

**Initial Study/Addendum  
Lower/East Penitencia Creek Trails Project  
City of Milpitas, California**

**State Clearinghouse No. 2006032091**

Prepared for:



**City of Milpitas**

Planning and Neighborhood Services Department  
455 E. Calaveras Boulevard  
Milpitas, CA 95035  
408.586.3278

Contact: Shaunn Mendrin, Senior Planner

Prepared by:

**Michael Brandman Associates**

Bishop Ranch 3  
2633 Camino Ramon, Suite 460  
San Ramon, CA 94583  
925.830.2733

Contact: Mary Bean, Project Director  
Grant Gruber, Project Manager



Michael Brandman Associates

October 21, 2013



## TABLE OF CONTENTS

<b>Section 1: Introduction .....</b>	<b>1</b>
1.1 - Initial Study/Environmental Checklist .....	1
1.2 - Environmental Analysis and Conclusions .....	1
1.2.1 - Findings .....	2
1.2.2 - Conclusion.....	2
1.3 - Mitigation Monitoring Program .....	3
<b>Section 2: Project Description .....</b>	<b>5</b>
2.1 - Location and Setting .....	5
2.2 - Project Background.....	5
2.3 - Project Characteristics .....	5
<b>Section 3: Environmental Checklist .....</b>	<b>19</b>
3.1 - CEQA Checklist .....	19
3.2 - Explanation of Checklist Evaluation Categories.....	19
(1) Conclusion in Prior EIR and Related Documents.....	19
(2) Do the Proposed Changes Involve New Impacts? .....	19
(3) New Circumstances Involving New Impacts?.....	19
(4) New Information Requiring New Analysis or Verification? .....	19
(5) Final EIR Mitigation Measures Implemented or Address Impacts.....	20
3.3 - Discussion and Mitigation Sections.....	20
(1) Discussion .....	20
(2) Final EIR Mitigation Measures.....	20
(3) Conclusions .....	21
I. Aesthetics, Light and Glare .....	22
II. Agricultural Resources .....	24
III. Air Quality.....	26
IV. Biological Resources .....	30
V. Cultural Resources .....	34
VI. Geology and Soils .....	36
VII. Greenhouse Gas Emissions.....	40
VIII. Hazards and Hazardous Materials .....	42
IX. Hydrology and Water Quality.....	45
X. Land Use Planning .....	50
XI. Noise .....	52
XII. Population and Housing .....	55
XIII. Public Services .....	57
XIV. Transportation/Traffic .....	60
XV. Utilities and Service Systems .....	63
XVI. Mandatory Findings of Significance.....	65

## LIST OF TABLES

Table 1: Project Summary .....	6
--------------------------------	---

## LIST OF EXHIBITS

Exhibit 1: Regional Location Map .....	7
Exhibit 2: Local Vicinity Map – Aerial Base .....	9
Exhibit 3a: Trail Improvement Plans – Harmony Trail Segments .....	11
Exhibit 3b: Trail Improvement Plans – Integral Trail Segment .....	13
Exhibit 3c: Trail Improvement Plans – Taylor Morrison Trail Segments .....	15
Exhibit 3d: Trail Improvement Plans – Taylor Morrison Trail Segments .....	17

## SECTION 1: INTRODUCTION

This Addendum, checklist, and attached supporting documents have been prepared to determine whether and to what extent the Transit Area Specific Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2006032091) remains sufficient to address the potential impacts of the proposed Lower/East Penitencia Creek Trails Project (project), or whether additional documentation is required under the California Environmental Quality Act (CEQA) (Pub. Resources Code, Section 21000, et seq.).

### 1.1 - Initial Study/Environmental Checklist

Pursuant to Public Resources Code Section 21166, and CEQA Guidelines Sections 15162 and 15164, subdivision (a), the attached initial study/checklist has been prepared to evaluate the project. The attached initial study/checklist uses the standard environmental checklist categories provided in Appendix G of the CEQA Guidelines, but provides answer columns for evaluation consistent with the considerations listed under CEQA Guidelines Section 15162, subdivision (a).

### 1.2 - Environmental Analysis and Conclusions

CEQA Guidelines Section 15164,<sup>1</sup> subdivision (a), provides that the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR or ND if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR or ND have occurred (CEQA Guidelines, Section 15164, subd. (a)).

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

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

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;<sup>2</sup>

<sup>1</sup> Note that CEQA Guidelines Section 15164 is titled “Addendum to an EIR or Negative Declaration” but references only “EIR” in the various sub-sections. However, the intent is clear that Addendums can be prepared pursuant to Negative Declarations.

<sup>2</sup> CEQA Guidelines Section 15382 defines “significant effect on the environment” as “ . . . a substantial, or potentially substantial adverse change in any of the physical conditions within the area affected by the project, including land, air,

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR [or ND] . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR [or ND] was certified as complete . . . shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR [or ND] or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR [or ND];
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR [or ND] would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative (CEQA Guidelines, Section 15162, subd. (a); see also Pub. Resources Code, Section 21166).

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

### 1.2.1 - Findings

There are no substantial changes proposed by the revised project or in the circumstances in which the project will be undertaken that require major revisions of the existing EIR, or preparation of a new subsequent or supplemental EIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As illustrated herein, the project is consistent with the EIR and would involve only minor changes to the previously approved project (CEQA Guidelines, Section 15162, subd. (a)).

### 1.2.2 - Conclusion

The Milpitas City Council or Planning Commission may approve the revised project based on this Addendum. The impacts of the proposed project remain within the impacts previously analyzed in the EIR (CEQA Guidelines Section 15061, subd. (b)(3)).

---

water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance . . .” (see also Public Resources Code, Section 21068).

The current proposed project does not require major revisions to the EIR. No new significant information or changes in circumstances surrounding the project have occurred since the certification of the EIR. The previous analysis completed for the Transit Area Specific Plan under CEQA and included in the EIR therefore remains adequate under CEQA. The City will, however, remain obligated to comply with all applicable mitigation measures and conditions of approval contained within the EIR.

---

### **1.3 - Mitigation Monitoring Program**

---

As required by Public Resources Code Section 21081.6, subdivision (a)(1), a mitigation monitoring and reporting program has been prepared for the project in order to monitor the implementation of the mitigation measures that have been adopted for the project. Any long-term monitoring of mitigation measures imposed on the overall development will be implemented through the Mitigation Monitoring and Reporting Program.





## SECTION 2: PROJECT DESCRIPTION

### 2.1 - Location and Setting

The project site is located in the City of Milpitas, Santa Clara County, California (Exhibit 1). The project site is located along Lower Penitencia Creek between Great Mall Parkway and Montague Expressway and East Penitencia Creek between Lower Penitencia Creek and Lundy Place (Exhibit 2). The lineal distance of the project site is approximately 1.3 mile.

An unpaved access road is located along an embankment parallel to the east side of Lower Penitencia Creek. In addition, unpaved access roads are located along embankments on either side of East Penitencia Creek. Vehicular access is controlled by locked gates at Great Mall Parkway, Montague Expressway, McCandless Drive, and Lundy Place.

### 2.2 - Project Background

The City of Milpitas initiated the Transit Area Specific Plan in 2004 to guide the redevelopment of the area surrounding the future Milpitas Bay Area Rapid Transit (BART) station with transit-oriented uses. The Specific Plan area encompasses 437 acres bounded by South Main Street (west), the northern property line of The Great Mall of the Bay Area (north), Piper Drive and Milpitas Boulevard (east), and Trade Zone Boulevard and Montague Expressway (south). The Specific Plan has a buildout potential of 7,109 dwelling units, 993,843 square feet of office uses, 287,075 square feet of retail uses, and 175,500 square feet of hotel uses. Additionally, the Specific Plan contemplated a network of pedestrian and bicycle facilities within the plan area, including trails along Lower Penitencia Creek and East Penitencia Creek. The Milpitas City Council adopted the Transit Area Specific Plan and certified the associated EIR in 2008.

In 2011, the City of Milpitas approved three residential projects adjacent to the Lower Penitencia Creek corridor: Harmony, Integral Communities (also known as “The District”), and Taylor Morrison. Collectively, the three projects span the reach of Lower Penitencia Creek between Great Mall Parkway and Montague Expressway. The Transit Area Specific Plan contemplated a Class I bicycle/pedestrian trail along this reach of Lower Penitencia Creek, as well as the reach of East Penitencia Creek between Lower Penitencia Creek and Lundy Place. Accordingly, all three projects were conditioned on developing the portions of the trails that adjoined their creek frontages.

### 2.3 - Project Characteristics

The proposed project consists of the development of the (1) Lower Penitencia Creek Trail between Great Mall Parkway (future trailhead) and Montague Expressway and (2) the East Penitencia Creek Trail between Lower Penitencia Creek and Lundy Place. For the former trail, a single trail segment would be developed along the east side of Lower Penitencia Creek Trail. For the latter trail, two trail

segments would be developed on either side of the creek and feature an at-grade crossing of McCandless Drive with a decorative crosswalk. The trails would be located within the existing alignments of the unpaved access roads.

A full-span, pre-manufactured bridge is proposed over East Penitencia Creek to link the north and south sides of Lower Penitencia Creek Trail and East Penitencia Creek Trail. The bridge would be 60 feet in length and 10 feet in width. The bridge would provide 8 feet of freeboard for East Penitencia Creek.

Table 1 summarizes the proposed project. The improvement plans are shown in Exhibit 3.

**Table 1: Project Summary**

Component	Characteristics
Lower Penitencia Creek Trail	0.6 mile (east side of the creek); 10- to 12-foot-wide paved section; 60-foot full-span bridge over East Penitencia Creek Trail; connection to future trailhead at Great Mall Parkway sidewalk and at-grade connection to Montague Expressway sidewalk.
East Penitencia Creek Trail (North)	0.7 mile (north side of the creek); 10- to 12-foot-wide paved section; at-grade, pavement treatment crossing of McCandless Drive
East Penitencia Creek Trail (South)	0.7 mile (south side of the creek); 10- to 12-foot-wide paved section
Source: Ruggeri-Jensen-Azar, 2012; Carlson, Barbee & Gibson, Inc., 2012.	

The entire Lower Penitencia Creek segment would be completed in one phase; however, only partial segments of the East Penitencia Creek Trails (north and south) would be developed initially. The initial north segment would extend from the Lower Penitencia Creek Trail to the edge of the “Avenue Project” to connect with a walkway that would be linked to the future “Bond Street.” The initial south segment would extend from the Lower Penitencia Creek Trail to McCandless Drive. The remaining segments would be completed at a later date. Exhibits 3a, 3b, 3c, and 3d depict the initial trail segments. Note that all of the trail segments are still in the design phase and minor changes may occur. This Addendum is intended to provide coverage for any minor changes that occur to trail design so long as they are substantially consistent with the project described herein.

