# ELEMENT AND ALOFT HOTELS PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION


LSA

March 2018

# ELEMENT AND ALOFT HOTELS PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Submitted to:

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## FIGURES



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# PROJECT DESCRIPTION

The following describes the proposed Element and Aloft Hotels Project (project) that involves the construction of two hotels on a vacant undeveloped site. This section includes a summary description of the project's location and existing site characteristics, project components, required approvals, and entitlements. The City of Milpitas (City) is the lead agency for review of the project under the California Environmental Quality Act (CEQA).

## A. PROJECT SITE

The following section describes the location and characteristics of the project site and provides a brief overview of the existing land uses within and in the vicinity of the site.

### 1. Location

The approximately 3.34-acre project site is located at the northwest corner of Alder Drive and Barber Lane in the City of Milpitas in Santa Clara County (Assessor's Parcel Number [APN] 086-02-086). The project site is located in western Milpitas in an area consisting primarily of industrial and commercial operations. The site is bounded by East Tasman Drive to the north, Barber Lane to the east, Alder Drive to the south, and a park and ride lot that serves the Interstate 880 (I-880)/Valley Transportation Authority (VTA) light rail station to the west.

Immediately north of the project, across East Tasman Drive, are a variety of industrial park uses including a Cisco Campus which occupies the blocks east and west of Alder Drive, and east and west of Barber Lane. The Cisco building north of East Tasman Drive and east of Barber Lane serves as a childcare facility for employees of Cisco. In addition, the City operates Fire Station #4 which occupies a small portion of the block between Alder Drive and Barber Lane north of East Tasman Drive. To the east of the project site is I-880. South of the project site are various industrial park buildings.

Regional vehicular access to the project site is provided by I-880, which is located 0.2 miles east of the project site. The VTA light rail station on East Tasman Drive and the VTA bus stop at the East Tasman Drive and Alder Drive intersection provide transit service to the project site. Figure 1 shows the regional and local context of the project site. Figure 2 depicts an aerial photograph of the project site and surrounding land uses. Figures 3a and 3b include site photos.

### 2. Site Characteristics and Current Site Conditions

The generally level project site is currently undeveloped and is covered in tall dense grass. The northern and western borders are lined with shrubs. There are no trees on the project site.

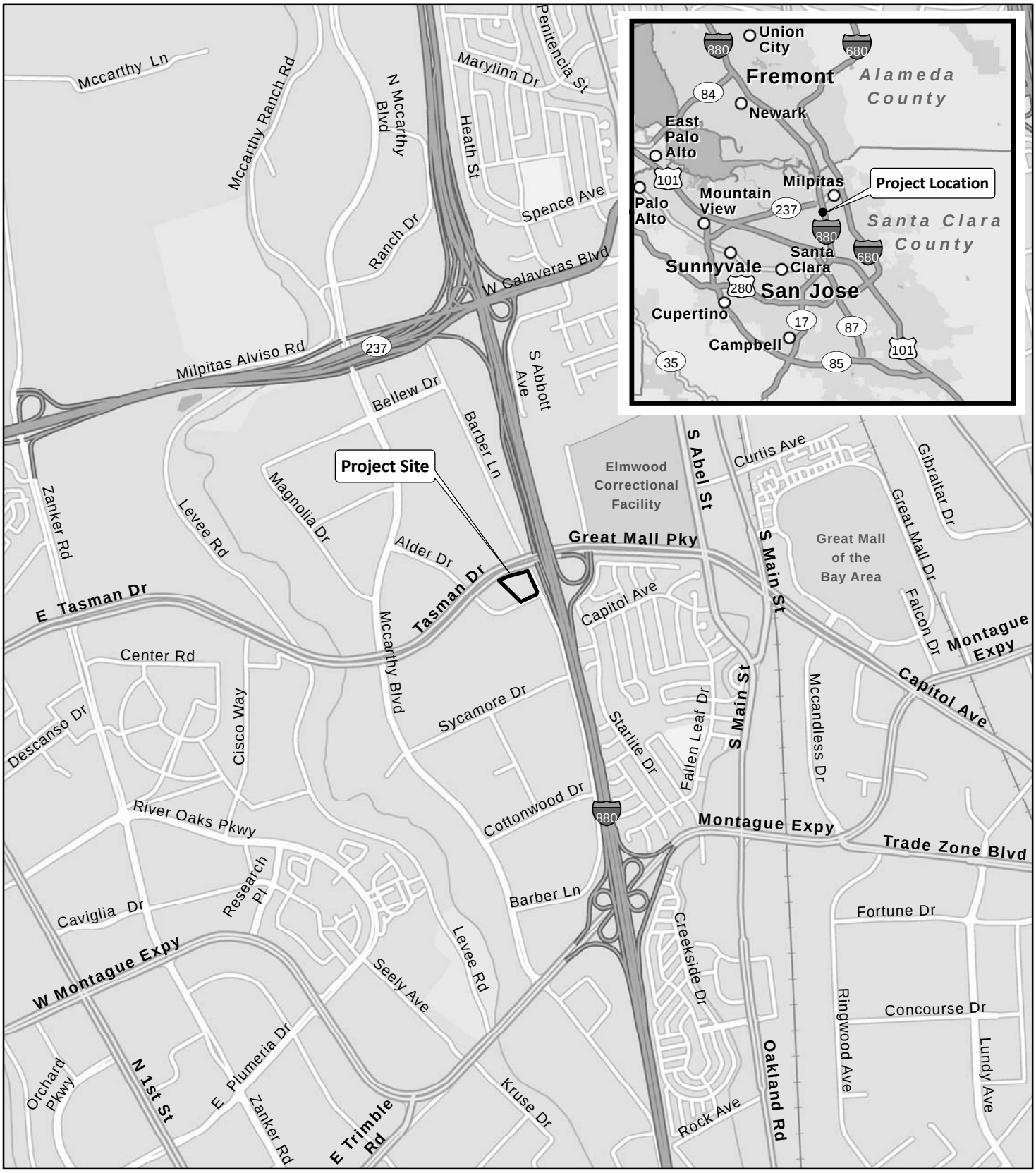


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FIGURE 1

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0 1000 2000
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SOURCE: ESRI STREETMAP OF NORTH AMERICA (2012).

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*Element and Aloft Hotels Project*

Project Location and Regional Vicinity Map


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FIGURE 2

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0 200 400
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Project Site

*Element and Aloft Hotels Project*

Aerial Photograph of Project Site and Surrounding Land Uses

SOURCES: GOOGLE EARTH, 11/2016; LSA, 2017.

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Photo 1: View of the project site, looking east from the southern corner of site along Alder Drive.


Photo 2: View of the project site, looking west from the Barber Lane and Alder Drive intersection.

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FIGURE 3a

*Element and Aloft Hotels Project*
Site Photos

SOURCE: LSA, AUGUST 2017.

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Photo 3: View of the project site, looking southeast towards Alder Drive from the park and ride lot.

Photo 4: View of the project site, as seen from the north corner of the park and ride lot.

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FIGURE 3b

*Element and Aloft Hotels Project*
Site Photos

SOURCE: LSA, AUGUST 2017.

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### 3. Regulatory Setting

The City of Milpitas General Plan Land Use Map designates the project site as Industrial Park (INP).[1] This land use designation is intended to accommodate research, professional, packaging, and distribution facilities in a park-like setting, free from noise, odor and other nuisances. The City of Milpitas Zoning Map identifies the project site as Industrial Park (MP) and it is located in the Recreational and Entertainment (RE) overlay district.[2] Hotel uses are conditionally permitted in the MP zone and require a conditional use permit (CUP) pursuant to Section XI-10-7.02 of the City Municipal Code.

## B. PROPOSED PROJECT

The proposed project involves the construction of two separate hotels over two phases. During the first phase of development, the Element Hotel would be constructed on the southeast corner of the parcel. The second phase of development would include the construction of the Aloft Hotel on the north side of the parcel. The components of the proposed project are described below.

### 1. Element and Aloft Hotels

The first phase of development would include preparation of the site and construction of the Element Hotel. The Element Hotel would be a maximum of 67 feet high and five stories in height and would include 194 rooms. The Element Hotel would be a total of 109,400 square feet and employ approximately 65 employees including 53 full-time employees and 12 part-time employees. In addition to the hotel rooms, the Element Hotel would include 780 square feet of meeting space, a 1,140-square-foot fitness center, a 3,000-square-foot outdoor pool and spa area, and a 2,000-square-foot outdoor patio and plaza area. The site plan for the Element Hotel and the first phase of the proposed project is depicted in Figure 4. Building elevations for the Element Hotel are provided in Figures 5a and 5b.

The second phase of the proposed project would include demolition of a portion of the parking area developed during the first phase of the project and construction of the Aloft Hotel. The Aloft Hotel would be a maximum of 65 feet high and five stories in height and would include 155 rooms. The Aloft Hotel would be a total of 74,190 square feet in size and employ approximately 45 employees including 36 full-time employees and 9 part-time employees. Hotel amenities would include 500 square feet of meeting space, an 812-square-foot fitness center, a 1,800-square-foot outdoor pool and patio, and a 400-square-foot cocktail bar. The site plan for the Aloft Hotel and the second phase of the proposed project is depicted in Figure 6. Building elevations for the Aloft Hotel would be similar to those of the Element Hotel.

Section XI-10-57.03 of the City's Municipal Code identifies the purpose and need for Site Development Permits. As noted in Section XI-10-57.03(A)(1), the Site Development Permit process provides for the review of physical improvements to a site which due to their scale, proximity to

[1] Milpitas, City of, 2012. General Plan Land Use Map, Figure 2-1. Available online at: www.ci.milpitas.ca.gov/_pdfs/plan_map_general_plan_land_use.pdf (accessed September 13, 2017). October.

[2] Milpitas, City of, 2015. Zoning Map. January.

environmentally sensitive resource areas, or unique design features, require consideration. Per Section XI-10-57.03(C)(1)(a) of the City's Municipal Code, development of the proposed project would require a Site Development Permit because it involves the construction of a new building. In addition, development of both the first and second phase of the proposed project would require a CUP to allow for hotel uses and alcohol sales pursuant to Section XI-10-7.02 as part of project approvals.

Development of the proposed project would result in the construction of two 5-story hotels. The Element Hotel would be a maximum of 67 feet in height and the Aloft Hotel would be a maximum of 65 feet in height. Per Section XI-10-7.02, Table XI-10-57.04-1 of the City's Municipal Code, a CUP is required for buildings that exceed three stories or 35 feet within the MP district, and a CUP would be required as part of the project approvals.

As discussed above, the project is proposed to be constructed in two phases. Phase one would be the development of the Element Hotel, with a proposed floor area ratio (FAR) of 0.73. Phase two would be the development of the Aloft Hotel, with a proposed FAR of 0.50 (cumulatively, the total FAR of both projects would be 1.23) The City's Zoning Ordinance allows for a maximum FAR of 0.50 in the MP district. However, Section XI-10-2.03 of the City's Zoning Ordinance notes that increases above the maximum permitted FAR for any district can be allowed with approval of a CUP by the Planning Commission, and a CUP would be required as part of project approvals.

In addition, the proposed project requires a variance from existing setback requirements established in the MP district. Specifically, the MP district requires a 35-foot setback along street frontages, a 10-foot setback for side yards, and a 20-foot setback for rear yards. The proposed project includes a 20-foot setback along the Alder Drive and Barber Lane frontages and a 15-foot setback for the rear yard, adjacent to East Tasman Boulevard. The proposed project would comply with the 10-foot side yard setback. The applicant is requesting a variance from the setback requirements as part of project approvals.

### 2. Open Space and Landscaping

The proposed project would include a total of 42,962 square feet of pervious surfaces consisting of landscaping in the form of outdoor patios, plaza space, and bioswales. A landscape plan is provided in Figure 7. Landscaping would be provided throughout the site, including planting strips along public roadways and within the outdoor plazas at both hotels. A total of 102 trees would be planted as part of the proposed project.

### 3. Access, Circulation, and Parking

After construction of both hotels, the proposed project would include two new driveways and curb cuts providing access in and out of the site from Alder Drive and Barber Lane, as shown in Figure 8. In addition, access onto the site would be available from the existing VTA parking lot to the west of the site. The new driveway along Barber Lane would be 36 feet wide and located at the northern end of the site, and the new driveway along Alder Drive would be 36 feet wide and located at the western portion of the project site. Sidewalks would be provided along both Alder Drive and Barber Lane for pedestrian access.

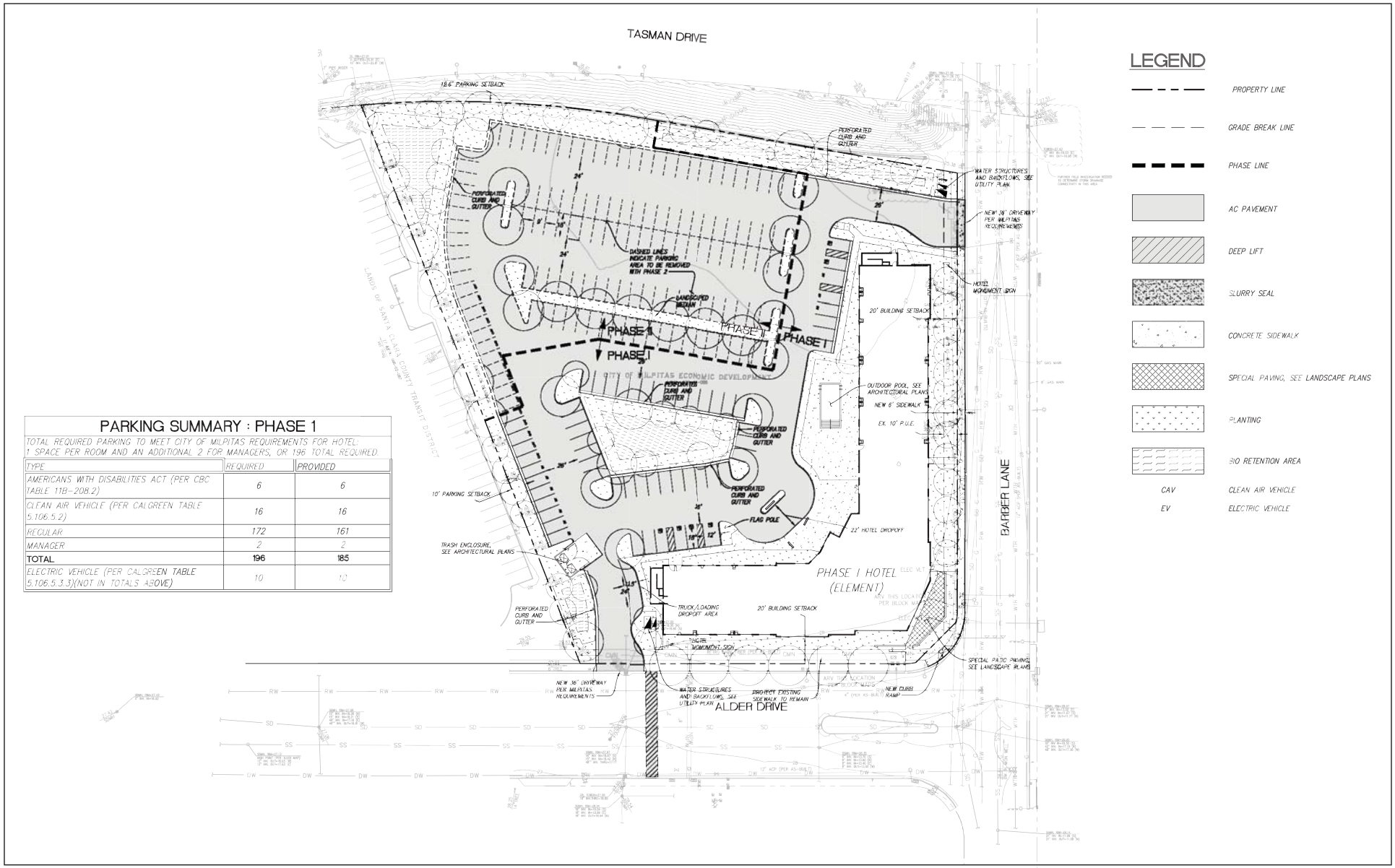


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FIGURE 4

0 60 120
FEET

N

*Element and Aloft Hotels Project*

Phase 1, Element Hotel Conceptual Site Plan

SOURCES: SANDIS; RICHARDSON DESIGN PARTNERSHIP, LLC, 2017.

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**NORTH ELEVATION**


**EAST ELEVATION**

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FIGURE 5a

NOT TO SCALE

SOURCE: RICHARDSON DESIGN PARTNERSHIP, LLC, 2018.

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*Element and Aloft Hotels Project*

Conceptual Element Hotel Elevations - North Elevation and East Elevation


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FIGURE 5b

NOT TO SCALE

SOURCE: RICHARDSON DESIGN PARTNERSHIP, LLC, 2018.

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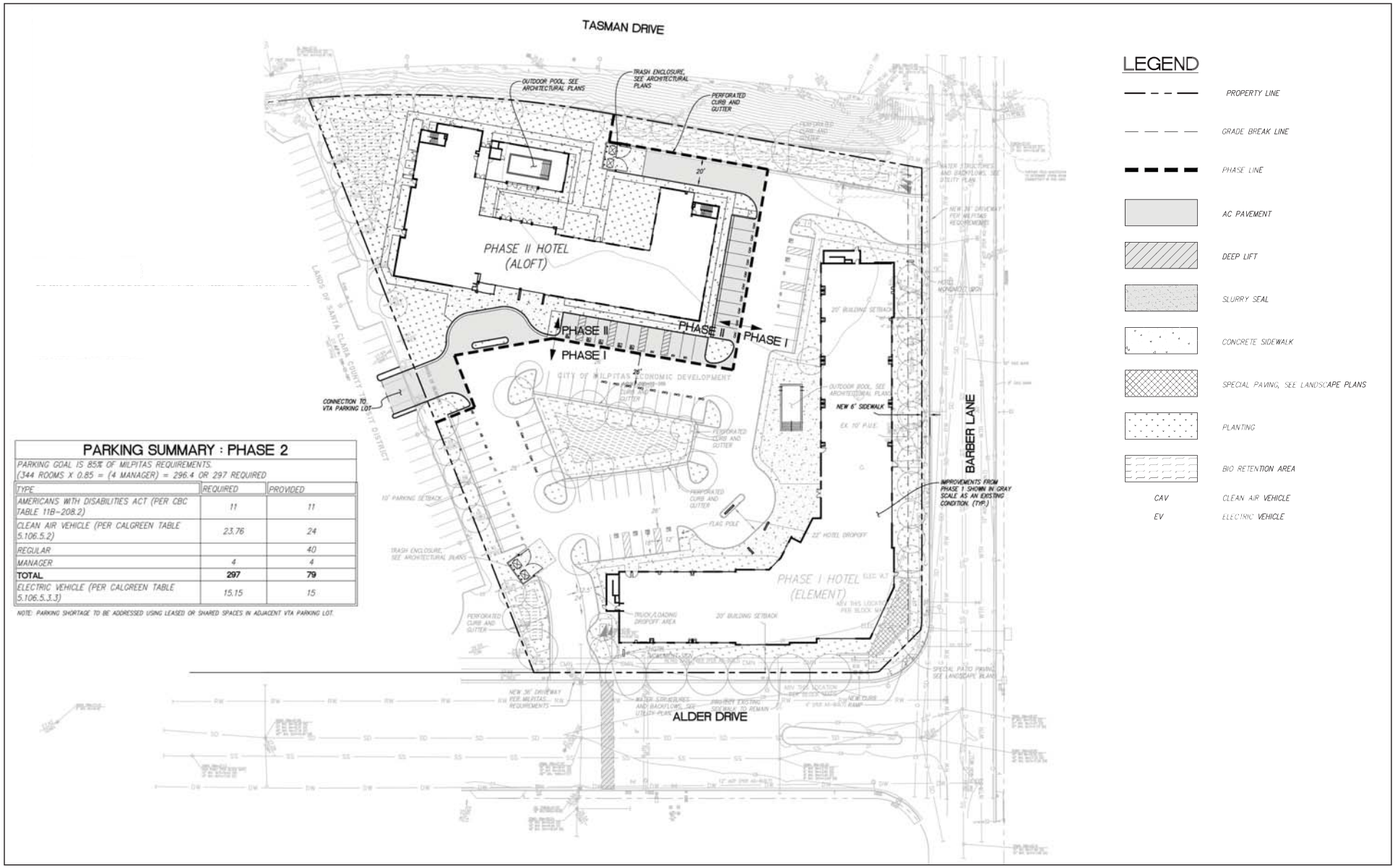
*Element and Aloft Hotels Project*

Conceptual Element Hotel Elevations -
South Elevation, Southeast Elevation and West Elevation




**PARKING SUMMARY : PHASE 2**

PARKING GOAL IS 85% OF MILPITAS REQUIREMENTS:
(344 ROOMS X 0.85 = (4 MANAGER) = 296.4 OR 297 REQUIRED

| TYPE | REQUIRED | PROVIDED |
|---|---|---|
| AMERICANS WITH DISABILITIES ACT (PER CBC TABLE 11B-208.2) | 11 | 11 |
| CLEAN AIR VEHICLE (PER CALGREEN TABLE 5.106.5.2) | 23.76 | 24 |
| REGULAR | | 40 |
| MANAGER | 4 | 4 |
| **TOTAL** | **297** | **79** |
| ELECTRIC VEHICLE (PER CALGREEN TABLE 5.106.5.3.3) | 15.15 | 15 |

NOTE: PARKING SHORTAGE TO BE ADDRESSED USING LEASED OR SHARED SPACES IN ADJACENT VTA PARKING LOT.

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FIGURE 6

0 60 120
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SOURCES: SANDIS; RICHARDSON DESIGN PARTNERSHIP, LLC, 2017.

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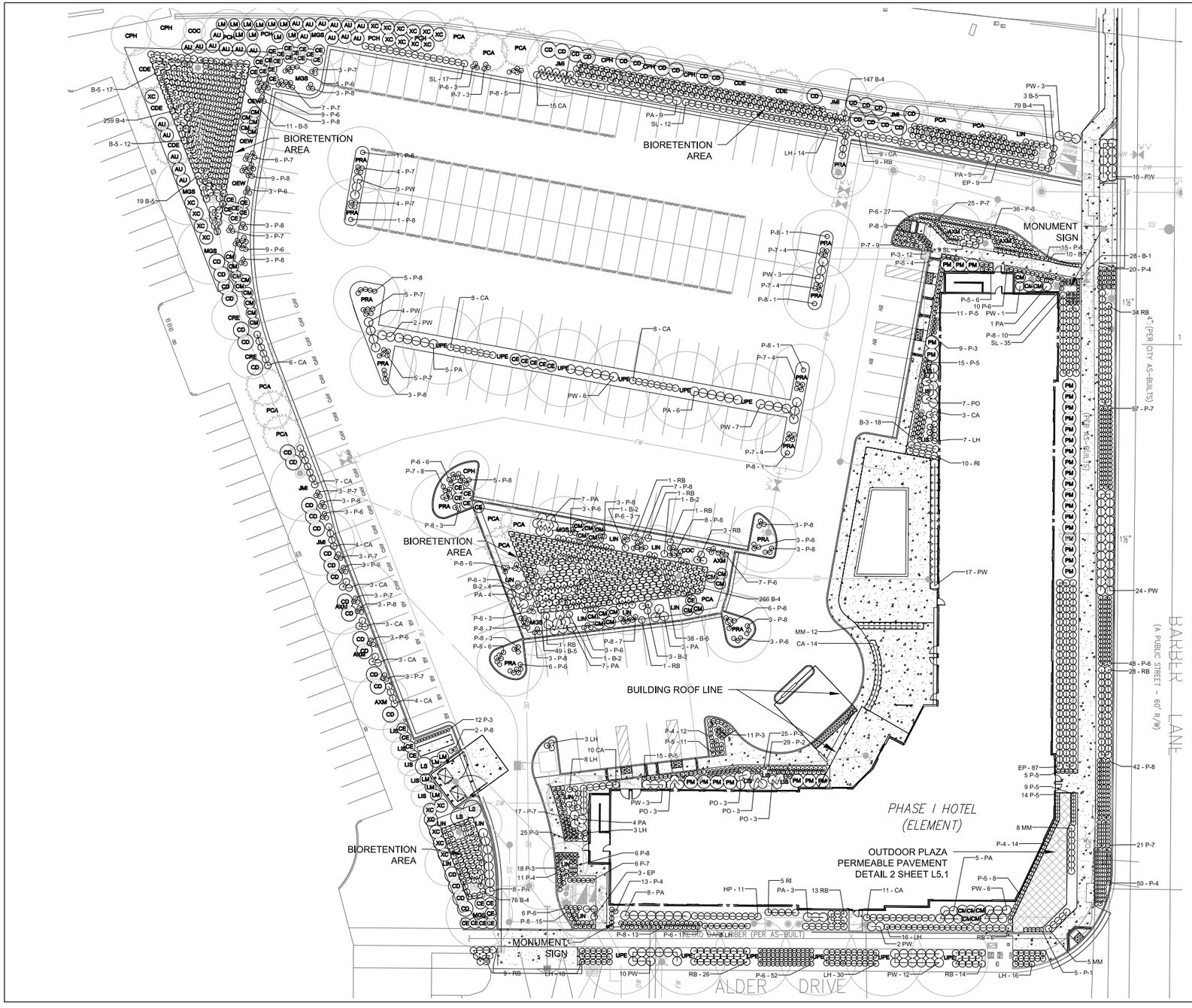
*Element and Aloft Hotels Project*
Phase 2, Aloft Hotel Conceptual Site Plan




# PLANT SCHEDULE

| TREES | QTY | BOTANICAL NAME | COMMON NAME | CONT/SIZE | HYDROZONE |
|---|---|---|---|---|---|
| AXM | 6 | Arbutus x `Marina` | Arbutus Standard | 24"box | Low |
| CDE | 5 | Cedrus deodara | Deodar Cedar | 24"box | Low |
| CRE | 2 | Celtis reticulata | Netleaf Hackberry | 24"box | Low |
| COC | 2 | Cercis occidentalis | Western Redbud | 24"box | Low |
| CPH | 6 | Crataegus phaenopyrum | Washington Hawthorn | 24"box | Moderate |
| JMI | 5 | Jacaranda mimosifolia | Jacaranda | 24"box | Moderate |
| LIN | 13 | Lagerstroemia indica x faurei `Natchez` | Natchez Crape Myrtle | 24"box | Low |
| LIS | 11 | Lagerstroemia indica `Sioux` | Sioux Crape Myrtle | 24"box | Low |
| MGS | 7 | Magnolia grandiflora `Samuel Sommer` TM | Southern Magnolia | 24"box | Moderate |
| OEW | 3 | Olea europaea `Wilsonii` | Wilson Olive | 24"box | Low |
| PCA | 12 | Pinus canariensis | Canary Island Pine | 24"box | Low |
| PCH | 4 | Pistacia chinensis | Chinese Pistache | 24"box | Low |
| PRA | 13 | Platanus racemosa | California Sycamore | 24"box | Moderate |
| UPE | 12 | Ulmus parvifolia `Emer II` | `Emer II` Allee Elm | 24"box | Low |

| SHRUBS | QTY | BOTANICAL NAME | COMMON NAME | CONT | HYDROZONE |
|---|---|---|---|---|---|
| AU | 22 | Arbutus unedo | Strawberry Tree Shrub | 5 gal | Low |
| CA | 108 | Calamagrostis x acutiflora `Karl Foerster` | Feather Reed Grass | 5 gal | Low |
| CM | 37 | Ceanothus maritimus `Popcorn` | Maritime Ceanothus | 5 gal | Low |
| CE | 45 | Ceanothus x `Centennial` | Centennial Ceanothus | 5 gal | Low |
| CD | 45 | Ceanothus x `Dark Star` | California Lilac | 5 gal | Low |
| EP | 99 | Euonymus japonicus `Silver Princess` TM | Silver Princess Euonymus | 5 gal | Low |
| HP | 11 | Hesperaloe parviflora | Red Yucca | 5 gal | Low |
| LH | 123 | Lavandula angustifolia `Hidcote Blue` | Hidcote Blue Lavender | 5 gal | Low |
| LM | 15 | Lavatera maritima | Mallow | 5 gal | Low |
| LS | 3 | Leucadendron x `Safari Sunset` | Conebush | 5 gal | Low |
| MM | 25 | Miscanthus sinensis `Morning Light` | Eulalia Grass | 5 gal | Moderate |
| PA | 79 | Perovskia atriplicifolia | Russian Sage | 5 gal | Low |
| PW | 113 | Pittosporum tobira `Wheeler`s Dwarf` | Dwarf Pittosporum | 5 gal | Low |
| PM | 30 | Podocarpus macrophyllus `Dwarf Pringles` | Dwarf Podocarpus | 5 gal | Moderate |
| PO | 19 | Polystichum munitum | Western Sword Fern | 5 gal | Moderate |
| RI | 15 | Rhaphiolepis indica | Indian Hawthorn | 5 gal | Low |
| RB | 147 | Rhaphiolepis indica `Ballerina` | Ballerina Indian Hawthorn | 5 gal | Low |
| SL | 73 | Salvia leucantha | Mexican Bush Sage | 5 gal | Low |
| XC | 21 | Xylosma congestum `Compacta` | Compact Xylosma | 5 gal | Low |

| BIO-RETENTION PLANTS | QTY | BOTANICAL NAME | COMMON NAME | CONT | HYDROZONE |
|---|---|---|---|---|---|
| B-1 | 38 | Bouteloua gracilis `Blonde Ambition` | Blue Grama | 1 gal | Low |
| B-2 | 10 | Calamagrostis x acutiflora `Karl Foerster` | Feather Reed Grass | 1 gal | Low |
| B-3 | 18 | Epilobium canum | Hummingbird Trumpet | 1 gal | Low |
| B-4 | 827 | Juncus patens | California Gray Rush | 1 gal | Low |
| B-5 | 149 | Muhlenbergia rigens | Deer Grass | 1 gal | Low |

| PERENNIALS | QTY | BOTANICAL NAME | COMMON NAME | CONT | HYDROZONE |
|---|---|---|---|---|---|
| P-1 | 5 | Agapanthus africanus | Lily of the Nile | 1 gal | Moderate |
| P-2 | 29 | Agapanthus africanus `Peter Pan` | Dwarf Blue Lily of the Nile | 1 gal | Moderate |
| P-3 | 112 | Bouteloua gracilis `Blonde Ambition` | Blue Grama | 1 gal | Low |
| P-4 | 120 | Epilobium canum | Hummingbird Trumpet | 1 gal | Low |
| P-5 | 98 | Hemerocallis x `Stella de Oro` | Stella de Oro Daylily | 1 gal | Moderate |
| P-6 | 253 | Scaevola aemula `Mauve Clusters` | Fan Flower | 1 gal | Low |
| P-7 | 211 | Teucrium chamaedrys | Germander | 1 gal | Low |
| P-8 | 252 | Tulbaghia violacea | Society Garlic | 1 gal | Low |

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FIGURE 7

0 30 60
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*Element and Aloft Hotels Project*
Phase 2, Landscape Plan

SOURCES: LANDMARK DESIGN; THE RICHARDSON DESIGN PARTNERSHIP, LLC, 2017.

