6-3 encourage a shift to active transportation use. The Plan is consistent with these policies since the Plan aims to design a safer active transportation system through infrastructure improvements that would encourage active transportation use. Policy CIR 4-2 and Policy CIR 4-3 encourage the creation of infrastructure that allows walking and biking to transit options. The Plan is consistent with these policies by prioritizing active transportation improvements that link to transit stations. Policy CIR 4-4 encourage the addition of secure bicycle parking to active transportation facilities. The Plan is consistent with this policy by recommending long term bicycle parking facilities. Policy CIR 4-5 and CIR 4-6 support active transportation improvements across creek channels, railroads, and roadways and eliminating gaps in pedestrian and bicycle networks. The Plan is consistent with these policies by prioritizing projects that create a safe east-west network of trail, bicycle, and pedestrian infrastructure. Therefore, the Plan would be consistent and would not conflict with Circulation Element policies that promote bicycle usage.

Pedestrian Facilities

The pedestrian network in Milpitas is supported by sidewalks, trails, park paths, and other informal connections. The pedestrian network also includes curb ramps, crosswalks, crossing signals, pedestrian signal heads, and other features that support the safety and comfort of people walking and rolling. The sidewalk network is relatively complete across the city. Street Design Guidelines for the city specify that streets shall include sidewalks with curb ramps. While this requirement supports people walking, it is important to note that cul-de-sacs, high speed arterials, limited access highways, and larger parcels limit the connectivity and directness of pedestrian routes. On- and offramps for highways also create safety concerns for pedestrians, and opportunities to cross the highways are limited. Proposed pedestrian facilities in the Plan, such as spot improvements that make crossing State Route 237 safer, would comprehensively improve pedestrian access and safety in Milpitas. Applicable policies in the Circulation Element that the Plan supports includes those discussed under *Bikeway Facilities* above. Therefore, the plan would not conflict with Circulation Element policies that promote pedestrian facilities.

NO IMPACT

c. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

Collisions, particularly those resulting in serious injuries or fatalities, disproportionately impact people walking or bicycling in Milpitas. Serious injury or fatal collisions involving people walking or bicycling also primarily occurred on major roadways (City of Milpitas 2021a). When collisions do occur, the extent of their injuries is typically greater and increases exponentially with the speed of the roadway. The Plan would add geometric design features at existing intersections for the purpose of improving public safety for pedestrians and bicyclists. Crosswalk enhancements would include features such as curb extensions to shorten unprotected pedestrian crossings, raised crosswalks to indicate that drivers should slow down at intersections, and upgraded curb ramps to improve access for pedestrians with mobility restrictions. Instead of introducing hazards to the circulation system, proposed geometric features would decrease existing hazards. Potentially incompatible uses such as

farm equipment also are not proposed in the Plan. Therefore, no impact related to roadway hazards would occur.

NO IMPACT

e. Would the project result in inadequate emergency access?

Individual active transportation projects listed in the Plan would have to conform to local, State, and national standards and manuals, as applicable, regarding safety, proper design, emergency access, and construction. These standards would require proper emergency access as part of the design and through construction of projects. Adherence to these required design and construction standards would reduce potential impacts related to emergency access to a less-than-significant level.

LESS THAN SIGNIFICANT IMPACT

18 Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code Section 21074 as either a site, feature, place, or 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:				
a. 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)?	☐	■	☐	☐
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	■	☐	☐

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes that "A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is:

1. *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*
2. *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.*

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*

b. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is 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?*

The City of Milpitas prepared and mailed letters to local Native American tribes who have requested notification under AB 52. Nine tribes were notified, letters were mailed on November 17th, 2021 and one letter on January 14th 2022. Under AB 52, tribes have 30 days to respond and request consultation. The Tamien Nation responded on December 29th, 2021 and requested a consultation meeting with the lead agency. The City conducted the consultation meeting with the Tamien Nation on February 1, 2022. The meeting included discussion on including tribal recognition on trails proposed in the Plan based on historical and cultural significance. The Tamien Nation also requested early notification and involvement with the planning and design process of projects to provide consultation to potentially avoid mitigation measures (see Appendix B for meeting minutes). The City has agreed to this request.