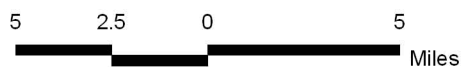
The two trails are consistent with the bicycle/pedestrian facilities contemplated by the City of Milpitas General Plan, Transit Area Specific Plan, Milpitas Trails Master Plan, and Milpitas Bikeways Master Plan. The project would connect with existing bicycle facilities on Great Mall Parkway and future bicycle facilities planned for Montague Expressway as well as integrated into residential and mixed use development already under construction in the area.

Source: Census 2000 Data, The CaSIL, MBA GIS 2013.



Michael Brandman Associates

16170010 • 02/2013 | 1\_regional.mxd

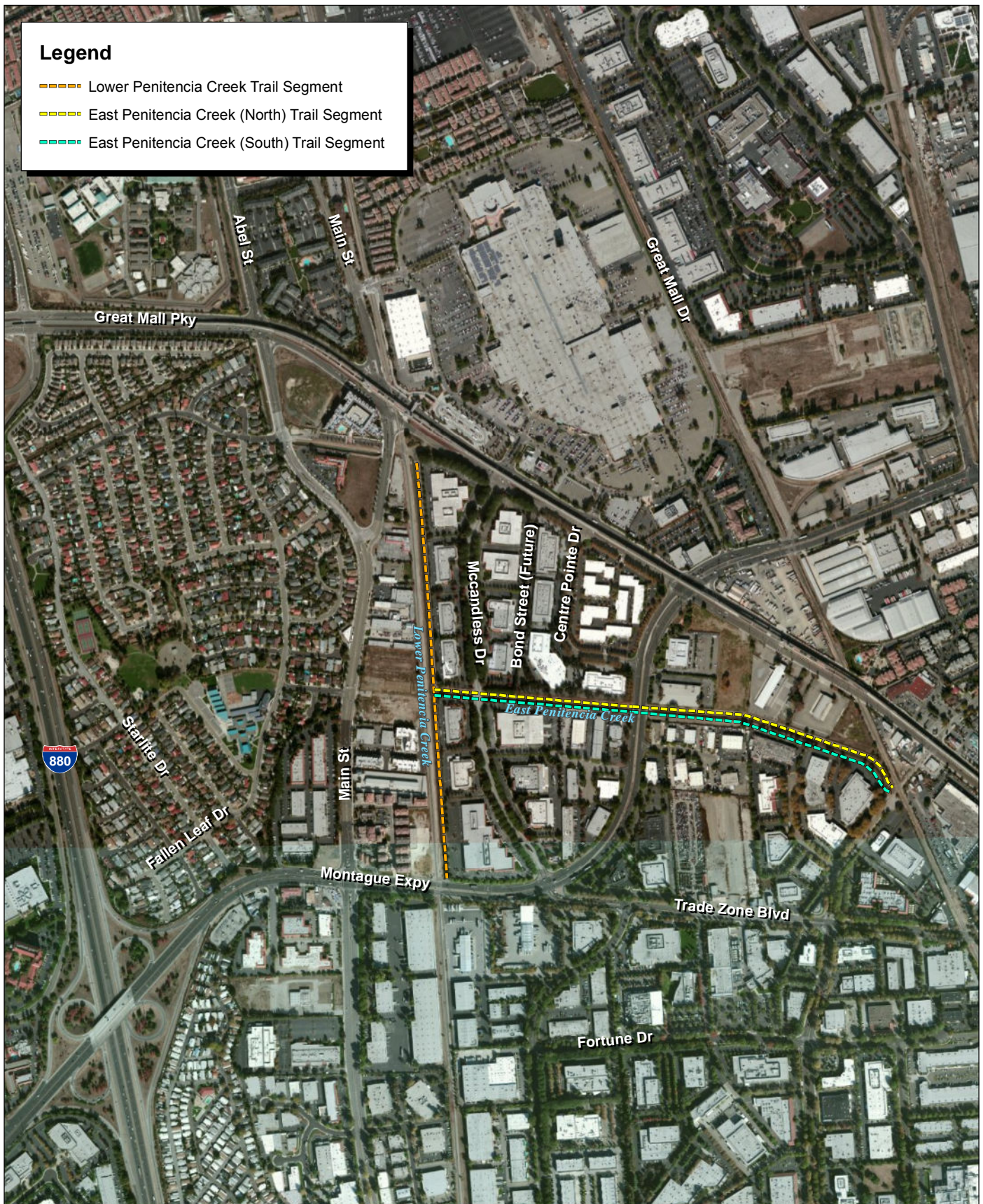


## Exhibit 1

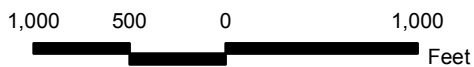
### Regional Location Map







Source: ESRI Aerial Imagery. MBA GIS Data, 2013.



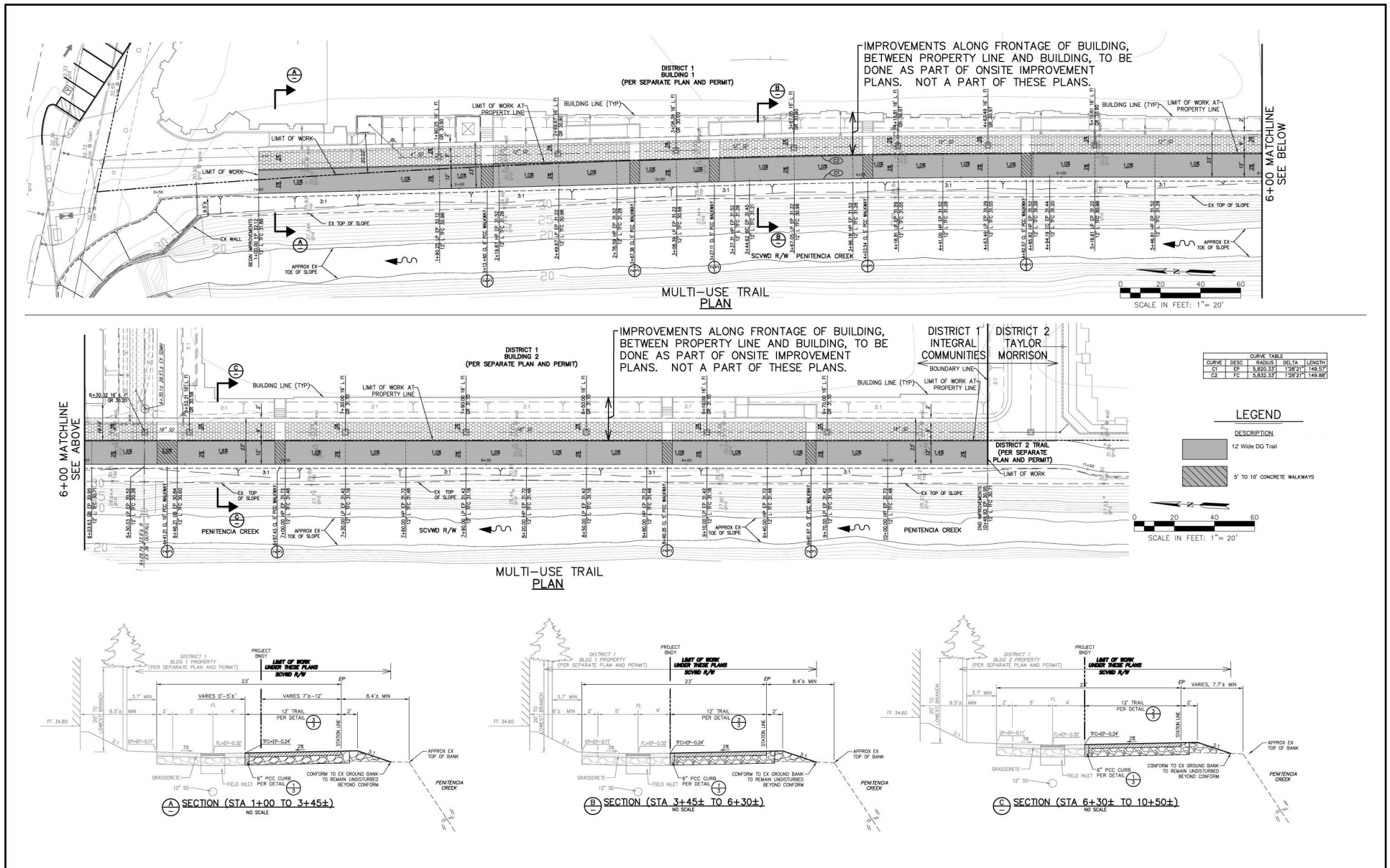












Source: RUGGERI-JENSEN-AZAR, December 2012.