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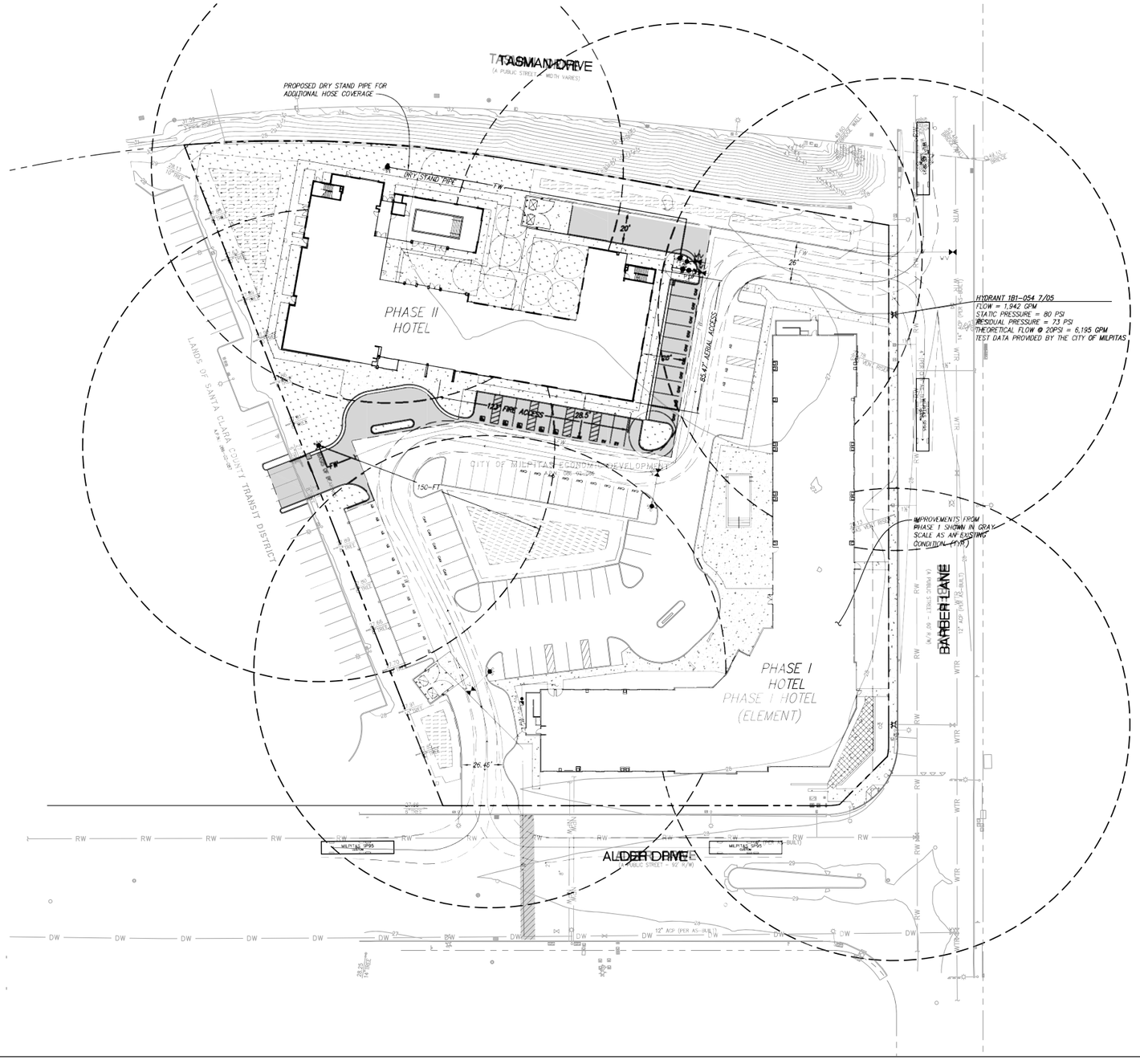


# LEGEND

- PROPERTY LINE
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- PROPOSED FIRE DEPARTMENT CONNECTION
- POST INDICATOR VALVE
- SINGLE CHECK VALVE
- WATER VALVE
- DOUBLE CHECK DETECTOR ASSEMBLY
- 150-FT FIRE HYDRANT COVERAGE
- DRY STAND PIPE
- AC PAVEMENT
- DEEP LIFT
- CONCRETE SIDEWALK
- PAVING
- PLANTING
- BIO RETENTION AREA

## BUILDING DATA

| BUILDING | COSNTRUCTION TYPE | MAX BUILDING HEIGHT | BUILDING AREA (SF) | REQUIRED FIRE FLOW (GPM) | REDUCED REQUIRED FIRE FLOW (GPM)[1] |
|---|---|---|---|---|---|
| ELEMENT HOTEL | TYPE IIIB | 62.5 | 113,366(SF) | 7250 | 3625 |
| ALOFT HOTEL | TYPE IIIB | 72.42 | 74,180(SF) | 5750 | 2875 |

NOTES
1. REDUCED REQUIRED FIRE FLOW REFLECTS A 50 PERCENT REDUCTION FOR BUILDINGS EQUIPPED WITH AN AUTOMATIC SPRINKLER SYSTEM.

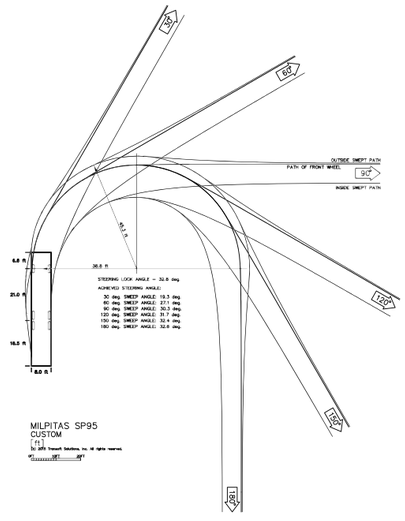


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FIGURE 8

0 30 60
FEET

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*Element and Aloft Hotels Project*
Phase 2, Circulation and Fire Access Plan

SOURCES: SANDIS; THE RICHARDSON DESIGN PARTNERSHIP, LLC, 2017.

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Following completion of both phases of project construction, the proposed project would include a total of 73 parking spaces. Per section XI-10-53.09 of the City's Municipal Code, one parking space per room is required for hotel uses and a total of 349 parking spaces would be required for the proposed hotel uses, resulting in a shortage of parking to accommodate the proposed project. The applicant is working to secure an agreement with VTA to allow for shared use of the VTA parking lot to the west of the project site. Section XI-10-53.11 of the City's Municipal Code identifies that shared parking proposals may be allowed with a CUP. Shared parking with the adjacent VTA lot would provide an additional 211 parking spaces, for a total of 284 parking spaces. The applicant is requesting a shared parking exception via the CUP process from the established parking requirement of 1 parking space per room to 0.85 parking space per room during the second phase of the proposed project due to the close proximity of transit services including the VTA light rail station and bus stop. In addition, following completion of both phases of the project, the applicant may provide a hotel shuttle to provide access to surrounding attractions and the BART station, if feasible. City Municipal Code Section XI-10-53.11 notes that if a parking analysis finds that fewer parking spaces are required then what City Code requires, then a new required parking count is created, without the need of a variance. The applicant has provided a parking study as part of their application.[3]

Bicycle parking would be provided during both phases of project construction. Such parking will be provided in two forms. Short-term bicycle parking is unsheltered, unenclosed bicycle racks intended for a parking duration of two hours. Long-term bicycle parking is sheltered, enclosed bicycle storage intended for longer periods of time. A total of 5 short-term and 10 long-term bicycle parking spaces would be provided during the first phase, while a total of 4 short-term and 8 long-term bicycle parking spaces would be added during the second phase. Following completion of the proposed project, 9 short-term and 18 long-term bicycle parking spaces would be provided.

As previously discussed, the proposed project site is well served by transit. The VTA light rail station is located approximately 600 feet west of the project site along East Tasman Drive. A VTA bus stop is located immediately north of the VTA light rail station with the 140, 330, and 825 bus lines making stops. In addition, a VTA bus stop for the 140 line is located adjacent to the VTA parking lot along the south side of East Tasman Drive and approximately 200 feet from the project site.

In addition, the proposed project would implement a Transportation Demand Management (TDM) plan, which would include measures to reduce vehicle trips and increase bicycle, pedestrian, and transit trips through site planning and design as well as other program such as providing subsidized transit passes for employees.[4]

## 4. Utilities and Infrastructure

The project site is located in an urban area and is currently served by existing utilities, including: water, sanitary sewer, storm drainage, electricity, gas, and telecommunications infrastructure. Existing and proposed utility connections are discussed below.

[3] Horrocks Engineers. 2017. Memorandum PG-051-1703 Parking Study – Element and Aloft Hotels. March 21.

[4] Horrocks Engineers. 2017. Memorandum PG-051-1703 Travel Demand Management for Element and Aloft Hotels. August 10.

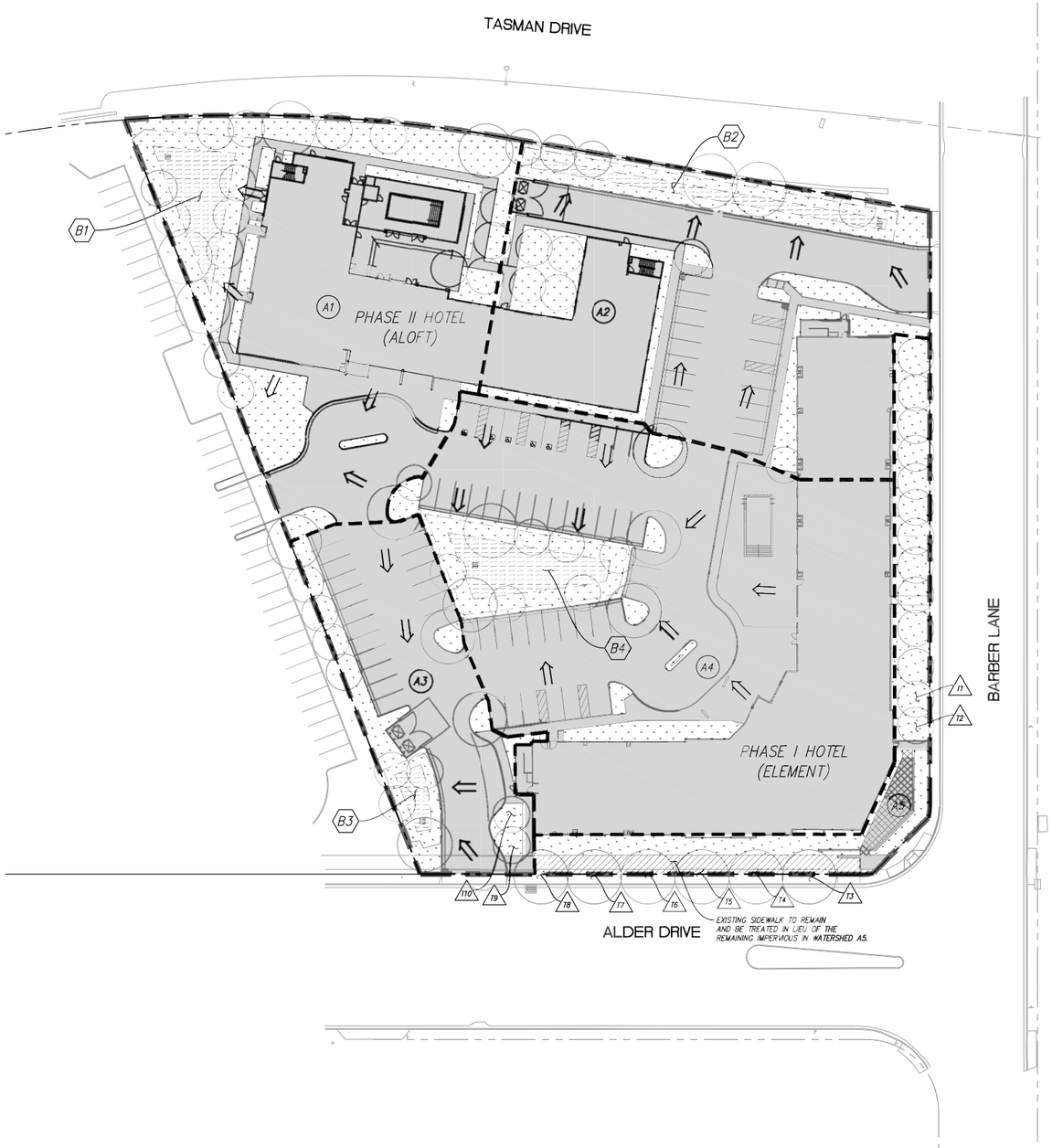
**a. Water.** Water service in the City of Milpitas is provided by the Santa Clara Valley Water District (SCVWD). The proposed project would include the installation of new water lines on the site that would connect to the existing 12-inch mains located on Alder Drive and Barber Lane.

**b. Wastewater.** The San José/Santa Clara Water Pollution Control Plant (WPCP) provides wastewater treatment for Milpitas. The City of Milpitas maintains existing sanitary sewer lines within the vicinity of the site, including a 21-inch line within Barber Lane. The proposed project includes the installation of a new on-site 8-inch wastewater line that would connect to the City's existing line within Barber Lane.

**c. Stormwater.** The proposed project would result in an increase in impervious surfaces compared to existing conditions. The 3.34-acre project site is currently vacant and includes a total of 2,589 square feet (2 percent) of impervious surfaces on the site. Upon completion of the both phases of project construction, the proposed project would cover approximately 106,768 square feet (74 percent) of the project site with impervious surface and the remaining 36,735 square feet (26 percent) would consist of pervious surface.

Figure 9 provides a stormwater management plan for the proposed project. The proposed storm drainage infrastructure will drain towards the southwest side of the site into the existing 18-inch storm drain along Alder Drive. From there, a new 12-inch storm drain line would connect to the existing storm drain pipe along Alder Drive. Bio-retention areas and interceptor trees would also be incorporated in the landscape design of the proposed project to provide appropriate vegetation and water quality treatment in vegetated areas, driveways, streets, and sidewalks. In addition, on-site drainage would be designed consistent with the Santa Clara County National Pollutant Discharge Elimination System (NPDES) C.3 requirements for Low Impact Development.

**d. Electricity and Natural Gas.** Electricity and natural gas services to the site are provided by Pacific Gas and Electric (PG&E). There are two existing underground gas lines that run along Barber Lane including a 20-inch gas line and an 8-inch gas line that would serve the project site via a connection. In addition, an underground electric line runs along Barber Lane, near the Alder Drive intersection, and connects to an existing electrical box at the southwest corner of the site. The proposed project would include new underground electrical connections to this electrical box via a new PG&E transformer and splice box.




## LEGEND

- PROPERTY LINE
- APPROXIMATE LIMIT OF WORK
- WATERSHED LINE
- IMPERVIOUS AREA
- PERVIOUS AREA
- EXISTING IMPERVIOUS AREA TO REMAIN
- BIO-TREATMENT AREA
- A2 — WATERSHED LABEL
- B2 — BIO-RETENTION LABEL
- T3 — INTERCEPTOR TREE
- PATH OF SURFACE DRAINAGE

## STORMWATER TREATMENT MEASURES

| WATERSHED | IMPERVIOUS AREA (SF) | EFFECTIVE IMPERVIOUS AREA (SF) [1] | PERVIOUS AREA (SF) | TOTAL (SF) | TREATMENT METHOD | BMP ID | TREATMENT AREA REQUIRED (SF) | TREATMENT AREA PROVIDED (SF) |
|---|---|---|---|---|---|---|---|---|
| A1 | 21,854 | 22,902 | 10,480 | 32,334 | BIORETENTION | B1 | 916 | 1,845 |
| A2 | 24,958 | 25,820 | 8,615 | 33,573 | BIORETENTION | B2 | 1,033 | 1,139 |
| A3 | 10,698 | 11,069 | 3,712 | 14,410 | BIORETENTION | B3 | 443 | 453 |
| A4 | 44,929 | 45,420 | 4,907 | 49,836 | BIORETENTION | B4 | 1,817 | 1,989 |

NOTE:

1. EFFECTIVE IMPERVIOUS AREA IS EQUAL TO 1*(IMPERVIOUS AREA) FOR WATERSHEDS WHOSE PERVIOUS AREA IS LESS THAN 5% OF THE TOTAL WATERSHED AREA, AND IS EQUAL TO 1*(IMPERVIOUS AREA)+0.1*(PERVIOUS AREA) FOR WATERSHEDS WHOSE PERVIOUS AREA IS GREATER THAN OR EQUAL TO 5% OF THE TOTAL WATERSHED AREA.

## STORMWATER CREDITS FOR INTERCEPTOR TREES

| WATERSHED | IMPERVIOUS AREA TO BE TREATED (SF) | EXISTING IMPERVIOUS AREA TO REMAIN (SF) | TREATMENT METHOD | NEW DECIDUOUS [4] | NEW DECIDUOUS TREE CREDITS (TOTAL SF) | NEW EVERGREEN [4] | NEW EVERGREEN TREE CREDITS (TOTAL SF) | TREATMENT AREA CREDIT PROVIDED (SF) | IN LIEU TREATMENT AREA CREDIT PROVIDED (SF) | TOTAL TREE INTERCEPTOR CREDITS PROVIDED (SF) |
|---|---|---|---|---|---|---|---|---|---|---|
| A5 | 1,000 [3] | 1,915 | INTERCEPTOR TREE CREDIT [1,2] | T1–T3 | 300 | T4–T10 | 1,400 | 300 | 1400 | 1,700 |

NOTES:

1. INTERCEPTOR TREES TO MEET THE REQUIREMENTS OF THE SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM (SCVURPP) C.3 TECHNICAL GUIDANCE MANUAL, LATEST VERSION.
2. PROPOSED INTERCEPTOR TREES LOCATED WITHIN 25-FEET OF "EXISTING IMPERVIOUS AREA TO REMAIN" WILL TREAT A PORTION OF THE EXISTING IMPERVIOUS AREA AND PROVIDE AN "IN LIEU" TREATMENT AREA CREDIT FOR A PORTION OF THE IMPERVIOUS AREA THAT IS BEING CREATED/REPLACED IN WATERSHED A5. TREES T4–T10 ARE BEING COUNTED FOR IN-LIUE TREATMENT CREDIT.
3. A PORTION OF THE NEW PATIO MAY NEED TO BE PERVIOUS PAVERS OR TREATED WITH A SEPARATE LID METHOD (IE. SELF RETAINING AREA).
4. NEW DECIDUOUS TREES COUNT FOR 100 SQUARE FEET OF CREDIT PER TREE. NEW EVERGREEN TREES COUNT FOR 200 SQUARE FEET OF CREDIT PER TREE.

LSA

0 30 60
FEET

N

FIGURE 9

SOURCES: SANDIS; THE RICHARDSON DESIGN PARTNERSHIP, LLC, 2017.

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### 5. Construction Schedule

As previously noted, development of the proposed project would occur in two phases. The first phase of construction would occur over approximately 15 months while the second phase of construction would occur over 14 months. Construction activities will not include any deep foundation methods, and a thickened mat foundation at approximately 3 feet below grade would be installed with standard foundation walls and slabs above. Grading activities would occur during both phases of project construction. For the first phase of project construction, it is anticipated that a total of 5,420 cubic yards of soil would be cut, 4,975 cubic yards of soils would be filled, and approximately 55 cubic yards of cut would be exported offsite, assuming 10 percent shrinkage. During the second phase of construction, it is anticipated that a total of 1,260 cubic yards of soil would be cut, 950 cubic yards of soils would be filled, and approximately 220 cubic yards of cut would be exported offsite, assuming 10 percent shrinkage.

## C. PROJECT APPROVALS

While the City is the CEQA Lead Agency for the project, other agencies also have discretionary authority related to the project and approvals, or serve as a responsible and/or trustee agency in connection to the proposed project. A list of these agencies and potential permits and approvals that may be required is provided in Table 1.

**Table 1: Potential Permits and Approvals**

| Lead Agency | Permits/Approvals |
|---|---|
| City of Milpitas | • Adoption of the IS/MND for the Element and Aloft Hotels Project;<br>• Site Development Permit for the construction of the Element Hotel<br>• Site Development Permit for the construction of the Aloft Hotel;<br>• Vesting Tentative and Parcel Map for the subdivision of one lot into two lots.<br>• CUP for Hotel Use in MP zone;<br>• CUP for Alcohol Sales at Element and Aloft Hotel;<br>• CUP for Floor Area Ratio Adjustment;<br>• CUP for Building Height Increase;<br>• CUP for shared parking with VTA lot for Phase 2; and<br>• Variance for Setback Reduction. |
| **Other Agencies** | |
| City of Milpitas Fire Department | Review/approve fire truck access and site fire flow design |
| Santa Clara Valley Water District | Connection to water system<br>Connection to wastewater system |
| Valley Transportation Authority | Approval of shared parking agreement for the VTA lot |

Source: LSA, 2017.

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# DRAFT MITIGATED NEGATIVE DECLARATION

**Project Name**: Element and Aloft Hotels Project

**Project Location**: Northwest corner of Alder Drive and Barber Lane in the City of Milpitas.

**Description of Project**: The proposed Element/Aloft Hotels Project (project) consists of the construction of two new hotels over two phases on a vacant undeveloped lot. The project site is approximately 3.34 acres in size and is bounded by East Tasman Drive to the north, Barber Lane to the east, Alder Drive to the south, and an existing Valley Transportation Authority (VTA) parking lot to the west. The first phase of development would include preparation of the site and development of the five-story Element Hotel on the southeast corner of the site. The Element Hotel would be approximately 109,400 square feet and include 194 rooms. The second phase of development would include the construction of the five-story Aloft Hotel on the north side of the site. The Aloft Hotel would be approximately 74,190 square feet and include 155 rooms.

**Findings**: It is hereby determined that, based on the information contained in the attached Initial Study, the project would not have a significant adverse effect on the environment.

Mitigation measures necessary to avoid or reduce the project's potentially significant effects to a less-than-significant level on the environment are detailed on the following pages. These mitigation measures are hereby incorporated and fully made part of this Draft Mitigated Negative Declaration. The City of Milpitas, as the Lead Agency, has hereby agreed to incorporate as part of the project and implement each of these identified mitigation measures, which would be adopted as part of the Mitigation Monitoring and Reporting Program.

Date

Michael Fossati
Senior Planner

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# ENVIRONMENTAL CHECKLIST

1. **Project Title:** Element and Aloft Hotels Project

2. **Lead Agency Name and Address:**

   City of Milpitas
   Planning & Neighborhood Services Department
   455 East Calaveras Blvd.
   Milpitas, CA 95035

3. **Contact Person and Phone Number:**

   Michael Fossati, Senior Planner
   Phone: 408-586-3274
   Email: Mfossati@ci.milpitas.ca.gov

4. **Project Sponsor's Name and Address:**

   Lodging Dynamic Development
   5314 North River Run Drive, Suite 310
   Provo, Utah 84604

5. **General Plan Designation:** Industrial Park (INP)

6. **Zoning:** Industrial Park (MP); Recreational and Entertainment (RE) overlay district

7. **Project Location:** Northwest corner of Alder Drive and Barber Lane in the City of Milpitas

8. **Description of Project:**

The proposed Element/Aloft Hotels Project (project) consists of the construction of two new hotels over two phases on a vacant undeveloped lot. The project site is approximately 3.34 acres in size and is bounded by East Tasman Drive to the north, Barber Lane to the east, Alder Drive to the south, and an existing Valley Transportation Authority (VTA) parking lot to the west. The first phase of development would include preparation of the site and development of the five-story Element Hotel on the southeast corner of the site. The Element Hotel would be approximately 109,400 square feet and include 194 rooms. The second phase of development would include the construction of the five-story Aloft Hotel on the north side of the site. The Aloft Hotel would be approximately 74,190 square feet and include 155 rooms.

**9. Surrounding Land Uses and Setting:**

The site is bounded by East Tasman Drive to the north, Barber Lane to the east, Alder Drive to the south, and a park and ride lot that serves the Interstate 880 (I-880)/VTA light rail station to the west. Immediately north of the project, across East Tasman Drive, are a variety of industrial park uses including a Cisco Campus which occupies the blocks east and west of Alder Drive, and east and west of Barber Lane. The Cisco building north of East Tasman Drive and east of Barber Lane serves as a childcare facility for employees of Cisco. In addition, the City operates Fire Station #4 which occupies a small portion of the block between Alder Drive and Barber Lane north of East Tasman Drive. To the east of the project site is I-880. South of the project site are various industrial park buildings.

**10. Other agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**

The Santa Clara Valley Water District would require approval for connection to water and wastewater systems. The Valley Transportation Authority would require approval of the shared parking agreement for the VTA lot.

**11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?**

The City sent letters describing the project and maps depicting the project site via certified mail on September 15, 2017, to Native American contacts identified by the NAHC. The letters were sent, pursuant to Assembly Bill 52, to identify possible project impacts to tribal cultural resources. Chairperson Katherine Erolinda Perez of the North Valley Yokut Tribe was notified of the Sacred Lands File search results per the information provided by the NAHC. The City sent a number of emails and phone calls in an effort to contact Ms. Perez, and as of February 2018, there have been no replies. Therefore, the City considers the AB 52 consultation process to be concluded.

**Environmental Factors Potentially Affected:**

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

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

**Determination.** (To be completed by the Lead Agency.)

On the basis of this initial evaluation:

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

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

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

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

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

Michael Fossati
Senior Planner

Date

| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **I.** | **AESTHETICS.** 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 the site and its surroundings? | ☐ | ☐ | ☒ | ☐ |
| | d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☒ | ☐ | ☐ |

*a) Have a substantial adverse effect on a scenic vista?* ***(Less-Than-Significant Impact)***

Scenic vistas in Milpitas are generally located in the hills to the east, including Ed Levin Park and adjacent areas. These areas are generally accessed by Calaveras Road, which becomes a scenic corridor going east when it crosses Evans Road. Public views of scenic resources, including the southern part of San Francisco Bay and associated baylands, and urbanized areas, including all of Milpitas, Mountain View, and northern San Jose, are primarily available from this area. There is also a scenic area on the eastern border of Milpitas along the Coyote Creek corridor.[5] The proposed project is not located in an area considered to be within a scenic vista. In addition, development of the two hotels would not obscure any views of scenic vistas. Therefore, the proposed project would not result in a substantial adverse effect on a scenic vista, and this impact would be less than significant.

*b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?* ***(No Impact)***

The proposed project is not located within the vicinity of any State scenic highways. Interstate 680 (I-680), from Mission Boulevard in the City of Fremont to the Contra Costa County line, is listed as an Eligible State Scenic Highway but is not officially designated and is located approximately 6.5 miles northeast of the project site in the City of Fremont.[6] Given this distance, the proposed project would not be visible from this scenic roadway. Interstate 880 (I-880) and I-680 both run north-south through Milpitas, and are designated Scenic Connectors in the City's General Plan, indicating that they provide access to Scenic Corridors or distant views but do not necessarily traverse an area of scenic value. Lands abutting Scenic Connectors are not subject to Scenic Corridor land use guidelines. In

[5] Milpitas, City of, 2015. *Milpitas General Plan*. April.

[6] California, State of, 2011. Department of Transportation. California Scenic Highway System. Website: www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways (accessed August 18, 2017).

addition, the proposed project does not include the removal of any trees, rock outcroppings, or historic buildings. As such, the project would have no impact on scenic resources located within view of a State Scenic highway.

*c) Substantially degrade the existing visual character or quality of the site and its surroundings?* ***(Less-Than-Significant Impact)***

The proposed project would develop two hotels on an undeveloped site in the City of Milpitas. The visual character of the area in the vicinity of the project site is dominated by industrial park and office uses as well as I-880. The proposed hotel buildings would be compatible with other buildings in the area and would not substantially degrade the existing visual character or quality of the site or its surroundings. Moreover, the visual character of proposed projects is reviewed by the City as a part of the City's Site Development Permit process. The proposed project would be evaluated for compliance with the City's Zoning Ordinance, including height and setback requirements and other design controls. Therefore, impacts to the existing visual character or quality of the site would be less than significant.

*d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?* ***(Potentially Significant Unless Mitigation Incorporated)***

The proposed project is located in an urban area with a variety of existing light sources including street lights, interior and exterior building lighting, and light associated with traffic on nearby roadways, including I-880. Development of the proposed project would incrementally increase the amount of nighttime light in the surrounding area due to new interior and exterior lighting at the hotels, safety lighting in the parking lot, lighting for the pools, and lighting associated with additional vehicular traffic to and from the project site. The City of Milpitas Zoning Ordinance includes the following policies related to outdoor lighting that would be applicable to the proposed project:

- **Section XI-10-45.55-2 Swimming Pools and Spas**. Artificial lighting of swimming pools and spas shall be permitted only under the following conditions:
    a. Light(s) are placed beneath the surface of water in the pool or spa to illuminate the water;
    b. Other exterior lights used to illuminate the surrounding area;
    c. Light(s) use the minimum wattage which will safely illuminate the area;
    d. No direct light is cast beyond the immediate area of the pool or spa; and
    e. No light sources are directly visible from off the site.
- **Section XI-10-45.15-3 Outdoor Lighting-General**. Outdoor lighting should use the minimum wattage lights which will safely illuminate the area. Outdoor light sources shall be shielded so as not to be directly visible from off-site. This section does not pertain to motion-induced/activated or motion-sensor security-type lights.
- **XI-10-54.17 – Lighting**. Exterior lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and shall be directed downward and away from adjoining properties and public rights-of-way. Fixtures shall be appropriate in terms of height, style, design, scale and wattage to the use of the property. Fixtures shall be spaced appropriately to maximize pedestrian safety.

To ensure that the proposed project complies with City requirements and that the proposed project's final design avoids all excess light and glare, implementation of Mitigation Measure AES-1, below would be required to ensure that potentially significant light and glare impacts are reduced to less-than-significant levels.

> Mitigation Measure AES-1: Outdoor lighting shall be designed to minimize glare and spillover to surrounding properties. The project shall incorporate non-mirrored glass to minimize daylight glare. All lighting elements shall comply with the City's Design Review Criteria and the proposed lighting plan shall be reviewed and approved by the City's Planning Division prior to issuance of a building permit.

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| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **II.** | **AGRICULTURAL AND FORESTRY RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project: | | | | |
| | a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a 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))? | ☐ | ☐ | ☐ | ☒ |

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| 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) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?* ***(No Impact)***

The project site is currently undeveloped and covered in a tall dense grass. There are no agricultural resources on or near the project site. The site is classified as "Urban and Built-Up Land" by the State Department of Conservation.[7] Therefore, development of the proposed project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a nonagricultural use. As such, development of the proposed project would not result in any impact to agricultural resources.

*b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?* ***(No Impact)***

The project site is currently zoned Industrial Park (MP) and is located in the Recreational and Entertainment (RE) overlay district in the City of Milpitas Zoning Map. The project site is not subject to a Williamson Act contract.[8] Therefore, development of the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract and no impact would occur.

*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))?* ***(No Impact)***

The project site is currently undeveloped and covered in a tall dense grass in an urban area in the City of Milpitas. The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland, nor would it result in the loss of forest land or conversion of forest land to non-forest uses. As such, no impact to forest land or timberland would occur.

[7] California Department of Conservation, 2014. Division of Land Resource Protection, Farmland Mapping and Monitoring Program. Santa Clara County Important Farmland Map 2014 (map). Available online at: ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/scl14.pdf (accessed August 21, 2017)

[8] California Department of Conservation, 2016. Division of Land Resource Protection, Farmland Mapping and Monitoring Program. Santa Clara County Williamson Act Lands (map). Available online at ftp.consrv.ca.gov/pub/dlrp/WA/SantaClara_15_16_WA.pdf (accessed August 21, 2017).

*d) Result in the loss of forest land or conversion of forest land to non-forest use?* ***(No Impact)***

Please refer to Section II.c. The proposed project would not result in the loss of forest land or conversion of forest land to non-forest uses.

*e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?* ***(No Impact)***

Please refer to Sections II.a. and II.c. The project site is located in an existing urban environment and would not involve other changes in the existing environment which, due to their location or nature, could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, no impact would occur.

| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **III.** | **AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | |
| | a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☒ | ☐ |
| | b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | ☐ | ☒ | ☐ | ☐ |
| | c) 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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | ☐ | ☐ | ☒ | ☐ |
| | d) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☒ | ☐ |
| | e) Create objectionable odors affecting a substantial number of people? | ☐ | ☐ | ☒ | ☐ |

The proposed project is located in the City of Milpitas, and is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which regulates air quality in the San Francisco Bay Area. Air quality conditions in the San Francisco Bay Area have improved significantly since the

BAAQMD was created in 1955. Ambient concentrations of air pollutants and the number of days during which the region exceeds air quality standards have fallen substantially. In Milpitas, and the rest of the air basin, exceedances of air quality standards occur primarily during meteorological conditions conducive to high pollution levels, such as cold, windless winter nights or hot, sunny summer afternoons.

Within the BAAQMD, ambient air quality standards for ozone, carbon monoxide (CO), nitrogen dioxide ($NO_2$), sulfur dioxide ($SO_2$), particulate matter ($PM_{10}$, $PM_{2.5}$), and lead (Pb) have been set by both the State of California and the federal government. The State has also set standards for sulfate and visibility. The BAAQMD is under State non-attainment status for ozone and particulate matter standards. The BAAQMD is classified as non-attainment for the federal ozone 8-hour standard and non-attainment for the federal $PM_{2.5}$ 24-hour standard.