However, it is possible that ground disturbance during construction of the proposed active transportation project would encounter unknown tribal cultural resources or known cultural resources that may be identified as tribal cultural resources. Therefore, the Plan has the potential to significantly impact tribal cultural resources through ground disturbance and looting or vandalism of encountered resources. Mitigation is required to ensure that any unanticipated discoveries of tribal cultural resources are avoided or, where avoidance is infeasible, mitigated to a less than significant level.

Mitigation Measures

TCR-1 Suspension of Work Around Tribal Cultural Resources

In the event that cultural resources of Native American origin are identified during construction of an active transportation project listed in the Plan, all earth-disturbing work in the vicinity of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. If the City, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with local Native American group(s). The plan shall include avoidance of the resource or, if avoidance of the resource is infeasible, the plan shall outline the appropriate treatment of the resource in coordination with the appropriate local Native American tribal representative and, if applicable, a qualified

archaeologist. Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.

Implementation of Mitigation Measure TCR-1 would protect tribal cultural resources in the event of their discovery on construction sites, reducing the potential impact on such resources to a less-than-significant level.

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19 Utilities and Service Systems

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

a. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Proposed active transportation projects that would be constructed within existing paved rights-of-way, such as most bike lanes, routes, and boulevards, and crosswalk enhancements, would be located on existing roadways and would not impact stormwater drainage. However, as discussed in Section 10, *Hydrology and Water Quality*, proposed trail, bicycle, and pedestrian facilities that would be constructed outside existing paved rights-of-way, such as shared-use paths and bike lanes that may require roadway widening, would increase the volume of impermeable surfaces in Milpitas. In

compliance with the NPDES Construction General Permit, such projects would be required to implement BMPs to maintain or replicate the pre-development hydrologic regime. Implementation of required BMPs would minimize impacts related to stormwater drainage.

Although some new facilities would include pedestrian-scale lighting that uses electricity, new bicycle and pedestrian projects would not exert substantial demand on utilities such as electric power and natural gas. Further, considering the proliferation of electric-powered vehicles, resultant reductions in VMT from implementation of the Plan could reduce the use of electric power. Therefore, they would not result in the need to build new utility infrastructure. The Plan would have a less than significant impact related to the relocation or construction of utility infrastructure.

LESS THAN SIGNIFICANT IMPACT

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

Water demand in Milpitas in 2020 was 3,073 million gallons. According to the City of Milpitas' 2020 Urban Water Management Plan, the City projects demand to be approximately 3,925 million gallons in 2025, which would be met by combined supplies from the San Francisco Public Utilities Commission and Valley Water (City of Milpitas 2021c). Water supply in 2025 would fall short of demand by 1,385 million gallons by the third year; in 2030, supplies would meet demand for two dry years; in 2035 and 2040 water supply would meet demand for at least five consecutive years; and in 2045, water supply would meet demand for three consecutive dry years. The projection is based on estimated future population, growth of which would not be impacted by implementation of the Plan.

During the construction of active transportation projects listed in the Plan, water may be required on a temporary basis to wet down disturbed areas and minimize emissions of fugitive dust. However, water use would be temporary occurring only during construction activities. Future development could include water bottle filling facilities or add additional landscaping and shade trees. The increase in water demand by active transportation users and landscaping would be small in scale relative to existing citywide use and would not substantially decrease water supplies. Any additional water demand would be offset by water rationing during drought years on an as-needed basis. Therefore, the Plan would have a less than significant impact on water supplies.

LESS THAN SIGNIFICANT IMPACT

c. Would the project 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?

Construction of the proposed active transportation projects would not include new restrooms or septic systems that could generate additional wastewater. Although new restrooms could potentially be installed at staging areas for shared-use paths, they are not proposed as elements of the projects listed in the Plan. Therefore, implementation of the Plan itself would not affect the ability of wastewater treatment providers to accommodate wastewater generated in Milpitas. No impact would occur.

NO IMPACT

d. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

e. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The proposed active transportation projects would not lead to a permanent increase in solid waste generated in Milpitas. During construction, waste would be limited to debris from the removal of linear strips of existing pavement or subsurface material. Most individual facilities would involve surface treatments like the painting of stripes for bike lanes or markings for bike routes, and the installation of crosswalk enhancements, the construction of which would not generate a substantial amount of solid waste. Furthermore, the long-term use of new on-street facilities would not generate solid waste. Although trash cans may be installed on planned shared-use path segments, the disposal of waste by trail users would generate minimal additional solid waste for disposal at a landfill. The construction and operation of active transportation projects would not substantially increase solid waste generation. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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20 Wildfire