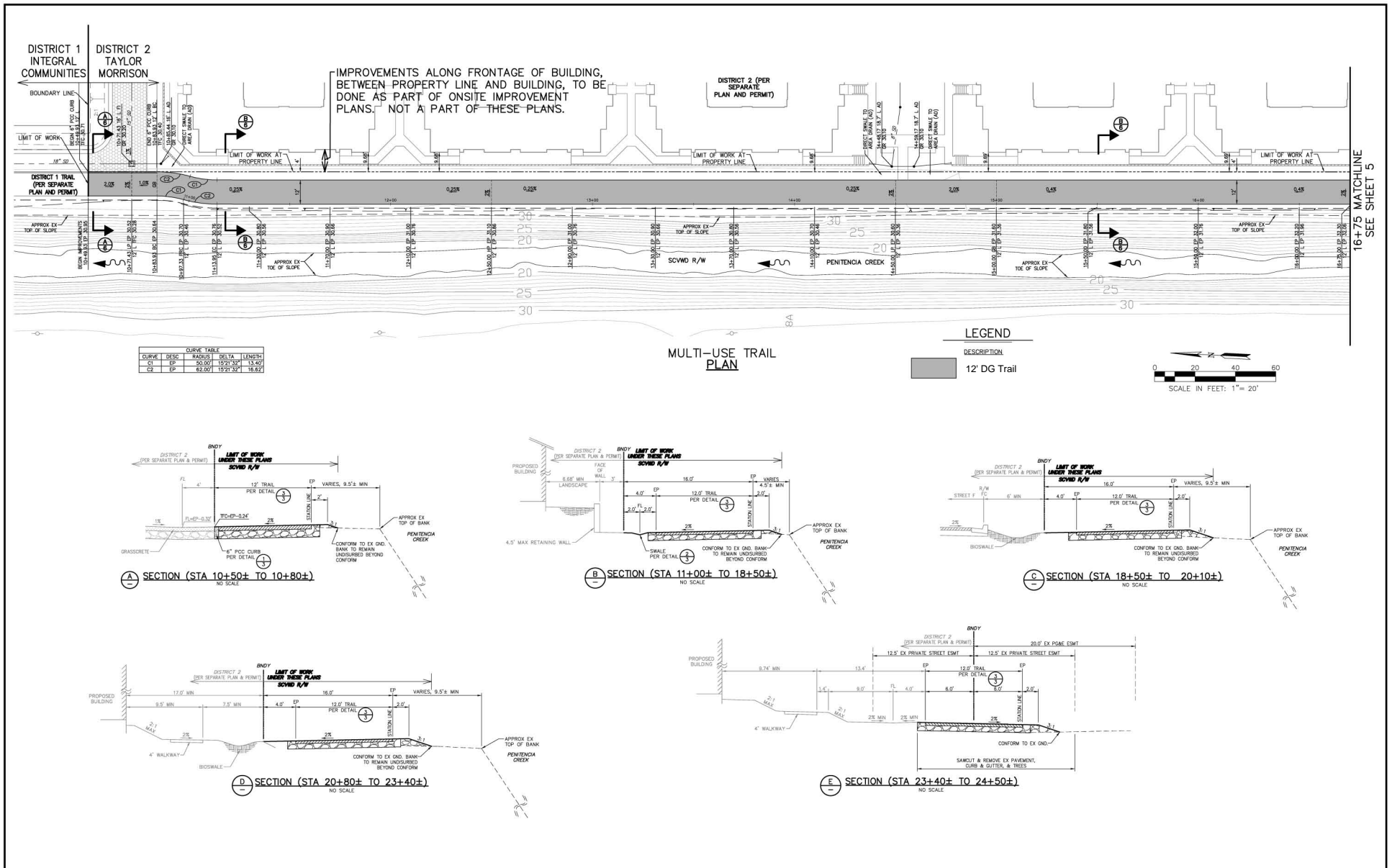


Michael Brandman Associates

16170010 • 02/2013 | 3b\_trail\_improve\_plans\_integral\_segment.cdr

# Exhibit 3b Trail Improvement Plans Integral Trail Segment





Source: RUGGERI-JENSEN-AZAR, December 2012.



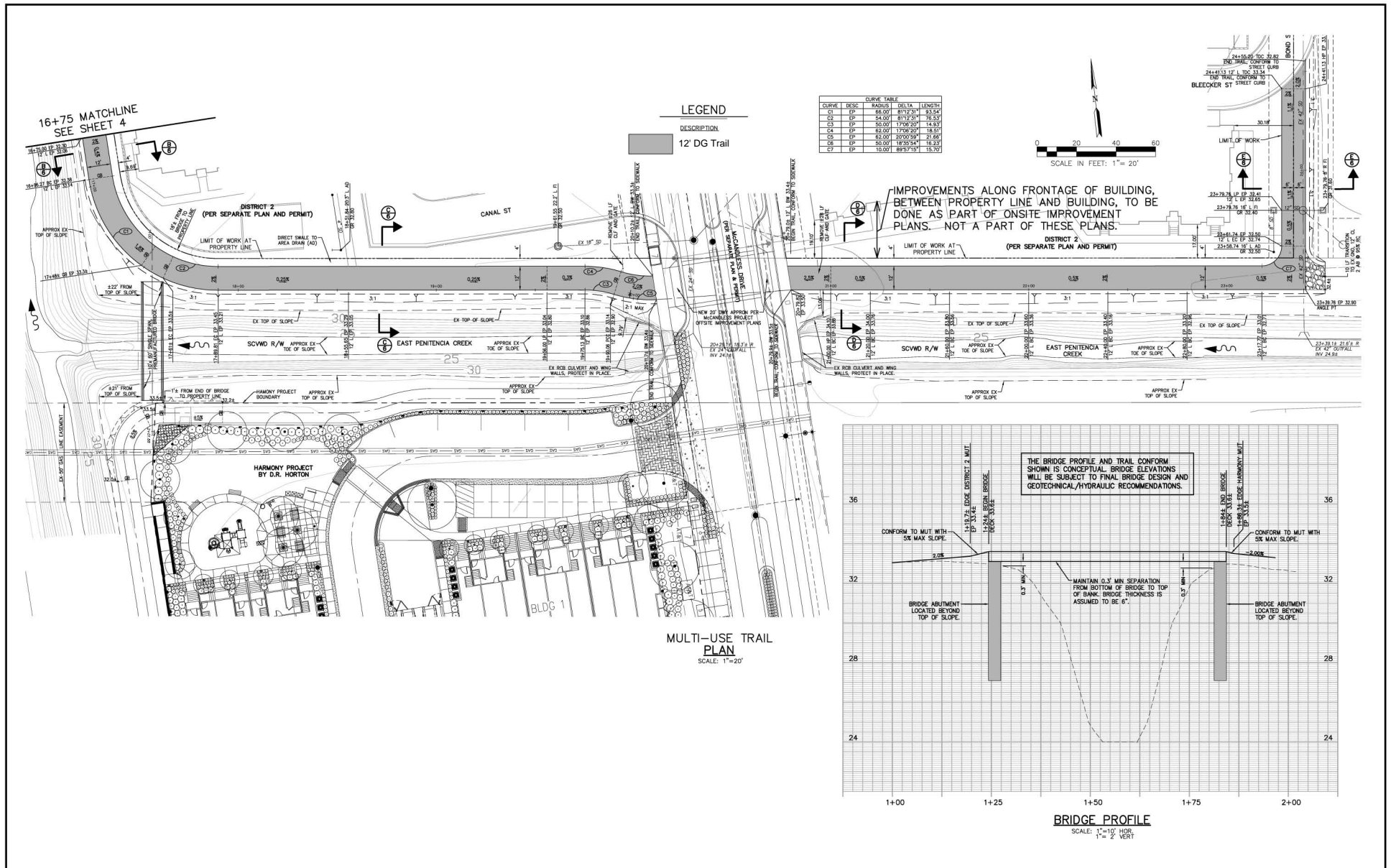
Michael Brandman Associates

16170010 • 02/2013 | 3c\_trail\_improve\_plans\_taylor\_morrison\_trail\_segment.cdr

# Exhibit 3c Trail Improvement Plans Taylor Morrison Trail Segments

CITY OF MILPITAS • LOWER/EAST PENITENCIA CREEK TRAIL PROJECT  
INITIAL STUDY/ADDENDUM  
Attachment 4  
Page 19 of 70





Source: RUGGERI-JENSEN-AZAR, December 2012.



Michael Brandman Associates

16170010 • 02/2013 | 3d\_trail\_improve\_plans\_taylor\_morrison\_trail\_segment.cdr

# Exhibit 3d Trail Improvement Plans Taylor Morrison Trail Segments

CITY OF MILPITAS • LOWER/EAST PENITENCIA CREEK TRAIL PROJECT  
INITIAL STUDY/ADDENDUM  
Attachment 4  
Page 21 of 70



## SECTION 3: ENVIRONMENTAL CHECKLIST

### 3.1 - CEQA Checklist

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

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

### 3.2 - Explanation of Checklist Evaluation Categories

#### (1) Conclusion in Prior EIR and Related Documents

This column provides a cross-reference to the pages of the EIR where the conclusion may be found relative to the environmental issue listed under each topic.

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

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

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

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

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

Pursuant to CEQA Guidelines Section 15162, subdivision (a)(3)(A-D), this column indicates whether new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects of the environment, but the project proponents decline to adopt the mitigation measure or alternative.

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

#### **(5) Final EIR Mitigation Measures Implemented or Address Impacts**

Pursuant to CEQA Guidelines Section 15162, subdivision (a)(3), this column indicates whether the Final EIR provides mitigation measures to address effects in the related impact category. These mitigation measures will be implemented with the construction of the project; a “yes” response will be provided in either instance. If “N/A” is indicated, the final EIR and this initial study conclude that the impact does not occur with this project or is not significant; therefore, no additional mitigation measures are needed.

---

### **3.3 - Discussion and Mitigation Sections**

---

#### **(1) Discussion**

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

#### **(2) Final EIR Mitigation Measures**

Applicable mitigation measures from the Final EIR that apply to the project are listed under each environmental category.



**(3) Conclusions**

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

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>I. Aesthetics, Light and Glare</b>					
<i>Would the project:</i>					
a) Have a substantial adverse effect on a scenic vista?	No impact	<b>No.</b> The project site does not contain any scenic vistas and would not have any adverse effect on scenic vista.	<b>No.</b> The project site does not contain any scenic vistas and would not have any adverse effect on scenic vista.	<b>No.</b> The project site does not contain any scenic vistas and would not have any adverse effect on scenic vista.	None
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No impact	<b>No.</b> The project site is not visible from any State Scenic Highways.	<b>No.</b> The project site is not visible from any State Scenic Highways.	<b>No.</b> The project site is not visible from any State Scenic Highways.	None
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	Less than significant impact	<b>No.</b> The proposed project would pave a trail on a previously unpaved path and not alter the characteristics of the surrounding community.	<b>No.</b> The proposed project would merely re-subdivide and still maintain the residential characteristics of the proposed project.	<b>No.</b> The proposed project would merely re-subdivide and still maintain the residential characteristics of the proposed project.	Policy 6.41
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than significant impact	<b>No.</b> The proposed project would pave a trail on a previously unpaved path and would not alter the characteristics of the surrounding community.	<b>No.</b> The proposed project would pave a trail on a previously unpaved path and would not alter the characteristics of the surrounding community.	<b>No.</b> The proposed project would pave a trail on a previously unpaved path and would not alter the characteristics of the surrounding community.	Specific Plan Development Standards

## Discussion

a) The project site does not include any designated scenic ridgelines. The proposed project would construct a multi-use trail on unpaved roads along Lower and East Penitencia Creek. Therefore, the project would not degrade views of the site and surrounding area relative to current conditions. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b) The project site is not visible from any designated scenic highway, nor does it include any rock outcroppings or historic buildings. No impacts beyond what were previously disclosed in the Transit

Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

c) The surrounding area consists of developed urban uses, including commercial and residential. The project site is located with the Lower and East Penitencia Creek corridors, which are characterized by man-made channels, unpaved roads, fencing, and similar features. The proposed project would develop a Class I bicycle/pedestrian trail along the alignments of the existing unpaved access roads, as well as a 60-foot full-span bridge across East Penitencia Creek. Overall, the project would complement the aesthetics of the residential communities currently in development in the project vicinity. Therefore, the project would not degrade the visual character of the site or local surroundings. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d) No lighting is proposed along any of the trail segments. This precludes the possibility of impacts in this regard. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