*a) Conflict with or obstruct implementation of the applicable air quality plan?* ***(Less-Than-Significant Impact)***

The applicable air quality plan is the BAAQMD's 2017 Clean Air Plan, which was adopted on April 19, 2017.[9] The Clean Air Plan is a comprehensive plan to improve Bay Area air quality and protect public health. The Clean Air Plan defines control strategies to reduce emissions and ambient concentrations of air pollutants; safeguard public health by reducing exposure to air pollutants that pose the greatest heath risk, with an emphasis on protecting the communities most heavily affected by air pollution; and reduce greenhouse gas emissions to protect the climate. Consistency with the Clean Air Plan can be determined if the project does the following: 1) supports the goals of the Clean Air Plan; 2) includes applicable control measures from the Clean Air Plan; and 3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan.

The 2017 Clean Air Plan aims to lead the region to a post-carbon economy, to continue progress toward attaining all State and federal air quality standards, and to eliminate health risk disparities from exposure to air pollution among Bay Area communities. The 2017 Clean Air Plan also includes a wide range of proposed control measures to reduce combustion-related activities, decrease fossil fuel combustion, improve energy efficiency, and decrease emissions of potent greenhouse gases.

Consistency with the Clean Air Plan is determined by whether or not the proposed project would result in significant and unavoidable air quality impacts or hinder implementation of control measures (e.g., excessive parking or preclude extension of transit lane or bicycle path). The proposed project would include two hotels on a vacant undeveloped site that would locate guests and employees near existing commercial, industrial, and residential uses in addition to public transportation facilities, reducing the demand for travel by single occupancy vehicles. The VTA light rail station is located approximately 600 feet west of the project site along with East Tasman Drive. A VTA bus stop is located immediately north of the VTA light rail station with the 140, 330, and 825 bus lines making stops. In addition, a VTA bus stop for the 140 line is located adjacent to the VTA parking lot along the south side of East Tasman Drive, and approximately 200 feet from the project site. Access to the project site would be available from the existing VTA parking lot and the proposed project would

[9] Bay Area Air Quality Management District, 2017. *Final 2017 Clean Air Plan.* Website: www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans (accessed September 14, 2017). April 19.

provide sidewalks along Alder Drive and Barber Lane. The proposed project would also provide 9 short-term and 18 long-term bicycle parking spaces, and therefore would support the ability of guests and employees to use alternative modes of transportation. In addition, the proposed project would implement a Transportation Demand Management (TDM) plan, which would include measures to reduce vehicle trips and increase use of bicycles, pedestrian walkways, and transit through site planning, design and other programs. Therefore, the project would promote the BAAQMD's initiatives to reduce vehicle trips and vehicle miles traveled and would increase the use of alternate means of transportation.

In addition, as indicated in the analysis that follows, the proposed project would not result in significant operational and construction-period emissions. Therefore, the proposed project supports the goals of the Clean Air Plan and would not conflict with any of the control measures identified in the plan as designed to bring the region into attainment. Additionally, the proposed project would not substantially increase the population, vehicle trips, or vehicle miles traveled. The proposed project would not hinder the region from attaining the goals outlined in the Clean Air Plan. Therefore, the proposed project would not hinder or disrupt implementation of any control measures from the Clean Air Plan.

*b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?* ***(Potentially Significant Unless Mitigation Incorporated)***

Both State and federal governments have established health-based Ambient Air Quality Standards for six criteria air pollutants: CO, ozone ($O_3$), $NO_2$, $SO_2$, Pb, and suspended particulate matter (PM). These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety. As identified above, the BAAQMD is under State non-attainment status for ozone, $PM_{10}$, and $PM_{2.5}$ standards. The Air Basin is also classified as non-attainment for both the federal ozone 8-hour standard and the federal $PM_{2.5}$ 24-hour standard.

Air quality standards for the proposed project are regulated by the BAAQMD CEQA Air Quality Guidelines.[10] According to the BAAQMD's CEQA Air Quality Guidelines, to meet air quality standards for operational-related criteria air pollutant and air precursor impacts, the project must not:

- Contribute to CO concentrations exceeding the State ambient air quality standards;
- Generate average daily construction emissions of Reactive Organic Gases (ROG), $NO_x$ or $PM_{2.5}$ greater than 54 pounds per day or $PM_{10}$ exhaust emissions greater than 82 pounds per day; or
- Generate operational emissions of ROG, $NO_x$ or $PM_{2.5}$ of greater than 10 tons per year or 54 pounds per day or $PM_{10}$ emissions greater than 15 tons per year or 82 pounds per day.

The following sections describe the proposed project's construction- and operation-related air quality impacts and CO impacts.

[10] Bay Area Air Quality Management District, 2017. *California Environmental Quality Act Air Quality Guidelines*. May. Website: http://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines.

**Construction Emissions**

During construction, short-term degradation of air quality may occur due to the release of particulate emissions generated by demolition, excavation, grading, hauling, and other activities. Emissions from construction equipment are also anticipated and would include CO, $NO_x$, ROG, directly-emitted particulate matter ($PM_{2.5}$ and $PM_{10}$), and TACs such as diesel exhaust particulate matter.

Site preparation and project construction would involve demolition, grading, paving, and building activities. Construction-related effects on air quality from the proposed project would be greatest during the site preparation phase due to the disturbance of soils. If not properly controlled, these activities would temporarily generate particulate emissions. Sources of fugitive dust would include disturbed soils at the construction site. Unless properly controlled, vehicles leaving the site would deposit dirt and mud on local streets, which could be an additional source of airborne dust after it dries. $PM_{10}$ emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. $PM_{10}$ emissions would depend on soil moisture, silt content of soil, wind speed, and the amount of operating equipment. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. Water or other soil stabilizers can be used to control dust, resulting in emission reductions of 50 percent or more. The BAAQMD has established standard measures for reducing fugitive dust emissions ($PM_{10}$). With the implementation of these Basic Construction Mitigation Measures, fugitive dust emissions from construction activities would not result in adverse air quality impacts.

In addition to dust-related $PM_{10}$ emissions, heavy trucks and construction equipment powered by gasoline and diesel engines would generate CO, $SO_2$, $NO_x$, VOCs and some soot particulate ($PM_{2.5}$ and $PM_{10}$) in exhaust emissions. If construction activities were to increase traffic congestion in the area, CO and other emissions from traffic would increase slightly while those vehicles idle in traffic. These emissions would be temporary in nature and limited to the immediate area surrounding the construction site.

Construction emissions were estimated for the project using the California Emissions Estimator Model (CalEEMod) v.2016.3.2, consistent with BAAQMD recommendations. As discussed in the project description, the proposed project would be constructed in two phases. The first phase would include construction of the Element Hotel and the second phase would include construction of the Aloft Hotel. For the first phase of project construction, approximately 55 cubic yards of soil would be exported offsite and during the second phase of construction, approximately 220 cubic yards of cut would be exported offsite, which were included as inputs to the CalEEMod analysis. Other construction details are not yet known; therefore, default assumptions (e.g., construction fleet activities) from CalEEMod were used. The first phase of construction would occur over approximately 15 months while the second phase of construction would occur over 14 months. Construction-related emissions are presented in Table 2. CalEEMod output sheets are included in Appendix A.

**Table 2: Project Construction Average Daily Emissions in Pounds Per Day**

| Project Construction | ROG | $NO_x$ | Exhaust $PM_{10}$ | Exhaust $PM_{2.5}$ |
|---|---|---|---|---|
| Element Hotel Emissions | 3.4 | 17.9 | 0.6 | 0.6 |
| Aloft Hotel Emissions | 2.7 | 17.2 | 0.6 | 0.6 |
| **Total Emissions** | **6.1** | **35.1** | **1.2** | **1.2** |
| BAAQMD Thresholds | 54.0 | 54.0 | 82.0 | 54.0 |
| **Exceed Threshold?** | **No** | **No** | **No** | **No** |

Source: LSA, 2018.

As shown in Table 2, construction emissions associated with the project would be less than significant for ROG, $NO_x$, $PM_{2.5}$, and $PM_{10}$ exhaust emissions. The BAAQMD requires the implementation of Basic Construction Mitigation Measures to reduce construction fugitive dust impacts to a less-than-significant level as follows:

> Mitigation Measure AIR-1: Consistent with the Basic Construction Mitigation Measures required by the BAAQMD, the following actions shall be incorporated into construction contracts and specifications for the Project:
>
> - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
> - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
> - All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
> - All vehicle speeds on unpaved roads shall be limited to 15 mph.
> - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
> - Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
> - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
> - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
> - A publicly visible sign shall be posted with the telephone number and person to contact at the City of Milpitas regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.

**Operational Air Quality Emissions**

Long-term air emission impacts are those associated with area sources and mobile sources related to the proposed project. In addition to the short-term construction emissions, the project would also generate long-term air emissions, such as those associated with changes in permanent use of the project site. These long-term emissions are primarily mobile source emissions that would result from vehicle trips associated with the proposed project. Area sources, such as natural gas heaters, landscape equipment, and use of consumer products, would also result in pollutant emissions.

$PM_{10}$ emissions result from running exhaust, tire and brake wear, and the entrainment of dust into the atmosphere from vehicles traveling on paved roadways. Entrainment of $PM_{10}$ occurs when vehicle tires pulverize small rocks and pavement and the vehicle wakes generate airborne dust. The contribution of tire and brake wear is small compared to the other PM emission processes. Gasoline-powered engines have small rates of particulate matter emissions compared with diesel-powered vehicles. Since much of the project traffic fleet would be made up of light-duty gasoline-powered vehicles, a majority of the $PM_{10}$ emissions would result from entrainment of roadway dust from vehicle travel.

Energy source emissions result from activities in buildings for which electricity and natural gas are used. The quantity of emissions is the product of usage intensity (i.e., the amount of electricity or natural gas) and the emission factor of the fuel source. Major sources of energy demand include building mechanical systems, such as heating and air conditioning, lighting, and plug-in electronics, such as refrigerators or computers. Greater building or appliance efficiency reduces the amount of energy for a given activity and thus lowers the resultant emissions. The emission factor is determined by the fuel source, with cleaner energy sources, like renewable energy, producing fewer emissions than conventional sources. Area source emissions associated with the project would include emissions from water heating and the use of landscaping equipment.

Emission estimates for operation of the project were calculated using CalEEMod. Model results are shown in Table 3. Trip generation rates for the project were based on the project's traffic impact analysis,[11] which estimates the proposed project would generate approximately 1,763 trips per day for the Element Hotel and 1,323 trips per day for the Aloft Hotel, with a total of 3,086 trips per day.

The primary emissions associated with the project are regional in nature, meaning that air pollutants are rapidly dispersed on release or, in the case of vehicle emissions associated with the project; emissions are released in other areas of the Air Basin. The daily emissions associated with project operational trip generation, energy and area sources are identified in Table 3 for ROG, $NO_x$, $PM_{10}$, and $PM_{2.5}$. The results shown in Table 3 indicate the project would not exceed the significance criteria for daily ROG, $NO_2$, $PM_{10}$ or $PM_{2.5}$ emissions; therefore, the proposed project would not have a significant effect on regional air quality and mitigation would not be required.

[11] Hexagon Transportation Consultants, Inc., 2018. *Traffic Impact Analysis for the Proposed Element/Aloft Hotel in Milpitas, California*. February 14.

**Table 3: Project Operational Emissions**

| | ROG | $NO_x$ | $PM_{10}$ | $PM_{2.5}$ |
|---|---|---|---|---|
| **Pounds Per Day** | | | | |
| **Element Hotel** | | | | |
| Area Source Emissions | 2.7 | 0.0 | 0.0 | 0.0 |
| Energy Source Emissions | 0.1 | 1.3 | 0.1 | 0.1 |
| Mobile Source Emissions | 3.1 | 10.9 | 7.2 | 1.9 |
| Total Element Hotel Emissions | 5.9 | 12.2 | 7.3 | 2.1 |
| **Aloft Hotel** | | | | |
| Area Source Emissions | 1.8 | 0.0 | 0.0 | 0.0 |
| Energy Source Emissions | 0.1 | 0.9 | 0.1 | 0.1 |
| Mobile Source Emissions | 2.1 | 7.5 | 5.4 | 1.5 |
| Total Aloft Hotel Emissions | 4.0 | 8.4 | 5.4 | 1.5 |
| **Total Project Emissions** | **9.9** | **20.6** | **12.7** | **3.6** |
| **BAAQMD Significance Threshold** | **54.0** | **54.0** | **82.0** | **54.0** |
| **Exceed?** | **No** | **No** | **No** | **No** |
| **Tons Per Year** | | | | |
| **Element Hotel** | | | | |
| Area Source Emissions | 0.5 | 0.0 | 0.0 | 0.0 |
| Energy Source Emissions | 0.0 | 0.2 | 0.0 | 0.0 |
| Mobile Source Emissions | 0.5 | 1.9 | 1.3 | 0.3 |
| Total Element Hotel Emissions | 1.0 | 2.2 | 1.3 | 0.4 |
| **Aloft Hotel** | | | | |
| Area Source Emissions | 0.3 | 0.0 | 0.0 | 0.0 |
| Energy Source Emissions | 0.0 | 0.2 | 0.0 | 0.0 |
| Mobile Source Emissions | 0.3 | 1.3 | 0.9 | 0.3 |
| Total Aloft Hotel Emissions | 0.7 | 1.5 | 1.0 | 0.3 |
| **Total Project Emissions** | **1.7** | **3.7** | **2.3** | **0.7** |
| **BAAQMD Significance Threshold** | **10.0** | **10.0** | **15.0** | **10.0** |
| **Exceed?** | **No** | **No** | **No** | **No** |

Source: LSA, 2018.

### Localized CO Impacts

The BAAQMD has established a screening methodology that provides a conservative indication of whether the implementation of a proposed project would result in significant CO emissions. According to the BAAQMD CEQA Guidelines, a proposed project would result in a less-than-significant impact to localized CO concentrations if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, and the regional transportation plan and local congestion management agency plans.
- Project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- The project would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, or below-grade roadway).

The proposed project would not conflict with standards established by the Santa Clara Valley Transportation Authority (VTA) for designated roads and highways, a regional transportation plan, or other agency plans. The project site is not located in an area where vertical or horizontal mixing of air is substantially limited. The project's trip generation would include a total of 164 AM peak hour trips and 210 PM peak hour trips; therefore, the project's contribution to peak hour traffic volumes at intersections in the vicinity of the project site would be well below 44,000 vehicles per hour. The intersection with the highest traffic volume adjacent to the site has peak hour traffic of 3,094 vehicles per hour, therefore total intersection traffic volumes would be well below the screening criteria level of 44,000 vehicles per hour. Therefore, the proposed project would not result in localized CO concentrations that exceed State or federal standards and this impact would be less than significant.

c) *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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?* ***(Less-Than-Significant Impact)***

CEQA defines a cumulative impact as two or more individual effects, which when considered together, are considerable or which compound or increase other environmental impacts. According to the BAAQMD, air pollution is largely a cumulative impact and no single project is sufficient in size to itself result in nonattainment of ambient air quality standards. In developing the thresholds of significance for air pollutants used in the analysis above, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. The BAAQMD CEQA Air Quality Guidelines indicate that if a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. If daily average or annual emissions of operational-related criteria air pollutants exceed any applicable threshold established by the BAAQMD, the proposed project would result in a cumulatively significant impact.

As shown in Tables 1 and 2, above, implementation of the proposed project, with implementation of Mitigation Measure AIR-1, would generate less-than-significant construction and operational emissions. Additionally, other proposed projects within the air basin would be required to implement BAAQMD Basic Construction Mitigation Measures as outlined in Mitigation Measure AIR-1. Therefore, the project would not make a cumulatively considerable contribution to regional air quality impacts.

d) *Expose sensitive receptors to substantial pollutant concentrations?* ***(Less-Than-Significant Impact)***

Sensitive receptors are defined as residential uses, schools, daycare centers, nursing homes, and medical centers. Individuals particularly vulnerable to diesel particulate matter are children, whose lung tissue is still developing, and the elderly, who may have serious health problems that can be aggravated by exposure to diesel particulate matter. Exposure from diesel exhaust associated with construction activity contributes to both cancer and chronic non-cancer health risks.

According to the BAAQMD, a project would result in a significant impact if it would: individually expose sensitive receptors to TACs resulting in an increased cancer risk greater than 10.0 in one million, increased non-cancer risk of greater than 1.0 on the hazard index (chronic or acute), or an annual average ambient $PM_{2.5}$ increase greater than 0.3 $\mu g/m^3$. A significant cumulative impact would

occur if the project in combination with other projects located within a 1,000-foot radius of the project site would expose sensitive receptors to TACs resulting in an increased cancer risk greater than 100.0 in one million, an increased non-cancer risk of greater than 10.0 on the hazard index (chronic), or an ambient $PM_{2.5}$ increase greater than 0.8 $\mu g/m^3$ on an annual average basis. Impacts from substantial pollutant concentrations are discussed below. As discussed below, this impact would be less than significant.

The closest sensitive receptors to the project site include the single-family residences located approximately 650 feet southeast of the project site along Summerfield Drive and the Cisco daycare center located approximately 900 feet to the north of the site. As described in Section III.b, above, construction of the proposed project may expose surrounding sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). However, project construction would be temporary and substantial air dispersion of construction emissions would not occur beyond 300 feet from the project site. Additionally, construction contractors would be required to implement the Basic Construction Mitigation Measures required in Mitigation Measure AIR-1. With implementation of Mitigation Measure AIR-1, project construction emissions would be below the BAAQMD's significance thresholds and once the project is constructed, the project would not be a source of substantial emissions. Therefore, sensitive receptors are not expected to be exposed to substantial pollutant concentrations during construction or operation of the proposed project, and potential impacts would be considered less than significant.

*e) Create objectionable odors affecting a substantial number of people?* ***(Less-Than-Significant Impact)***

During construction of the proposed project, the various diesel powered vehicles and equipment in use on site would create localized odors. These odors would be temporary and are not likely to be noticeable for extended periods of time beyond the project site. The potential for diesel odor impacts is therefore considered less than significant. Additionally, the proposed uses that would be constructed within the project site are not expected to produce any offensive odors that would result in frequent odor complaints. The proposed project would not include permanent sensitive receptors; therefore odor impacts on the project do not require further evaluation. Therefore, this impact would be less than significant.

| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **IV.** | **BIOLOGICAL RESOURCES.** 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 Game or U.S. Fish and Wildlife Service? | ☐ | ☒ | ☐ | ☐ |
| b) | Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☒ |
| c) | Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (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? | ☐ | ☐ | ☐ | ☒ |

## Methods

LSA conducted a biological resources assessment of the proposed project site, which included a review of available literature and databases and a reconnaissance-level field survey. Prior to conducting the survey, LSA searched the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California (8th edition) for records of special-status wildlife and plant species and sensitive habitat occurrences

within 5 miles of the project site.[12, 13] Database search results were supplemented by the professional experience of LSA biologists regarding the occurrence of special-status species in Santa Clara County. LSA also reviewed United States Geological Survey (USGS) topographic maps, the US Fish and Wildlife Service (USFWS) Critical Habitat Portal, and current Google Earth aerial images of the project site. LSA's biologist conducted a reconnaissance-level survey on August 28, 2017, to assess current habitat conditions and evaluate the potential for the site to support special-status wildlife and plant species. The survey was conducted on foot in order to provide visual coverage of the project site in its entirety. Wildlife and plant species observed during the survey were recorded in field notes. The scientific nomenclature and vernacular nomenclature for plant species used in this report are from the Jepson Flora Project.[14] When appropriate, vegetation classification follows A Manual of California Vegetation, second edition.[15] The scientific nomenclature for wildlife species used in this report is from the following sources: Crother[16] for amphibians and reptiles; American Ornithologists' Union[17] with corresponding supplements for birds and Shuford and Gardali[18] for bird subspecies; and Jones et al.[19] and Reid[20] (2006) for mammals. For wildlife species, subspecies names are used only when a specific subspecies is considered a special-status species by the CDFW, National Marine Fisheries Service (NMFS), and/or USFWS. Following is an overview of the conditions related to biological resources on the project site.

## Vegetation

The entire project site (3.4 acres) consists of mowed annual grassland dominated by non-native grasses including wild oats (*Avena* spp.) and Italian rye grass (*Festuca perennis*). No small mammal burrows (e.g., California ground squirrel [*Otospermophilus beecheyi*] and Botta's pocket gopher [*Thomomys bottae*] were observed onsite. A row of ornamental trees is planted on the adjacent property along the western border of the project site. Several shrubs are planted on the northern

[12] California Department of Fish and Wildlife, 2017. California Natural Diversity Data Base, Commercial Version, Updated April 4, 2017. California Department of Fish and Game, Biogeographic Data Branch, Sacramento, California. Accessed on August 1, 2017.

[13] California Native Plant Society, 2017. *Inventory of Rare and Endangered Vascular Plants of California*. Online. Accessed on August 21, 2017.

[14] Jepson Flora Project, 2017. Jepson eFlora. Website: ucjeps.berkeley.edu/IJM.html (accessed August 2017).

[15] Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens, 2009. *A Manual of California Vegetation*. Second Edition. California Native Plant Society in collaboration with the California Department of Fish and Game. Sacramento, California.

[16] Crother, B. I., editor, 2008. Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico, pp. 1-84. SSAR Herpetological Circular 37

[17] American Ornithologists' Union, 1998. *Check-list of North American Birds*, seventh edition. Washington, D. C. American Ornithologists' Union.

[18] Shuford, W. D., and T. Gardali, editors, 2008. California Bird Species of Special Concern: A Ranked Assessment of Species, Subspecies, and Distinct Populations of Birds of Immediate Conservation Concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

[19] Jones, C., et al., 1997. *Revised checklist of North American mammals north of Mexico*. Occasional Papers of the Museum of Texas Technological University No. 173.

[20] Reid, F.A., 2006. *A Field Guide to Mammals of North America*, 4th Edition. Houghton Mifflin, New York. p 592.

border of the project site along E. Tasman Drive. With the exception of the shrubs and ornamental trees, the site is surrounded by paved surfaces and urban development.

**Jurisdictional Waters**

No potential seasonal wetlands or other potentially jurisdictional water features, including storm drains, were documented on or adjacent to the project site.

**Wildlife**

The highly urbanized nature of the project site reduces the likelihood for sensitive native wildlife species to be present. The site is surrounded by heavily used roadways and urban development for miles on all sides and is difficult for terrestrial wildlife to access. Terrestrial wildlife species that may occur in the vicinity of the proposed project are those adapted to urban habitats of the Bay Area bioregion. These species include northern raccoon (*Procyon lotor)*, Virginia opossum (*Didelphis virginiana)*, and striped skunk (*Mephitis mephitis)*.

Bird species may access the project site. Bird species that may occur on or in the vicinity of the proposed project are also those adapted to urban habitats of the Bay Area bioregions. These species may include European starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), house finch (*Haemorhous mexicanus*), Northern mockingbird (*Mimus polyglottos*), American crow (*Corvus brachyrhynchos*), Eurasian collared-dove (*Streptopelia decaocto*), dark-eyed junco (*Junco hyemalis*), and rock pigeon (*Columba livia*). The ornamental trees adjacent to the project site provide nesting habitat for bird species. Common bird species observed during the reconnaissance level survey were American crow, dark-eyed junco, and Eurasian collar-dove. The ornamental trees did not appear large enough to provide suitable nesting habitat for larger urban-adapted raptors, including red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*B. lineatus*), and Cooper's hawk (*Accipiter cooperi*).

*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 Game or U.S. Fish and Wildlife Service?* ***(Potentially Significant Unless Mitigation Incorporated)***

For the purpose of this analysis, special-status species are defined as follows:

- Species that are listed, formally proposed, or designated as candidates for listing as threatened or endangered under the federal Endangered Species Act (ESA);
- Species that are listed, or designated as candidates for listing, as rare, threatened, or endangered under the California Endangered Species Act (CESA);
- Plant species assigned to California Rare Plant Ranks 1A, 1B, and 2A and 2B;
- Wildlife species designated as Species of Special Concern or Fully Protected by the California Department of Fish and Wildlife (CDFW);
- Species that meet the definition of rare, threatened, or endangered under Section 15380 of the CEQA guidelines; or
- Species considered a taxon of local concern by local agencies.

**Plants**

According to aerial imagery, the grassland on the project site appears to have been graded within the last several years and has been routinely mowed since the late 1990s.

Table 4 provides a list of nine special-status plant species evaluated for the potential to occur within the project site. Based on a review of the distribution and habitat requirements of these species and the habitat conditions within the project site, LSA determined that none of the nine special-status plant species have the potential to occur on the project site. In addition, no designated critical habitat for federally protected plant species occurs on the project site. There are no extant records of special-status plant species in CNDDB or CNPS within 0.5 mile of the project site, and none are expected to occur within the project site. As such, impacts to special-status plant species are anticipated to be less than significant, and no mitigation is required.

**Wildlife**

Table 5 provides a list of 17 special-status wildlife species evaluated for their potential to occur on the project site and to be impacted by the development activities. Based on a review of the distribution and habitat requirements of these species and the urban/developed nature of the project site, the LSA biologist determined that all 17 of these species have no potential to occur on the project site.

While LSA determined that burrowing owl (*Athene cunicularia*) is not likely to occur on the project site due to the lack of small-mammal burrows, the ornamental trees adjacent to the project site provide suitable habitat for other native nesting birds protected under the federal Migratory Bird Treaty Act (MBTA) and Section 3503 of the California Fish and Game Code. The project site also provides habitat for native ground nesting birds. As a result, birds protected under these regulations have the potential to nest on or in the vicinity of the project site. Designated critical habitat for federally listed wildlife species does not occur on the project site. The following mitigation measure would reduce the potential for direct and indirect impacts to native nesting birds covered under the MBTA and/or California Fish and Game Code to a less-than-significant level.

> Mitigation Measure BIO-1: If project activities occur during the nesting season for native birds (February 1 to August 31), a qualified biologist shall conduct a pre-construction nesting bird survey prior to vegetation removal, vegetation trimming, or ground-disturbing activities. The survey area shall include all suitable nesting habitat onsite and within a 250-foot buffer of the work areas for passerine species, and a 500-foot buffer of the work areas for raptor species. The survey shall be conducted no more than 14 days prior to the start of work. If the survey determines the presence of nesting birds, the biologist shall determine an appropriately sized exclusion zone around the nest in which no work will be allowed until the young have successfully fledged (or the nest has been abandoned). Exclusion zones shall be clearly delineated (i.e., orange construction fencing) around each active nest site. The size of the exclusion zone shall be determined by the biologist and shall be based on the nesting species and its sensitivity to disturbance. Typically, passerine species are provided with buffers measuring 50 to 100 feet, and raptors are provided with 300-foot buffers. Active nest sites shall be monitored periodically to determine time of fledging.

With the implementation of Mitigation Measure BIO-1, impacts to special-status species resulting from the proposed project would be reduced to a less-than-significant level.

**Table 4: Special-Status Plant Species Evaluated**

| Species | Status* (Federal/State/CRPR) | Habitat/Blooming Period | Occurrence or Potential, Rationale for Exclusion, and/or Other Details |
|---|---|---|---|
| **Apiaceae** | | | |
| *Eryngium aristulatum var. hooveri* Hoover's button-celery | –/–/1B.1 | This perennial herb occurs in vernal pools between sea level and 150 feet in elevation. It blooms in July. | There is no vernal pool habitat present within the project site; this species is not expected to occur. |
| **Asteraceae** | | | |
| *Centromadia parryi congdonii* Congdon's tarplant | –/–/1B.1 | This annual herb occurs in alkaline soils in valley and foothill grassland, below 750 feet in elevation. It blooms May through November. | There is marginally suitable grassland present within the project site. However, due to the history of disturbance, this species is not expected to occur. |
| **Boraginaceae** | | | |
| *Plagiobothrys glaber* Hairless popcorn flower | –/–/1A | Alkaline meadows and seeps and coastal salt marshes and swamps, between sea level and 600 feet in elevation. It blooms March through May. | There is no alkaline meadow, seep, coastal salt marsh, or swamp habitat within the project site; this species is not expected to occur. |
| **Fabaceae** | | | |
| *Astragalus tener* var. *tener* Alkali milkvetch | –/–/1B.2 | Adobe clay soil in playas, alkaline vernal pools and alkali flats within valley grassland, below 550 feet in elevation. It blooms from March through June. | There is no playa or vernal pool habitat present within the project site; this species is not expected to occur. |
| *Trifolium hydrophilum* Saline clover | –/–/1B.2 | This annual herb occurs in marshes and swamps, mesic valley and foothill grassland with alkaline soils, and vernal pools below 1,000 feet in elevation. It blooms April through June. | There is no marsh, swamp, or vernal pool habitat present within the project site; this species is not expected to occur |
| **Malvaceae** | | | |
| *Malacothamnus arcuatus* Arcuate bush mallow | –/–/1B.2 | This perennial evergreen shrub occurs in chaparral and cismontane woodland habitats at elevations between 50 and 1,165 feet. It blooms April through September. | There is no suitable chaparral or cismontane woodland within the project site; this species is not expected to occur. |
| *Malacothamnus hallii* Hall's bush mallow | –/–/1B.2 | This evergreen shrub occurs in chaparral and coastal scrub below 3,000 feet in elevation. It blooms May through September. | There is no suitable chaparral or coastal scrub within the project site; this species is not expected to occur. |

## Table 4: Special-Status Plant Species Evaluated

| Species | Status* (Federal/State/CRPR) | Habitat/Blooming Period | Occurrence or Potential, Rationale for Exclusion, and/or Other Details |
|---|---|---|---|
| **Orobanchaceae** | | | |
| *Chloropyron maritimum palustre*<br>Point Reyes salty bird's-beak | –/–/1B.2 | This hemiparasitic annual herb occurs in coastal marshes and swamps from 0 to 33 feet in elevation. It blooms June through October. | There are no coastal marshes or swamps within the project site; this species is not likely to occur. |
| **Polygonaceae** | | | |
| *Chorizanthe robusta* var. *robusta*<br>Robust spineflower | FE/–/1B.1 | This delicate, low-growing annual herb grows in sandy or gravelly soils in maritime chaparral, cismontane woodland openings, coastal dunes, and coastal scrub below 1,000 feet in elevation. | There is no chaparral, cismontane woodland openings, coastal dunes, and coastal scrub habitat within the project site; this species is not expected to occur. |

*CALIFORNIA RARE PLANT RANK (CRPR)
CRPR 1B – Plants rare, threatened, or endangered in California and elsewhere.
CRPR 2B – Plants rare, threatened, or endangered in California, but more common elsewhere.

FEDERAL AND STATE LISTING STATUS
FE Listed or proposed for listing as endangered under the Endangered Species Act (ESA) or candidates for possible future listing as endangered under the ESA (50 CFR Section 17.12).
CE Listed or candidates for listing by the State of California at endangered under CESA (Fish and Game Code Section 2050 et seq.). A plant is endangered when the prospects of its survival and reproduction in the wild are in immediate jeopardy from one or more causes, including predation, competition, disease, or other factors (Fish and Game Code Section 2062).

Source: California Department of Fish and Wildlife, 2017. California Natural Diversity Database.