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	■
c. Require the installation 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?	☐	☐	☐	■
d. Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	■

a. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

b. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

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

d. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

There are no very high fire hazard severity zones in or near the City of Milpitas (City of Milpitas 2020). There are high and moderate fire hazard severity zones in state responsibility areas directly adjacent to the eastern edges of the City, none of which are within the Plan Area. No proposed active transportation projects listed in the Plan would be located near or in a very high fire hazard severity zone. The Plan would involve striping and signage for motor vehicles to share the road with bicyclists and would not alter the roadway's capacity to accommodate emergency response vehicles or evacuations from Milpitas. Therefore, the Plan would not impair an adopted emergency response plan or emergency evacuation plan related to wildfire. Further, the Plan would not exacerbate wildfire risk.

NO IMPACT

21 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Does the project:				
a. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	■	☐	☐
b. 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)?	☐	☐	■	☐
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	■	☐	☐

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?

As discussed in Section 4, *Biological Resources*, certain proposed active transportation projects listed in the Plan could reduce the habitat of special-status species, disrupt nesting birds, and impair wetlands and riparian habitat. As discussed in Section 5, *Cultural Resources*, the construction of active transportation projects would not impact historical resources; however, they may impact unanticipated archaeological resources. Potential impacts to biological resources would be reduced to a less-than-significant level with implementation of Mitigation Measures BIO-1 through BIO-5~~6~~ to study, protect, and compensate for the loss of sensitive biological resources, including fish and

wildlife populations. Impacts to cultural resources would be reduced to a less-than-significant level with implementation of Mitigation Measure CR-1 for the protection and recovery of cultural resources if discovered on construction sites. Therefore, impacts to biological and cultural resources would be reduced to less-than-significant levels with implementation of identified mitigation measures.

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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)?

As described in the discussion of environmental checklist Sections 1 through 20, the Plan would have no impact, a less than significant impact, or a less than significant impact with mitigation incorporated, with respect to all environmental issues. Cumulative impacts of several resource areas have been addressed in the individual resource sections above: Air Quality, Greenhouse Gases, Noise, and Transportation (see *CEQA Guidelines* Section 15064(h)(3)). Proposed active transportation projects would reduce VMT and GHG emissions while improving overall air quality. Therefore, the Plan would not result in a cumulative traffic impact. Cumulative noise impacts would be less than significant because proposed facilities would decrease traffic on area roadways. Other resource areas (wildfire, agriculture and forestry resources, mineral resources, and population and housing) were determined to have no impact. Therefore, the Plan would not contribute to cumulative impacts related to these issues. Several resource issues (e.g., geology, hazards and hazardous materials) are by their nature project-specific and impacts at one location do not add to impacts at other locations or create additive impacts. As such, cumulative impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

In general, impacts to human beings are associated with air quality, hazards and hazardous materials, and noise impacts. As detailed in Section 3, *Air Quality*, proposed active transportation projects would not result in a direct or indirect air quality impact. As discussed in Section 13, *Noise,* construction of the proposed facilities may affect nearby sensitive receptors, but implementation of Mitigation Measures N-1 through N-3 would reduce construction noise impacts by requiring noise control measures to the extent feasible, such as locating stationary construction equipment as far from sensitive receptors as feasible and using the best available noise control techniques on equipment. Similarly, as discussed in Section 9, *Hazards and Hazardous Materials,* construction of active transportation projects could occur on or near listed hazardous material sites, but implementation of Mitigation Measure HAZ-1 would reduce impacts by requiring assessment and remediation for any such active sites. Impacts to human beings would be less than significant with mitigation incorporated.