**Specific Plan Policies that Reduce the Impact**

---

None

---

**Specific Plan Development Standards that Reduce the Impact**

---

None

---

**Conclusion**

---

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>II. Agricultural Resources</b>					
<i>Would the project:</i>					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No impact	<b>No.</b> The project site does not contain agricultural land uses.	<b>No.</b> The project site does not contain agricultural land uses.	<b>No.</b> The project site does not contain agricultural land uses.	None
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No impact	<b>No.</b> The project site is not zoned for agricultural use nor is it encumbered by a Williamson Act contract.	<b>No.</b> The project site is not zoned for agricultural use nor is it encumbered by a Williamson Act contract.	<b>No.</b> The project site is not zoned for agricultural use nor is it encumbered by a Williamson Act contract.	None
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	This checklist question did not exist at the time the EIR was certified (2008)	<b>No.</b> The project site is zoned for public facility use and does not contain forested land.	<b>No.</b> The project site is zoned for public facility use and does not contain forested land.	<b>No.</b> The project site is zoned for public facility use and does not contain forested land.	None
d) Result in the loss of forest land or conversion of forest land to non-forest use?	This checklist question did not exist at the time the EIR was certified (2008)	<b>No.</b> The project site does not contain forest land.	<b>No.</b> The project site does not contain forest land.	<b>No.</b> The project site does not contain forest land.	None
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	No impact	<b>No.</b> The project site is not zoned for agricultural use.	<b>No.</b> The project site is not zoned for agricultural use.	<b>No.</b> The project site is not zoned for agricultural use.	None

---

**Discussion**

---

- a) The project site is not classified as Prime Agricultural Farmland, Unique Farmland, or Farmland of Statewide Importance. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.
- b) The project site is not zoned Agricultural and is not under a Williamson Act contract. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.
- c, d) The project site is not zoned for forest land; therefore, the proposed project would not conflict with a Forest zoning designation. The project site does not contain forest land; therefore, the proposed project would not covert forestland to non-forest use. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.
- e) The project site is located near already developed land and is not located close to any existing agricultural uses; therefore, the project would not facilitate the conversion of Farmland to nonagricultural use. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

**Specific Plan Policies that Reduce the Impact**

---

None

---

**Specific Plan Development Standards that Reduce the Impact**

---

None.

---

**Conclusion**

---

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>III. Air Quality</b>					
<i>Would the project:</i>					
a) Conflict with or obstruct implementation of the applicable air quality plan?	No Impact	<b>No.</b> The proposed project will not conflict with or obstruct applicable air quality plan.	<b>No.</b> The proposed project will not conflict with or obstruct applicable air quality plan.	<b>No.</b> The proposed project will not conflict with or obstruct applicable air quality plan.	Policy 5.16
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	No Impact	<b>No.</b> The proposed project will not violate or contribute substantially to an existing air quality plan; rather, the construction of a pedestrian and bicycle trail will enhance applicable air quality plans.	<b>No.</b> The proposed project will not violate or contribute substantially to an existing air quality plan; rather, the construction of a pedestrian and bicycle trail will enhance applicable air quality plans.	<b>No.</b> The proposed project will not violate or contribute substantially to an existing air quality plan; rather, the construction of a pedestrian and bicycle trail will enhance applicable air quality plans.	Policy 5.16
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Less than significant impact	<b>No.</b> The proposed trail segments would not cause a cumulatively considerable net increase in criteria pollutant emissions.	<b>No.</b> The proposed trail segments would not cause a cumulatively considerable net increase in criteria pollutant emissions.	<b>No.</b> The proposed trail segments would not cause a cumulatively considerable net increase in criteria pollutant emissions.	Policy 5.16
d) Expose sensitive receptors to substantial pollutant concentrations?	Less than significant impact	<b>No.</b> The proposed trail segments would not be sources of substantial pollutant concentrations.	<b>No.</b> The proposed trail segments would not be sources of substantial pollutant concentrations .	<b>No.</b> The proposed trail segments would not be sources of substantial pollutant concentrations .	None
e) Create objectionable odors affecting a substantial number of people?	Less than significant impact	<b>No.</b> The proposed trail segments would not be sources of objectionable odors.	<b>No.</b> The proposed trail segments would not be sources of objectionable odors.	<b>No.</b> The proposed trail segments would not be sources of objectionable odors.	None

---

## Discussion

---

a) The Lower Penitencia Creek and East Penitencia Creek corridors are designated “Parks and Open Space” by the City of Milpitas General Plan and “Linear Parks and Trails” by the Transit Area Specific Plan. The development of the trail segments would be consistent with the allowable land use activities within each land use designation. The Bay Area Air Quality Management District’s (BAAQMD) 2010 Clean Air Plan uses the planning assumptions contained each local jurisdiction’s General Plan as the basis for development its regional clean air strategies. Thus, projects that are consistent with their respectively General Plan can be assumed to be consistent with the 2010 Clean Air Plan. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b, c) In the Bay Area Air Basin ozone, PM<sub>2.5</sub>, and PM<sub>10</sub> (on the state level) have been classified by nonattainment status with regard to National Ambient Air Quality standards. The development of the proposed project will require grading and paving activities that would occur over a short period of time (less than 90 days). Fugitive dust emissions would vary from day to day, depending on the level and type of activity, silt content of the soil, and the prevailing weather. Sources of fugitive dust during construction would include vehicle movement over paved and unpaved surfaces, demolition, earth movement, grading, and wind erosion from exposed surfaces.

Specific Plan policies will be implemented prior to and during construction to minimize any potential threats to air quality. Specific Plan Policy 5.16 requires BAAQMD’s approach to dust abatement for projects under the Transit Area Specific Plan, thereby reducing air quality impacts during construction to less than significant. Because of the nature of the proposed project, all air quality-related impacts would be temporary and strictly for the duration of construction. Therefore, completion of the proposed project will discontinue all air quality impacts. In addition, the project site will not require operational maintenance; hence, any impact on air quality will be only for the duration of construction.

Completion of the proposed trail segments would improve mobility for non-motorized transportation modes and, thus, would contribute to regional emissions reduction strategies. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d) The proposed trail segments are immediately adjacent to future residential communities, which are considered sensitive receptors. However, the trail segments would be for the exclusive use of non-polluting sources of transportation (bicycles, pedestrians, etc.) and, thus, would not have the potential to expose nearby sensitive receptors to substantial pollutant concentrations. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

e) Construction activities may have the potential to emit petroleum-based fuel odors that could temporarily affect the nearest sensitive receptors (nearby dwellings). However, such odor events would be limited to the duration of construction, which would be expected to be no more than 90 days. Once construction activities are completed, there would be no potential for odor impacts at surrounding sensitive receptors. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

**General Plan Policies that Reduce the Impact:**

---

- **3.d-G-1:** Promote walking and bicycling for transportation and recreation purposes by providing a comprehensive system of sidewalks, bicycle lanes and routes and off-street trails that connects all parts of the City.
- **3.d-G-4:** Encourage a mode shift to non-motorized transportation by expanding current pedestrian and bicycle facilities.
- **3.d-I-1:** Complete the on-street bicycle and the off-street circulation systems as depicted and described in the Bikeways and Trails Master Plans.
- **3.d-I-2:** Develop connections between the off-street trail system and on-street bicycle system to fully integrate these facilities. Maximize linkages to other trail and bikeway systems to provide alternative transportation routes for pedestrians and bicyclists.
- **3.d-I-3:** View all public capital improvement projects as opportunities to enhance the bicycle and pedestrian systems, and incorporate bicycle and pedestrian facilities into the design of such projects wherever feasible.
- **3.d-I-9:** Require developers to make new projects as bicycle and pedestrian “friendly” as feasible, especially through facilitating pedestrian and bicycle movements within sites and between surrounding activity centers.
- **3.d-I-10:** Encourage developer contributions toward pedestrian and bicycle capital improvement projects and end-of-trip support facilities.
- **3.d-I-14:** Include evaluation of bicycle facility needs in all planning applications for new developments and major remodeling or improvement projects.
- **3.d-I-18:** Provide and accommodate recreational and transportation use of the trail system.
- **3.d-I-21:** Consider building bridges or undercrossings across creek channels, railroad lines and roadways to facilitate bicycling and walking.

---

**Specific Plan Policies that Reduce the Impact**

---

- **Policy 3.21:** Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects.
- **Policy 3.22:** Private development shall be encouraged to provide direct walking and biking routes to schools and major destinations, such as parks and shopping, through their property.



- **Policy 3.23:** Encourage children to walk or bike to school by expanding existing safe walking and bicycling routes to schools into the Transit Area.
- **Policy 3.26:** Construct pedestrian/bicycle bridges over Montague Expressway to allow safe crossings of this regional roadway with heavy traffic volumes: (1) near Piper Drive, to connect the Light Rail station, BART station, and development sites on the south side with the Great Mall and the neighborhoods north of Montague Expressway; and (2) near the Penitencia Creek East channel to connect schools and neighborhoods north and south of Montague Expressway.
- **Policy 3.28:** Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the proposed Plan].

Gaps exist on Capitol Avenue between Montague Expressway and Trimble Road, and on Trade Zone Boulevard between Montague Expressway and Lundy Place. Capitol Avenue only needs to be re-striped to add a bike lane. Trade Zone Boulevard generally contains sufficient width to accommodate two travel lanes and bike lanes in each direction; however, the westbound lanes on Trade Zone jog south slightly, so right-of-way acquisition will likely be required to push the curb further north to maintain a consistent section and to add bike lanes. Bike routes should be upgraded to bike lanes as part of any Montague widening project.

- **Policy 3.30:** Maintain pedestrian and biking facilities.  
Pedestrian facilities and amenities shall be routinely maintained as funding and priorities allow. The highest priority shall be given to facilities that are used to provide access to transit, public facilities, senior facilities, and schools.
- **Policy 5.16:** During review of specific development proposals made to the City, sponsors of individual development projects under the Specific Plan shall implement the BAAQMD's approach to dust abatement.  
This calls for "basic" control measures that should be implemented at all construction sites, "enhanced" control measures that should be implemented in addition to the basic control measures at construction sites greater than four acres in area, and "optional" control measures that should be implemented on a case-by-case basis at construction sites that are large in area, located near sensitive receptors or which, for any other reason, may warrant additional emissions reductions (BAAQMD, 1999)

---

## Conclusion

---

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>IV. Biological Resources</b>					
<i>Would the project:</i>					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Less than significant impact	<b>No.</b> The proposed project would not impact suitable habitat for special-status plant or wildlife species.	<b>No.</b> The proposed project would not impact suitable habitat for special-status plant or wildlife species.	<b>No.</b> The proposed project would not impact suitable habitat for special-status plant or wildlife species.	Policies 4.b-I-4, 4.b-I-5, 5.25, and 5.26
b) Have a substantial adverse effect on any riparian habitat or result in substantial loss of any other types of habitat identified as biologically unique and of the limited distribution, such as serpentine chaparral, serpentine grassland, and native grassland?	No impact	<b>No.</b> The proposed project will not have a substantial adverse effect on any riparian habitat or result in substantial loss of any other types of habitat identified as biologically unique.	<b>No.</b> The proposed project will not have a substantial adverse effect on any riparian habitat or result in substantial loss of any other types of habitat identified as biologically unique.	<b>No.</b> The proposed project will not have a substantial adverse effect on any riparian habitat or result in substantial loss of any other types of habitat identified as biologically unique.	Policies 4.b-I-4, 4.b-I-5, 5.25, 5.26, and 5.29
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	<b>No.</b> The proposed project will not have a substantial adverse effect on federally protected wetlands.	<b>No.</b> The proposed project will not have a substantial adverse effect on federally protected wetlands.	<b>No.</b> The proposed project will not have a substantial adverse effect on federally protected wetlands.	Policies 5.25 and 5.29
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?	No impact	<b>No.</b> The proposed project would not impact wildlife movement corridors or waterways suitable for migratory fish.	<b>No.</b> The proposed project would not impact wildlife movement corridors or waterways suitable for migratory fish.	<b>No.</b> The proposed project would not impact wildlife movement corridors or waterways suitable for migratory fish.	None

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No impact	<b>No.</b> The project site does not require the removal of any tree species therefore not conflicting with any preservation policies or ordinances.	<b>No.</b> The project site does not require the removal of any tree species therefore not conflicting with any preservation policies or ordinances.	<b>No.</b> The project site does not require the removal of any tree species therefore not conflicting with any preservation policies or ordinances.	Policies 4.b-I-4 and 4.b-I-5
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	<b>No.</b> The proposed project does not conflict with any provisions of adopted conservation plans.	<b>No.</b> The proposed project does not conflict with any provisions of adopted conservation plans.	<b>No.</b> The proposed project does not conflict with any provisions of adopted conservation plans.	None

## Discussion

a, b) Michael Brandman Associates personnel conducted a field survey of the trail alignments on February 22, 2013. A description of the findings follows.