## Table 5: Special-Status Wildlife Species Evaluated

| Species | Status[a] (Federal/State) | Habitat | Potential for Occurrence Within the Proposed Project Site |
|---|---|---|---|
| **Amphibians** | | | |
| California tiger salamander, Central California Distinct Population Segment (DPS) *Ambystoma californiense* | FT/ST | Grasslands and low foothill regions. Seasonal ponds that remain until May or June within grassland where individuals estivate in rodent burrows or cracks in the soil | There are two extant CNDDB records of this species within 5 miles of the project site. The closest was documented 3.81 miles north of the project site where three larvae were captured and released in a grazed grassland in 1995. The site has since been almost completely developed and only a remnant habitat exists. No suitable aquatic habitat (e.g., seasonal ponds) is present in the vicinity of the project site and therefore, no possibility of breeding activity in the vicinity of the site. The project site is surrounded by urban development and heavily used roadways and is not accessible. Based on the lack of accessible suitable habitat and nearby aquatic habitat, this species is not likely to occur. |
| **Reptiles** | | | |
| Western pond turtle *Actinemys marmorata* | –/CSC | Found in ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Requires basking sites and adjacent grasslands or other open habitat for egg-laying. | There are two CNDDB occurrences of this species in the vicinity of the project site. The closest was documented 2.66 miles south of the project site in an urban stream with engineered banks, where several individuals were observed during a trapping survey in 1997. It is possible that pond turtles occur in a similar urban stream, located 0.4 mile west of the project site. The area between the stream and the project site is occupied completely by urban development and heavily used roadways. Therefore, the project site is not accessible to western pond turtles. |
| Alameda whipsnake *Masticophis lateralis euryxanthus* | FT/CT | Commonly associated with chaparral and scrub habitats, which serve as center of home ranges. Also occur in nearby grassland, oak savannah, woodland, and rocky outcrops. Occurs throughout Contra Costa County, most of Alameda County, and portions of Santa Clara and western San Joaquin Counties. | There are six CNDDB occurrences of this species documented within five miles of the project site between 2012 and 2016. Specific locations of Alameda whipsnake occurrences are suppressed in CNDDB. There is no suitable home range habitat (chaparral and scrub) present on the project site. While the site does support grassland, it is surrounded by heavily used roadways and not accessible to Alameda whipsnakes. Therefore, Alameda whipsnake do not occur on the project site. |
| **Birds** | | | |
| Tricolored blackbird *Agelaius tricolor* | SC/CSC | Breeds in large colonies near freshwater, preferably emergent wetland such as cattails and tules but also in thickets of willow and other shrubs. Requires nearby foraging areas with large numbers of insects. | There are four extant CNDDB occurrences of this species within five miles. The closest was a small colony of about 12 pairs, which was observed breeding in 1992. No birds have been observed at this location in subsequent years, and there is no longer any vegetation in this area. While the project site supports grassland, it is only present on the small plot otherwise surrounded by heavily used roadways and urban development and is not likely to support foraging blackbirds. As such, tricolored blackbird is not likely to occur. |

## Table 5: Special-Status Wildlife Species Evaluated

| Species | Status[a] (Federal/State) | Habitat | Potential for Occurrence Within the Proposed Project Site |
|---|---|---|---|
| Golden eagle<br>*Aquila chrysaetos* | –/CFP | Rolling foothills and mountain areas. Nests in cliff-walled canyons or large trees in open areas. | Suitable foraging and nesting habitat are not present on the project site. There is only one CNDDB occurrence documented within 5 miles of the project site. This occurrence was documented in 1993 when two juveniles were banded at a nest site 4.52 miles north of the project site in a canyon. Based on the lack of suitable habitat and nearby occurrences, this species is not likely to occur. |
| Burrowing owl<br>*Athene cunicularia* | –/CSC | Grassland species, primarily inhabits well-drained open areas characterized by sparse vegetation and bare ground. Nests and roosts in underground burrows, usually created by California ground squirrel (*Otospermophilus beecheyi*), in areas with short vegetation. Often occurs in developed areas and uses man-made structures for roosting and/or nest sites (i.e., storm drains). Diurnal, active both during the day and night. | There are 19 extant documented CNDDB occurrences of burrowing owl within 5 miles of the project site. Both adult and juvenile birds have been documented at various burrow sites located in Elmwood Correctional Facility 0.14 miles northeast of the project site in 1999, 2002, 2003, and 2006. While this species is known to occur nearby, No burrows were documented on the project site. As a result, there is no potential for burrowing owls to occur on this site as winter residents or breeding adults. |
| Western snowy plover<br>*Charadrius alexandrinus nivosus* | FT/– | Nests on sandy beaches and salt pond levees. | The closest occurrence of this species is located in the salt evaporator ponds on either side of Alviso Slough, 2.44 miles west of the project site. Nesting snowy plovers were observed at the Alviso site in 1971, 1999, 2006, 2007, and 2009. There are no sandy beaches or salt ponds located on the project site, and this species would not occur on this site. |
| White-tailed kite<br>*Elanus leucurus* | –/CFP | Forages over open habitats, such as grasslands, pastures, and fields with good populations of voles and other small rodents. Nests in isolated trees and along the edges or woodlands near open areas. | There are two CNDDB occurrences of this species within five miles. The closest occurrence was documented via aerial surveys in 1971, where two adults were documented nesting in a eucalyptus tree 1.71 miles north of the project site. No nestlings were observed. The second occurrence was documented in 2004, when two adults were observed to be nesting in an ornamental pine 2.70 miles north of the project site. There are no isolated trees suitable for nesting on the project site. While the project site supports grasslands, it is not likely to be used by foraging kites due to isolation from other large undeveloped tracts of land and a high level of disturbance. As a result, this species is not likely to occur. |
| American peregrine falcon<br>*Falco peregrinus anatum* | Delisted/ Delisted, CFP | Occurs in open country, mountains, and sea coasts; nests on high cliffs, bridges, and buildings. | There is one CNDDB occurrence of a nesting peregrine falcon documented 2.66 miles south of the project site. This falcon has nested in a nest box set up in a high rise office building every year from 2006 to 2015.There is no suitable open habitat or high buildings for this species on the project site. As such, this species does not occur here as a nesting bird.. |

## Table 5: Special-Status Wildlife Species Evaluated

| Species | Status[a] (Federal/State) | Habitat | Potential for Occurrence Within the Proposed Project Site |
|---|---|---|---|
| Saltmarsh common yellowthroat *Geothlypis trichas sinuosa* | –/CSC | Inhabits salt, brackish, and freshwater marshes; and riparian woodlands. Nests on or near ground in low vegetation. | There are four occurrences of this species within five miles of the project site, all documented prior to 1999. All four occurrences are located in salt marsh habitat to the north and west of the project site. Due to the lack of salt marsh on the project site, this species does not occur. |
| California black rail *Laterallus jamaicensis coturniculus* | –/ST, CFP | Tidal salt marshes bordering larger bays heavily grown with pickleweed. | There are three CNDDB occurrences documented within five miles of the project site. The closest recent occurrence was documented in a restored salt marsh (Alviso Slough) 3.70 miles west of the project site, where two adults and three chicks were videotaped and photographed in 2015. However, due to the lack of salt marsh on the project site, this species does not occur. |
| Alameda song sparrow *Melospiza melodia pusillula* | –/CSC | Inhabits tidal salt marshes on the fringes of south and central San Francisco Bay. Nests primarily in pickleweed and marsh gumplant. | There are three CNDDB occurrences of this species within 5 miles of the project site. Two were documented in 1947. The third was documented 3.01 miles west of the project site in a restored coastal salt marsh (Alviso Slough), where song sparrows were observed in 1899, 1934, and in 2004. However, due to the lack of salt marsh on the project site, this species does not occur. |
| California Ridgway's rail (formerly clapper rail) *Rallus obsoletus obsoletus* | FE/SE, CFP | Salt-water and brackish marshes traversed by tidal sloughs in the vicinity of San Francisco Bay. | Adult California Ridgway's rails were documented west of the project site in Alviso Slough in 1975 during the winter. There is no salt marsh present on the project site. Due to the lack of suitable habitat and recent occurrences from previously identified sites in the vicinity, this species does not occur. |
| **Mammals** | | | |
| Pallid bat *Antrozous pallidus* | –/CSC | Roosts in crevices in rock outcrops, in the expansion joints under bridges, buildings, mines, hollow trees, trees with exfoliated bark; forages on large terrestrial insects by gleaning in open habitats. | Due to the lack of riparian vegetation that provides foraging habitat for this species and the absence of suitable roosting habitat on the project site, pallid bats would not occur on this site. There is one documented occurrence 4.25 miles south of the project site, where several males and females were collected in 1942 and 1943. Based on the lack of suitable habitat, this species does not occur. |
| Townsend's big-eared bat *Corynorhinus townsendi* | –/CSC | Requires spacious cavern-like structures for roosting, typically caves or mines but also in large hollows of trees, attics and abandoned buildings, lava tubes, and under bridges. Forages over a variety of habitats. | While bats may briefly forage over the project site, no suitable roosting habitat is present on either project site. There is one documented occurrence 4.25 miles south of the project site, where several males and females were collected in 1935, 1942, and 1943. Based on the lack of suitable habitat, this species does not occur. |

## Table 5: Special-Status Wildlife Species Evaluated

| Species | Status[a] (Federal/State) | Habitat | Potential for Occurrence Within the Proposed Project Site |
|---|---|---|---|
| Salt-marsh harvest mouse *Reithrodontomys raviventris* | FE/CE, CFP | Saline emergent wetlands of San Francisco Bay and its tributaries. Pickleweed is its primary habitat. | There are eight extant CNDDB occurrences of this species within five miles of the project site. All eight occurrences were documented in salt marsh habitat north of the project site. Due to the lack of salt marsh on or adjacent to the project site, this species does not occur. |
| Salt-marsh wandering shrew *Sorex vagrans halicoetes* | | | There are two CNDDB occurrences of this species, one documented in 1980 and one in 1951. Both occurrences were documented in salt marsh habitat north of the project site. Due to the lack of salt marsh on or adjacent to the project site, this species does not occur. |

[a] Status:
FE Federally endangered
FT Federally threatened
SE State endangered
ST State threatened
SC State candidate
CSC California Species of Special Concern
CFP California Fully Protected Species

Source: California Department of Fish and Wildlife, 2017. California Natural Diversity Database.

*b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?* ***(No Impact)***

No riparian vegetation or other sensitive natural community was documented on the project site. Therefore, the proposed project would not impact any sensitive natural communities identified by CDFW or the USFWS, and no mitigation is necessary.

*c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means?* ***(No Impact)***

No wetlands or other jurisdictional water features were documented on the project site. Therefore, the proposed project would not impact any federally protected water features as defined by Section 404 of the Clean Water Act, and no mitigation is necessary.

*d) Interfere substantially with the movement of any native resident or migratory fish or wildlife s*pecies or with established native resident or migratory wildlife corridors, or impede the *use of native wildlife nursery sites?* ***(No Impact)***

The proposed project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or migratory wildlife corridors, or impede the use of wildlife nursery sites. Currently, heavily-used major roadways and miles of urban development surround the project site on all sides. As such, there are no established corridors that facilitate wildlife movement through the site. While the proposed project does involve the construction of structures, it is not likely to block existing wildlife movements. The project site does not support native wildlife nurseries such as heron rookeries. As such, nurseries would not be impacted by the proposed project, and no mitigation is necessary.

*e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?* ***(No Impact)***

There are no trees located on the project site. No public policies or ordinances protect any other biological resources on the project site. As such, the proposed project will not conflict with any local policies or ordinances, and no mitigation is necessary.

*f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?* ***(No Impact)***

The project site does not fall within the Covered Area for the Santa Clara Valley Habitat Plan,[21] but it does fall within the Plan's Expanded Study Area and Permit Area for Burrowing Owl Conservation. Only activities pertinent to the conservation of burrowing owls are considered to be Covered

[21] ICF International. 2012. *Final Santa Clara Valley Habitat Plan*. Website: scv-habitatagency.org/DocumentCenter/Home/View/143 (accessed September 12, 2017). August.

Activities within this expanded study area. As such, the proposed project is not considered to be a Covered Activity under the Santa Clara Valley Habitat Plan. No other Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plans apply to the project site. Therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan, and no mitigation is required.

| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **V.** | **CULTURAL RESOURCES.** Would the project: | | | | |
| a) | Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | ☐ | ☒ | ☐ | ☐ |
| b) | Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | ☐ | ☒ | ☐ | ☐ |
| c) | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☒ | ☐ | ☐ |
| d) | Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☒ | ☐ | ☐ |

*a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?* ***(Potentially Significant Unless Mitigation Incorporated)***

For a cultural resource to be considered a historical resource (i.e., eligible for listing in the California Register of Historical Resources), it generally must be 50 years or older. Under CEQA, historical resources can include pre-contact (i.e., Native American) archaeological deposits, historic-period archaeological deposits, historic buildings, and historic districts.

To identify historical resources on the project site, the following tasks were completed for this Initial Study: (1) a records search was conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System, and appropriate background literature was reviewed;[22] and (2) a cultural resources survey was completed of the project site. Consultation with Native American tribes was also completed for the project, the results of which are presented in

[22] The NWIC is an affiliate of the State of California Office of Historic Preservation (OHP) and is the official State repository of cultural resources records and reports for Santa Clara County.

Section XVII, Tribal Cultural Resources of this Initial Study. The results of the records search, literature review, and field survey are summarized below. The Cultural and Tribal Resources Study[23] is located in Appendix B.

**Records Search and Literature Review**

The records search at the NWIC was conducted on August 11, 2017, and included a review of archaeological site location information and a review of the State of California Office of Historic Preservation (OHP) *Directory of Properties in the Historic Property Data File* (April 5, 2012). The NWIC records search did not identify recorded historical resources at or immediately adjacent to the project site. A total of four previous cultural resource surveys that included the project site were on file at the NWIC.[24,25,26,27] None of these previous surveys identified historical resources at the project site.

Native American archaeological sites have been recorded near the project site, including along the historic margin of bay tidal marshland and near creeks, indicating a general sensitivity of the area for pre-contact archaeological sites.

Geologic mapping shows that the entire project site is underlain by Holocene-age (less than 11,500 years ago) deposits that consist of alluvial gravel, sand, and clay.[28] These sediments were eroded from higher elevations, carried by flooding streams and debris flows, and deposited in the Santa Clara Valley. Notably, several buried Native American sites with sparse or no surface evidence have been unearthed throughout Santa Clara Valley on Holocene landforms, and these landforms have an elevated potential to contain buried surfaces and associated pre-contact archaeological deposits.

Historical U.S. Geological Survey topographic maps from the late 19th century do not depict buildings at the project site. An aerial photograph from 1948 indicates that this area was undeveloped agricultural land at that time. This review indicates that the project site was unoccupied and, therefore, has a low potential for significant historic-period archaeological deposits (e.g., artifact-filled features, such as wells or privies, and structural remains).

[23] LSA. 2017. Cultural and Tribal Resources Study for the Element/Aloft Hotels Project. September 7.

[24] Archaeological Resource Management, 1980. *Cultural Resource Evaluation for the Perry and Ariallaga Project in Milpitas, California.* Archaeological Resource Management, San Jose, California.

[25] Archaeological Resource Management, 1989. *Historic Architectural Survey Report for Tasman Drive Interchange Project. San Jose, California.* Archaeological Resource Management, San Jose, California.

[26] Archaeological Resource Management, 1998. *Cultural Resource Evaluation of the Cisco Milpitas Project in the City of Milpitas. San Jose, California.* Archaeological Resource Management, San Jose, California.

[27] California Department of Transportation, 1985. *Negative Archaeological Survey Report, Tasman Drive Interchange.* California Department of Transportation, Oakland.

[28] Dibblee, Jr., T.W., 2005. *Geologic map of the Milpitas Quadrangle, Alameda & Santa Clara Counties, California.* Dibblee Geological Foundation, Dibblee Foundation Map DF-153, scale 1:24,000. Santa Barbara Museum of Natural History, Santa Barbara, California.

**Cultural Resources Survey**

A cultural resources survey at the project site was completed on August 17, 2017. Visibility of native, exposed soil was limited to less than 5 percent throughout the site due to the presence of dense vegetation, consisting of seasonal grasses. Hand tools were used to periodically clear vegetation from random locations within the site to inspect the ground surface for archaeological materials. No cultural resources were identified as a result of the field survey.

Although no archaeological deposits are recorded at the project site, several pre-contact archaeological deposits have been unearthed in Santa Clara Valley during construction. Some of these deposits exhibit few, if any, surface artifacts or other indications of Native American occupation. Should project excavation unearth intact archaeological deposits, a substantial adverse change to a historical resource would occur due to the partial or complete destruction of the resource. This destruction would undermine the integrity of the resource, such that it would no longer be eligible for listing in the California Register of Historical Resources. As such, project ground-disturbing activities could have a substantial adverse change on buried archaeological deposits that qualify as historical resources, as defined in CEQA Guidelines Section 15064.5, and could materially impair pre-contact archaeological deposits.

> Mitigation Measure CULT-1a: Prior to project ground disturbance, all construction contractor(s) responsible for overseeing and operating ground-disturbing mechanical equipment (e.g., on-site construction managers and backhoe operators) shall be alerted to the sensitivity of the project site for buried archaeological deposits. A qualified archaeologist shall conduct a "tailgate presentation" to alert relevant construction personnel of the appropriate procedures that should be undertaken if archaeological deposits or human remains are encountered during construction.
>
> Mitigation Measure CULT-1b: Project ground disturbance shall be monitored by an archaeologist. Monitoring shall continue at this location until the archaeologist determines that there is a low potential for subsurface archaeological deposits. The archaeological monitoring shall be overseen by an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards for archaeology.
>
> Should an archaeological deposit be encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and the on-site archaeologist shall assess the deposit, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. The City shall be notified by the construction contractor within 24 hours of the encounter. If found to be significant by the on-site archaeologist (i.e., eligible for listing in the California Register of Historical Resources), the applicant shall be responsible for funding and overseeing implementation of appropriate mitigation measures. Mitigation measures may include, but would not be limited to, recording the archaeological deposit, data recovery and analysis, and public outreach. Upon completion of the selected mitigations, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review, and the final report shall be submitted to the Northwest Information Center at Sonoma State University. Significant archaeological materials shall be submitted to an appropriate local curation facility and used for future research and public interpretive displays, as appropriate.

Mitigation Measure CULT-1c: Should an archaeological deposit be encountered during project subsurface construction activities when an archaeological monitor is not on site, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology contacted to assess the situation, determine if the deposit qualifies as a historical resource, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. If the deposit is found to be significant (i.e., eligible for listing in the California Register of Historical Resources), the applicant shall be responsible for funding and implementing appropriate mitigation measures. Mitigation measures may include recordation of the archaeological deposit, data recovery and analysis, and public outreach regarding the scientific and cultural importance of the discovery. Upon completion of the selected mitigations, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review, and the final report shall be submitted to the Northwest Information Center at Sonoma State University. Significant archaeological materials shall be submitted to an appropriate local curation facility and used for future research and public interpretive displays, as appropriate.

On-site monitoring of ground disturbance by an archaeologist and work stoppage in the event of an archaeological discovery would ensure that: (1) if archaeological cultural resources are identified during excavation, these would be evaluated, documented, and studied in accordance with standard archaeological practice, and (2) archaeological deposits and human remains would be treated in accordance with appropriate State codes and regulations. As such, implementation of the above mitigation measures would reduce the project's potential impacts to archaeological historical resources to a less-than-significant level.

*b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?* ***(Potentially Significant Unless Mitigation Incorporated)***

In accordance with CEQA Guidelines Section 15064.5(c)), if the project would affect an archaeological deposit, the lead agency must first determine whether the deposit is a "historical resource" (see CEQA Guidelines Section 15064.5(a)). If the deposit is not a historical resource, the lead agency must determine if the deposit is a "unique archaeological resource."

As described in Section V.a, above, background research was done to identify archaeological deposits and the potential for encountering such deposits, including those that qualify as archaeological resources under CEQA. This background research determined that there are no recorded archaeological resources on the project site, although there is a potential for encountering subsurface archaeological deposits during construction.

Based on the significance criteria identified above, the project would have a significant impact on the environment if ground-disturbing activities would cause a substantial adverse change in the significance of a historical or archaeological resource. A substantial adverse change in the significance of an archaeological resource would occur from its demolition, destruction, relocation, or alteration such that the significance of the resource would be materially impaired (CEQA Guidelines Section 15064.5(b)(1)). For the proposed project, the significance of a historical resource would be materially impaired if ground disturbance would alter in an adverse manner those physical characteristics of the resource that convey its historical significance and that justify its eligibility for inclusion in the

California Register of Historical Resources. The proposed project could affect previously unidentified archaeological deposits, thereby causing a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5. However, potential impacts would be reduced to a less-than-significant level with implementation of Mitigation Measures CULT-1a, CULT-1b, and CULT-1c.

*c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?* ***(Potentially Significant Unless Mitigation Incorporated)***

Geologic maps of the project site and relevant geological and paleontological literature were reviewed to determine which geologic units are present within the project site and whether fossils have been recovered within the project site or from those of similar geologic units elsewhere in the region. A search for known fossil localities was also conducted through the online collections database of the University of California Museum of Paleontology (UCMP) at the University of California, Berkley, to determine the status and extent of previously recorded paleontological resources within and surrounding the project site.

Geologic mapping by Dibblee[29] shows that the entire project site is underlain by Quaternary Alluvium, which is Holocene in age (less than 11,700 years ago). Scientifically important fossils from Middle to Early Holocene deposits are not very common, and the UCMP has no records of vertebrate fossil localities from Holocene deposits within or near the project site. However, Pleistocene (11,700-2.588 million years ago) sediments, which may be encountered beneath the Quaternary Alluvium at depths approximately 10 feet or more, have produced a variety of scientifically important fossils elsewhere in Santa Clara County and the region. These fossils include large and small mammals, reptiles, fish invertebrates, and plants.

Although no paleontological resources or unique geological features are known to exist within or near the project site, according to the locality search through the UCMP online collections database, there are 10 known localities from Pleistocene deposits within Santa Clara County which have produced 34 specimens of vertebrates and invertebrates. Because there is a potential to find these fossils in Pleistocene sediments, the deposits within the project site are considered to have a high paleontological sensitivity below 10 feet and a low sensitivity above that depth. As such, project ground-disturbing activities could directly or indirectly destroy a unique paleontological resource or site by unearthing or otherwise displacing fossils in Pleistocene sediments that underlie the project site. However, implementation of Mitigation Measure CULT-2, described below, would reduce potential impacts to paleontological resources to a less-than-significant level.

> Mitigation Measure CULT-2: Should paleontological resources be encountered during project subsurface construction activities, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. For purposes of this mitigation, a "qualified paleontologist" shall be an individual with the following qualifications: (1) a graduate degree in paleontology or geology and/or a person with a demonstrated publication record in peer-reviewed paleontological journals; (2) at least two

[29] Ibid.

years of professional experience related to paleontology; (3) proficiency in recognizing fossils in the field and determining their significance; (4) expertise in local geology, stratigraphy, and biostratigraphy; and (5) experience collecting vertebrate fossils in the field. If the paleontological resources are found to be significant and project activities cannot avoid them, measures shall be implemented to ensure that the project does not cause a substantial adverse change in the significance of the paleontological resource. Measures may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and accessioning the fossil material and technical report to a paleontological repository. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City for review. If paleontological materials are recovered, this report also shall be submitted to a paleontological repository such as the University of California Museum of Paleontology, along with significant paleontological materials. Public educational outreach may also be appropriate.

The City shall inform its contractor(s) of the sensitivity of the project site for paleontological resources and shall verify that the following directive has been included in the appropriate contract documents:

> *"The subsurface of the construction site may be sensitive for fossils. If fossils are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Fossils can include plants and animals, and such trace fossil evidence of past life as tracks or plant imprints. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Contractor acknowledges and understands that excavation or removal of paleontological material is prohibited by law and constitutes a misdemeanor under California Public Resources Code, Section 5097.5."*

*d) Disturb any human remains, including those interred outside of formal cemeteries?* ***(Potentially Significant Unless Mitigation Incorporated)***

No human remains have been identified at the project site. In the Santa Clara Valley, Native American skeletal remains are often associated with archaeological deposits, which are frequently buried in this region beneath Holocene alluvial soils. Disturbance by the project of Native American remains interred outside of formal cemeteries would result in a significant impact. If human remains are identified during project construction, Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources Code shall apply, as appropriate. Project ground-disturbing activities have the potential to unearth Native American human remains. Implementation of Mitigation Measure CULT-3 would ensure that potential impacts related to human remains are reduced to a less-than-significant level.

Mitigation Measure CULT-3: If human remains are identified during construction and cannot be preserved in place, the applicant shall fund 1) the removal and documentation of the human remains from the project site by a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for Archeology; 2) the scientific analysis of the remains by a qualified archaeologist, should such analysis be permitted by the Native American Most Likely Descendent; and 3) the reburial of the remains, as appropriate. All excavation, analysis, and reburial of Native American human remains shall be done in consultation with the Native American Most Likely Descendent, as identified by the California Native American Heritage Commission.

| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **VI.** | **GEOLOGY AND SOILS.** Would the project: | | | | |
| a) | Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | ☐ | ☐ | ☒ | ☐ |
| | i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☒ | ☐ |
| | ii) Strong seismic ground shaking? | ☐ | ☐ | ☒ | ☐ |
| | iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☒ | ☐ |
| | iv) Landslides? | ☐ | ☐ | ☒ | ☐ |
| b) | Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☒ | ☐ |
| c) | Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☒ | ☐ |

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **VI. GEOLOGY AND SOILS.** Would the project: | | | | |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | ☐ | ☐ | ☒ | ☐ |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☒ |

*a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42; ii) Strong seismic groundshaking; iii) Seismic-related ground failure, including liquefaction; iv) Landslides?* ***(Less-Than-Significant Impact)***

## Fault Rupture

Fault rupture is generally expected to occur along active fault traces that have exhibited signs of recent geological movement (i.e., within the last 11,000 years). Alquist-Priolo Earthquake Fault Zones delineate areas around active faults with potential surface fault rupture hazards that would require specific geological investigations prior to approval of certain kinds of development within the delineated area. The Hayward fault trends northwestward through the Milpitas foothills. The Calaveras fault trends northwestward through Calaveras Reservoir, approximately 1.5 miles northeast of the eastern edge of the City. The San Andreas Fault trends northwestward through the Santa Cruz Mountains approximately 13 miles southwest of Milpitas. All of these faults are active and have produced damaging earthquakes in the historic past. Other active and potentially active faults are present in the Bay Area and may produce significant earthquakes. Only the Hayward fault zone is located within Milpitas and capable of producing surface fault rupture. However, the Hayward Fault is located approximately 5 miles north of the project site. Additionally, the project site is not located over any other potentially active faults (faults that have shown evidence of movement in the past 2 million years) that cross Milpitas.[30]

Therefore, the potential of the proposed project to expose people or structures to risk as a result of fault rupture is less than significant.

[30] California Department of Conservation, 2010. Fault Activity Map of California. maps.conservation.ca.gov/cgs/fam (accessed September 12, 2017).

**Seismic Ground Shaking**

The project site is located in the San Francisco Bay Area, a region of intense seismic activity. Ground shaking is likely to occur within the life of the project as a result of future earthquakes. The closest known active fault to the project site is the Hayward Fault which is located approximately 5 miles north of the project site. Other active faults within 15 miles of the project site include the San Andreas and Calaveras faults. Due to the project's location in a seismically active area, strong seismic ground shaking at the site is highly probable during the life of the project. The intensity of ground shaking would depend on the characteristics of the fault, distance from the fault, the earthquake magnitude and duration, and site-specific geologic conditions. Conformance with the California Building Code would ensure potential impacts associated with strong seismic ground shaking would be reduced to less-than-significant levels.

**Seismic Ground Failure, Including Liquefaction**

The potential for different types of ground failure to occur during a seismic event is discussed below.

*Liquefaction*. Soil liquefaction is a phenomenon primarily associated with saturated soil layers located close to the ground surface. During ground shaking, these soils lose strength and acquire "mobility" sufficient to permit both horizontal and vertical movements. Soils that are most susceptible to liquefaction are clean, loose, uniformly graded, saturated, fine-grained sands that lie relatively close to the ground surface. However, loose sands that contain a significant amount of fines (silt and clay) may also liquefy. As indicated in the Milpitas General Plan, the project site is mapped in an area prone to liquefaction hazards. [31] However, compliance with the California Building Code would ensure potential impacts associated with liquefaction would be reduced to a less-than-significant level.

*Lateral Spreading*. Lateral spreading is a phenomenon in which surficial soil displaces along a shear zone that has formed within an underlying liquefied layer. Upon reaching mobilization, the surface soils are transported downslope or in the direction of a free face by earthquake and gravitational forces. The project site is relatively flat and development of the new hotels would not exacerbate lateral spreading. Therefore, the proposed project would have a less-than-significant impact related to lateral spreading.

**Landslides**

A landslide generally occurs on relatively steep slopes and/or on slopes underlain by weak materials. The project site is located on a relatively flat area and is not located next to any hills. Furthermore, the project site is not located within an area that would be subject to earthquake-induced landslides.[32] Therefore, the potential of the proposed project to exposure people or structures to risk as a result of landslides would be less than significant.

[31] Milpitas, City of, 2015. *General Plan Seismic and Safety Element*. Available online at: www.ci.milpitas.ca.gov/_pdfs/plan_plan_general_chapter5.pdf (accessed September 12, 2017).

[32] Ibid.

*b) Result in substantial soil erosion or the loss of topsoil?* ***(Less-Than-Significant Impact)***

Topsoil is defined as the upper part of the soil profile that is relatively rich in humus and is technically known as the A-horizon of the soil profile.[33] Grading and earthmoving during project construction has the potential to result in erosion and loss of topsoil. Exposed soils could be entrained in stormwater runoff and transported off the project sites. However, this impact would be reduced to a less-than-significant level through compliance with water quality control measures, which include preparation of a Stormwater Pollution Prevention Plan (SWPPP) (refer to Section IX, Hydrology and Water Quality). Although designed primarily to protect stormwater quality, the SWPPP would incorporate Best Management Practices (BMPs) to minimize erosion. Additional details regarding the SWPPP are provided in Section IX, Hydrology and Water Quality of this Initial Study.

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

As previously discussed in Section VI.a, above, site soils would not be subject to lateral spreading or landslides, but do have the potential for liquefaction-induced settlement. However, compliance with the requirements of the California Building Code would reduce potential risks to people and structures as a result of liquefaction to a less-than-significant level. Therefore, the proposed project would not result in impacts associated with unstable geologic conditions.

*d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?* ***(Less-Than-Significant Impact)***

Expansive soils are characterized by the potential for shrinking and swelling as the moisture content of the soil decreases and increase, respectively. Shrink-swell potential is influenced by the amount and type of clay minerals present and can be measured by the percent change of the soil volume. Still complex and new park complex soils were identified at the project site and are both identified as sandy soils with limited potential to shrink and expand.[34,35] In addition, adherence to the California Building Code requirements would further ensure that geotechnical design of the proposed project would further reduce potential impacts related to expansive soils to a less-than-significant level. As such, the risk of expansive soil affecting the proposed project is considered low and would represent a less-than-significant impact.

*e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?* ***(No Impact)***

[33] California State Mining and Geology Board, 2014. Surface Mining Reclamation Act Regulations. California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1.

[34] Natural Resources Conservation Service, 2017. *Web Soil Survey*. Website: websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx (accessed September 4).

[35] Milpitas, City of, 2015, *General Plan Seismic and Safety Element*, op. cit.

The proposed project would connect to the City's wastewater conveyance system. On-site treatment and disposal of wastewater is not proposed for the project; therefore, the proposed project would have no impacts associated with soils incapable of supporting alternative wastewater disposal systems.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **VII. GREENHOUSE GAS EMISSIONS.** 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? | ☐ | ☐ | ☒ | ☐ |

Greenhouse gases (GHGs) are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. The gases that are widely seen as the principal contributors to human-induced global climate change are:

- Carbon dioxide ($CO_2$);
- Methane ($CH_4$);
- Nitrous oxide ($N_2O$);
- Hydrofluorocarbons (HFCs);
- Perfluorocarbons (PFCs); and
- Sulfur Hexafluoride ($SF_6$).

Over the last 200 years, humans have caused substantial quantities of GHGs to be released into the atmosphere. These extra emissions are increasing GHG concentrations in the atmosphere and enhancing the natural greenhouse effect, believed to be causing global warming. While manmade GHGs include naturally-occurring GHGs such as $CO_2$, methane, and $N_2O$, some gases, like HFCs, PFCs, and $SF_6$ are completely new to the atmosphere.

Certain gases, such as water vapor, are short-lived in the atmosphere. Others remain in the atmosphere for significant periods of time, contributing to climate change in the long term. Water vapor is excluded from the list of GHGs above because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

These gases vary considerably in terms of Global Warming Potential (GWP), a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and length of time that the gas remains in the atmosphere ("atmospheric lifetime"). The GWP of each gas is measured relative to $CO_2$, the most abundant GHG. The definition of GWP for a particular GHG is the ratio of heat trapped by one unit mass of the GHG to the ratio of heat trapped by one unit mass of $CO_2$ over a specified time period. GHG emissions are typically measured in terms of pounds or tons of "$CO_2$ equivalents" ($CO_2e$).

*a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?* ***(Less-Than-Significant Impact)***

The following section describes the proposed project's construction and operational related GHG emissions and contribution to global climate change. The BAAQMD has not addressed emission thresholds for construction in their CEQA Guidelines; however, the BAAQMD encourages quantification and disclosure. Thus, construction emissions are discussed in this section.

**Construction Activities**

Construction activities associated with the proposed project would produce combustion emissions from various sources. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as $CO_2$, $CH_4$, and $N_2O$. Furthermore, $CH_4$ is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.

The BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, lead agencies are encouraged to quantify and disclose GHG emissions that would occur during construction. Using CalEEMod, it is estimated that construction of the proposed project would generate approximately 480.4 metric tons of $CO_2e$ during construction of the Element Hotel and approximately 410.2 metric tons of $CO_2e$ during construction of the Aloft Hotel. Therefore, construction of the proposed project would generate a total of approximately 890.6 metric tons of $CO_2e$. Implementation of Mitigation Measure AIR-1 would reduce GHG emissions by reducing the amount of construction vehicle idling and by requiring the use of properly maintained equipment. Therefore, project construction impacts associated with GHG emissions would be considered less than significant.