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List of Preparers

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Appendix A

Proposed Pedestrian, Bikeway, and Trail Improvements

Table A-1 Proposed Pedestrian Improvements

Pedestrian Proj_Num	Project type	Location	Cross street	Priority category	Feasibility category	Cost estimate
1	Commercial Signalized	Milpitas Blvd	Dixon Landing Rd	HIGH	HIGH	$4,400,000
2	Commercial Signalized	Abel Street	Milpitas Blvd	HIGH	HIGH	$4,400,000
3	Neighborhood Unsignalized	Yosemite Dr	S Temple Dr	HIGH	HIGH	$250,000
4	Neighborhood Unsignalized	Arizona Avenue	Washington Drive	HIGH	HIGH	$250,000
5	Neighborhood Unsignalized	Milpitas Blvd	Tramway Dr	HIGH	HIGH	$250,000
6	Commercial Signalized	Jacklin Rd.	Park Victoria Dr	HIGH	HIGH	$4,400,000
7	Commercial Signalized	Main St	Cedar Way	HIGH	HIGH	$4,400,000
8	Commercial Unsignalized	Jacklin Rd	Foothills Square	HIGH	HIGH	$1,300,000
9	Commercial Signalized	Abel St	Serra Way	HIGH	HIGH	$4,400,000
10	Neighborhood Signalized	Milpitas Blvd	Washington Dr	HIGH	HIGH	$3,000,000
11	Commercial Unsignalized	Dixon Rd	Hetch Hetchy Trail	HIGH	HIGH	$1,300,000
12	Neighborhood Unsignalized	Yosemite Dr	Roswell Dr	HIGH	HIGH	$250,000
13	Neighborhood Unsignalized	Abbott Avenue	Valley Way	HIGH	HIGH	$250,000
14	Neighborhood Signalized	S Park Victoria	Yosemite Dr	HIGH	HIGH	$800,000
15	Neighborhood Unsignalized	Capitol Ave	Fallen Leaf Way	HIGH	HIGH	$250,000
16	Commercial Signalized	Calaveras Blvd	Serra Way	HIGH	HIGH	$4,400,000
17	Commercial Signalized	Jacklin Rd	Escuela Parkway	HIGH	HIGH	$4,400,000
18	Neighborhood Signalized	Abel St	Redwood Ave	HIGH	HIGH	$800,000
19	Neighborhood Signalized	Abel St	Marilynn Dr	HIGH	HIGH	$800,000
20	Neighborhood Signalized	Abel St	Penitencia St	HIGH	HIGH	$800,000
21	Commercial Unsignalized	Main St	Corning Ave	HIGH	HIGH	$1,300,000
22	Commercial Unsignalized	Abel St	Machado Ave	HIGH	HIGH	$1,300,000
23	Commercial Signalized	Main St	Curtis Ave	HIGH	HIGH	$4,400,000
24	Commercial Signalized	Abel St	Main St	HIGH	HIGH	$4,400,000
25	Neighborhood Signalized	Landess Ave	Yellowstone Ave	HIGH	HIGH	$800,000
26	Neighborhood Unsignalized	Edsel Dr	Temple Dr	HIGH	HIGH	$250,000
27	Neighborhood Signalized	Park Victoria Dr	Edsel Dr	HIGH	HIGH	$800,000
28	Sidewalk Gap	Milpitas Blvd	Montague Expwy to Los Coches St	HIGH	HIGH	$360,000
29	Commercial Signalized	Hillview Dr	Calaveras Blvd	HIGH	LOW	$4,400,000