Vegetation at the Lower Penitencia Creek channel is concentrated within the channel, with the top of the bank mostly barren. Vegetation along the creek banks included Italian ryegrass, wild oat, and a variety of forbs. Signs or sightings of wildlife included rock dove, American crow, European starling, house finch, house sparrow, belted kingfisher, mallard, sandpiper, California gull, common merganser, and California ground squirrel.

In-stream aquatic habitat within the creek channels does not provide suitable breeding habitat for red-legged frog in the form of deep, cool pools or slack water required. Ground squirrels and their burrows were observed along the creek banks, presenting the potential for burrowing owl to occur onsite; however, no signs or sightings of burrowing owl were recorded during the field survey. Based on these characteristics, it is recommended that only pre-construction nesting bird surveys be performed prior to groundwork, consistent with Specific Plan Policy 5.25. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b) The banks and channels of Lower Penitencia Creek and East Penitencia Creek contain riparian habitat. Trail construction activities would occur outside of these areas. In addition, the proposed bridge crossing of East Penitencia Creek would fully span the creek channel and, therefore, would

avoid impacts to riparian habitat. These characteristics preclude impacts to riparian habitat. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

c) Lower Penitencia Creek and East Penitencia Creek are classified as “waters of the United States”; thus, their banks and channels are under jurisdiction of the United States Army Corps of Engineers. Trail construction activities would occur outside of the creek channel within disturbed areas that contain unpaved access roads. In addition, the proposed bridge crossing of East Penitencia Creek would fully span the creek channel, thereby avoiding impacts to wetland features within the banks or channel. For these reasons, trail construction activities would not impact federally protected wetlands. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d) As previously discussed, construction activities would not occur within the banks or channels of Lower Penitencia Creek and East Penitencia Creek. Additionally, the proposed bridge crossing of East Penitencia Creek would fully span the creek channel. To the extent that either waterway is used for fish or wildlife movement, the project would not impact its attributes. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

e) The Tree and Planting Ordinance of the City of Milpitas protects significant trees, as defined by the Ordinance, including heritage trees, throughout the city. Under the City’s Zoning Ordinance, heritage trees are defined as any tree with a diameter of 30 inches or more measured 2 feet above ground level. The project site does not require the removal or damaging of any tree species. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

f) The project site is not located within the boundaries of an adopted habitat conservation plan or natural community conservation plan. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

**General Plan Policies that Reduce the Impact:**

---

- **Policy 4.b-I-4:** Require a biological assessment of any project site where sensitive species are present, or where habitats that support known sensitive species are present.
- **Policy 4.b-I-5:** Utilize sensitive species information acquired through biological assessments, project land use, planning and design.

---

### Specific Plan Policies that Reduce the Impact

---

- **Policy 5.25:** For any project sites that are either undeveloped or vacant and support vegetation, or project sites which are adjacent to such land, a pre-construction survey shall be conducted by a qualified biologist within 30 days of the onset of construction. This survey shall include two early morning surveys and two evening surveys to ensure that all owl pairs have been located. If preconstruction surveys undertaken during the breeding season (February 1st through July 31st) locate active nest burrows, an appropriate buffer around them (as determined by the project biologist) shall remain excluded from construction activities until the breeding season is over. During the non-breeding season (August 15th through January 31st), resident owls may be relocated to alternative habitat. The relocation of resident owls shall be according to a relocation plan prepared by a qualified biologist in consultation with the California Department of Fish and Game (CDFG). This plan shall provide for the owl's relocation to nearby lands possessing available nesting habitat. Suitable development-free buffers shall be maintained between replacement nest burrows and the nearest building, pathway, parking lot, or landscaping. The relocation of resident owls shall be in conformance with all necessary state and federal permits.
- **Policy 5.26:** To mitigate impacts on non-listed special-status nesting raptors and other nesting birds, a qualified biologist will survey the site for nesting raptors and other nesting birds within 14 days prior to any ground disturbing activity or vegetation removal. Results of the surveys will be forwarded to the U.S. Fish and Wildlife Service (USFWS) and CDFG (as appropriate) and, on a case-by-case basis, avoidance procedures adopted. These can include construction buffer areas (several hundred feet in the case of raptors) or seasonal avoidance. However, if construction activities occur only during the non-breeding season between August 31 and February 1, no surveys will be required.
- **Policy 5.27:** Development under the Specific Plan shall, to the maximum extent feasible (and with exceptions such as removal for emergency, health, or fire hazard purposes), retain the corridor of trees along McCandless Drive and corridors of trees in the vicinity both as a potential resource for habitat and as an important visual resource.
- **Policy 5.29:** Prior to new development in areas that border creeks and with potential riparian habitat, applicants will be required to coordinate with the CDFG, as required by law. Coordination will include evaluation of existing riparian habitat and development of avoidance, minimization, and/or compensatory measures sufficient to procure a Streambed Alteration Agreement with the CDFG.

---

### Conclusion

---

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>V. Cultural Resources</b>					
<i>Would the project:</i>					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	No Impact	<b>No.</b> The project site has no significant historical resource as defined in Section 15064.5.	<b>No.</b> The project site has no significant historical resource as defined in Section 15064.5.	<b>No.</b> The project site has no significant historical resource as defined in Section 15064.5.	Specific Plan Policies 5.31 and 5.32
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	No impact	<b>No.</b> The project site has no significant archaeological resource as defined in Section 15064.5.	<b>No.</b> The project site has no significant archaeological resource as defined in Section 15064.5.	<b>No.</b> The project site has no significant archaeological resource as defined in Section 15064.5.	Specific Plan Policies 5.31 and 5.32
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No impact	<b>No.</b> The project site is not located on any unique paleontological resource or unique geological feature.	<b>No.</b> The project site is not located on any unique paleontological resource or unique geological feature.	<b>No.</b> The project site is not located on any unique paleontological resource or unique geological feature.	Specific Plan Policies 5.31 and 5.32
d) Disturb any human remains, including those interred outside of formal cemeteries?	No impact	<b>No.</b> The proposed project will not disturb any human remains, including those outside of formal cemeteries.	<b>No.</b> The proposed project will not disturb any human remains, including those outside of formal cemeteries.	<b>No.</b> The proposed project will not disturb any human remains, including those outside of formal cemeteries.	Specific Plan Policies 5.31 and 5.32

## Discussion

a, b) An evaluation of the site prepared for the Transit Area Specific Plan EIR did not observe any prehistoric artifacts, unique archaeological artifacts, or any other cultural resources within the Lower Penitencia Creek and East Penitencia Creek corridors as defined in Section 15064.5.

Development of the trails will result in ground-disturbing activities along the man-made embankments of Lower Penitencia Creek and East Penitencia Creek. These embankments currently contain unpaved access roads and, therefore, have been previously disturbed. Thus, it is unlikely that cultural prehistoric resources are present within the project boundaries. Nonetheless, Specific Plan Policies 5.31 and 5.32 would be implemented as contemplated by the Transit Area Specific Plan. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

c) There are no known paleontological or archaeological resources on the site, nor are there any unique geological features associated with the project site. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d) There are no known human remains that have been interred on the site. If human remains should be discovered during development of the proposed project, state law requires that the Santa Clara County Coroner and the Native American Heritage Commission be contacted to arrange for Native American participation in determining the disposition of such remains, should be they be determined to be Native American. As such, Specific Plan Policies 5.31 and 5.32 would be implemented as contemplated by the Transit Area Specific Plan. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

### Specific Plan Policies that Reduce the Impact

---

- **Policy 5.31:** Any future ground disturbing activities, including grading, in the Transit Area shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to CEQA Guidelines § 15064.5 regarding discovery of archeological sites and burial sites, and Guidelines §15126.4(b) identifying mitigation measures for impacts on historic and cultural resources. (Reference CEQA §§ 21083.2, 21084.1.) In the event that buried cultural remains are encountered, construction will be temporarily halted until a mitigation plan can be developed. In the event that human remains are encountered, the developer shall halt work in the immediate area and contact the Santa Clara County coroner and the City of Milpitas. The coroner will then contact the Native American Heritage Commission (NAHC) which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will then have the opportunity to make are commendation for the respectful treatment of the Native American remains and related burial goods.
- **Policy 5.32:** All grading plans for development projects involving ground displacement shall include a requirement for monitoring by a qualified paleontologist to review underground materials recovered. In the event fossils are encountered, construction shall be temporarily halted. The City's Planning Department shall be notified immediately, a qualified paleontologist shall evaluate the fossils, and steps needed to photo document or to recover the fossils shall be taken. If fossils are found during construction activities, grading in the vicinity shall be temporarily suspended while the fossils are evaluated for scientific significance and fossil recovery, if warranted.