**Operational Emissions**

Section 15064.4 of the CEQA Guidelines states that: "A lead agency should make a good-faith effort, based to the extent possible, on scientific and factual data, to describe, calculate or estimate the amount of GHG emissions resulting from a project." In performing that analysis, the lead agency has discretion to determine whether to use a model or methodology to quantify GHG emissions, or to rely on a qualitative analysis or performance-based standards. In making a determination as to the significance of potential impacts, the lead agency then considers the extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting, whether the project emissions exceed a threshold of significance that the lead agency determines applies to the

project, and the extent to which the project complies with regulations or requirements adopted to implement a Statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

According to the BAAQMD CEQA Guidelines, if a project is consistent with an adopted qualified GHG Reduction Strategy that meets the standards, it can be presumed that the project will not have significant GHG emission impacts. This approach is consistent with the State CEQA Guidelines, Section 15183.5, and will be used in this analysis.

The City of Milpitas' Climate Action Plan (CAP) was adopted on May 7, 2013.[36] The City of Milpitas CAP meets the BAAQMD requirements for a Qualified GHG Reduction Strategy and is designed to streamline environmental review of future development projects in the City consistent with CEQA Guidelines Section 15183.5(b) and the BAAQMD CEQA Air Quality Guidelines. The CAP identifies measures to achieve a reduction of 93,940 metric tons (MT) per year of $CO_2e$, including a reduction of 13,950 $MTCO_2e$ that would be achieved through State-mandated measures. With implementation of the CAP and existing measures, the City's GHG emissions are expected to be 16.2 percent below 2005 levels by the year 2020.

The CAP identifies six main Action Areas with specific GHG reductions, including energy, water, transportation and land use, solid waste, and off-road equipment. For each measure the CAP specifies GHG reductions, City departments responsible for implementation, performance metrics, regional partners, additional resources, and co-benefits.

Long-term operation of the proposed project would generate GHG emissions from area and mobile sources as well as indirect emissions from sources associated with energy consumption. Mobile-source GHG emissions would include project-generated vehicle trips associated with trips to the proposed project. Area-source emissions would be associated with activities such as landscaping and maintenance on the project site, and other sources. As identified above, the City of Milpitas' CAP meets the BAAQMD requirements for a Qualified GHG Reduction Strategy. Therefore, the project's GHG emissions would not be considered a significant impact if the project would be consistent with the City's CAP. Appendix C contains the required Climate Action Plan checklist for the proposed project. In addition, the proposed project would implement a Transportation Demand Management (TDM) plan, which would include measures to reduce vehicle trips and increase use of bicycles, pedestrian walkways, and transit through site planning, design and other programs.

*b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?* ***(Less-Than-Significant Impact)***

California's major initiative for reducing GHG emissions is Assembly Bill (AB) 32, passed by the State legislature on August 31, 2006. This effort aims at reducing GHG emissions to 1990 levels by 2020. In response to AB 32, California began to address climate change by employing a comprehensive, long-term approach to cut the State's GHG emissions to 1990 levels by 2020 and to maintain and continue reductions post 2020.

[36] Milpitas, City of, 2013. *City of Milpitas Climate Action Plan. A Qualified Greenhouse Gas Reduction Strategy*. May 7.

AB 32 requires the ARB to prepare a Scoping Plan that outlines the main State strategies for meeting the emission reduction targets and to reduce GHGs that contribute to global climate change. Pursuant to AB 32, the Scoping Plan must "identify and make recommendations on direct emission reduction measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and nonmonetary incentives" in order to achieve the 2020 goal, and achieve "the maximum technologically feasible and cost-effective GHG emission reductions" by 2020 and maintain and continue reductions beyond 2020.

The Initial Scoping Plan in 2008 presented the first economy-wide approach to reducing emissions and highlighted the value of combining both carbon pricing with other complementary programs to meet California's 2020 GHG emissions cap while ensuring progress in all sectors. The coordinated set of policies in the Initial Scoping Plan employed strategies tailored to specific needs, including market-based compliance mechanisms, performance standards, technology requirements, and voluntary reductions. The Initial Scoping Plan also described a conceptual design for a cap-and-trade program that included eventual linkage to other cap-and-trade programs to form a larger regional trading program.

AB 32 requires CARB to update the scoping plan at least every five years. The First Update to the Scoping Plan (First Update), approved in 2014, presented an update on the program and its progress toward meeting the 2020 limit. It also developed the first vision for the long-term progress that the State endeavors to achieve. In doing so, the First Update laid the groundwork to transition to the post-2020 goals set forth in Executive Orders S-3-059 and B-16-2012.10 It also recommended the need for a 2030 mid-term target to establish a continuum of actions to maintain and continue reductions, rather than only focusing on targets for 2020 or 2050.

In summer 2016 the Legislature passed, and the Governor signed, Senate Bill 32 (SB 32) and Assembly Bill 197 (AB 197). SB 32 affirms the importance of addressing climate change by codifying into statute the GHG emissions reductions target of at least 40 percent below 1990 levels by 2030 contained in Governor Brown's April 2015 Executive Order B-30-15. SB 32 builds on AB 32 and keeps us on the path toward achieving the State's 2050 objective of reducing emissions to 80 percent below 1990 levels, consistent with an Intergovernmental Panel on Climate Change (IPCC) analysis of the emissions trajectory that would stabilize atmospheric GHG concentrations at 450 parts per million $CO_2e$ and reduce the likelihood of catastrophic impacts from climate change.

The companion bill to SB 32, AB 197, provides additional direction to ARB on the following areas related to the adoption of strategies to reduce GHG emissions. Additional direction in AB 197 meant to provide easier public access to air emissions data that are collected by ARB was posted in December 2016. The measures applicable to the proposed project include energy efficiency measures, water conservation and efficiency measures, and transportation and motor vehicle measures, as discussed below.

Energy efficient measures are intended to maximize energy efficiency building and appliance standards, pursue additional efficiency efforts including new technologies and new policy and implementation mechanisms, and pursue comparable investment in energy efficiency from all retail providers of electricity in California. In addition, these measures are designed to expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of

buildings. Per the project's CAP checklist in Appendix C, the proposed project would comply with the applicable energy measures identified in the CAP.

Water conservation and efficiency measures are intended to continue efficiency programs and use cleaner energy sources to move and treat water. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions. The proposed project would comply with the applicable energy and water measures identified in the CAP. Therefore, the project would not conflict with any of the water conservation and efficiency measures.

The goal of transportation and motor vehicle measures is to develop regional GHG emissions reduction targets for passenger vehicles. Specific regional emission targets for transportation emissions would not directly apply to the project. However, the proposed project would implement a TDM program to reduce project-related VMT, and would comply with the applicable transportation and land use measures identified in the CAP. Therefore, the proposed project would not conflict with the identified transportation and motor vehicle measures.

Therefore, the proposed project would not conflict with applicable Statewide action measures. In addition, the project would be in compliance with the City's CAP. The purpose of the CAP is to be consistent with State mandates, including AB 32 to reduce GHG emissions. The proposed project would be compliant with the strategies developed by the State to reduce GHG emissions. Therefore, the project would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **VIII. HAZARDS AND HAZARDOUS MATERIALS.** Would the project: | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☒ | ☐ |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☒ | ☐ | ☐ |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ |

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **VIII. HAZARDS AND HAZARDOUS MATERIALS.** Would the project: | | | | |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☒ | ☐ |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ |
| f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☒ | ☐ |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | ☐ | ☐ | ☐ | ☒ |

The following discussion is based on the findings from the Phase I Environmental Site Assessment[37] (Phase I ESA) prepared for the proposed project. A copy of the Phase I ESA is included in Appendix D of this report.

*a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?* ***(Less-than-Significant Impact)***

Although small quantities of commercially-available hazardous materials could be used during project construction activities (e.g., oil, gasoline, paint) and for landscape maintenance within the project sites, these materials would not be used in sufficient quantities to pose a threat to human or environmental health. Therefore, development of the proposed project would not create a significant

[37] Property Environmental & Engineering Services, 2016. *Phase I Environmental Site Assessment.* April 11.

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?* ***(Potentially Significant Unless Mitigation Incorporated)***

There are two main ways that the public and/or the environment could be affected by the release of hazardous materials from the project site into the environment, including 1) exposing workers and/or the public to potentially contaminated soil and groundwater during construction and/or operation of the project; or 2) exposing workers and/or the public to hazardous building materials (e.g., lead paint, asbestos) during demolition of existing structures.

On page 6, the Phase I ESA prepared for the project identified a potential Recognized Environmental Condition (REC) on the site related to past agricultural uses. Specifically, the Phase I ESA determined that the project site was farmed and used for agricultural purposes from approximately 1948 through 1987. The Phase I ESA noted that Department of Toxic Substances Control (DTSC) records indicated that in 1998, approximately 880 tons of "Contaminated Soils from Site Clean-up" was disposed of from the site immediately west of the project site, which is currently used as the VTA park and ride lot. According to DTSC manifests, the waste was designated as a "RCRA Code 611" – indicating that the contaminants in the soil were designated as "hazardous". The DTSC manifest identifies the waste as "Contaminated Soils from Site Clean-up", but does not specify what the contaminant(s) were. The Phase I ESA noted that the adjacent parcel had a similar agricultural farming background as the project site and concluded that the project site likely contains soils contaminated with pesticides from the adjacent site and from past uses on the site. As such, construction activities at the project site have the potential to create a hazard to the public and environment through reasonably foreseeable upset and accident conditions associated with the potential pesticides in on-site soils. However, compliance with Mitigation Measure HAZ-1, as recommended in the Phase 1 ESA, would ensure that potentially significant impacts associated with the accidental release of hazardous materials into the environment are reduced to a less-than-significant level.

> Mitigation Measure HAZ-1: Prior to the issuance of grading permits, shallow soil samples shall be taken to determine if contaminants from previous agricultural operations occur at concentrations above established construction worker and residential environmental screening levels for pesticides. Any soil with pesticide concentration levels that exceed California State Title 26 threshold limits would be classified as a hazardous material. Once the soil sampling analysis is complete, a report of the findings shall be provided to the Planning Manager of the City of Milpitas Planning & Neighborhood Services Department for review prior to issuance of grading permits. If contaminated soils are found in concentrations above established thresholds for worker safety, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant to establish management practices for handling contaminated soil or other materials encountered during construction activities.

*c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?* ***(No Impact)***

There are no schools located within 0.25 miles of the project site. Therefore, implementation of the proposed project would result in no impact related to the emissions or handling of hazardous materials, substances and waste within 0.25 miles of an existing or proposed school.

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

The provisions of Government Code Section 65962.5 require the DTSC, the State Water Resources Control Board, the California Department of Health Services, and the California Department of Resources Recycling and Recovery (formerly the California Integrated Waste Management Board) to submit information pertaining to sites associated with solid waste disposal, hazardous waste disposal, leaking underground tank sites, and/or hazardous materials releases to the Secretary of Cal/EPA. Based on a review of regulatory databases performed as part of the Phase I ESA prepared for the project site, including listed hazardous materials release sites compiled pursuant to Government Code Section 65962.5, the project site is not listed as a hazardous materials release site due to activities and land uses in the past. However, as discussed in Section VIII.b, the project site soils likely contain pesticides associated with previous agricultural use on the site. However, this impact would be reduced to a less-than-significant level with implementation of Mitigation Measure HAZ-1.

*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 for people residing or working in the project area?* ***(No Impact)***

The project site is located approximately 3.5 miles northeast of the San Jose International Airport. The project site is not located within the Airport Safety Zones or Airport Influence Area of the San Jose International Airport.[38] Therefore, the proposed project would not result in a safety hazard for people residing or working in the project area due to the proximity of an airport.

*f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?* ***(No Impact)***

The project site is not within the vicinity of a private airstrip. Therefore, the proposed project would not result in a safety hazard for people residing or working in the project area due to the proximity of a private airstrip.

*g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?* ***(Less-Than-Significant Impact)***

The City of Milpitas Fire Department (Fire Department) Office of Emergency Services coordinates the City's preparedness efforts to mitigate, plan for, respond to and recover from natural and technological disasters. In addition, the County of Santa Clara Office of Emergency Services coordinates county-wide emergency response efforts including the preparation and implementation of

[38] Santa Clara County Airport Land Use Commission, 2011. *Comprehensive Land Use Plan, Santa Clara County, Norma Y. Mineta San Jose International Airport*. May 25.

the County of Santa Clara Emergency Operations Plan (EOP).[39] However, the EOP does not address specific responses, scenarios, hazards, or threats, within Milpitas. In addition, the EOP does not indicate the emergency evacuation routes within Santa Clara County. Because the proposed project would not substantially alter or block the adjacent roadways, the proposed project would not be expected to impair the function of nearby emergency evacuation routes. Therefore, the proposed project would have a less-than-significant impact on implementation of an adopted emergency response plan or emergency evacuation plan.

*h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?* ***(No Impact)***

The project site is in an urban area and is not within or adjacent to a wildland fire hazard area.[40] Therefore, the proposed project would not expose people or structures to a significant loss, injury or death involving wildland fires.

| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **IX.** | **HYDROLOGY AND WATER QUALITY.** Would the project: | | | | |
| a) | Violate any water quality standards or waste discharge requirements? | ☐ | ☒ | ☐ | ☐ |
| b) | Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | ☐ | ☐ | ☒ | ☐ |

[39] Santa Clara, County of, 2017. *Emergency Operations Plan*. January.

[40] California Department of Forestry and Fire Protection, 2008. Santa Clara County, Very High Fire Hazard Severity Zones in Local Responsibility Area. October 8.

| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **IX.** | **HYDROLOGY AND WATER QUALITY.** Would the project: | | | | |
| c) | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | ☐ | ☐ | ☒ | ☐ |
| d) | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | ☐ | ☐ | ☒ | ☐ |
| e) | 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? | ☐ | ☒ | ☐ | ☐ |
| f) | Otherwise substantially degrade water quality? | ☐ | ☐ | ☐ | ☒ |
| g) | Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | ☐ | ☐ | ☐ | ☒ |
| h) | Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | ☐ | ☐ | ☐ | ☒ |
| i) | Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam? | ☐ | ☐ | ☒ | ☐ |
| j) | Inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒ |

*a) Violate any water quality standards or waste discharge requirements?* ***(Potentially Significant Unless Mitigation Incorporated)***

The State Water Resources Control Board and nine Regional Water Quality Control Boards regulate water quality of surface water and groundwater bodies throughout California. In the Bay Area, including the project site, the San Francisco Bay Regional Water Quality Control Board (Water Board) is responsible for implementation the Water Quality Control Plan (Basin Plan). The Basin Plan establishes beneficial water uses for waterways and water bodies within the region.

Runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Program (established through the federal Clean Water Act). The NPDES program objective is to control and reduce pollutant discharges to surface water bodies. Compliance with NPDES permits is mandated by State and federal statutes and regulations. Locally, the NPDES Program is administered by the Water Board. According to the water quality control plans of the Water Board, any construction activities, including grading, that would result in the disturbance of 1 acre or more would require compliance with the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity (Construction General Permit). The proposed project is approximately 3.34 acres and as such, would be required to comply with the Construction General Permit.

The proposed project would be subject to the Water Board's Municipal Regional Permit (MRP), implemented in October 2009 by Order R2-2009-0074. Provision C.3 of the MRP requires new development and redevelopment projects that would replace more than 10,000 square feet of existing impervious surfaces to include post-construction stormwater control in project designs. Under the C.3 requirements, the preparation and submittal of a Stormwater Control Plan (SCP) would be required for the project site. The purpose of an SCP is to detail the design elements and implementation measures necessary to meet the post-construction stormwater control requirements of the MRP. In particular, SCPs must include Low Impact Development (LID) design measures, which reduce water quality impacts by preserving and recreating natural landscape features, minimizing imperviousness, and using stormwater as a resource, rather than a waste product. The proposed project would also be required to prepare a Stormwater Facility Operation and Maintenance Plan to ensure that stormwater control measures are inspected, maintained, and funded for the life of the project.

The City of Milpitas is a member of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), which provides stormwater management for the area including the project site.

As previously discussed, the 3.34-acre project site is currently vacant and includes a total of 2,589 square feet (2 percent) of impervious surfaces on the site. Upon completion of both phases of project construction, the proposed project would cover approximately 106,768 square feet (74 percent) of the project site with impervious surface and the remaining 36,735 square feet (26 percent) would consist of pervious surface. Therefore, the proposed project would increase impervious surfaces on the project site by approximately 104,179 square feet. The increase in impervious surface could result in increased stormwater runoff (both flow rate and volume) from the project site relative to pre-project conditions, which may result in hydromodification impacts (i.e., increased potential for erosion of creek beds and banks, silt pollutant generation, or other adverse impacts on beneficial uses due to increased erosive force).

Construction activities associated with the proposed project would cause disturbance of soil during excavation work, which could adversely impact water quality. Contaminants from construction vehicles and equipment and sediment from soil erosion could increase the pollutant load in runoff being transported to receiving waters during development. Although surface runoff from the site would likely decrease with the proposed project (due to the proposed stormwater treatment measures), runoff from the proposed landscaped areas may contain residual pesticides and nutrients (associated with landscaping) and sediment and trace metals (associated with atmospheric deposition) during operation of the project. Operation of the proposed project could incrementally contribute to

the long-term degradation of runoff water quality and as a result, adversely affect water quality in the receiving waters and San Francisco Bay. The proposed project would be considered a "regulated project" under the MRP, indicating that the State Water Resources Control Board has determined the size and nature of the project has the potential to discharge a significant pollutant load to stormwater runoff and receiving waters. Therefore, the potential discharges associated with the proposed project are considered to be a potentially significant impact.

Implementation of the following two mitigation measures would ensure that the proposed project complies with the Water Board's water quality standards by reducing the potential construction- and operation-period impacts to water quality to a less-than-significant level.

Mitigation Measure HYD-1: Prior to construction, the project applicant shall prepare and implement a SWPPP, meeting Construction General Permit requirements (State Water Resources Control Board Order No. 2009-000–DWQ, as amended) designed to reduce potential adverse impacts to surface water quality through the project construction period. The SWPPP shall be submitted to the City for review and approval prior to the issuance of any permits for ground disturbing activities.

The SWPPP shall be prepared by a Qualified SWPPP Developer in accordance with the requirements of the Construction General Permit. These include: BMPs for erosion and sediment control, site management/housekeeping/waste management, management of non-stormwater discharges, run-on and runoff controls, and BMP inspection/maintenance/repair activities. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction.

The SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations, and as appropriate (depending on the Risk Level), sampling of the site effluent and receiving waters. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring and inspection/maintenance/ repair activities.

Mitigation Measure HYD-2: The project applicant shall fully comply with the Water Board stormwater permit requirements, including Provision C.3 of the MRP. The project applicant shall prepare and implement a SCP for the project. The SCP shall be submitted to the City for review and approval prior to the issuance of any permits for ground disturbing activities. The SCP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project. At a minimum, the SCP for the project shall include:

- An inventory and accounting of existing and proposed impervious areas.
- Low Impact Development (LID) design details incorporated into the project. Specific LID design may include, but is not limited to: using pervious pavements and green roofs, dispersing runoff to landscaped areas, and/or routing runoff to rain gardens, cisterns, swales, and other small-scale facilities distributed throughout the site.
- Measures to address potential stormwater contaminants. These may include measures to cover or control potential sources of stormwater pollutants at the project site.

- A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which will include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan must be finalized prior to issuance of building permits for the project.

*b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?* ***(Less-Than-Significant Impact)***

The proposed project would connect to the existing 12-inch water lines located on Alder Drive and Barber Lane and would not use groundwater at the site. Although no use of groundwater is proposed for the proposed project, some dewatering may be required during construction. Any dewatering activities would be expected to be temporary in nature. Therefore, the proposed project would not deplete groundwater supplies or interfere substantially with groundwater recharge.

*c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?* ***(Less-Than-Significant Impact)***

The proposed project would not alter the course of a stream or river. The proposed project site is located in a developed area and would not substantially alter the existing drainage patterns in a manner that would result in substantial erosion or siltation on- or offsite. Furthermore, compliance with construction- and operation phase stormwater requirements (Mitigation Measures HYD-1 and HYD-2) would further ensure that development of the project would not result in substantial erosion or siltation on- or off-site. Development of the two hotels would not alter the course of a stream or river, such that substantial on- or off-site erosion/siltation or flooding would occur and this impact would be less than significant.

*d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?* ***(Less-Than-Significant Impact)***

Refer to Section IX.c. The project would not substantially alter the existing drainage or flooding pattern of the project sites.

*e) 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?* ***(Potentially Significant Unless Mitigation Incorporated)***

See discussion above under Section IX.a and IX.d above. The proposed project would not create or exceed the existing or planned stormwater drainage systems. The project could potentially provide substantial additional sources of polluted runoff; however, implementation of Mitigation Measures HYD-1 and HYD-2 would ensure that potential impacts are reduced to less-than-significant levels.

*f) Otherwise substantially degrade water quality?* ***(Less-Than-Significant Impact)***

Operation of the proposed project would not result in any substantial changes to on-site water quality, with the exception of potential impacts associated with stormwater runoff described above in Section IX.a. The proposed project would not adversely affect water quality.

*g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?* ***(No Impact)***

The project site is not located within a 100-year flood hazard zone as mapped by FEMA.[41] In addition, no housing is included in the proposed project and therefore no impact related to placement of housing in a 100-year flood hazard area would occur.

*h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?* ***(No Impact)***

The project site is not located within a 100-year flood hazard area as mapped by FEMA,[42] and therefore no impact related to the placement of structures within a floodplain would occur.

*i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?* ***(Less-Than-Significant Impact)***

The project site is not located within a mapped dam failure inundation area or within a 100-year flood hazard area.[43] In addition, there are no levees protecting the site from flooding and as a result, no risk of failure. Therefore, the potential of the proposed project to be subject to as a significant risk of loss, injury, or death involving flooding is less than significant.

*j) Inundation by seiche, tsunami, or mudflow?* ***(No Impact)***

The project site and surrounding areas are generally level and would not be subject to mudflows. The site and is located within close proximity to the southern end of the San Francisco Bay. However, the project site is not located within a mapped tsunami inundation area for Milpitas[44] and no seismically induced seiche waves have been documented in the San Francisco Bay throughout history.[45] Therefore, the proposed project would not expose people or structures to inundation by seiche, tsunami, or mudflow.

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[41] Federal Emergency Management Agency, 2014. *Flood Insurance Rate Map Santa Clara County, California.* February 19.

[42] Ibid.

[43] Ibid.

[44] California, State of, 2009. California Emergency Management Agency. *Tsunami Inundation Map for Emergency Planning: Milpitas Quadrangle.* July 31.

[45] Association of Bay Area Governments and Metropolitan Transportation Commission, 2013. *Plan Bay Area*. July 18.

| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **X.** | **LAND USE AND PLANNING.** Would the project: | | | | |
| | a) Physically divide an established community? | ☐ | ☐ | ☒ | ☐ |
| | b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☒ | ☐ |
| | c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | ☐ | ☐ | ☐ | ☒ |

*a) Physically divide an established community?* ***(Less-Than-Significant Impact)***

The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying area. For instance, the construction of an interstate highway through an existing community may constrain travel from one of the community to another; similarly, such construction may also impair travel to areas outside the community.

The project site is located in an urban area in the City of Milpitas and is surrounded by industrial park uses. The proposed project would develop two hotels on the vacant site and include new curb cuts on Alder Drive and Barber Lane to accommodate ingress and egress into and out of the site. The proposed project would not result in a physical division of an established community or adversely affect the continuity of land uses in the vicinity. This impact would be less than significant.

*b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?* ***(Less-Than-Significant Impact)***

As previously discussed, the City of Milpitas is the Lead Agency for environmental review. The City of Milpitas General Plan Land Use Map designates the project site as Industrial Park (INP) and the City's Zoning Map identifies the project site as Industrial Park (MP) within the Recreational and Entertainment (RE) overlay district. However, hotel uses are not permitted by right in the MP district; therefore, a CUP from the City is required to allow the hotel use. The proposed project would also require CUPs for the proposed building heights, FAR, shared parking, and sale of alcohol. Specifically, the proposed project also includes the development of two 5-story hotels which exceed the allowable height of 35 feet or three stories in the MP district. The proposed project would also develop the site with two hotels that have a total FAR of 1.23. The City's Zoning Ordinance allows for a maximum FAR of .50 in the MP district. In addition, the project also requires a shared parking

exception that would be obtained through the CUP process to allow for the sharing of parking with the adjacent VTA parking lot and a reduction in the required parking spaces to be provided. The proposed project also includes a CUP to allow for the sale of alcohol at both hotels.

It should be noted that according to CEQA, policy conflicts do not, in and of themselves, constitute a significant environmental impact. Policy conflicts are considered to be environmental impacts only when they would result in direct physical impacts or where those conflicts relate to avoiding or mitigating environmental impacts. As such, associated physical environmental impacts are discussed in this Initial Study under specific topical sections. The proposed project would not result in any direct physical impacts that cannot be mitigated to a less-than-significant level.

Although the proposed project would require Conditional Use Permits to allow the hotel uses, alcohol sales, floor area ratio adjustment, building height increase, and shared parking with VTA, and a variance from the front yard setback requirements, the proposed project would not substantially conflict with the intent of the City's General Plan or zoning regulations. Therefore, the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and this impact would be less than significant.

*c) Conflict with any applicable habitat conservation plan or natural community conservation plan?* ***(No Impact)***

Please refer to Section IV.f. The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

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| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **XI.** | **MINERAL RESOURCES.** 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) 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?* ***(No Impact)***

The proposed project site is located within an urban area and there are no known mineral resources within the vicinity of the project site that would be of value to the region or to the State. The City of

Milpitas General Plan identified four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources.[46] However, each of these mineral resource areas are located in the foothills outside City limits. As such, development of the proposed project would not result in the loss of availability of a known mineral resource of value to the region or residents of the State, and there would be no impact related to the availability of mineral resources.

*b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?* ***(No Impact)***

Please refer to Section XI.a. The proposed project would not result in the loss of availability of any known locally important mineral resource recovery site. Therefore, no impact related to the availability of a mineral resources recovery site would occur.

| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **XII.** | **NOISE.** Would the project result in: | | | | |
| a) | Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☒ | ☐ | ☐ |
| b) | Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? | ☐ | ☐ | ☒ | ☐ |
| c) | A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☒ | ☐ |
| d) | A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | ☐ | ☐ | ☒ | ☐ |
| 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 expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☒ | ☐ |
| f) | For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☒ | ☐ |

[46] Milpitas, City of, 2015.*General Plan Open Space & Environmental Conservation Element*. Available online at: www.ci.milpitas.ca.gov/_pdfs/plan_plan_general_chapter4.pdf (accessed September 12, 2017).

The following provides an overview of the characteristics of sound and the regulatory framework that applies to noise within the vicinity of the project site. The existing noise environment in and around the project site is also described. Appendix E contains the noise modeling results.

## Characteristics of Sound

Noise is usually defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, or sleep. Several noise measurement scales exist that are used to describe noise in a particular location. A decibel (dB) is a unit of measurement that indicates the relative intensity of a sound. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a ten-fold increase in acoustic energy, while 20 dB is 100 times more intense and 30 dB is 1,000 times more intense. Each 10 dB increase in sound level is perceived as approximately a doubling of loudness; and similarly, each 10 dB decrease in sound level is perceived as half as loud. Sound intensity is normally measured through the A-weighted sound level (dBA). This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. The A-weighted sound level is the basis for 24-hour sound measurements which better represent how humans are more sensitive to sound at night.

As noise spreads from a source, it loses energy so that the farther away the noise receiver is from the noise source, the lower the perceived noise level would be. Geometric spreading causes the sound level to attenuate or be reduced, resulting in a 6 dB reduction in the noise level for each doubling of distance from a single point source of noise to the noise sensitive receptor of concern.

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level ($L_{eq}$) is the total sound energy of time varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the $L_{eq}$, the community noise equivalent level (CNEL), and the day-night average level ($L_{dn}$) based on A-weighted decibels (dBA). CNEL is the time varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly $L_{eq}$ for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). $L_{dn}$ is similar to the CNEL scale, but without the adjustment for events occurring during the evening relaxation hours. CNEL and $L_{dn}$ are within one dBA of each other and are normally exchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

## Regulatory Framework

The City of Milpitas addresses noise in the Noise Element of the General Plan[47] and in Chapter 213 of the City's Municipal Code (Noise Ordinance).[48] The Noise Element of the City's General Plan provides an understanding of existing and future noise conditions in the Planning Area, establishes a

[47] Milpitas, City of, 2015. *Milpitas General Plan.* April.

[48] Milpitas, City of, 2017. *Milpitas Code of Ordinances, Chapter 213 – Noise Abatement*. August 7.

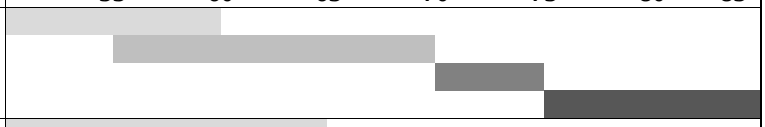
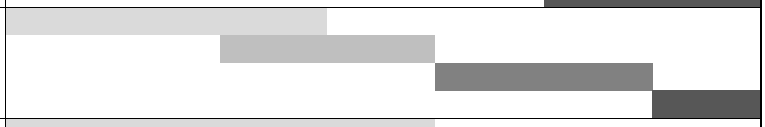
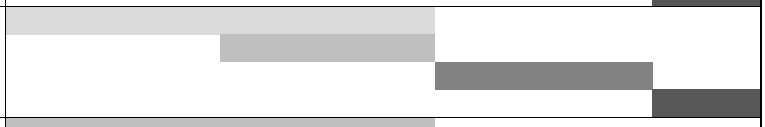
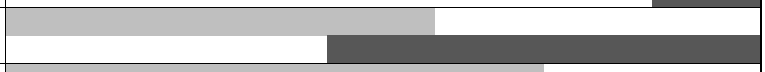
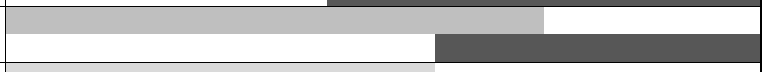
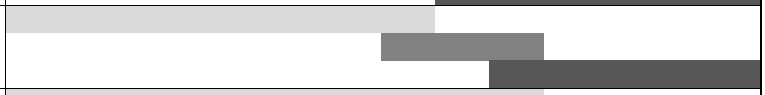
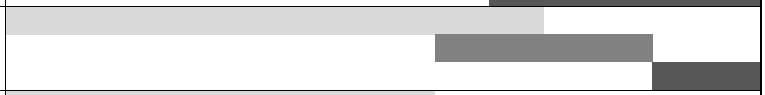
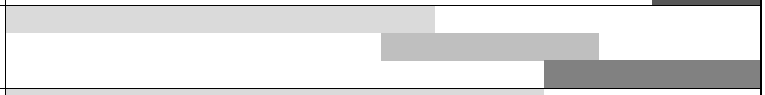
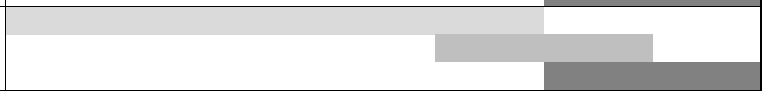
basis for evaluating potential noise impacts on future development, and includes policy statements to guide public and private planning to attain and maintain acceptable noise levels.

The City's Noise Compatibility Standards are shown in Table 6 below. As shown in Table 6, the "normally acceptable" noise level for hotels is 65 dBA $L_{dn}$, with a "conditionally acceptable" range between 60 dBA and 70 dBA. The "normally unacceptable" noise level is between 70 dBA and 80 dBA $L_{dn}$. Additionally, the following Implementation Policies from the City's General Plan would be applicable to the proposed project:

- Policy 6-I-2: Require an acoustical analysis for projects located within a "conditionally acceptable" or "normally unacceptable" exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.
- Policy 6-I-3: Prohibit new construction where the exterior noise exposure is considered "clearly unacceptable" for the proposed use.
- Policy 6-I-5: All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB DNL or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels.
- Policy 6-I-7: Avoid residential DNL exposure increases of more than 3 dB or more than 65 dB at the property line, whichever is more restrictive.
- Policy 6-I-12: New noise-producing facilities introduced near sensitive land uses which may increase noise levels in excess of "acceptable" levels will be evaluated for impact prior to approval; adequate mitigation at the noise source will be required to protect noise-sensitive land uses.
- Policy 6-I-13: Restrict the hours of operation, technique, and equipment used in all public and private construction activities to minimize noise impact. Include noise specifications in requests for bids and equipment information.