30	Commercial Unsignalized	Calaveras Blvd	Carnegie Dr	HIGH	LOW	$1,300,000
31	Commercial Signalized	Tasman Dr	Alder Dr	HIGH	LOW	$4,400,000
32	Sidewalk Improvement	Calaveras Blvd	Carnegie Dr to Protected Crossing	HIGH	LOW	$30,000
33	Commercial Signalized	Dixon Landing Rd	Milmont Dr	HIGH	LOW	$4,400,000
34	Commercial Signalized	Abel St	Calaveras Blvd	HIGH	LOW	$4,400,000
35	Commercial Signalized	Park Victoria Dr	Calaveras Blvd	HIGH	LOW	$4,400,000
36	Commercial Signalized	Main St	Great Mall Parkway	HIGH	LOW	$4,400,000
37	Commercial Signalized	Tasman Dr	McCarthy Blvd	HIGH	LOW	$4,400,000
38	Commercial Signalized	Great Mall Parkway	Montague Expressway	HIGH	LOW	$4,400,000
39	Sidewalk Gap	Tasman Dr	Alder Dr to McCarthy Blvd	HIGH	LOW	$80,000
40	Sidewalk Improvement	Landess Ave / Montague Expwy	S Park Victoria Dr to Milpitas Blvd	HIGH	LOW	$250,000
41	Sidewalk Improvement	Abel St	Milpitas Blvd to Redwood Ave	HIGH	LOW	$120,000
42	Neighborhood Unsignalized	Smithwood St	Rudyard Dr	LOW	HIGH	$250,000
43	Neighborhood Unsignalized	Shenandoah Ave	Sequoia Dr	LOW	HIGH	$250,000
44	Neighborhood Unsignalized	Yellowstone Ave	Westridge Drive	LOW	HIGH	$250,000
45	Neighborhood Unsignalized	Park Victoria Dr	Park Heights Dr	LOW	HIGH	$250,000
46	Neighborhood Unsignalized	Fallen Leaf Way	Cedar Way	LOW	HIGH	$250,000
47	Commercial Unsignalized	Dixon Rd	Vegas Ave	LOW	HIGH	$1,300,000
48	Commercial Signalized	Abel St	Curtis Ave	LOW	HIGH	$4,400,000
49	Neighborhood Unsignalized	Yellowstone Ave	Sequoia Dr	LOW	HIGH	$250,000
50	Neighborhood Unsignalized	Yellowstone Ave	Murphy Park	LOW	HIGH	$250,000
51	Commercial Unsignalized	Dixon Rd	Conway St	LOW	HIGH	$2,100,000
52	Sidewalk Gap	Yosemite Dr	Milpitas Blvd to Vista Way	LOW	HIGH	$80,000
53	Commercial Signalized	Dixon Landing Rd	California Circle	LOW	LOW	$4,400,000
54	Commercial Signalized	Abel Street	Great Mall Parkway	LOW	LOW	$4,400,000
55	Commercial Signalized	McCarthy Blvd	Highway Ramp	LOW	LOW	$4,400,000
56	Commercial Unsignalized	California Circle	Off Ramp	LOW	LOW	$2,100,000
57	Sidewalk Gap	Dixon Landing Rd	McCarthy Blvd to Milmont	LOW	LOW	$150,000
58	Sidewalk Gap	Montague Expressway	Berryessa Creek to Trade Zone Blvd	LOW	LOW	$80,000
59	Commercial Unsignalized	Berryessa Creek	Coffee Berry Lane	LOW	LOW	$2,100,000
60	Commercial Unsignalized	Montague Expressway	Berryessa Creek	LOW	LOW	$2,100,000
^	Commercial Signalized	Dixon Landing Rd	McCarthy Blvd			