---

### Conclusion

---

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>VI. Geology and Soils</b>					
<i>Would the project:</i>					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic hazards?	Less than significant impact	<b>No.</b> The project site has low susceptibility to strong seismic hazards.	<b>No.</b> The project site has low susceptibility to strong seismic hazards.	<b>No.</b> The project site has low susceptibility to strong seismic hazards.	None
b) Result in substantial soil erosion or the loss of topsoil?	Less than significant impact	<b>No.</b> The proposed project has low susceptibility to soil erosion and loss of topsoil.	<b>No.</b> The proposed project has low susceptibility to soil erosion and loss of topsoil.	<b>No.</b> The proposed project has low susceptibility to soil erosion and loss of topsoil.	Transit Area Specific Plan Policies 4.d-I-1, 5.33, and 5.34
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?	No impact	<b>No.</b> The project site is not susceptible to landslides.	<b>No.</b> The project site is not susceptible to landslides.	<b>No.</b> The project site is not susceptible to landslides.	None
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?	No impact	<b>No.</b> The project site has low susceptibility to erosion.	<b>No.</b> The project site has low susceptibility to erosion.	<b>No.</b> The project site has low susceptibility to erosion.	None
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	No impact	<b>No.</b> The project site will not require wastewater disposal systems for the disposal of wastewater.	<b>No.</b> The project site will not require wastewater disposal systems for the disposal of wastewater.	<b>No.</b> The project site will not require wastewater disposal systems for the disposal of wastewater.	None

## Discussion

a) The project site is not crossed by an active fault, which precludes the possibility of a fault rupture from occurring within the project site. The project site may be exposed to moderate to severe ground shaking during an earthquake on the Hayward or Calaveras fault. The proposed project and project site do not have—nor do they require the construction of—any structures. Therefore, development of the proposed project precludes any mitigation measures to reduce the effects of ground shaking on the project site.



The project site is considered a moderate liquefaction susceptible zone, due to its location near bodies of water. The project site involves the development of trail segments along man-made embankments, which were previously graded and soil engineered. The construction of the trails will involve further grading and soil engineering to ensure that adequate support is provided, which would reduce the potential risk to a level of less than significant. The project site is not located within an area that is known to being susceptible to landslides. This conclusion precludes the possibility of an earthquake-induced landslide from affecting the project site. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b) Construction activities associated with the proposed project will involve grading and paving activities that could expose soils to sources of wind and water to the surrounding area, specifically, East and Lower Penitencia Creek. Because of the nature of the proposed project, it is not expected to have an adverse effect on topsoil or soil erosion, and any impacts would be temporary for the duration of construction. As such, the development of this project would not alter these conclusions.

Water quality in California is regulated by the U.S. Environmental Protection Agency's National Pollution Discharge Elimination System, which controls the discharge of pollutants to water bodies from point and non-point sources. Local oversight of water quality has been delegated to the Regional Water Quality Control Boards throughout California. As indicated in the Transit Area Specific Plan, construction projects that disturb 1 acre or more are required to obtain a permit and prepare a Stormwater Pollution Prevention Plan (SWPPP). In addition, the SWPPP must list Best Management Practices (BMPs) the discharger will use to protect stormwater runoff and the placement of those BMPs. Transit Area Specific Plan Policies 4.d-I-1, 5.33, and 5.34 would reduce construction water quality impacts to less than significant levels. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

c) The project site is not located within an area that is known to being susceptible to landslides. This conclusion precludes the possibility of an earthquake-induced landslide from affecting the project site. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d) The proposed site is not located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), and would not create substantial risks to life or property. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

e) The proposed project would not involve the use of septic tanks or alternative wastewater disposal systems. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR

have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

**General Plan Policy that Reduces the Impact**

---

- **Policy 5.a-I-3:** Require projects to comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual.
- **Policy 4.d-I-1:** Continue implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board – this is implemented through Chapter 16 of the City's Zoning Ordinance.

---

**Specific Plan Policies that Reduce the Impact**

---

- **Policy 5.33:** Require construction projects that disturb one or more acres to prepare a Stormwater Pollution Prevention Plan (SWPPP) that, when properly implemented, would reduce or eliminate impacts on surface water quality during construction.  
Construction projects that disturb one or more acres are required to obtain a Construction General Permit under the General Permit for Discharges of Stormwater Associated with Construction Activity. As part of the requirements for the permit, the developer must develop a SWPPP containing site maps that show the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. None of the water courses adjacent to the Planning Area are listed on the 303(d) list for sediment, so this requirement is not required (2002 CWA Section 303(d) List of Water Quality Limited Segment, San Francisco Bay Regional Water Quality Control Board, approved July 2003). The San Francisco Bay Regional Water Quality Control Board (Regional Board) administers permitting for the SWPPP. A Notice of Intent (NOI) must be filed with the Regional Board signaling the intent of the developer or construction contractor to prepare a SWPPP prior to construction activities.
- **Policy 5.34:** Require construction projects that disturb one or more acres to prepare a Stormwater Control Plan, as stipulated in Provision C.3 of the Santa Clara County National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges. The City of Milpitas is included in the Santa Clara County NPDES permit for stormwater discharges. The permit requires that redevelopment projects 10,000 square feet or more in size develop a Stormwater Control Plan, as stipulated in Provision C.3 of the permit. The Stormwater Control Plan requires the implementation of BMPs to control both stormwater peak flows and pollutant levels. BMPs for flow control can include a decrease in impervious area (as will occur in the

Planning Area) or construction of flow detention ponds and/or mechanical filtration. The City of Milpitas provides the Stormwater C.3 Guidebook (2005) to developers for assistance in developing a Stormwater Control Plan. The State of California periodically amends the City's NPDES Permit; projects seeking approval will be required to meet all requirements in place at the time of project application.

---

## **Conclusion**

---

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>VII. Greenhouse Gas Emissions</b>					
<i>Would the project:</i>					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than significant impact	<b>No.</b> The project site will not generate greenhouse gas emissions that will adversely impact the environment.	<b>No.</b> The project site will not generate greenhouse gas emissions that will adversely impact the environment.	<b>No.</b> The project site will not generate greenhouse gas emissions that will adversely impact the environment.	Policies 3.21, 3.23, 3.28
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	No impact	<b>No.</b> The proposed project site conflict with any applicable plan, policy, or regulations for the purpose of reducing greenhouse gases.	<b>No.</b> The proposed project site conflict with any applicable plan, policy, or regulations for the purpose of reducing greenhouse gases.	<b>No.</b> The proposed project site conflict with any applicable plan, policy, or regulations for the purpose of reducing greenhouse gases.	Policies 3.21, 3.23, 3.28

## Discussion

a) The proposed project would develop Class I trail segments that would improve mobility for pedestrians, cyclists, and other forms of non-motorized transportation. The proposed project would result in the emissions of greenhouse gas emissions during construction; however, these are expected to be minimal given the nature of construction activities. Operational emissions of greenhouse gas emissions would be expected to be negligible, due to the project characteristics. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b) The proposed project furthers the objectives of the California Global Warming Solutions Act of 2006, which aims to reduce greenhouse gas emissions by 2030 to 1990 levels, by developing trail segments that would improve mobility for pedestrians, cyclists, and other forms of non-motorized transportation. As proposed in the Specific Plan Policies, the project site will provide continuous bicycle circulation to nearby bicycle lanes enhancing connectivity. Therefore, the project would not interfere with any applicable plan, policy, or regulation of an agency adopted for reducing the emissions of greenhouse gases. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

### Specific Plan Policies that Reduce the Impact

---

- **Policy 3.21:** Provide continuous pedestrian sidewalks and safe bike travel routes throughout the entire Transit Area and within development projects.
- **Policy 3.23:** Encourage children to walk or bike to school by expanding existing safe walking and bicycling routes to schools into the Transit Area.
- **Policy 3.28:** Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the proposed Plan].

---

### Conclusion

---

The conclusions from the Transit Area Specific Plan EIR EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>VIII. Hazards and Hazardous Materials</b>					
<i>Would the project:</i>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than significant impact	<b>No.</b> The project would not create significant hazards through the routine transport, use, or disposal of hazardous materials.	<b>No.</b> The project would not create significant hazards through the routine transport, use, or disposal of hazardous materials.	<b>No.</b> The project would not create significant hazards through the routine transport, use, or disposal of hazardous materials.	None
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than significant impact	<b>No.</b> The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions.	<b>No.</b> The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions.	<b>No.</b> The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions.	None
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	No impact	<b>No.</b> The proposed project is not currently within a one-quarter mile distance of a school.	<b>No.</b> The proposed project is not currently within a one-quarter mile distance of a school.	<b>No.</b> The proposed project is not currently within a one-quarter mile distance of a school.	None
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?	No impact	<b>No.</b> The proposed project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	<b>No.</b> The proposed project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	<b>No.</b> The proposed project is not located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	None
e) Be located within two miles of an airport land use plan, and result in a safety hazard for people residing or working in the project area?	No impact	<b>No.</b> The project site is not located within two miles of an Airport Planning Area of San Jose International Airport	<b>No.</b> The project site is not located within two miles of an Airport Planning Area of San Jose International Airport	<b>No.</b> The project site is not located within two miles of an Airport Planning Area of San Jose International Airport	None

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
f) For a project 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	<b>No.</b> The proposed project is not within the vicinity of a private airstrip.	<b>No.</b> The proposed project is not within the vicinity of a private airstrip.	<b>No.</b> The proposed project is not within the vicinity of a private airstrip.	None
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No impact	<b>No.</b> The project site will not interfere with an adopted emergency response or evacuation plan.	<b>No.</b> The project site will not interfere with an adopted emergency response or evacuation plan.	<b>No.</b> The project site will not interfere with an adopted emergency response or evacuation plan.	None
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	<b>No.</b> The project site is not located in an area susceptible to wildland fires.	<b>No.</b> The project site is not located in an area susceptible to wildland fires.	<b>No.</b> The project site is not located in an area susceptible to wildland fires.	None

## Discussion

a, b) During construction, the project may require the use of certain hazardous materials. The amount of such materials stored would not be substantial, and normal operating practices and procedures include preventative and protective measures that would reduce any potential impacts to less than significant levels. Because of the nature of the proposed project, any potential impacts would be for the duration of construction (less than 90 days). No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

c) Currently, there are no existing school sites within 0.25 mile of the project site. The Milpitas Transit Area Specific Plan contemplates an elementary or K-8 school in the vicinity of McCandless Drive / Houret Drive, adjacent to East Penitencia Creek. Any hazardous emissions or handling of hazardous materials would be temporary and limited to the duration of construction activities (less than 90 days), which would be completed before the development of the future school. This precludes any potential impacts from hazardous emissions, handling hazardous materials, substances, or waste onto the future school site. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d) The project site is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, therefore, would not result in a significant impact to either the public or the environment. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

e, f) The nearest airport to the project site is San Jose International Airport, located 3 miles to the southwest. The project site is not within the Airport Planning Area of San Jose International Airport; therefore, these characteristics preclude the possibility of creating an aviation safety hazard for people working or residing in the project area. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

g) The proposed project consists of the development of new trail segments within existing creek corridors. The project does not have any characteristics that would impair the implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

h) The project site is located within an already urbanized and developed community of Milpitas. It does not include, nor is located adjacent to, any areas designated as having a high, extreme, or severe wildland fire hazard. Therefore, exposure to the risk of wildland fires would be minimal. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

**Specific Plan Policies that Reduce the Impact**

---

None.