Chapter 213 of the City's Municipal Code prohibits construction activities outside of the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends, and on holidays except during emergencies. The noise ordinance also contains residential zone regulations found in section V-213-3(a). The residential zone regulations stipulate that it is unlawful for any person in any residential zone to make or cause any disturbing noise, such as amplified music, horns, or yelling, that increases the ambient noise level by 3 dB or to greater than 65 dB, whichever is more restrictive. The residential zone regulations also stipulate that it is unlawful for any person in a residential zone to make or cause any disturbing noise that is audible during the hours of 10:00 p.m. to 7:00 a.m. from a distance of 50 feet from the property line of the noise source or 100 feet from any nonstationary noise source.

**Table 6: City of Milpitas Noise Compatibility Standards**

| Land Use Category | Community Noise Exposure, $L_{dn}$ or CNEL, dB<br>55 60 65 70 75 80 85 |
|---|---|
| Residential – Low Density<br>Single Family, Duplex, Mobile Homes |  |
| Residential<br>Multi-Family |  |
| Transient Lodging<br>Motels, Hotels |  |
| Schools, Libraries, Churches, Hospitals,<br>Nursing Homes |  |
| Auditoriums, Concert Halls, Amphitheaters |  |
| Sports Arena, Outdoor Spectator Sports |  |
| Playgrounds, Neighborhood Parks |  |
| Golf Courses, Riding Stables, Water<br>Recreation, Cemeteries |  |
| Office Buildings, Business Commercial<br>and Professional |  |
| Industrial, Manufacturing, Utilities,<br>Agriculture |  |

| | |
|---|---|
| Normally Acceptable | Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. buildings are of conventional construction. |
| Conditionally Acceptable | New construction or development should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice. |
| Normally Unacceptable | New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design. |
| Clearly Unacceptable | New construction or development should generally not be undertaken. |

Source: *City of Milpitas General Plan*, 2010.

## Existing Noise Conditions

Certain land uses are considered more sensitive to noise than others. Examples of these include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. The proposed project is located in urban area within the City and is surrounded by a mix of uses, including

industrial, commercial, public, and residential uses. The closest sensitive receptors are the single-family residences located approximately 650 feet southeast of the project site along Summerfield Drive.

The ambient noise environment in Milpitas is affected by a variety of noise sources including traffic, rail, aircraft, and construction-related noise sources. Two long-term (24-hour) noise measurements (LT-1 and LT-2) were conducted August 29, 2017 through August 30, 2017 on the project site to establish the existing ambient noise environment on the project site. Noise measurement data collected during the noise measurements are summarized in Table 7. The noise measurements indicate that ambient noise in the project site vicinity ranges from approximately 64.7 dBA to 69.2 dBA $L_{dn}$. Noise from the traffic on surrounding roadways and the VTA light rail were reported as the primary noise sources.

**Table 7: Ambient Noise Monitoring Results, dBA**

| Location Number | Location Description | Start Time | $L_{eq}$/ $L_{dn}$ [a] | $L_{max}$ [b] | $L_{min}$ [c] | Primary Noise Sources |
|---|---|---|---|---|---|---|
| LT-1 | Northern border of the site, along Tasman Drive, centered between Barber Lane and Alder Drive | 4:00 p.m., August 29 | 66.2/ 64.7 | 69.0 | 46.1 | Traffic, VTA light rail |
| LT-2 | Southeastern border of site, near intersection of Barber Lane and Alder Drive | 4:00 p.m., August 29 | 68.7/ 69.2 | 80.0 | 50.6 | Traffic, VTA light rail |

[a] $L_{eq}$ represents the average of the sound energy occurring over the 24-hour time period.
[b] $L_{max}$ is the highest sound level measured during the 24-hour time period.
[c] $L_{min}$ is the lowest sound level measured during the 24-hour time period.

Source: LSA Associates, Inc., August 2017.

Motor vehicles with their distinctive noise characteristics are the dominant noise source in the project vicinity. The amount of noise varies according to many factors, such as volume of traffic, vehicle mix (percentage of cars and trucks), average traffic speed, and distance from the observer. Existing highway and roadway traffic noise levels in the project vicinity were assessed using the Federal Highway Administration (FHWA) highway traffic noise prediction model (FHWA RD-77-108). This model uses a typical vehicle mix for urban/suburban areas in California and requires parameters, including traffic volumes, vehicle speed, and roadway geometry to compute typical equivalent noise levels during daytime, evening, and nighttime hours. The resultant noise levels are weighted and summed over 24-hour periods to determine the day-night average level ($L_{dn}$) values. Existing traffic noise levels along modeled roadway segments nearest to the project are shown in Table 8 below. Appendix E provides the specific assumptions used in developing these noise levels and model printouts.

As shown in Table 8, the primary source of noise on the proposed project site is existing traffic noise on adjacent roads including Tasman Drive. The traffic noise levels from road segments adjacent to the project site range from 58.9 dBA $L_{dn}$ to 68.3 dBA $L_{dn}$ at 50 feet from the centerline of the outermost lane. The road segments directly adjacent to the project are shaded in Table 8.

**Table 8: Existing Traffic Noise Levels**

| Roadway Segment | Average Daily Trips | Centerline to 70 dBA $L_{dn}$ (feet) | Centerline to 65 dBA $L_{dn}$ (feet) | Centerline to 60 dBA $L_{dn}$ (feet) | $L_{dn}$ (dBA) 50 Feet From Centerline of Outermost Lane |
|---|---|---|---|---|---|
| Alder Drive - west of Barber Lane | 5,460 | < 50 | < 50 | 58 | 58.9 |
| Alder Drive - south of Tasman Drive | 6,220 | < 50 | < 50 | 65 | 59.0 |
| Tasman Drive - east of Alder Drive | 30,940 | 70 | 134 | 281 | 68.3 |
| Barber Lane - north of Alder Drive | 7,790 | < 50 | 55 | 113 | 63.5 |
| Alder Drive - north of Tasman Drive | 7,610 | < 50 | < 50 | 73 | 59.9 |
| Tasman Drive - west of Alder Drive | 21,350 | <50 | 107 | 221 | 66.7 |

Source: Compiled by LSA Associates Inc., February 2018.
Notes:
– Traffic data from the Traffic Impact Analysis for the Proposed Element and Aloft Hotel prepared by Hexagon Transportation Consultants, Inc., 2018.
– Traffic noise levels within 50 feet of the roadway centerline are typically calculated manually, with site-specific information, such as topography, included.
Shaded cells indicate road segments directly adjacent to the project.

*a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?* ***(Potentially Significant Unless Mitigation Incorporated)***

**Construction Noise Impacts**

Implementation of the proposed project would include construction activities that would result in substantial temporary increase in ambient noise levels in the project site vicinity. Potential impacts are discussed in detail below.

The closest sensitive receptors include the single-family residential uses located approximately 650 feet southeast of the project site. Project construction would result in short-term noise impacts on these receptors. Maximum construction noise would be short-term, generally intermittent depending on the construction phase, and variable depending on receiver distance from the active construction zone. The duration of noise impacts generally would be from one day to several days depending on the phase of construction. The two phases of project construction would occur for a total of 29 months. The level and types of noise impacts that would occur during construction are described below.

Short-term noise impacts would occur during grading and site preparation activities. Table 9 lists maximum noise levels recommended for noise impact assessments for typical construction equipment, based on a distance of 50 feet between the equipment and a noise receptor. Construction-related short-term noise levels would be higher than existing ambient noise levels currently in the project area but would no longer occur once construction of the project is completed.

**Table 9: Noise Emission Reference Levels and Usage Factors**

| Equipment Description | Acoustical Usage Factor[1] | Predicted $L_{max}$ at 50 feet (dBA, slow)[2] | Actual Measured $L_{max}$ at 50 feet (dBA, slow)[3] |
|---|---|---|---|
| All Other Equipment > 5 HP | 50 | 85 | N/A[4] |
| Auger Drill Rig | 20 | 85 | 84 |
| Backhoe | 40 | 80 | 78 |
| Bar Bender | 20 | 80 | N/A |
| Blasting | N/A | 94 | N/A |
| Boring Jack Power Unit | 50 | 80 | 83 |
| Chain Saw | 20 | 85 | 84 |
| Clam Shovel (dropping) | 20 | 93 | 87 |
| Compactor (ground) | 20 | 80 | 83 |
| Compressor (air) | 40 | 80 | 78 |
| Concrete Batch Plant | 15 | 83 | N/A |
| Concrete Mixer Truck | 40 | 85 | 79 |
| Concrete Pump Truck | 20 | 82 | 81 |
| Concrete Saw | 20 | 90 | 90 |
| Crane | 16 | 85 | 81 |
| Dozer | 40 | 85 | 82 |
| Drill Rig Truck | 20 | 84 | 79 |
| Drum Mixer | 50 | 80 | 80 |
| Dump Truck | 40 | 84 | 76 |
| Excavator | 40 | 85 | 81 |
| Flat Bed Truck | 40 | 84 | 74 |
| Front-End Loader | 40 | 80 | 79 |
| Generator | 50 | 82 | 81 |
| Generator (< 25 kVA, VMS Signs) | 50 | 70 | 73 |
| Gradall | 40 | 85 | 83 |
| Grader | 40 | 85 | N/A |
| Grapple (on backhoe) | 40 | 85 | 87 |
| Horizontal Boring Hydraulic Jack | 25 | 80 | 82 |
| Hydra Break Ram | 10 | 90 | N/A |
| Impact Pile Driver | 20 | 95 | 101 |
| Jackhammer | 20 | 85 | 89 |
| Man Lift | 20 | 85 | 75 |
| Mounted Impact Hammer (hoe ram) | 20 | 90 | 90 |
| Pavement Scarifier | 20 | 85 | 90 |
| Paver | 50 | 85 | 77 |
| Pickup Truck | 40 | 55 | 75 |
| Pneumatic Tools | 50 | 85 | 85 |
| Pumps | 50 | 77 | 81 |
| Refrigerator Unit | 100 | 82 | 73 |
| Rivet Buster/Chipping Gun | 20 | 85 | 79 |
| Rock Drill | 20 | 85 | 81 |
| Roller | 20 | 85 | 80 |
| Sand Blasting (single nozzle) | 20 | 85 | 96 |
| Scraper | 40 | 85 | 84 |
| Sheers (on backhoe) | 40 | 85 | 96 |
| Slurry Plant | 100 | 78 | 78 |

**Table 9: Noise Emission Reference Levels and Usage Factors**

| Equipment Description | Acoustical Usage Factor[1] | Predicted $L_{max}$ at 50 feet (dBA, slow)[2] | Actual Measured $L_{max}$ at 50 feet (dBA, slow)[3] |
|---|---|---|---|
| Slurry Trench Machine | 50 | 82 | 80 |
| Soil Mix Drill Rig | 50 | 80 | N/A |
| Tractor | 40 | 84 | N/A |
| Vacuum Excavator (Vac-Truck) | 40 | 85 | 85 |
| Vacuum Street Sweeper | 10 | 80 | 82 |
| Ventilation Fan | 100 | 85 | 79 |
| Vibrating Hopper | 50 | 85 | 87 |
| Vibratory Concrete Mixer | 20 | 80 | 80 |
| Vibratory Pile Driver | 20 | 95 | 101 |
| Warning Horn | 5 | 85 | 83 |
| Welder/Torch | 40 | 73 | 74 |

Note: Noise levels reported in this table are rounded to the nearest whole number.
[1] Usage factor is the percentage of time during a construction noise operation that a piece of construction equipment is operating at full power.
[2] Maximum noise levels were developed based on Specification (Spec.) 721.560 from the Central Artery/Tunnel (CA/T) program to be consistent with the City of Boston's Noise Code for the "Big Dig" project.
[3] The maximum noise level was developed based on the average noise level measured for each piece of equipment during the CA/T program in Boston, Massachusetts.
[4] Since the maximum noise level based on the average noise level measured for this piece of equipment was not available, the maximum noise level developed based on Spec 721.560 would be used.
dBA = A-weighted decibels $L_{max}$ = maximum instantaneous noise level
ft = feet N/A = not applicable
HP = horsepower RCNM = Roadway Construction Noise Model
kVA = kilovolt-amperes VMS = variable message sign
Source: FHWA Highway Construction Noise Handbook, Table 9.1 (FHWA 2006).

Two types of short-term noise impacts could occur during construction of the proposed project. The first type involves construction crew commutes and the transport of construction equipment and materials to the site for the proposed project, which would incrementally increase noise levels on roads leading to the site. As shown in Table 9, there would be a relatively high single-event noise exposure potential at a maximum level of 85 dBA $L_{max}$ with trucks passing at 50 feet.

The second type of short-term noise impact is related to noise generated during excavation, grading, and construction on the project site. Construction is performed in discrete steps, or phases, each with its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase.

Table 9 lists maximum noise levels recommended for noise impact assessments for typical construction equipment, based on a distance of 50 feet between the equipment and a noise receptor. Average maximum noise levels range up to 86 dBA $L_{max}$ at 50 feet during the noisiest construction phases. The site preparation phase, including excavation and grading of the site, tends to generate the highest noise levels because earthmoving machinery is the noisiest construction equipment. Earth-moving equipment includes excavating machinery such as backfillers, bulldozers, draglines, and front

loaders. Earthmoving and compacting equipment includes compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full-power operation followed by 3 or 4 minutes at lower power settings.

As identified above, the project site is approximately 650 feet from the closest noise-sensitive receptors (residential uses) located 650 feet southeast of the project site along Summerfield Drive. The 650 foot distance would decrease the noise level by 22.3 dBA compared to the noise level measured at 50 feet from the construction activity. Therefore, the closest off-site residences may be subject to short-term construction noise levels of 63.7 dBA $L_{max}$ when construction is occurring at the project site boundary. This noise level would be similar to existing noise levels at the off-site residences due to vehicle traffic associated with I-880. Construction noise is permitted by the Chapter 213 of the City's Municipal Code when activities occur between the hours of 7:00 a.m. and 7:00 p.m.

As discussed above, construction noise could result in a temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Implementation of the following mitigation measure for project construction would reduce potential construction period noise impacts for the indicated sensitive receptors to less-than-significant levels.

> Mitigation Measure NOI-1: The project contractor shall implement the following measures during construction of the project:
>
> - Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
> - Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.
> - Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all project construction.
> - Ensure that all general construction related activities are restricted to 7:00 a.m. and 7:00 p.m.
> - Designate a "disturbance coordinator" at the City of Milpitas who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem.

Implementation of the above mitigation measure would limit construction activities to the less noise-sensitive periods of the day and would reduce construction impacts to a less-than-significant level.

**Long-Term Noise Impacts**

The project would generate long-term noise impacts from both traffic and stationary noise sources, as discussed below.

*Traffic Noise Impacts.* Off-site traffic noise impacts would create a significant impact if traffic noise increased by 3 dBA or more over ambient noise levels without the project. To assess traffic noise impacts, the traffic noise levels along major roadways within the project vicinity were projected using FWHA modeling. The existing and background traffic volumes along the roadways in the project study area were obtained from the project's traffic impact analysis.[49] Table 10 lists the existing and future traffic noise levels adjacent to roadway segments in the project vicinity. These noise levels represent worst-case scenarios, which assume that no shielding is provided between the traffic and the location where the noise contours are drawn. The increase in project-related traffic noise levels for future conditions would range from 0.0 to 0.9 dBA along the segments in the project vicinity that were analyzed. This noise level increase is well below the City's criteria for noise level increases of 3 dBA or more; therefore, off-site traffic noise impacts would be less than significant and the project would not create a substantial permanent increase in ambient noise levels.

*Stationary Source Noise.* Stationary noise sources associated with the project could include heating, ventilation, and air conditioning (HVAC) mechanical equipment, occasional truck delivery loading/unloading activities, and typical motor vehicle/parking area activities.

Of the on-site stationary noise sources during operation of the project, noise generated by delivery truck activity would generate the highest maximum noise levels. Typical parking activities, such as people conversing or doors slamming, would generate noise levels of approximately 60 dBA to 70 dBA $L_{max}$ at 50 feet, while delivery truck loading and unloading activities would result in maximum noise levels generate a noise level of 75 dBA $L_{max}$ at 50 feet based on measurements previously conducted by LSA.

Precise details of loading areas, including future location, are unknown; therefore, this analysis assumes a worst case scenario of loading areas located at the project site boundary nearest to the homes. At 650 feet, loading dock and delivery noise would approach 53 dBA $L_{max}$ at the closest off-site receptor. However, peak noise levels from loading and unloading would be intermittent and when averaged over 1 hour, these sources would not exceed the City's normally acceptable noise level standard for single-family residential land uses. Additionally, when averaged over the 24-hour period, noise would not cause an increase in noise levels of more than 3 dBA. Therefore it is not expected that the proposed project would substantially increase noise levels over existing conditions and impacts would be less than significant.

[49] Hexagon Transportation Consultants, Inc., 2018, op. cit.

**Table 10: Traffic Noise Levels Without and With Project**

| Roadway Segment | Existing Daily Traffic Volumes | | | | | 2024 Background Daily Traffic Volumes | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Without Project | | With Project | | | Without Project | | With Project | | |
| | ADT | $L_{dn}$ (dBA) 50 feet from Centerline of Outermost Lane | ADT | $L_{dn}$ (dBA) 50 feet from Centerline of Outermost Lane | Increase from Baseline Conditions | ADT | $L_{dn}$ (dBA) 50 feet from Centerline of Outermost Lane | ADT | $L_{dn}$ (dBA) 50 feet from Centerline of Outermost Lane | Increase from Baseline Conditions |
| Alder Drive - west of Barber Lane | 5,460 | 58.9 | 6,040 | 59.3 | 0.4 | 7,250 | 60.1 | 7,830 | 60.4 | 0.3 |
| Alder Drive - south of Tasman Drive | 6,220 | 59.0 | 7,580 | 59.9 | 0.9 | 8,000 | 60.1 | 9,360 | 60.8 | 0.7 |
| Tasman Drive - east of Alder Drive | 30,940 | 68.3 | 31,570 | 68.4 | 0.1 | 35,560 | 68.9 | 36,190 | 69.0 | 0.1 |
| Barber Lane - north of Alder Drive | 7,790 | 63.5 | 7,850 | 63.5 | 0.0 | 10,900 | 64.9 | 10,960 | 64.9 | 0.0 |
| Alder Drive - north of Tasman Drive | 7,610 | 59.9 | 7,810 | 60.0 | 0.1 | 9,670 | 60.9 | 9,870 | 61.0 | 0.1 |
| Tasman Drive - west of Alder Drive | 21,350 | 66.7 | 21,820 | 66.8 | 0.1 | 22,550 | 66.9 | 20,808 | 67.0 | 0.1 |

Source: LSA Associates Inc., 2018.
Note: Traffic noise within 50 feet of the roadway centerline should be evaluated with site-specific information.
Shaded cells indicated roadway segments adjacent to the Project site.
ADT = average daily traffic
CNEL = Community Noise Equivalent Level
dBA = A-weighted decibels

**Land Use Compatibility**

The dominant source of noise in the project vicinity is traffic noise from Interstate 880 (I-880) and Tasman Drive. As shown in Table 7, the measured noise levels on the project site range from 64.7 dBA to 69.2 dBA $L_{dn}$. The City sets forth normally acceptable noise level standards for land use compatibility and interior noise exposure of new development. The normally acceptable exterior noise level for hotels is 65 dBA $L_{dn}$. Noise levels of 60 to 70 dBA $L_{dn}$ are considered conditionally acceptable when a detailed analysis of noise reduction requirements and noise insulation features are included in the design to meet the interior noise standard. The normally acceptable interior noise level for hotels is 45 dB $L_{dn}$ or less and mechanical ventilation is required where use of windows for ventilation will result in higher than 45 dBA $L_{dn}$ interior noise levels.

Based on the EPA's Protective Noise Levels,[50] with a combination of walls, doors, and windows, standard construction for Northern California buildings (STC-24 to STC-28) would provide more than 25 dBA in exterior-to-interior noise reduction with windows closed and 15 dBA or more with windows open. With windows open, the hotels would not meet the City's normally acceptable interior noise standard of 45 dBA $L_{dn}$ (i.e., 69.2 dBA – 15 dBA = 54.2 dBA). Therefore, an alternate form of ventilation, such as an air-conditioning system, would be required to ensure that windows can remain closed for a prolonged period of time. A ventilation system would reduce noise levels for guests with windows closed and would meet the City's normally acceptable interior noise level criterion of 45 dBA (i.e., 69.2 dBA – 25 dBA = 44.2 dBA). Therefore, the City should verify that the proposed project includes fresh air ventilation. Implementation of the HVAC system would allow windows to remain closed in order to reduce interior noise levels by 25 dBA, resulting in interior noise levels of 37.2 dBA $L_{dn}$, which would meet the City's interior noise standard of 45 dBA $L_{dn}$. Mitigation Measure NOI-2 below would include modifications to ensure that the proposed project would comply with the City's noise and land use compatibility standards.

> Mitigation Measure NOI-2: In order to comply with the City's noise and land use compatibility standards, the following measures shall be implemented:
>
> - The proposed project shall include the installation of air conditioning which would allow hotel room windows to remain closed.
> - Standard building construction requirements consisting of walls, windows, and doors with a minimum rating of STC-24 are incorporated.

In addition, as identified above, noise levels on the project site are approximately 69.2 dBA $L_{dn}$. This noise level would be within the City's conditionally acceptable noise level of 60 to 70 dBA $L_{dn}$ for hotels when noise reduction requirements and noise insulation features are included in the design to meet the interior noise standard. Therefore, with implementation of Mitigation Measure NOI-2, the project would meet the City's land use compatibility standards.

[50] Environmental Protection Agency, 1978. *Protective Noise Levels, Condensed Version of EPA Levels Document*. November.

*b) Exposure of persons to or generation of excessive groundborne vibration or ground borne noise levels?* ***(Less-Than-Significant Impact)***

Vibration refers to groundborne noise and perceptible motion. Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors. Vibration energy propagates from a source, through intervening soil and rock layers, to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Building vibration may be perceived by the occupants as the motion of building surfaces, rattling of items on shelves or hanging on walls, or as a low-frequency rumbling noise. The rumbling noise is caused by the vibrating walls, floors, and ceilings radiating sound waves. Annoyance from vibration often occurs when the vibration exceeds the threshold of perception by 10 dB or less. This is an order of magnitude below the damage threshold for normal buildings.

Common sources of groundborne vibration and noise include trains and construction activities such as blasting, pile driving and operating heavy earthmoving equipment. Construction of the proposed project would involve grading, site preparation, and construction activities but would not involve the use of construction equipment that would result in substantial groundborne vibration or groundborne noise on properties adjacent to the project site. No pile driving, blasting, or substantial grading activities are proposed. Furthermore, operation of the proposed project would not generate substantial groundborne noise and vibration.

The VTA light rail is located approximately 100 feet north of the project site along Tasman Drive. At this distance, vibration associated with the VTA light rail is not expected to be perceptible at the project site. In addition, the portion of Tasman Drive adjacent to the project site is elevated, which would reduce groundborne vibration impacts. Therefore, the project would not result in the exposure of persons to or generation of excessive ground-borne noise and vibration.

*c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?* ***(Less-Than-Significant-Impact)***

Refer to Section XII.a. Audible increases in noise levels generally refer to a change of 3 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Implementation of the proposed project would not result in substantial increases in traffic noise levels on local roadways in the project vicinity or operational noise at sensitive receptor locations. Therefore, project related noise increases would be less than significant.

*d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?* ***(Less-Than-Significant-Impact)***

Although there would be temporary high intermittent construction noise at times in the project area during project construction, construction of the proposed project would not significantly affect land uses adjacent to the project sites. In addition, construction of the project would comply with the hourly limits specified by the City, as required by Mitigation Measure NOI-1. Therefore, the project would not result in a substantial temporary or periodic increase in ambient noise levels.

*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 expose people residing or working in the project area to excessive noise levels?* ***(Less-Than-Significant-Impact)***

The proposed project site is not within an airport land use plan, or within 2 miles of a public airport or public use airport. The closes airport to the project site is the Norman Y. Mineta San Jose International Airport (San Jose Airport), located approximately 5 miles south of the project site. The project site is not within the 55 dBA CNEL noise contours of any airport. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels and impacts would be less than significant

*f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?* ***(Less-Than-Significant-Impact)***

The proposed project site is not located within the vicinity of a private airstrip. The close private airport to the proposed project is the Flea Port Heliport (CA34), located approximately 5 miles southeast of the project site. Therefore, the proposed project would not expose people residing or working in the project area to excessive noise levels. This impact would be less than significant.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XIII. POPULATION AND HOUSING.** Would the project: | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☐ | ☒ |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

*a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?* ***(No Impact)***

The proposed project includes the construction of two separate hotels over two phases. The proposed project does not include housing and is located in a developed urban area. Therefore, the proposed project would not directly or indirectly induce population growth and no impact would occur.

*b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?* ***(No Impact)***

The proposed project site is currently undeveloped and no permanent housing is located on the project site. As such, development of the proposed project would not remove existing housing. Therefore, no impact would occur.

*c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?* ***(No Impact)***

Refer to Section XIII.b. The proposed project would not displace any people and would not require the construction of replacement housing. Therefore, no impact would occur.

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

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

**Fire Protection.** ***(Less-Than-Significant Impact)*** Fire suppression, emergency medical and rescue services, and other life safety services are provided to the project area and site by the Milpitas Fire Department. There are four fire stations in Milpitas, with the closest to the project site being Fire Station 4 at 775 Barber Lane, approximately 0.2 miles north of the project site.

Development of the new hotels during both phases of project construction would increase the daytime population of the project site and incrementally increase the demand for emergency fire services and emergency medical services. However, the proposed project would be required to comply with all applicable codes for fire safety and emergency access. In addition, the Fire Department would also review the project site plans and the Fire Access Plan (shown on Figure 8) to ensure that adequate emergency access is provided prior to issuance of building permits.

The City of Milpitas Fire Department would continue providing services to the project site and would not require additional firefighters to serve the proposed project. The construction of a new or expanded fire station would not be required. The proposed project would not result in a significant impact on the physical environment due to the incremental increase in demand for fire protection and life safety services, and the potential increase in demand for services is not expected to adversely affect existing responses times to the site or within the City. Therefore, construction and operation of the proposed project would have a less-than-significant impact on fire protection and safety services and facilities.

**Police Protection.** ***(Less-Than-Significant Impact)*** The Milpitas Police Department (Police Department) provides police protection to the project area and project site. The Police Department headquarters are located at 1275 N. Milpitas Boulevard, approximately 3.5 miles northeast of the project site. Development of the two hotels would increase daytime and nighttime population on the project site and incrementally increase demand for emergency police services to the project site. However, the Police Department would continue to provide services to the project site and would not require additional officers to serve the project site. The construction of new or expanded police facilities would not be required. Therefore, the proposed project would not result in a substantial adverse impact associated with the provision of additional police facilities or services, and impacts to police services represent a less-than-significant impact.

**Schools.** ***(No Impact)*** The proposed project is within the area served by the Milpitas Unified School District. However, the proposed project involves development of the two new hotels on vacant land and does not include the construction of any residential uses. Therefore, the proposed project would not result in an increase in the number of school-age children in the area. As such, the proposed project would not increase demand for schools and no impact would occur.

**Parks.** ***(No Impact)*** The proposed project would include the development of two new hotels on vacant land. The project does not include any residential uses and would not generate a need for additional park space. As such, no impact would occur.

**Other Public Facilities.** ***(No Impact)*** Development of the proposed project would not increase demand for other public services including libraries, community centers, and public health care facilities. As previously discussed, the project does not include development of residential uses and would therefore not result in increased demand for other public facilities. As such, no impact would occur.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XV. RECREATION.** | | | | |
| 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?* ***(No Impact)***

The proposed project would involve the development of two hotels whose primary use would be for temporary lodging rather than permanent residential uses. As such, the proposed project would not generate population growth that would result in an increase in the use of existing neighborhood and regional parks or other recreational facilities Therefore, no impact to parks or recreational facilities would occur as a result of the proposed project.

*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?* ***(No Impact)***

Please refer to Section XV.a. The proposed project includes open space and landscaping in the form of outdoor patios, plaza space and bioswales. The proposed project would not require the construction or expansion of existing recreational facilities. Therefore, the project would have a less-than-significant impact on existing recreational facilities.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XVI. TRANSPORTATION/TRAFFIC.** Would the project: | | | | |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | ☐ | ☒ | ☐ | ☐ |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | ☐ | ☐ | ☒ | ☐ |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | ☐ | ☐ | ☐ | ☒ |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☒ | ☐ | ☐ |
| e) Result in inadequate emergency access? | ☐ | ☐ | ☒ | ☐ |
| f) Conflict with adopted polices, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | ☐ | ☐ | ☒ | ☐ |

The following section is based on information provided in the Traffic Impact Analysis[51] (TIA) prepared for the proposed project by Hexagon Transportation Consultants. The TIA evaluates the transportation impacts that could result from the proposed project, including impacts associated with traffic congestion, transit services, and pedestrian and bicycle circulation. The TIA is included as Appendix F of this report.

[51] Hexagon Transportation Consultants, Inc., 2018, op. cit.

*a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?* ***(Potentially Significant Unless Mitigation Incorporated)***

**Overview**

The TIA prepared for the proposed project was conducted according to the requirements of the City of Milpitas, the VTA, and County of Santa Clara. The VTA administers the Congestion Management Plan (CMP) of Santa Clara County. Specifically, the following analysis focuses on trip generation, distribution, and the extent to which project trips would affect traffic operations within the project area during the AM and PM peak hours for a typical weekday. Peak hours during a typical weekday occur between 7:00 a.m. and 9:00 a.m. for the AM peak hours and between 4:00 p.m. and 6:00 p.m. during the PM peak hours. These time periods are analyzed as they represent the time when traffic on the adjacent streets peaks and is generally representative of the peak commute hour conditions. Additionally, freeway ramps and segments on Interstate 880 (I-880) are also analyzed, per CMP requirements. A total of nine intersections, four freeway ramps, and three freeway segments within the vicinity of the project site that could be affected by project-related traffic were chosen for analysis. Based on consultation with the City as Lead Agency, the following intersections were analyzed for the proposed project:

1. McCarthy Boulevard and Alder Drive
2. McCarthy Boulevard and Tasman Drive
3. McCarthy Boulevard and Barber Lane
4. McCarthy Boulevard and Montague Expressway[52]
5. Cisco Way and Tasman Drive
6. Alder Drive and Tasman Drive
7. Barber Lane and Alder Drive
8. I-880 Southbound off-ramp and Tasman Drive
9. I-880 Northbound off-ramp and Great Mall Parkway

Traffic conditions were analyzed on the following freeway ramps:

1. I-880 southbound off-ramp to Tasman Drive
2. I-880 southbound on-ramp from Tasman Drive
3. I-880 northbound off-ramp to Great Mall Parkway
4. I-880 northbound loop on-ramp from Great Mall Parkway

[52] McCarthy Boulevard and Montague Expressway is a Congestion Management Program (CMP) intersection.

Additionally, the following freeway segments were evaluated for the proposed project:

5. I-880 between SR 237/Calaveras Boulevard and Tasman Drive
6. I-880 between Tasman Drive and Montague Expressway
7. I-880 between Montague Expressway and Brokaw Road

According to CMP guidelines, a freeway segment should be studied when a proposed development would add traffic to a segment greater than 1 percent of its capacity. As shown in the TIA analysis, the proposed project would not generate AM or PM peak-hour trips in excess of 1 percent of the current capacity for any of the freeway ramps or freeway segments. Therefore, no additional analysis would be required.

Study intersections were evaluated under six different scenarios to determine the proposed project's effects on level of service. These scenarios provide detailed analysis of the incremental effects of the proposed project on traffic conditions, and allow a comparison of the traffic anticipated to be generated by the proposed project to the amount of traffic expected to be generated by future development. Each of the scenarios is described below.