Table A-2 Proposed Bikeway Improvements

Roadway	From	To	Recommended bikeway	Priority category	Feasibility category	Cost estimate
Abel Street	Milpitas Blvd	Redwood Ave	Class IV	HIGH	HIGH	$600,000
Abel Street	Redwood Ave	Calaveras Blvd	Class IIB	HIGH	HIGH	$200,000
Evans Road	S Park Victoria Dr	Kennedy Dr	Class II	HIGH	HIGH	$200,000
S Park Victoria Dr	Calaveras Blvd	Landess Ave	Class IIB	HIGH	HIGH	$400,000
S Park Victoria Dr	Jacklin Rd	Calaveras Blvd	Class IIB	HIGH	HIGH	$300,000
Milpitas Blvd	City Limit	Jacklin Rd	Class IV	HIGH	HIGH	$1,500,000
Jacklin Rd	Milpitas Blvd	S Park Victoria Dr	Class IV	HIGH	HIGH	$1,400,000
Milpitas Blvd	Jacklin Rd	Calaveras Blvd	Class IV	HIGH	HIGH	$1,300,000
Yosemite Dr	S Park Victoria Dr	Piedmont Rd	Class IIIB	HIGH	HIGH	$500,000
Yosemite Dr	Milpitas Blvd	S Park Victoria Dr	Class IV	HIGH	HIGH	$1,000,000
Arizona Avenue	Buskirk St	Jacklin Rd	Class IIIB	HIGH	HIGH	$600,000
Yellowstone Ave	S Park Victoria Dr	Landess Ave	Class IIIB	HIGH	HIGH	$500,000
Washington Dr	Milpitas Blvd	Escuela Parkway	Class IIIB	HIGH	HIGH	$300,000
Dixon Land Rd	Milpitas Blvd	Hetch Hetchy Trail	Class IV	HIGH	HIGH	$500,000
Milpitas Blvd	Calaveras Blvd	Yosemite Dr	Class IV	HIGH	HIGH	$1,000,000
Milpitas Blvd	Yosemite Dr	Landess Ave	Class IV	HIGH	HIGH	$1,000,000
Tahoe Dr	Sinnott Park	Yellowstone Ave	Class IIIB	HIGH	HIGH	$100,000
Evans Rd	Calaveras Blvd	Kennedy Dr	Class IIB	HIGH	HIGH	$100,000
Calaveras Blvd	Coyote Creek Trail	Abel St	Class IV	HIGH	LOW	$1,600,000
Calaveras Blvd^	Abel St	Milpitas Blvd	Class IV	HIGH	LOW	$80,000,000
Calaveras Blvd	Milpitas Blvd	Evans Rd	Class IV	HIGH	LOW	$2,000,000
Dixon Land Rd	McCarthy Blvd	Milpitas Blvd	Class IV	HIGH	LOW	$1,200,000
Landess Ave/Montague Expressway	Piper Dr	S Park Victoria Dr	Class II	HIGH	LOW	$300,000
S Main Street	S Abel St	Montague Expressway	Class IV	HIGH	LOW	$600,000
McCarthy Blvd	Calaveras Blvd	Montague Expressway	Class II	HIGH	LOW	$500,000
E Capitol Avenue	Montague Expressway	Trimble Rd	Class IV	HIGH	LOW	$500,000
Great Mall Pkwy	S McCarthy Blvd	Montague Expressway	Class IV	HIGH	LOW	$2,220,000
Landess Ave	Piedmont Rd	S Park Victoria Dr	Class IV	HIGH	LOW	$1,100,000
S Main Street	Calaveras Blvd	S Abel St	Class IIB	HIGH	LOW	$400,000
Marylinn Dr/Main Street	N Abel Street	Calaveras Blvd	Class IIB	LOW	HIGH	$200,000
Marylinn Drive	Heath Street	N Abel Street	Class IIIB	LOW	HIGH	$300,000
Kennedy Dr	Wool Dr	Evans Rd	Class IIIB	LOW	HIGH	$400,000
Hillview Dr	Jacklin Rd	Calera Creek	Class IIIB	LOW	HIGH	$300,000
Sequoia Dr	Yosemite Dr	Yellowstone Ave	Class IIIB	LOW	HIGH	$200,000
N Abbott Avenue	San Andreas Dr	Calaveras Blvd	Class IIIB	LOW	HIGH	$800,000
Tramway Dr	Milpitas Blvd	Hillview Dr	Class IIIB	LOW	HIGH	$400,000
Fallen Leaf Drive	W Capitol Ave	Greenwood Way	Class IIIB	LOW	HIGH	$300,000
Temple Dr	Calaveras Blvd	Yosemite Dr	Class IIIB	LOW	HIGH	$300,000
Temple Dr	Kennedy Dr	Calaveras Blvd	Class IIIB	LOW	HIGH	$200,000
Piedmont Rd	Yosemite Dr	Landess Ave	Class IIB	LOW	HIGH	$300,000
Hillview Dr	Jacklin Rd	Berryessa Creek Trail	Class IIIB	LOW	HIGH	$500,000
Piedmont Rd	Calaveras Blvd	Yosemite Dr	Class IIB	LOW	HIGH	$200,000
W Capitol Ave	Starlite Drive	S Abel Street	Class IIIB	LOW	HIGH	$200,000
Gadsden Dr/Canton Dr/Roswell Dr	Calaveras Blvd	Yosemite Dr	Class IIIB	LOW	HIGH	$300,000
Fanyon St/Dennis Ave/Gadsden Dr	Kennedy Dr	Calaveras Blvd	Class IIIB	LOW	HIGH	$300,000
Redwood Avenue	N Abbott Ave	N Abel Street	Class IIIB	LOW	LOW	$100,000
McCarthy Blvd	Dixon Landing Rd	237/Calaveras	Class IIB	LOW	LOW	$600,000
N Park Victoria Dr	Nicklaus Ave	Jacklin Rd	Class II	LOW	LOW	$100,000
E Tasman Drive	Coyote Creek Trail	McCarthy Blvd	Class IV	LOW	LOW	$200,000