---

**Conclusion**

---

The conclusions from the Transit Area Specific Plan EIR remain unchanged.



Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>IX. Hydrology and Water Quality</b>					
<i>Would the project:</i>					
a) Violate any water quality standards or waste discharge requirements?	Less than significant impact	<b>No.</b> General Plan policies and Transit plan policies would help to reduce construction-related water quality impacts to less than significant levels.	<b>No.</b> General Plan policies and Transit plan policies would help to reduce construction-related water quality impacts to less than significant levels.	<b>No.</b> General Plan policies and Transit plan policies would help to reduce construction-related water quality impacts to less than significant levels.	General Plan Policy 4.d-I-1, and Transit Plan Policies 5.33 and 5.34
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)?	No impact	<b>No.</b> The proposed project would not use groundwater resources or impair groundwater recharge.	<b>No.</b> The proposed project would not use groundwater resources or impair groundwater recharge.	<b>No.</b> The proposed project would not use groundwater resources or impair groundwater recharge.	None
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	Less than significant impact	<b>No.</b> The project will not substantially alter the course of a stream or river in a manner that would result in substantial erosion or siltation on- or offsite.	<b>No.</b> The proposed project would provide storm drainage facilities and, thus, would not result in substantial erosion.	<b>No.</b> The proposed project would provide storm drainage facilities and, thus, would not result in substantial erosion.	None
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	<b>No.</b> General Plan policies and Transit plan policies would help to reduce construction-related water quality impacts to less than significant levels.	<b>No.</b> General Plan policies and Transit plan policies would help to reduce construction-related water quality impacts to less than significant levels.	<b>No.</b> General Plan policies and Transit plan policies would help to reduce construction-related water quality impacts to less than significant levels.	General Plan Policy 4.d-I-1, and Transit Plan Policies 5.33 and 5.34

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
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?	No impact	<b>No.</b> The proposed project would provide storm drainage facilities and, thus, would not result in flooding or polluted runoff.	<b>No.</b> The proposed project would provide storm drainage facilities and, thus, would not result in flooding or polluted runoff.	<b>No.</b> The proposed project would provide storm drainage facilities and, thus, would not result in flooding or polluted runoff.	Specific Plan policies 5.33 and 5.34
f) Otherwise substantially degrade water quality?	No impact	<b>No.</b> All potential impacts to water quality would be temporary and only during construction; in addition, Specific Plan Policies will be implemented to minimize any impacts.	<b>No.</b> All potential impacts to water quality would be temporary and only during construction; in addition, Specific Plan Policies will be implemented to minimize any impacts.	<b>No.</b> All potential impacts to water quality would be temporary and only during construction; in addition, Specific Plan Policies will be implemented to minimize any impacts.	Specific Plan policies 5.33 and 5.34
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.	<b>No.</b> The proposed project would not place housing within a 100-year flood hazard area.	<b>No.</b> The proposed project would not place housing within a 100-year flood hazard area.	<b>No.</b> The proposed project would not place housing within a 100-year flood hazard area.	None
h) Place within a 100 year flood hazard area structures, which would impede or redirect flood flows	No impact	<b>No.</b> The proposed project would not place structures within a 100-year flood hazard area.	<b>No.</b> The proposed project would not place structures within a 100-year flood hazard area.	<b>No.</b> The proposed project would not place structures within a 100-year flood hazard area.	None
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	Less than significant impact	<b>No.</b> The project site has very low susceptibility to flooding as a result of dam or levee failure.	<b>No.</b> The project site has very low susceptibility to flooding as a result of dam or levee failure.	<b>No.</b> The project site has very low susceptibility to flooding as a result of dam or levee failure.	None
j) Inundation by seiche, tsunami, or mudflow?	No impact	<b>No.</b> The project site is has low susceptibility to seiches, tsunamis, and mudflow.	<b>No.</b> The project site is has low susceptibility to seiches, tsunamis, and mudflow.	<b>No.</b> The project site is has low susceptibility to seiches, tsunamis, and mudflow.	None

## Discussion

a, c, f) The proposed project involves the development of trail segments along the man-made embankments of Lower Penitencia Creek and East Penitencia Creek. Trail construction activities

would occur within disturbed areas that contain unpaved access roads outside of the creek channel. Furthermore, the proposed bridge crossing of East Penitencia Creek would fully span the waterway, avoiding impacts within the banks or channel.

Water quality in California is regulated by the U.S. Environmental Protection Agency's National Pollution Discharge Elimination System, which controls the discharge of pollutants to water bodies from point and non-point sources. Local oversight of water quality has been delegated to the Regional Water Quality Control Boards throughout California. As indicated in the Transit Area Specific Plan, construction projects that disturb 1 acre or more are required to obtain a permit and prepare a Stormwater Pollution Prevention Plan (SWPPP). In addition, the SWPPP must list Best Management Practices (BMPs) the discharger will use to protect stormwater runoff and the placement of those BMPs. Transit Area Specific Plan Policies 4.d-I-1, 5.33, and 5.34 would reduce construction water quality impacts to less than significant levels. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b) The proposed project involves the development of trail segments along Lower Penitencia Creek and East Penitencia Creek. Neither construction nor operation of the trail segments would involve the use of substantial quantities of water supplies that would have the potential to deplete any groundwater supplies. Furthermore, the development of the trail segments avoids impacts to the channels of the two waterways and, therefore, would not interfere with groundwater recharge activities that occur in these areas. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d, e) The proposed project involves the development of trail segments along Lower Penitencia Creek and East Penitencia Creek. Under existing conditions, runoff within the creek corridors sheet flows into the creek channels. The proposed project would involve paving and grading activities, including the installation of a 10-foot-wide trail section along the alignment of existing unpaved access roads along the creek embankments. The trail section will be constructed in a manner that drains runoff onto the adjacent private property and the material will be decomposed granite without binder to allow water to permeate through the material. There will be no change in the existing conditions and, therefore, would not contribute to downstream flooding. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

g, h) Although portions of the trail alignment may be within a 100-year flood hazard area, the trail segments themselves do not involve the construction of new housing units or structures that would impede or redirect flood flows. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

i) The project site is located near the catastrophic dam failure inundation boundaries of the Leroy Anderson Dam under wet conditions, and assuming the reservoir is at full capacity at time of failure. The dam is inspected twice a year by the District and the California Division of Safety of Dam and the Federal Energy Regulatory Commission. Inundation at the project site is not expected during non-catastrophic conditions; therefore, all impacts are less than significant. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

j) The project site has low susceptibility to tsunamis, seiches, and mudflow events. According to the Association of Bay Area Government's interactive tsunami mapping, areas near the bay are not considered susceptible to tsunami inundation. The City of Milpitas is located approximately 30 miles from the Pacific Ocean, therefore precluding the possibility of a tsunami inundating the project site. There are no inland water bodies in the project vicinity that are susceptible to seiches, thereby precluding the possibility of a seiche inundating the project site. The surrounding vicinity does not contain any steep slopes or any volcanically active features that could produce mudflow in the City of Milpitas. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

**General Plan Policies that Reduce the Impact:**

---

- **Policy 4.d-I-1:** Continue implementing the National Pollutant Discharge Elimination System (NPDES) requirements of the Regional Water Quality Control Board – this is implemented through Chapter 16 of the City's Zoning Ordinance.

---

**Specific Plan Policies that Reduce the Impact**

---

- **Policy 5.33:** Require construction projects that disturb one or more acres to prepare a Stormwater Pollution Prevention Plan (SWPPP) that, when properly implemented, would reduce or eliminate impacts on surface water quality during construction. Construction projects that disturb one or more acres are required to obtain a Construction General Permit under the General Permit for Discharges of Stormwater Associated with Construction Activity. As part of the requirements for the permit, the developer must develop a SWPPP containing site maps that show the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. None of the water courses adjacent to the

Planning Area are listed on the 303(d) list for sediment, so this requirement is not required. (2002 CWA Section 303(d) List of Water Quality Limited Segment, San Francisco Bay Regional Water Quality Control Board, approved July 2003) The San Francisco Bay Regional Water Quality Control Board (Regional Board) administers permitting for the SWPPP. A Notice of Intent (NOI) must be filed with the Regional Board signaling the intent of the developer or construction contractor to prepare a SWPPP prior to construction activities.

- **Policy 5.34:** Require construction projects that disturb one or more acres to prepare a Stormwater Control Plan, as stipulated in Provision C.3 of the Santa Clara County National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges. The City of Milpitas is included in the Santa Clara County NPDES permit for stormwater discharges. The permit requires that redevelopment projects 10,000 square feet or more in size develop a Stormwater Control Plan, as stipulated in Provision C.3 of the permit. The Stormwater Control Plan requires the implementation of BMPs to control both stormwater peak flows and pollutant levels. BMPs for flow control can include a decrease in impervious area (as will occur in the Planning Area) or construction of flow detention ponds and/or mechanical filtration. The City of Milpitas provides the Stormwater C.3 Guidebook (2005) to developers for assistance in developing a Stormwater Control Plan. The State of California periodically amends the City's NPDES Permit; projects seeking approval will be required to meet all requirements in place at the time of project application.

---

## Conclusion

---

The conclusions from the original Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>X. Land Use Planning</b>					
<i>Would the project:</i>					
a) Physically divide an established community?	No impact	<b>No.</b> The proposed project will enhance connectivity within established community.	<b>No.</b> The proposed project will enhance connectivity within established community.	<b>No.</b> The proposed project will enhance connectivity within established community.	None
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?	No impact	<b>No.</b> The proposed project is consistent with the existing General Plan and Zoning designations for the project site.	<b>No.</b> The proposed project is consistent with the existing General Plan and Zoning designations for the project site.	<b>No.</b> The proposed project is consistent with the existing General Plan and Zoning designations for the project site.	None
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	No impact	<b>No.</b> The proposed project does not conflict any applicable habitat conservation plan or natural community conservation plan.	<b>No.</b> The proposed project does not conflict any applicable habitat conservation plan or natural community conservation plan.	<b>No.</b> The proposed project does not conflict any applicable habitat conservation plan or natural community conservation plan.	None

## Discussion

a) The Lower Penitencia Creek and East Penitencia Creek corridors are currently fenced and not accessible to the general public. The proposed project will enhance bicycle and pedestrian connectivity within the Transit Area Specific Plan boundaries by developing new trails along Lower Penitencia Creek Trail and East Penitencia Creek Trail. As such, it would improve linkages within the project vicinity. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b) The Lower Penitencia Creek and East Penitencia Creek corridors are designated “Parks and Open Space” by the City of Milpitas General Plan and “Linear Parks and Trails” by the Transit Area Specific Plan. The development of the trail segments would be consistent with the allowable land use activities within each land use designation. The development of the trail segments also furthers

Milipitas's Trails Master Plan Goals by creating trails and segments of trails for multi-use recreational purposes as well as enhancing transportation measures in Milpitas. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

c) The project site is not located within the boundaries of an adopted habitat conservation plan or natural community conservation plan. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

**Specific Plan Policies that Reduce the Impact**

---

None.