- **Existing Conditions.** Existing peak-hour traffic volumes at the study intersections were obtained from recent traffic counts.
- **Background Conditions.** Background traffic volumes were estimated by adding to existing peak-hour volumes the projected volumes from approved but not yet completed developments. The latter component was supplied by the City of Milpitas and City of San Jose.
- **Existing Plus Project Conditions.** Projected peak hour traffic volumes for this scenario were estimated by adding to existing traffic volumes the additional traffic generated by the project. Existing plus Project conditions were evaluated relative to existing conditions in order to determine potential project impacts.
- **Background Plus Project Conditions.** Projected peak hour traffic volumes for this scenario were estimated by adding to background traffic volumes the additional traffic generated by the project. Background plus Project conditions were evaluated relative to background conditions in order to determine potential project impacts.
- **Cumulative Conditions.** Cumulative conditions include traffic volumes for Background conditions plus traffic associated with expected growth.
- **Cumulative Plus Project Conditions.** Projected peak hour traffic volumes for this scenario were estimated by adding to cumulative traffic volumes the additional traffic generated by the project. Cumulative plus Project conditions were evaluated relative to cumulative conditions in order to determine potential project impacts.

**Analysis Methodology**

Traffic conditions within the study area are assessed through the evaluation of intersection Levels of Service (LOS). Level of Service is a qualitative description of operating conditions of an intersection based on the average delay per vehicle. As shown in Table 11, intersection levels of service for

signalized intersections range from LOS A, or free-flowing conditions with little or no delay, to LOS F, or jammed conditions with excessive delays.

**Table 11: Signalized Intersection Level of Service Criteria**

| Level of Service | Description | Average Control Delay Per Vehicle (sec.) |
|---|---|---|
| A | Signal progression is extremely favorable. Most vehicles arrive during the green phase and do not stop at all. Short cycle lengths may also contribute to the very low vehicle delay. | 10.0 or less |
| B | Operations characterized by good signal progression and/or short cycle lengths. More vehicles stop than with LOS A, causing higher levels of average vehicle delay. | 10.1 to 20.0 |
| C | Higher delays may result from fair signal progression and/or longer cycle lengths. Individual cycle failures may begin to appear at this level. The number of vehicles stopping is significant, though some vehicles may still pass through the intersection without stopping. | 20.1 to 35.0 |
| D | The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable signal progression, long cycle lengths, or high volume-to-capacity (V/C) ratios. Many vehicles stop and individual cycle failures are noticeable. | 35.1 to 55.0 |
| E | This is considered to be the limit of acceptable delay. These high delay values generally indicate poor signal progression, long cycle lengths, and high volume-to-capacity (V/C) ratios. Individual cycle failures occur frequently. | 55.1 to 80.0 |
| F | This level of delay is considered unacceptable by most drivers. This condition often occurs with oversaturation, that is, when arrival flow rates exceed the capacity of the intersection. Poor progression and long cycle lengths may also be major contributing causes of such delay levels. | Greater than 80.0 |

Source: Transportation Research Board, *Highway Capacity Manual*.

All intersection LOS were calculated using TRAFFIX software with CMP default values. This method uses the 2000 Highway Capacity Manual (HCM) methodology for signalized intersections. For signalized intersections, LOS is evaluated on the basis of average control delay time (measured in second per vehicle) for all vehicles at the intersection.

*Level of Service Standards*

Criteria used to determine impacts on intersections are based on the City of Milpitas level of service standards, as discussed below.

According to the City of Milpitas, a significant impact would occur when:

1. The level of service at an intersection drops below its LOS standard (LOS D or better) when the project traffic is added; or
2. An intersection that is operating worse than its LOS standard (LOS E or worse) under no project conditions has increase in critical delay of four or more seconds and the demand-to-capacity ration (V/C) is increased by more than 0.01 when the project traffic is added. If the

addition of project traffic reduces the amount of average stopped delay for critical movements, the threshold is when the project increases the critical V/C value by 0.01 or more.

At a CMP intersection, the impact criteria is the same as described above for the City of Milpitas, except that the CMP level of LOS standard is LOS E.

**Project Trip Estimates**

The amount of traffic associated with a new development is estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining trip generation, the amount of traffic entering and exiting the site is estimated for the AM and PM peak-hours. In trip distribution, the directions of approach and departure of project traffic are estimated.

The amount of traffic generated by the proposed project was estimated by applying the appropriate trip generation rate to the size of the proposed development. For the AM and PM peak-hours, the trip generation rate used to estimate project traffic was based on the rate applicable to hotel use, as specified in the Institute of Transportation Engineers (ITS) Trip Generation Manual, 10th Edition, as shown below in Table 12. As stated previously, the site is currently vacant, so the site does not currently generate any traffic. Based on trip generation rates applicable to the proposed hotel use, it is estimated that the project would generate 3,086 trips per day, with 164 trips occurring during the AM peak hour and 210 trips occurring during the PM peak hour, as shown in Table 12.

**Table 12: Trip Generation**

| Land Use | Size | Land Use Code[a] | Daily Trips | AM Peak Hour | | | PM Peak Hour | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Total | In | Out | Total | In | Out |
| Element Hotel | 194 Rooms | 310 | 1,763 | 92 | 54 | 38 | 119 | 61 | 59 |
| Aloft Hotel | 155 Rooms | 310 | 1,323 | 72 | 43 | 30 | 90 | 46 | 44 |
| **Total Gross Project Trips** | | | **3,086** | **164** | **97** | **67** | **210** | **107** | **103** |

[a] Rates from ITE Trip Generation, 10th Edition, based on peak hour for hotel use.
Note: Numbers may not add due to rounding.

Source: Hexagon Transportation Consultants, Inc., 2018. *Element/Aloft Hotels Transportation Impact Analysis*. February 14.

The project trip distribution pattern was estimated based on previous studies conducted in the area and based on the relative locations of office developments that the hotels would be expected to serve. The trip distributions thus determined, as well as study intersections for the proposed project, are shown in Figure 10. The trips generated by the proposed project were assigned to the roadway network and study intersections in accordance with this directional distribution.

**Existing and Existing Plus Project Conditions**

Existing traffic volumes are shown in Figure 11 and the results of the intersection level of service analysis under Existing Conditions are shown in Table 13. As shown in Table 13, all but one intersection (McCarthy Boulevard and Montague Expressway in the PM peak hour), currently operate at acceptable levels of service.

**Table 13: Existing Plus Project Signalized Intersection Levels of Service**

| Intersection | Peak Hour | Existing | | Existing + Project | | | |
|---|---|---|---|---|---|---|---|
| | | Avg. Delay [a] | LOS | Avg. Delay [a] | LOS | Incr. in Critical | |
| | | | | | | Delay | V/C |
| McCarthy Boulevard and Alder Drive | AM | 17.5 | B | 17.4 | B | 0.3 | 0.011 |
| | PM | 16.5 | B | 16.8 | B | 0.4 | 0.013 |
| McCarthy Boulevard and Tasman Drive | AM | 43.8 | D | 43.8 | D | 0.1 | 0.003 |
| | PM | 34.7 | C | 34.9 | C | 0.0 | 0.005 |
| McCarthy Boulevard and Barber Lane | AM | 13.1 | B | 13.5 | B | 0.4 | 0.006 |
| | PM | 22.5 | C | 23.0 | C | 0.5 | 0.010 |
| McCarthy Boulevard and Montague Expressway [b] | AM | 51.2 | D | 51.5 | D | 0.4 | 0.004 |
| | PM | 80.1 | F | 80.4 | F | 0.0 | 0.000 |
| Cisco Way and Tasman Drive | AM | 21.0 | C | 21.7 | C | 0.7 | 0.008 |
| | PM | 48.1 | D | 48.6 | D | 0.7 | 0.010 |
| Alder Drive and Tasman Drive | AM | 14.3 | B | 15.3 | B | 0.6 | 0.013 |
| | PM | 46.3 | D | 50.0 | D | 4.5 | 0.046 |
| Barber Lane and Alder Drive | AM | 12.5 | B | 13.1 | B | 0.7 | 0.030 |
| | PM | 11.7 | B | 12.4 | B | 0.9 | 0.040 |
| Tasman Drive and SB I-880 Ramps | AM | 18.5 | B | 18.9 | B | 0.4 | 0.007 |
| | PM | 27.3 | C | 27.3 | C | 0.2 | 0.010 |
| Tasman Drive and NB I-880 Ramps | AM | 39.8 | D | 40.2 | D | 0.5 | 0.005 |
| | PM | 36.2 | D | 36.2 | D | 0.0 | 0.002 |

Source: Hexagon Transportation Consultants, Inc., *Element and Aloft Hotel Traffic Impact Analysis*, 2018.

[a] Signalized intersection level of service is based on the Highway Capacity Manual (HCM) methodology, using average control delay for the entire intersection.

[b] denotes CMP intersection

Existing Plus Project traffic volumes are shown in Figure 12 and the results of the intersection level of service analysis under Existing plus Project Conditions are shown in Table 13. As shown in Table 13, all of the study intersections would continue to operate at LOS D or better during the AM and PM peak-hours, with the exception of McCarthy Boulevard and Montague Expressway. The intersection of McCarthy Boulevard and Montague Expressway, which is a CMP intersection, currently operates at LOS F and would continue to operate at LOS F with the addition of project traffic. The addition of project traffic to this intersection would not constitute an impact because it would not cause an increase in critical delay of 4 or more seconds and would not cause the volume-to-capacity ratio to increase by 0.01 or more. Therefore, the proposed project would not result in a significant impact on the operations of any of the study area intersections during Existing plus Project Conditions.

**Background and Background Plus Project Conditions**

Background plus Project traffic volumes are show in Figure 13 and the results of the intersection level of service analysis under background plus project conditions are summarized in Table 14. The results show that, with the addition of project traffic, all of the signalized study intersections would operate at levels of service reported under background conditions. The intersection of McCarthy Boulevard and Montague Expressway would operate at LOS F during both peak hours with the addition of project traffic. However, the addition of project traffic to the intersection of McCarthy Boulevard and Montague Expressway would not constitute an impact because it would not cause an increase in critical delay of 4 or more seconds and would not cause the volume-to-capacity ratio to increase by 0.01 or more.

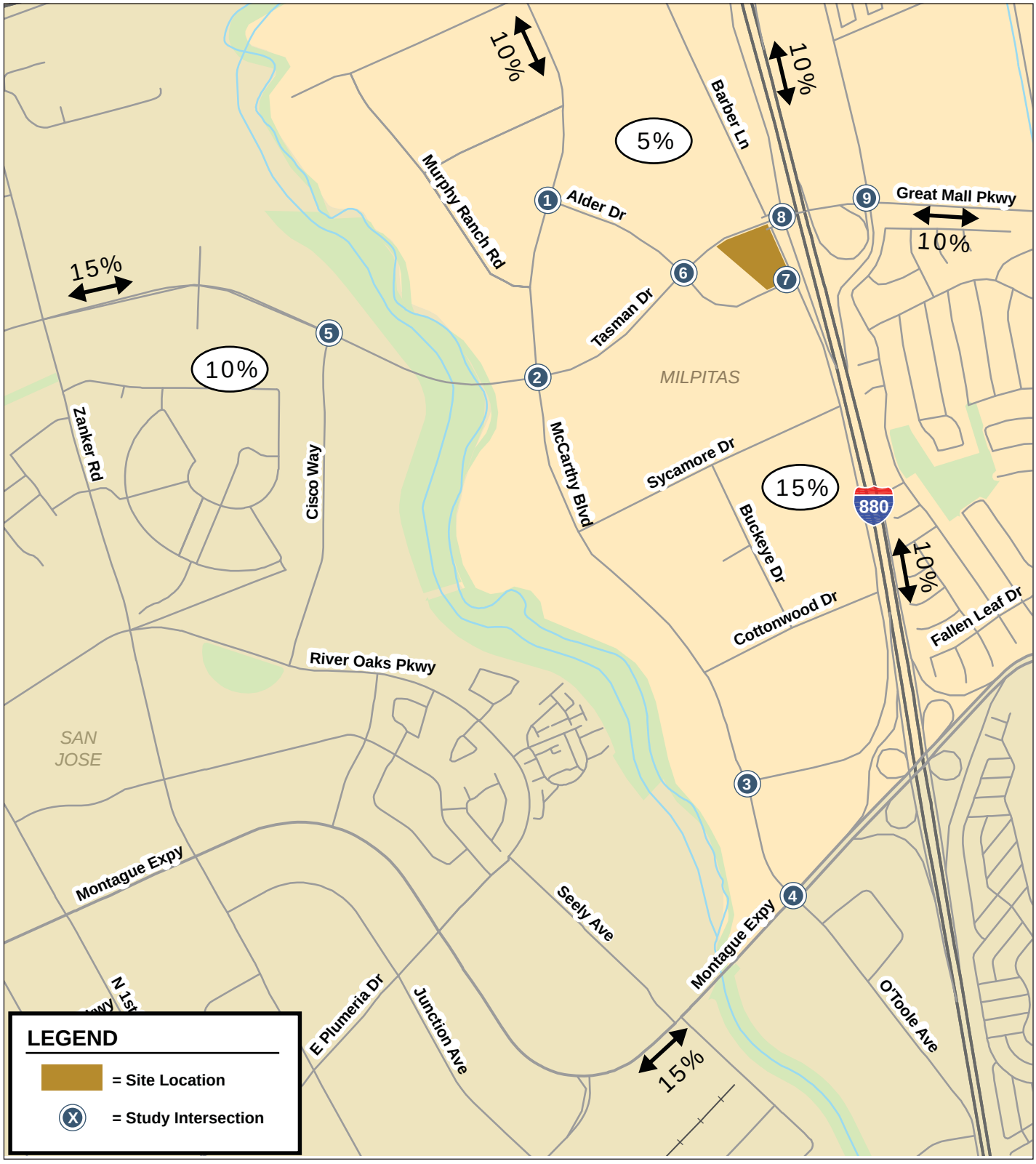


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FIGURE 10

N

Project Site

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SOURCE: HEXAGON, FEBRUARY 2018.

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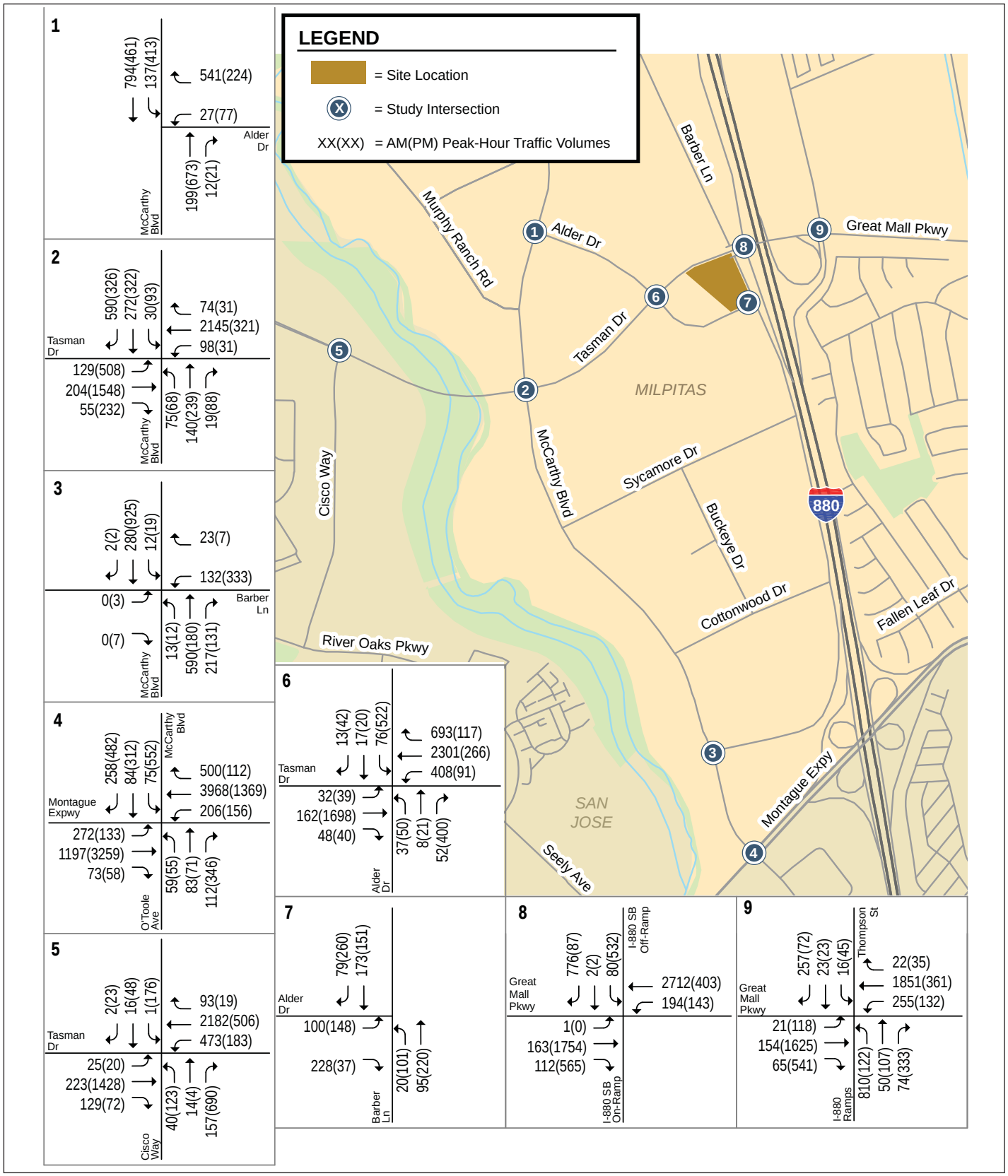
*Element and Aloft Hotels Project*
Project Trip Distribution




LSA

FIGURE 11

NOT TO SCALE

*Element and Aloft Hotels Project*
Existing Traffic Volumes

SOURCE: HEXAGON, FEBRUARY 2018.

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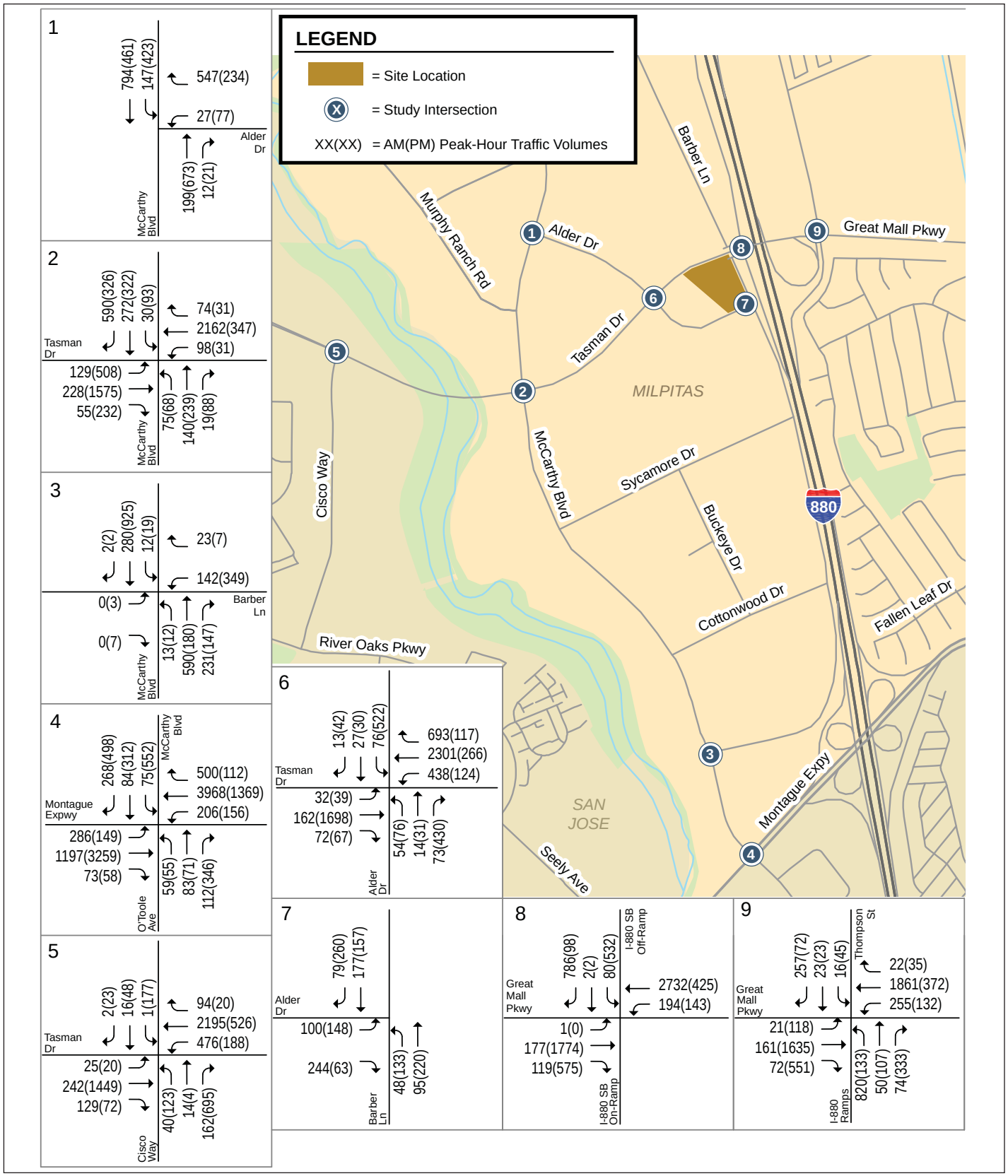


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FIGURE 12

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*Element and Aloft Hotels Project*
Existing Plus Project Traffic Volumes

SOURCE: HEXAGON, FEBRUARY 2019.

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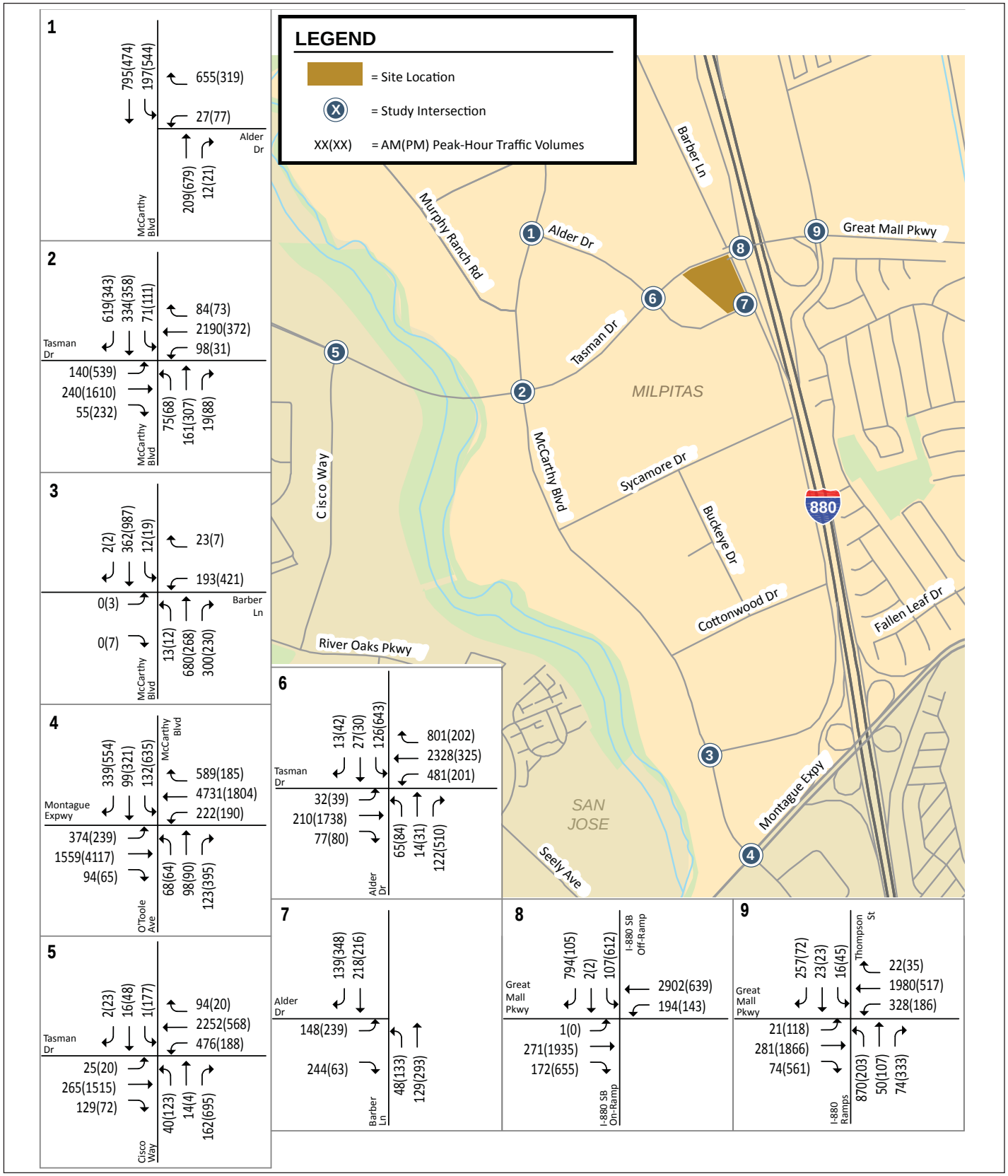


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FIGURE 13

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*Element and Aloft Hotels Project*

Background Plus Project Traffic Volumes

SOURCE: HEXAGON, FEBRUARY 2018.

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**Table 14: Background Plus Project Signalized Intersection Levels of Service**

| Intersection | Peak Hour | Existing | | Existing + Project | | | |
|---|---|---|---|---|---|---|---|
| | | Avg. Delay [a] | LOS | Avg. Delay [a] | LOS | Incr. in Critical Delay | Incr. in Critical V/C |
| McCarthy Boulevard and Alder Drive | AM | 18.4 | B | 18.5 | B | 0.5 | 0.011 |
| | PM | 20.8 | C | 21.5 | C | 0.8 | 0.013 |
| McCarthy Boulevard and Tasman Drive | AM | 45.5 | D | 45.6 | D | 0.1 | 0.003 |
| | PM | 37.8 | D | 37.9 | D | 0.5 | 0.005 |
| McCarthy Boulevard and Barber Lane | AM | 14.6 | B | 14.9 | B | 0.4 | 0.006 |
| | PM | 25.1 | C | 25.7 | C | 0.6 | 0.010 |
| McCarthy Boulevard and Montague Expressway [b] | AM | 93.1 | F | 93.7 | F | 0.9 | 0.005 |
| | PM | 146.3 | F | 146.6 | F | 0.0 | 0.000 |
| Cisco Way and Tasman Drive | AM | 21.0 | C | 21.5 | C | 0.4 | 0.006 |
| | PM | 48.3 | D | 48.8 | D | 0.8 | 0.010 |
| Alder Drive and Tasman Drive | AM | 17.6 | B | 19.3 | B | 1.8 | 0.013 |
| | PM | 64.8 | E | 74.9 | E | 12.7 | 0.045 |
| Barber Lane and Alder Drive | AM | 12.7 | B | 13.2 | B | 0.7 | 0.030 |
| | PM | 13.9 | B | 14.2 | B | 0.3 | 0.041 |
| Tasman Drive and SB I-880 Ramps | AM | 20.6 | C | 21.2 | C | 0.7 | 0.007 |
| | PM | 27.4 | C | 27.4 | C | 0.3 | 0.009 |
| Tasman Drive and NB I-880 Ramps | AM | 43.1 | D | 43.7 | D | 0.7 | 0.005 |
| | PM | 37.8 | D | 37.8 | D | 0.0 | 0.002 |

Source: Hexagon Transportation Consultants, Inc., *Element and Aloft Hotel Traffic Impact Analysis*, 2018.

[a] Signalized intersection level of service is based on the Highway Capacity Manual (HCM) methodology, using average control delay for the entire intersection.

[b] denotes CMP intersection

As shown in Table 14, the proposed project would cause a significant impact at the intersection of Alder Drive and Tasman Drive in the PM peak hour under Background Conditions because (1) it would operate below its level of service standard under no project conditions, and (2) the addition of project traffic would cause an increase in critical delay of 12.7 seconds and an increase in volume-to-capacity ratio of 0.045. These results meet the City of Milpitas traffic impact criteria. However, implementation of Mitigation Measure TRA-1, described below, would ensure that this impact would be reduced to a less-than-significant level.

> Mitigation Measure TRA-1: Add a northbound right-turn lane on Alder Drive at Tasman Drive. This improvement would require removing part of the existing median island and shifting all northbound lanes westward. Northbound lane striping might need to be added across the intersection to guide traffic through the adjusted northbound alignment. In addition, traffic signal heads may need to be relocated in accordance with the modified intersection geometry. These measures would improve overall average intersection delay to 50.5 seconds in the PM peak-hour, which is better than Background No Project conditions, with average delay of 64.8 seconds. These improvements would therefore mitigate the impact to a less than significant level. These improvements shall be the responsibility of the project proponent, and shall be implemented prior to project occupancy.

**Cumulative and Cumulative Plus Project Conditions**

Cumulative Conditions traffic volumes are shown in Figure 14 and the results of the intersection level of service analysis under Cumulative Conditions are shown in Table 15. The results show that several study intersections would operate below their respective level of service standards under cumulative without and cumulative with project conditions. These include the following intersections: McCarthy Boulevard and Tasman Drive in the AM peak hour (LOS E), Cisco Way and Tasman Drive in the PM peak hour (LOS E), Alder Drive and Tasman Drive in the PM peak hour (LOS F), the northbound I-880 ramps and Great Mall Parkway in the AM peak hour (LOS F), and McCarthy Boulevard and Montague Expressway in the AM and PM peak hours (LOS F). However, the only one of these intersections that would meet the impact criteria of the City of Milpitas, the City of San Jose, or the VTA is the intersection of Alder Drive and Tasman Drive. It is only at this intersection that the addition of project traffic would cause intersection critical delay to increase by more than 4 seconds, and cause the V/C ratio to increase by 0.01 or more.

**Table 15: Signalized Intersection Levels of Service Under Cumulative Conditions**

| Intersection | Peak Hour | No Project | | With Project | | | |
|---|---|---|---|---|---|---|---|
| | | Avg. Delay [a] | LOS | Avg. Delay [a] | LOS | Incr. in Critical | |
| | | | | | | Delay | V/C |
| McCarthy Boulevard and Alder Drive | AM | 23.0 | C | 23.3 | C | 1.0 | 0.010 |
| | PM | 31.1 | C | 33.0 | C | 2.5 | 0.013 |
| McCarthy Boulevard and Tasman Drive | AM | 66.1 | E | 66.6 | E | 0.8 | 0.003 |
| | PM | 40.5 | D | 40.8 | D | 0.6 | 0.005 |
| McCarthy Boulevard and Barber Lane | AM | 14.9 | B | 15.2 | B | 0.3 | 0.007 |
| | PM | 32.2 | C | 33.5 | C | 1.9 | 0.010 |
| McCarthy Boulevard and Montague Expressway [b] | AM | 153.1 | F | 153.9 | F | 1.1 | 0.005 |
| | PM | 217.2 | F | 217.7 | F | 0.0 | 0.000 |
| Cisco Way and Tasman Drive | AM | 23.2 | C | 23.7 | C | 0.4 | 0.005 |
| | PM | 67.6 | E | 69.3 | E | 2.6 | 0.010 |
| Alder Drive and Tasman Drive | AM | 19.6 | B | 21.3 | C | 2.1 | 0.013 |
| | PM | 115.8 | F | 131.1 | F | 19.3 | 0.045 |
| Barber Lane and Alder Drive | AM | 13.2 | B | 13.7 | B | 0.6 | 0.030 |
| | PM | 15.5 | B | 16.2 | B | 0.7 | 0.040 |
| Tasman Drive and SB I-880 Ramps | AM | 39.0 | D | 40.8 | D | 1.9 | 0.008 |
| | PM | 31.8 | C | 32.0 | C | 0.7 | 0.009 |
| Tasman Drive and NB I-880 Ramps | AM | 88.0 | F | 89.8 | F | 2.2 | 0.005 |
| | PM | 43.2 | D | 43.3 | D | 0.1 | 0.001 |

Source: Hexagon Transportation Consultants, Inc., *Element and Aloft Hotel Traffic Impact Analysis*, 2018.

[a] Signalized intersection level of service is based on the Highway Capacity Manual (HCM) methodology, using average control delay for the entire intersection.

[b] denotes CMP intersection

Cumulative plus Project Traffic Volumes are shown in Figure 15. The proposed project would cause a significant impact at the intersection of Alder Drive and Tasman Drive in the PM peak hour under Cumulative Conditions because (1) it would operate below its level of service standard under no project conditions, and (2) the addition of project traffic would cause an increase in critical delay of 19.3 seconds and an increase in volume-to-capacity ratio of 0.045. However, this impact would be reduced to a less-than-significant level with the implementation of Mitigation Measure TRA-1, as described above.