Table A-3 Proposed Bikeway Spot Improvements

Project type	Location	Cross street	Priority category	Feasibility category	Cost estimate
Bike Lane Connectivity	Milpitas Boulevard	Jacklin Road	HIGH	HIGH	$40,000
Bike Lane Connectivity	Dixon Landing Rd	Milpitas Blvd	HIGH	HIGH	$80,000
Bike Lane Connectivity	Jacklin Road	Arizona Avenue	HIGH	HIGH	$40,000
Bike Lane Connectivity	Milpitas Boulevard	Calaveras Boulevard	HIGH	HIGH	$80,000
Bike Lane Connectivity	Abel Street	Marilynn Drive	HIGH	HIGH	$80,000
Bike Lane Connectivity	Montague Expressway	E Capitol Avenue	HIGH	HIGH	$80,000
Bike Lane Connectivity	Milpitas Blvd	Washington Dr	HIGH	HIGH	$40,000
Bike Lane Connectivity	Jacklin Road	Escuela Parkway	HIGH	HIGH	$40,000
Bike Lane Connectivity	Jacklin Road	Park Victoria Drive	HIGH	HIGH	$110,000
Bike Lane Connectivity	Park Victoria Drive	Calaveras Boulevard	HIGH	HIGH	$40,000
Bike Lane Connectivity	Abel Street	Redwood Avenue	HIGH	HIGH	$80,000
Bike Lane Connectivity	Park Victoria Drive	Edsel Drive	HIGH	HIGH	$80,000
Bike Lane Connectivity	Park Victoria Drive	Yosemite Drive	HIGH	HIGH	$80,000
Bike Lane Connectivity	Milpitas Boulevard	Montague Expressway	HIGH	HIGH	$40,000
Bike Lane Connectivity	Main Street	Great Mall Parkway	HIGH	HIGH	$80,000
Bike Lane Connectivity	Tasman Drive	McCarthy Boulevard	HIGH	HIGH	$80,000
Bike Lane Connectivity	Abel St	Main St	HIGH	HIGH	$110,000
Intersection Connectivity	Calaveras Boulevard	Main Street	HIGH	LOW	Varies
Intersection Connectivity	Jacklin Road	Sinclair Freeway	HIGH	LOW	Varies
Intersection Connectivity	Calaveras Boulevard	Nimitz Freeway	HIGH	LOW	Varies
Intersection Connectivity	Calaveras Boulevard	Sinclair Freeway	HIGH	LOW	Varies
Intersection Connectivity	Dixon Landing Rd	Nimitz Freeway	HIGH	LOW	Varies
Bike Lane Connectivity	Park Victoria Drive	Yellowstone Avenue	LOW	HIGH	$80,000
Bike Lane Connectivity	Capitol Avenue	Trimble Road	LOW	HIGH	$80,000
Bike Lane Connectivity	Hillview Dr	Calaveras Blvd	LOW	HIGH	$80,000
Bike Lane Connectivity	Milpitas Boulevard	Yosemite Drive	LOW	HIGH	$110,000
Bike Lane Connectivity	Milpitas Boulevard	Escuela Parkway	LOW	HIGH	$110,000
Intersection Connectivity	Yosemite Drive	Sinclair Freeway	LOW	LOW	Varies
Intersection Connectivity	Yosemite Drive	Rail Line	LOW	LOW	Varies
Intersection Connectivity	Landess Avenue	Sinclair Freeway	LOW	LOW	Varies

Table A-4 Proposed Trail Improvements

Roadway	From	To	Priority category	Feasibility category	Cost estimate
Penitencia Creek	San Andreas Dr	Calaveras Blvd	HIGH	HIGH	$1,800,000
Calera Creek	Milpitas Blvd	Hillview Dr	HIGH	HIGH	$1,400,000
Escuela Pkwy	Russell Ln	Roger St	HIGH	HIGH	$500,000
Hillview Dr / Los Coches St	Berryessa Creek	Berryessa Creek	HIGH	HIGH	$400,000
Abel St	Calaveras Blvd	Great Mall Pkwy	HIGH	LOW	$1,500,000
Dixon Landing Rd	California Circle	N McCarthy Blvd	HIGH	LOW	$500,000
Montague Exp	Piper Dr	Coyote Creek Trail	HIGH	LOW	$3,200,000
N McCarthy Blvd	Dixon Landing Rd	Coyote Creek Trail	HIGH	LOW	$300,000
Great Mall Pkwy / Tasman Dr	McCarthy Blvd	Montague Exp	HIGH	LOW	$2,600,000
Coyote Creek	Calaveras Blvd & Coyote Creek Trail (North)	Calaveras Blvd & Coyote Creek Trail (South)	HIGH	LOW	$200,000
Yosemite Dr	Parc East	Milpitas Blvd	LOW	LOW	$300,000
Penitencia Creek	Milmont Dr	California Circle	LOW	LOW	$800,000