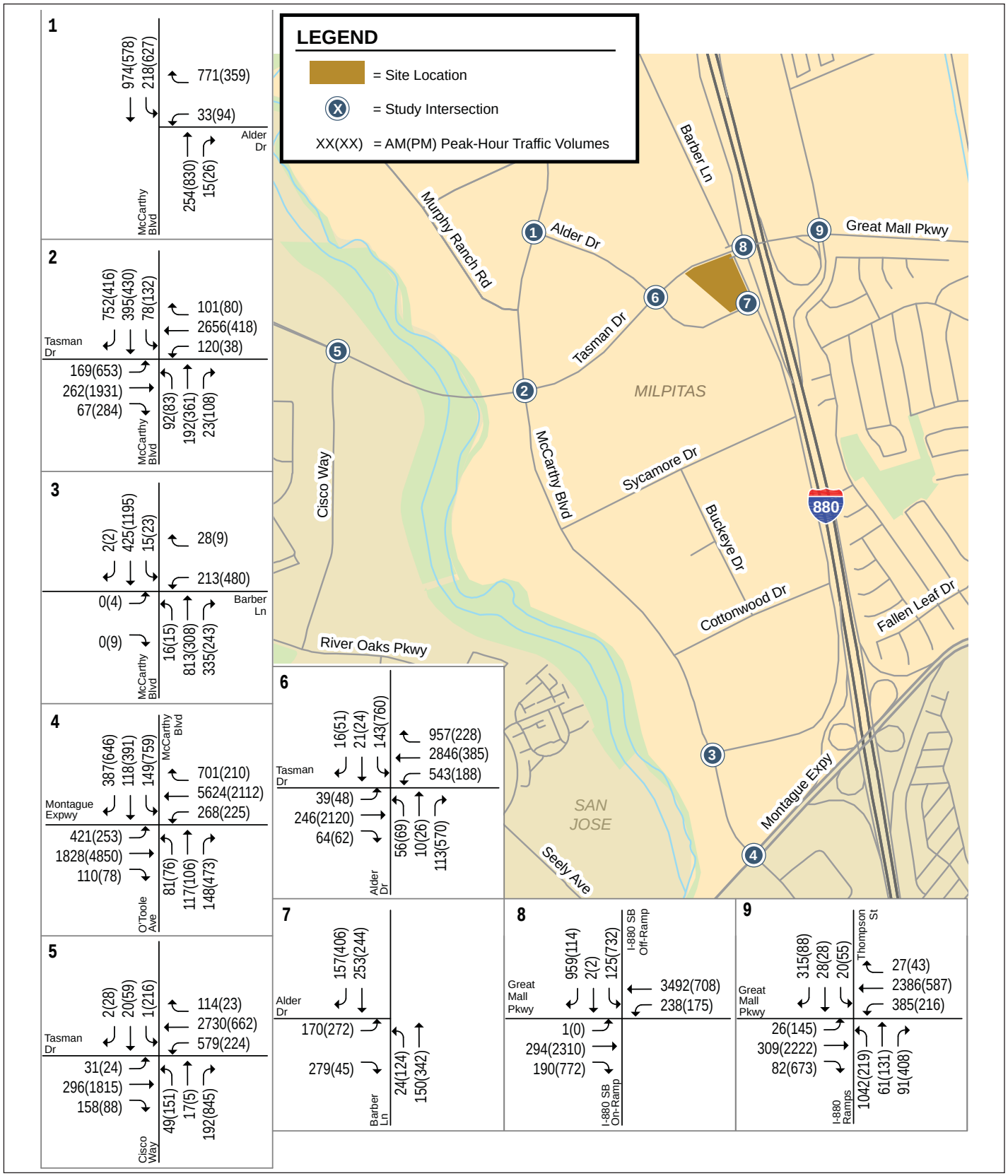


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FIGURE 14

NOT TO SCALE

*Element and Aloft Hotels Project*
Cumulative Traffic Volumes

SOURCE: HEXAGON, FEBRUARY 2018.

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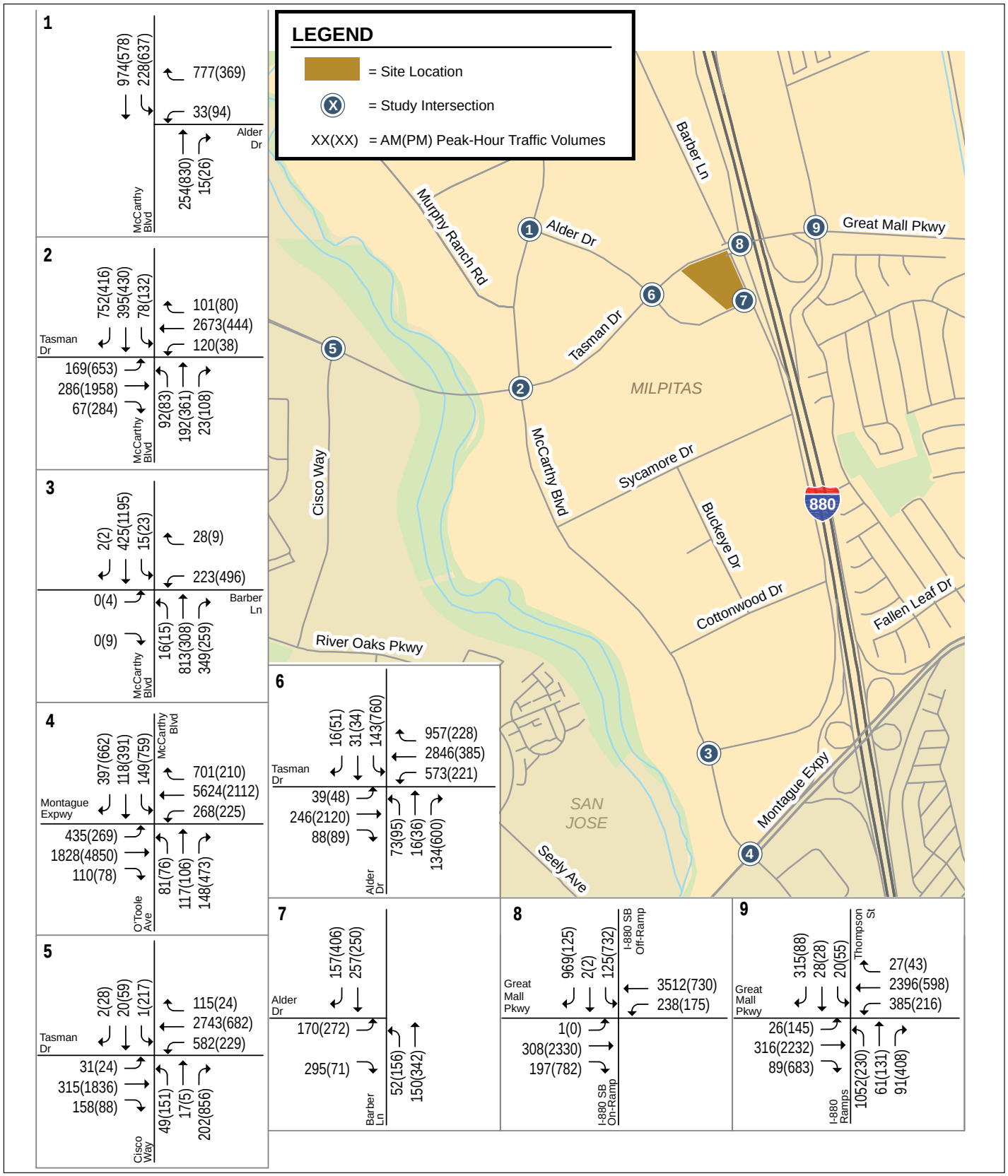


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FIGURE 15

NOT TO SCALE

*Element and Aloft Hotels Project*

Cumulative Plus Project Traffic Volumes

SOURCE: HEXAGON, FEBRUARY 2018.

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*b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?* ***(Less-Than-Significant Impact)***

The VTA administers the Congestion Management Plan (CMP) of Santa Clara County. According to CMP guidelines, a freeway ramp or segment should be studied when a proposed development would add traffic to a segment greater than 1 percent of its capacity. As shown in the TIA analysis, the proposed project would not generate AM or PM peak-hour trips in excess of 1 percent of the current capacity for any of the freeway ramps. Therefore, no additional analysis would be required and impacts to these CMP facilities would be less than significant.

The McCarthy Boulevard and Montague Expressway intersection (Intersection #4) is the only CMP intersection within the project study area. The CMP level of service standard is LOS E or better. The CMP requires that freeway segments and ramps be studied when a proposed development would add traffic to a segment or ramp greater than 1 percent of its capacity. As discussed in Section XVI.a the proposed project would not add traffic to either a freeway segment or ramp greater than 1 percent of its capacity.

As discussed above in Section XVI.a and as shown in Tables 13, 14, and 15, Intersection #4 would continue to operate at LOS D during Existing plus Project, and would operate at LOS F during Background plus Project, and Cumulative plus Project conditions. Operation at this intersection during Existing plus Project would not degrade below LOS E with implementation of the proposed project. Implementation of the proposed project would not increase the V/C ratio more than 0.01 at this intersection during either Background plus Project, or Cumulative plus Project conditions. Therefore, the proposed project would not conflict with an applicable CMP or other standards set forth by the VTA.

*c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?* ***(No Impact)***

The San Jose Airport is the closest airport to the project site, located approximately 3.5 miles to the southwest. The project site is located outside of the Airport Influence Area (AIA) for the San Jose Airport.[53] The project site is not located near any private use airstrips. The proposed project would not result in changes to the height of the existing building on the project site or result in the installation or construction of any structure that would extend into or above air apace, or otherwise result in the obstruction of air navigation or interference with the use of flight air traffic patterns. Therefore, the proposed project would have no impact related to air traffic patterns.

*d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?* ***(Potentially Significant Unless Mitigation Incorporated)***

[53] Santa Clara County Airport Land Use Commission, 2011, op. cit.

Vehicle queuing, site access, and on-site circulation issues that could contribute to hazardous conditions are discussed below. As discussed, these impacts would be less than significant with implementation of mitigation measures recommended to further ensure that the proposed project would not create a hazard due to a design or operation feature.

**Site Access and Vehicle Queuing**

The proposed project is shown to have two driveways accessing the street system and one driveway accessing the adjacent Park and Ride lot. The main driveway is located at the southwest corner of the site, on Alder Drive, about 220 feet west of Barber Lane. The other driveway is located at the northeast corner of the site, on Barber Lane, about 320 feet north of Alder Drive. All three driveways, the main driveway on Alder Drive; the driveway on Barber Lane; and the driveway connecting to the Park and Ride lot, appear to be at least 25 feet wide at their narrowest sections. The first two driveways, those connecting directly to public streets street, are curved and vary significantly in width over a short distance near the driveway throat.

At the main driveway, Alder Drive is four lanes wide with a two-way center left-turn lane and bike lanes on both sides. The volume of left turns into the site driveway in the AM and PM peak hours is 64 and 70 vehicles, respectively. The volume of left turns out of the site driveway in the AM and PM peak hours is 16 and 26 vehicles, respectively. These volumes can easily be accommodated with use of the existing center left-turn lane. Given the relatively low traffic volumes on Alder Drive, vehicle queues at the Alder Driveway would rarely exceed one or two vehicles.

The main drive aisle leads into the site from the main driveway on Alder Drive. The site plan shows a truck loading/unloading area on the east side of the main drive aisle located approximately 25 feet north of Alder Drive. The loading area is oriented parallel to the travel way, and is 12.5 feet wide by 24 feet long. The loading area is expected to operate satisfactorily provided it is limited to the intended use by trucks only, a use which would be relatively infrequent. Due to the proximity of the loading area to Alder Drive, its use by passenger vehicles would be problematic in that it could cause congestion at the primary access point. However, implementation of Mitigation Measure TRA-2, described below, would ensure this impact would be reduced to a less-than-significant level.

> Mitigation Measure TRA-2: The main drive aisle loading/unloading area shall be signed for truck access only.

It should be noted that the development on the south side of Alder Drive is accessed by a driveway located on the south side of Alder Drive located about 25 feet west of the proposed main site driveway. It is generally desirable for opposing driveways to align at their center lines. However, given the proximity of the Barber Lane and Alder Drive intersection, and the fact that the opposing driveway on Alder Drive is opposite the VTA park and ride lot (not the project site), the proposed project driveway location on Alder Drive is reasonable. The traffic volumes at each of these subject driveways would be low enough such that vehicle conflicts would be minimal.

The existing Alder Drive street design allows for adequate sight distance; horizontal curve on Alder Drive is more than 350 feet away, and there is no landscaping or on-street parking obstructing the view. The site plan shows two features that could affect sight distance- monument signs and trees/landscaping.

At the site's northeast driveway, Barber Lane is two lanes wide with wide shoulders and bike lanes on both sides. The volume of left turns out of the site driveway in the AM and PM peak hours is 3 and 5 vehicles, respectively. These volumes equate to one outbound left turn every 20 minutes in the AM peak hour and one outbound left turn every 12 minutes in the PM peak hour. These volumes can easily be accommodated given the relatively high frequency of gaps in traffic on Barber Lane. Vehicle queues at the driveway would rarely exceed one or two vehicles, which can easily be provided in the storage space provided on the project site plan, which is approximately 85 feet. Given the existing conditions at the site, the sight distance at the Barber Lane driveway would be adequate. There are no curves on Barber lane, and there is no landscaping or on-street parking obstructing the view. The site plan shows two features that could affect sight distance- monument signs and trees/landscaping. Final design of the site would be reviewed by City staff to ensure that adequate sight distance is provided at the site driveways.

The project's west driveway would connect it to the VTA Park and Ride lot. Because there is little cross traffic in the VTA lot, delays and queues at this driveway would be minimal. There would be no sight distance issues at this location.

**Site Circulation**

All parking circulation aisles on site would be approximately 25 feet wide. These widths are typical for accommodating two-way traffic flow at driveways and two-way traffic flow in parking aisles with 90-degree (perpendicular) parking, which is the parking design provided on the site plan. The site plan shows that each of the two hotels has a separate pick-up/drop-off area. The locations of the pick-up/drop-off for the hotels would fit well within the on-site circulation system. The vehicular on site circulation would be satisfactory, with no dead-end aisles, the aisles are sufficiently wide, and turning radii generally are sufficiently large. Based on an analysis by the project applicant using truck turning templates, the width and radius of curvature of the drive aisles were determined to be adequate to accommodate delivery vehicles, emergency vehicles and trash collection vehicles.

Based on the above, with implementation of Mitigation Measure TRA-2, the proposed project would have a less-than-significant impact related to hazards related to design features and incompatible uses.

*e) Result in inadequate emergency access?* ***(Less-Than-Significant Impact)***

The design, construction, and maintenance of project access locations and on-site roads would be in compliance with the City's Municipal Code and would meet all emergency access standards. The Milpitas Fire Department would also review the proposed site plan and Fire Access Plan and would provide input on final design in relation to emergency access prior to issuance of a building permit. Also, as noted in in Section XVI.a, implementation of the proposed project would not result in a significant increase in the amount of traffic volume or delay experienced on the local roadway network. Therefore, the project would have a less-than-significant impact on emergency access

*f) Conflict with adopted polices, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?* ***(Less-Than-Significant Impact)***

The following includes a discussion of potential impacts to bicycle, pedestrian, and transit systems within the vicinity of the project site. The proposed project would have a significant impact related to adopted programs, plans, or policies regarding these facilities if it generated pedestrian, bicycle, or transit travel related demand that could not be accommodated by existing facilities, or those proposed by the project.

**Public Transit**

An evaluation of the effects of project-related traffic on transit vehicle delay is included in the TIA analysis. The analysis was completed for all transit routes that travel through the study intersections, utilizing information produced by the intersection Level of Service analysis. The transit routes that serve the study area, and which could be affected by delays caused by the project, are VTA routes 140, 330 and ACE shuttle route 825. The transit delay analysis shows that the project would increase delay to some transit vehicles, and result in a decrease in delay to other transit vehicles. The decreases in delay are attributed to the fact that the addition of project traffic sometimes causes a reallocation of green time, which causes a "reallocation" of delays. As shown in the TIA analysis, VTA Route 140 would experience a 12.8 second increase in delay in the PM peak-hour. However, with implementation of Mitigation Measure TRA-1, VTA Route 140 would experience no increase in delay.

**Pedestrian Access and Bicycle Facilities**

The proposed project provides adequate pedestrian circulation on site and between the site and the surrounding transportation system. The proposed project would include continuous walkways around the Aloft Hotel, including the areas connecting to all parking fronting the building and the drop-off-pick-up area at the entrance. The northwest corner of the Aloft Hotel would include a pedestrian connection to the sidewalk on Tasman Drive. The Element Hotel would include continuous sidewalks accessing all parking along its frontage and the drop-off-pick-up area at the entrance. At each end, the walkway around the Element Hotel meets the street- at the sidewalk on Alder Drive at the south end and at the sidewalk on Barber Lane on the east end.

The proposed project would not require the addition of new off-site pedestrian or bicycle facilities. Additionally, the proposed project would be required to provide a sufficient number of short- and long-term bicycle parking spaces to meet City and/or VTA requirements.

| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XVII. TRIBAL CULTURAL RESOURCES.** | | | | |
| (a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | | | | |
| i) 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 | ☐ | ☐ | ☒ | ☐ |
| ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. [In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.] | ☐ | ☐ | ☒ | ☐ |

*a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) 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 ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?* ***(Less-than-Significant Impact)***

Assembly Bill 52, which became law on January 1, 2015, provides for consultation with California Native American tribes during the CEQA environmental review process, and equates significant impacts to "tribal cultural resources" with significant environmental impacts. PRC Section 21074 states that "tribal cultural resources" are:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and are one of the following:
- Included or determined to be eligible for inclusion in the California Register of Historical Resources.

- Included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1.
- 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 PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

A "historical resource" (PRC Section 21084.1), a "unique archaeological resource" (PRC Section 21083.2(g)), or a "nonunique archaeological resource" (PRC Section 21083.2 (h)) may also be a tribal cultural resource if it is included or determined to be eligible for inclusion in the California Register. The consultation provisions of the law require that a public agency consult with local Native American tribes that have requested placement on that agency's notification list for CEQA projects. Within 14 days of determining that a project application is complete, or a decision by a public agency to undertake a project, the lead agency must notify tribes of the opportunity to consult on the project, should a tribe have previously requested to be on the agency's notification list. California Native American tribes must be recognized by the NAHC as traditionally and culturally affiliated with the project site, and must have previously requested that the lead agency notify them of projects. Tribes have 30 days following notification of a project to request consultation with the lead agency. The purpose of consultation is to inform the lead agency in its identification and determination of the significance of tribal cultural resources. If a project is determined to result in a significant impact on an identified tribal cultural resource, the consultation process must occur and conclude prior to adoption of a Negative Declaration or Mitigated Negative Declaration, or certification of an Environmental Impact Report (PRC Sections 21080.3.1, 21080.3.2, 21082.3).

**Tribal Outreach and Consultation**

The Native American Heritage Commission (NAHC) in West Sacramento was contacted to identify registered, Native American sacred sites in or near the project site and to obtain a list of local tribes that may be eligible to consult with the City to address the project's potential impacts to tribal cultural resources. Frank Lienert, NAHC Associate Governmental Program Analyst, responded to the City's request for information via email on August 22, 2017, stating that "the results of the Sacred Lands File check conducted through the Native American Heritage Commission had a positive result. For more information about this/these site(s), please contact North Valley Yokut Tribe." The NAHC also provided a list of Native American tribes that may be eligible to consult with the City for this project, pursuant to the requirements of AB 52.

The City sent letters describing the project and maps depicting the project site via certified mail on September 15, 2017, to Native American contacts identified by the NAHC. The letters were sent, pursuant to Assembly Bill 52, to identify possible project impacts to tribal cultural resources. Chairperson Katherine Erolinda Perez of the North Valley Yokut Tribe was notified of the Sacred Lands File search results per the information provided by the NAHC. The City sent a number of emails and phone calls in an effort to contact Ms. Perez, and as of February 2018, there have been no replies. Therefore, the City considers the AB 52 consultation process to be concluded and the Tribe would still have an opportunity to review and comment on this Public Review Draft IS/MND. The correspondence related to tribal cultural resources is included in Appendix G.

| | | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|---|
| **XVIII.** | **UTILITIES AND SERVICE SYSTEMS.** Would the project: | | | | |
| a) | Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | ☐ | ☐ | ☒ | ☐ |
| b) | Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☒ | ☐ |
| c) | Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | ☐ | ☐ | ☒ | ☐ |
| d) | Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | ☐ | ☐ | ☒ | ☐ |
| e) | 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? | ☐ | ☐ | ☒ | ☐ |
| f) | Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | ☐ | ☐ | ☒ | ☐ |
| g) | Comply with federal, State, and local statutes and regulations related to solid waste? | ☐ | ☐ | ☒ | ☐ |

*a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?* ***(Less-Than-Significant Impact)***

The City of Milpitas owns and operates its municipal wastewater collection system containing of 175 miles of gravity pipe and 5 miles of force main. The system also includes two pump stations: the Venus Station which lifts wastewater from the low-lying Pines neighborhood and the Main Sewer Pump Station which pumps all City sewage through dual 2.5 mile force mains to the San Jose/Santa Clara Pollution Control Plant (WPCP) located in San Jose at 700 Los Esteros Road for treatment.[54]

[54] Milpitas, City of, 2014. *Sewer System Management Plan 2014 Update*. June.

The WPCP treats an average of 110 million gallons of wastewater per day (mgd), about 65 percent of its 167 mgd capacity, which includes service to the project site.[55]

The proposed project would generate domestic wastewater, treated by the WPCP. The City has sufficient capacity to serve the proposed project. The City does require the applicant to complete sewer system modeling to demonstrate adequate conveyance capacity based on the current discharge allocation, and this would need to be completed prior to project approval.[56] Therefore, wastewater generated from the proposed project would not cause the WPCP to violate any wastewater treatment requirements and this impact would be less than significant.

*b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?* ***(Less-Than-Significant Impact)***

**Wastewater Infrastructure**

As discussed in Section XVIII.d, wastewater treatment for the City of Milpitas is provided by the WPCP treatment plant and the wastewater collection system is maintained by the City. The City of Milpitas maintains existing sanitary sewer lines within the vicinity of the site, including a 21-inch line within Barber Lane. The proposed project includes the installation of a new on-site 8-inch wastewater line that would connect to the City's existing line within Barber Lane. The new sanitary sewer line would be constructed in conformance with City standards, and its construction would not cause significant environmental effects. Also refer to Section XVII.a.

**Water Infrastructure**

The City's potable water supply is provided by the San Francisco Public Utilities Commission (SFPUC) and the SCVWD.[57] The project site is served by water provided by the SCVWD. The City's potable water system has 245 miles of water mains, 5 water tanks, 5 pump stations, 16 pressure regulating valves, an emergency supply well and emergency interties. The City also operates and maintains a recycled water system owned by the City of San Jose South Bay Water Recycling (SBWR) program.[58] The current SCVWD water supply delivered to the City is limited to surface water largely purchased by SCVWD from the State Water Project and Central Valley Project, however, SCVWD's overall water supply comes from a variety of sources. Specifically, nearly half of SCVWD's water comes from local groundwater aquifers and more than half is imported from the Sierra Nevada through pumping stations in the Sacramento-San Joaquin River Delta.

[55] San Jose, City of, 2016. *San Jose-Santa Clara Regional Wastewater Facility Fact Sheet*. Website: www.sanjoseca.gov/DocumentCenter/View/34681 (accessed September 1, 2017). April 25.

[56] Fossati, Michael, 2017. Written correspondence to Trevor Edwards. "Response to initial additional application review comments on the Alder Drive & Barber Lane Hotel Development." June 22.

[57] Milpitas, City of, 2016. *2015 Urban Water Management Plan*. Available online at: www.ci.milpitas.ca.gov/wp-content/uploads/2015/07/Adopted-2015-Milpitas-UWMP-Revised-6-27-16.pdf (accessed September 11, 2017). June.

[58] Ibid.

The City updated it Urban Water Management Plan (UWMP) in 2015, which was adopted in 2016. According to the UWMP, the annual water use in 2015 was 8,774 acre-feet. As discussed in Section XVIII.d, the proposed project would not substantially increase demand for water and would therefore not exceed the capacity of existing water treatment facilities. The proposed project would not require the construction of new water treatment facilities, or the expansion of existing facilities, other than those already planned as part of the City's Water Master Plan. The proposed project would include the installation of new water lines connecting to the existing 12-inch water service lines located within Alder Drive and Barber Lane. The proposed project would connect directly to existing mains, which have sufficient capacity to accommodate the proposed project. Therefore, the impact of the proposed project on water infrastructure would be less than significant.

*c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?* ***(Less-Than-Significant Impact)***

The proposed project would include new connections and upgrades to existing stormwater infrastructure on the project site. Development of the proposed project would increase impervious surfaces on the site. Approximately 2,589 square feet of the site is currently covered with impervious surfaces. The remainder of the site (approximately 140,914 square feet) consists of pervious landscaped or other vegetated areas. Development of the proposed project would result in an increase on impervious surface coverage on the site to 106,768 square feet. As such, the proposed project would result in an increase in stormwater runoff. Please see Section IX.a and IX.d for a complete discussion of stormwater drainage facilities. The proposed project includes the installation of a new stormwater drainage system on the project site would drain towards the southwest side of the site into the existing 18-inch storm drain along Alder Drive. From there, a new 12-inch storm drain line would connect to the existing storm drain pipe along Alder Drive. Bio-retention areas and interceptor trees would also be incorporated in the landscape design of the proposed project to provide appropriate vegetation and water quality treatment in vegetated areas, driveways, streets, and sidewalks (please see Figure 9, Phase 2 Stormwater Management Plan). As previously noted, the new stormwater system must comply with all applicable regulations and would not represent an expansion of facilities such that significant environmental effects would occur; therefore, this impact would be less than significant.

*d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?* ***(Less-Than-Significant Impact)***

The City of Milpitas provides water to the project site. Currently, the source of domestic water used in Milpitas includes the SFPUC and SCVWD. SFPUC water is primarily used for residential areas in the City and the SCVWD water is used to supply industrial areas, including the project site. The City's 2016 UWMP describes the existing and planned sources of water available in the water system service area over the next 20 years, in 5-year increments.

The City has determined that existing water supply entitlements are sufficient and no additional water supply entitlements are necessary.[59] The UWMP, which identifies water system improvements

[59] Fossati, Michael, 2017, op. cit.

necessary to meet future water demand, did not identify any deficiencies in the vicinity of the project site. The existing water system infrastructure has adequate capacity to serve the proposed project. In addition, the proposed project would be required to use recycled water to the maximum extent feasible and coordinate with the City of Milpitas Fire Department to assess fire flow requirements and comply with them as part of the project. Based on the above, the City would have sufficient water supply to support the proposed project and implementation of the project would not require new or expanded entitlements for water supplies, and impacts related to water supply would be less than significant.

*e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?* ***(Less-Than-Significant Impact)***

Please refer to Section XVIII.a for a discussion of the project's impacts to wastewater treatment. The proposed project would result in a very minor contribution to the daily permitted capacity of the wastewater treatment plant and would not exceed the plant's capacity. Therefore, impacts related to the capacity of the existing wastewater treatment plant would be less than significant.

*f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?* ***(Less-Than-Significant Impact)***

Solid waste and recycling pickup and disposal in the City of Milpitas is provided by Republic Services. The solid waste is disposed of at the Newby Island Landfill and recycling facility which is located approximately 4 miles north of the project site on Dixon Landing Road. The facility recycled materials, operates a construction and demolition material processing facility, and a landfill that accepts industrial wastes, grit, screenings, wastewater treatment sludge, contaminated soils, clean soils, and municipal solid waste.[60] The Newby Island Landfill has a capacity of 57.5 million cubic yards and a remaining capacity of 21.2 million cubic yards, and can accept 4,000 tons per day.[61]

On average, hotel uses generate approximately 2 pounds per day of garbage per room.[62] Based on these rates, the Element Hotel would generate approximately 388 pounds per day and the Aloft Hotel would generate approximately 310 pounds per day of garbage. Combined, the proposed project would generate approximately 689 pounds per day of garbage. As noted above, the Newby Island Landfill has adequate capacity to serve the proposed project. As such, the project would be served by a landfill with sufficient capacity to accommodate the project's waste disposal needs, and impacts associated with the disposition of solid waste would be less than significant.

[60] Republic Services, 2017. *Newby Island Resource Recovery Park*. Website: local.republicservices.com/site/newby-island (accessed September 11, 2017).

[61] CalRecycle, 2017. Facility/Site Summary Details: Newby Island Sanitary Landfill (43-AN-0003). Website: www.calrecycle.ca.gov/SWFacilities/Directory/43-AN-0003/Detail (accessed September 11, 2017).

[62] California Integrated Management Board, 2017. *Estimated Solid Waste Generation Rates*. Website: www2.calrecycle.ca.gov/WasteCharacterization/General/Rates (accessed September 11, 2017).

*g) Comply with federal, State, and local statutes and regulations related to solid waste**? (Less-Than-Significant Impact)***

The proposed Project would comply with all federal, State, and local solid waste statutes and/or regulations related to solid waste. Also refer to Section XVII.f. Therefore, the proposed Project would have a less-than-significant impact related to solid waste regulations.

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| | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| **XVIV. MANDATORY FINDINGS OF SIGNIFICANCE.** | | | | |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | ☐ | ☒ | ☐ | ☐ |
| 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.) | ☐ | ☒ | ☐ | ☐ |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☐ | ☐ | ☒ |

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

Implementation of Mitigation Measures CULT-1a through CULT-3 would ensure that potential impacts to cultural resources that could be uncovered during construction activities would be reduced to a less-than-significant level. Implementation of Mitigation Measure BIO-1 would ensure that potential impacts to special-status species are reduced to a less-than-significant level. Therefore, with

the incorporation of mitigation measures, development of the proposed project would not: 1) degrade the quality of the environment; 2) substantially reduce the habitat of a fish or wildlife species; 3) cause a fish or wildlife species population to drop below self-sustaining levels; 4) threaten to eliminate a plant or animal community; 5) reduce the number or restrict the range of a rare or endangered plant or animal; or 6) eliminate important examples of the major periods of California history.

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.)* ***(Potentially Significant Unless Mitigation Incorporated)***

The proposed project's impacts would be individually limited and not cumulatively considerable. The potentially significant impacts that can be reduced to a less-than-significant level with implementation of recommended mitigation measures include the topics of aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, and hydrology and water quality, and noise. These impacts would primarily be related to construction-period activities, would be temporary in nature, and would not substantially contribute to any potential cumulative impacts associated with these topics. For the topic of aesthetics, potentially significant light and glare impacts would be reduced to less-than-significant levels with implementation of Mitigation Measure AES-1. For the topic of air quality, potentially significant impacts to air quality standards associated with project construction would be reduced to less-than-significant levels with implementation of Mitigation Measure AIR-1. For the topic of biological resources, implementation of Mitigation Measure BIO-1 would ensure that impacts to special status-species are reduced to a less-than-significant level. For the topic of cultural resources, potentially significant impacts to archaeological resources and paleontological resources would be reduced to less-than-significant levels with implementation of Mitigation Measures CULT-1a, CULT-1b, CULT-1c, CULT-2 and CULT-3. For the topic of hazards and hazardous materials, implementation of Mitigation Measure HAZ-1 would ensure that potential impacts associated with the release of hazardous materials, which could in turn degrade the quality of the environment, would be reduced to a less-than-significant level. For the topic of hydrology and water quality, implementation of Mitigation Measures HYD-1 and HYD-2 would ensure that potential water quality impacts are reduced to a less-than-significant level. For the topic of noise, implementation of Mitigation Measure NOI-1 would ensure that potentially significant impacts associated with construction noise are reduced to a less-than-significant level.

For the topics of agricultural and forestry resources, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, traffic, tribal cultural resources, and utilities and service systems, the project would have no impacts or less-than-significant impacts, and therefore, the project would not substantially contribute to any potential cumulative impacts for these topics. All environmental impacts that could occur as a result of the proposed project would be reduced to a less-than-significant level through the implementation of the mitigation measures recommended in this document.

Implementation of these measures would ensure that the impacts of the project would be below established thresholds of significance and that these impacts would not combine with the impacts of other cumulative projects to result in a cumulatively considerable impact on the environment as a result of project development. Therefore, this impact would be less than significant.

*c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* ***(No Impact)***

The proposed project would not result in any environmental effects that would cause substantial direct or indirect adverse effects to human beings.

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