Table A-5 Proposed Trail Spot Improvements

Type	Location	Cross Street	Need Category	Feasibility Category	Cost estimate
Trail Access Improvements	Berryessa Creek	Yosemite Dr	HIGH	HIGH	$3,200,000
Trail Access Improvements	Berryessa Creek	N Milpitas Blvd	HIGH	HIGH	$3,200,000
Trailhead Improvements	Hetch Hetchy Trail	Oliver W. Jones Park	HIGH	HIGH	$140,000
Trailhead Improvements	Robert E. Browne Park	Yellowstone Ave	HIGH	HIGH	$140,000
Trailhead Improvements	Hetch Hetchy Trail	Paseo Refugio	HIGH	HIGH	$140,000
Trail Access Improvements	S Hillview Dr	Los Coches St	HIGH	HIGH	$3,200,000
Trail Access Improvements	Tom Evatt Park	S Abel St	HIGH	HIGH	$3,200,000
Trail Access Improvements	N McCarthy Blvd	Dixon Landing Rd	HIGH	LOW	$3,200,000
New Trail Connection	Coyote Creek	Alviso Milpitas RD	HIGH	LOW	$3,200,000
Trail Access Improvements	S Abel St	Great Mall Pkwy	HIGH	LOW	$3,200,000
Trail Access Improvements	Coyote Creek	S McCarthy Blvd	HIGH	LOW	$3,200,000
Trail Access Improvements	Penitencia Creek	W Capitol Ave / S Abel St	LOW	HIGH	$3,200,000
Trail Access Improvements	Coyote Creek	McCarthy Creekside Industrial Center	LOW	HIGH	$3,200,000
Trailhead Improvements	Penitencia Creek	Alegra Terrace / Dixon Landing Park	LOW	HIGH	$140,000
Trail Access Improvements	Abel St/Jacklin Rd	Milpitas Blvd	LOW	HIGH	$3,200,000
Trail Access Improvements	Penitencia Creek	Milmont Dr/California Circle	LOW	HIGH	$3,200,000
Trail Access Improvements	Penitencia Creek	California Circle	LOW	LOW	$3,200,000
New Trail Connection	Coyote Creek	Barber Ln	LOW	LOW	$3,200,000
Trail Access Improvements	Penitencia Creek	Calaveras Blvd	LOW	LOW	$3,200,000

Appendix B

Tamien Nation Consultation Meeting Notes

City of Milpitas – Engineering Department
455 E. Calaveras Blvd.
Milpitas, California 95035

Trails, Bikeway, and Pedestrian Master Plan
AB-52 Consultation Meeting Minutes

Date : February 1, 2022
Location & Time : Team Meeting, 3:30PM-4:00PM
Attendees :

Fanny Yu	City of Milpitas
Erin David	Alta Planning + Design
Leanna Flaherty	Rincon Consultants
Quirina Geary	Tamien Nation

1. OBJECTIVE

The purpose of this meeting is to discuss the Formal Request for Tribal Consultation letter (TN-20211126-03) that the City received on December 30, 2021 from Tamien Nation regarding the Trails, Bikeway, and Pedestrian Master Plan Update Project (CP3448)

2. DISCUSSION

- City provided a brief overview of the project. This project is an update to the previous Trails Master Plan adopted in 1997 and the Bikeway Master Plan adopted in 2009. This new update will combine the two plans into one and is a planning document. It identifies potential improvements and programs. The planning document is to be used as a guideline for future projects.
- The CEQA document was prepared at a program-level and not a specific project-level, thus the information requested by Tamien Nation is not currently available.
- Once a project is funded and ready for the design and construction, the City will conduct a site specific CEQA analysis, notify Tamien Nation, follow AB-52 process and provide any information as required.
- QG mentioned that some of the trails should include tribal recognition based on historical and cultural significance, interpretive signage, identify locations and potentially move signs or realign to avoid those tribal resources. May need monitor during project.
- Record searches are not conducted during program level, record search to be completed during project and site specific CEQA analysis.
- Tamien Nation wants early notification and to be involved with the planning and design process of projects to potentially avoid mitigation measures.
- This information will be included into the CEQA IS-MND for this master plan update.

3. CONCLUSION

- QG confirmed that no further action is required from the City in response to the consultation service letter, dated December 29, 2021, and the consultation service pursuant to CEQA and AB-52 has been concluded.