---

**Conclusion**

---

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>XI. Noise</b>					
<i>Would the project result in:</i>					
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?	Less than significant impact	<b>No.</b> The proposed project will adhere to all noise ordinances in relation to construction with the following policies to ensure impacts are less than significant.	<b>No.</b> The proposed project will adhere to all noise ordinances in relation to construction with the following policies to ensure impacts are less than significant.	<b>No.</b> The proposed project will adhere to all noise ordinances in relation to construction with the following policies to ensure impacts are less than significant.	Specific Plan Policies 5.10 and 5.15, City of Milpitas Noise Abatement Ordinance, City Regulation Policy 6-I-13
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Less than significant impact.	<b>No.</b> The proposed project would not expose persons to excessive groundborne vibration.	<b>No.</b> The proposed project would not expose persons to excessive groundborne vibration.	<b>No.</b> The proposed project would not expose persons to excessive groundborne vibration.	Milpitas Noise Abatement Ordinance
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	No impact	<b>No.</b> The proposed project would not result in a permanent increase in ambient noise levels.	<b>No.</b> The proposed project would not result in a permanent increase in ambient noise levels.	<b>No.</b> The proposed project would not result in a permanent increase in ambient noise levels.	None
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	<b>No.</b> The proposed project would not result in a substantial temporary increase in ambient noise levels.	<b>No.</b> The proposed project would not result in a substantial temporary increase in ambient noise levels.	<b>No.</b> The proposed project would not result in a substantial temporary increase in ambient noise levels.	Milpitas Noise Abatement Ordinance
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?	No impact	<b>No,</b> the project site is not within two miles of an airport land use plan.	<b>No,</b> the project site is not within two miles of an airport land use plan.	<b>No,</b> the project site is not within two miles of an airport land use plan.	None
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?	No impact	<b>No,</b> the project site is not located within the vicinity of a private air strip.	<b>No,</b> the project site is not located within the vicinity of a private air strip.	<b>No,</b> the project site is not located within the vicinity of a private air strip.	None



---

## Discussion

---

a) The project site involves the construction of new trail segments along Lower Penitencia Creek and East Penitencia Creek that are adjacent to future residential uses. Construction activities would involve grading and paving activities that have the potential to expose nearby receptors to noise levels in excess of standards established in the local general plan or noise ordinance. As such, compliance with the City of Milpitas Noise Abatement Ordinance would be required to minimize noise impacts at nearby receptors. Note that construction noise would cease once the trail segments are completed.

The trail segments would be used for non-motorized modes of transportation (bicycling, walking, etc.) during daytime hours. The trails would not be lighted and nighttime use would be prohibited by Santa Clara Valley Water District rules. These characteristics would limit the possibility of trail use to exceed “normally acceptable” noise standards for residential uses. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b) Construction activities may occasionally be perceptible at the closest sensitive land uses. A large bulldozer can create vibration levels of 87 VdB at a distance of 25 feet (equivalent to a peak particle velocity [PPV] of 0.089). The nearest residential uses would be located as close as 10 feet from the trail alignment. Modern wood frame residential construction can withstand PPV levels of 0.25. Thus, even the closest construction activities would not cause substantial vibration damage at the nearest residential use. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

c) The trail segments would be used for non-motorized modes of transportation (bicycling, walking, etc.) during daytime hours. The trails would not be lighted and nighttime use would be prohibited by Santa Clara Valley Water District rules. These characteristics would limit the possibility of trail use to cause substantial increases in ambient noise levels. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d) The project site involves the construction of new trail segments along Lower Penitencia Creek and East Penitencia Creek that are adjacent to future residential uses. Construction activities would involve grading and paving activities that have the potential to cause temporary increases in ambient noise levels. As such, compliance with the City of Milpitas Noise Abatement Ordinance would be required to minimize noise impacts at nearby receptors. Note that construction noise would cease once the trail segments are completed. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

e, f) The project site is not located within the boundaries of an airport land use plan. In addition, the nearest airport from the project site is San Jose International Airport located approximately 3 miles from the site. This precludes the possibility of the proposed project exposing persons residing or working in the project vicinity to excessive aviation noise. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

**Specific Plan Policies that Reduce the Impact**

---

- **Policy 5.10:** New development in the Transit Area shall adhere to the standards and guidelines in the Milpitas General Plan that govern noise levels.
- **Policy 5.15:** Prior to issuance of building permits, applicants shall demonstrate that noise exposure to sensitive receptors from construction activities has been mitigated to the extent feasible pursuant to the City's Noise Abatement Ordinance.

---

**City Regulations that Reduce the Impact**

---

The City's Noise Abatement Ordinance would reduce potential construction-related impacts.

- **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.

---

**Conclusion**

---

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>XII. Population and Housing</b>					
<i>Would the project:</i>					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	No impact	<b>No.</b> The proposed project would not affect population growth.	<b>No.</b> The proposed project would not affect population growth.	<b>No.</b> The proposed project would not affect population growth.	None
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	No impact	<b>No.</b> The proposed project would not result in removal of the existing dwelling units on the project site.	<b>No.</b> The proposed project would not result in removal of the existing dwelling units on the project site.	<b>No.</b> The proposed project would not result in removal of the existing dwelling units on the project site.	None
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	No impact	<b>No.</b> The proposed project would not result in removal of the existing dwelling units on the project site.	<b>No.</b> The proposed project would not result in removal of the existing dwelling units on the project site.	<b>No.</b> The proposed project would not result in removal of the existing dwelling units on the project site.	None

## Discussion

a) The proposed project consists of the development of new trail segments within existing creek corridors in an existing developed community. The project does not have any characteristics that would facilitate population growth. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b, c) The proposed project consists of the development of new trail segments within existing creek corridors in an existing developed community and will not require the demolition of any existing residential units. Therefore, the project would not displace substantial numbers of existing homes. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

## Specific Plan Policies that Reduce the Impact

None.

---

**Conclusion**

---

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>XIII. Public Services</b>					
<i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>					
a) Fire protection?	No impact	<b>No.</b> The proposed project would not result in a need for new or expanded fire protection facilities.	<b>No.</b> The proposed project would not result in a need for new or expanded fire protection facilities.	<b>No.</b> The proposed project would not result in a need for new or expanded fire protection facilities.	None
b) Police protection?	No impact	<b>No.</b> The proposed project would not result in a need for new or expanded police protection facilities.	<b>No.</b> The proposed project would not result in a need for new or expanded police protection facilities.	<b>No.</b> The proposed project would not result in a need for new or expanded police protection facilities.	None
c) Schools?	No impact	<b>No.</b> The proposed project will not require additional school facilities.	<b>No.</b> The proposed project will not require additional school facilities.	<b>No.</b> The proposed project will not require additional school facilities.	None
d) Parks?	No impact	<b>No.</b> The proposed project would enhance any existing and future park facilities.	<b>No.</b> The proposed project would enhance any existing and future park facilities.	<b>No.</b> The proposed project would enhance any existing and future park facilities.	None
e) Other public facilities?	No impact	<b>No.</b> The proposed project would not result in a need for new or expanded other public facilities.	<b>No.</b> The proposed project would not result in a need for new or expanded other public facilities.	<b>No.</b> The proposed project would not result in a need for new or expanded other public facilities.	None
f) 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	<b>No.</b> The project encourages the use of the already developed neighborhood, thereby complementing its surrounding area.	<b>No.</b> The project encourages the use of the already developed neighborhood, thereby complementing its surrounding area.	<b>No.</b> The project encourages the use of the already developed neighborhood, thereby complementing its surrounding area.	None
g) 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	<b>No.</b> The project does not require the construction or expansion of recreational facilities.	<b>No.</b> The project does not require the construction or expansion of recreational facilities.	<b>No.</b> The project does not require the construction or expansion of recreational facilities.	None

---

**Discussion**

---

a-e) The proposed project involves the development new trail segments within the Lower Penitencia Creek and East Penitencia Creek corridors. The trail segments would serve as non-motorized transportation facilities and are intended to improve mobility for bicyclists, pedestrians, and similar modes of transportation. As such, they would have no potential to facilitate population or employment growth such that increased demands would be placed on fire protection, police protection, schools, libraries, parks, or other public facilities. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

f, g) The proposed project involves the development new trail segments within the Lower Penitencia Creek and East Penitencia Creek corridors. These trail segments are contemplated by the Transit Area Specific Plan and the City of Milpitas Trails Master Plan and, thus, represent the continued development of the City's trail network. This Addendum evaluates the potential environmental impacts of the development of the trail segments. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

**Specific Plan Policies that Reduce the Impact**

---

- **Policy 3.39:** If a public utility easement (such as the one existing between Capitol Avenue and Penitencia Creek East Channel) is developed as a publicly-accessible pathway or linear park that connects two public streets, it can be counted toward a development's park dedication requirement.
- **Policy 3.51:** Include a network of trails along Penitencia Creek and railroad right of ways. These bike/pedestrian trails will connect into the citywide trail network, pedestrian overcrossings of expressways, and the Transit Area's continuous network of bike lanes. They will be located on both sides of Lower Penitencia Creek and on the east side of the Union Pacific railroad tracks that run between Main Street and McCandless Drive.
- **Policy 3.52:** Complete a Trail Loop connecting the whole Transit Area. The trail loop goes from McCandless Drive and Lower Penitencia Creek; along Penitencia Creek East Channel, across Montague Expressway, west along the creek channel, then northeast across Capitol Avenue, then across Montague Expressway, along Piper Drive, and across the Great Mall back to Centre Point and McCandless. It is shown on Figure 3-6 [of the proposed Plan]. The Trail Loop provides a clear and easy way for people to access the BART and LRT station, move between different subareas of the Transit Area, and offers a roughly 1.5 to 2 mile jogging and walking and biking path for recreational use.
- **Policy 3.54:** All properties along the trail network will need to set aside land for the trails if adequate land is not available within the right of ways that exist for drainage channels and rail.

This land will count towards the required public park land dedication requirement. The width of the land area to be dedicated should be as shown in Figure 3-7 [of the proposed Plan].

---

## **Conclusion**

---

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>XIV. Transportation/Traffic</b>					
<i>Would the project:</i>					
a) Exceed the capacity of the existing circulation system, based on applicable measure of effectiveness, taking into account all relevant component of the circulation system, including but not limited to intersections, street, highways, and freeways, pedestrian and bicycle paths, and mass transit?	No impact	<b>No.</b> The proposed project encourages pedestrian- and cyclist-oriented modes of transport and reducing the number of vehicles on the road.	<b>No.</b> The proposed project encourages pedestrian- and cyclist-oriented modes of transport and reducing the number of vehicles on the road.	<b>No.</b> The proposed project encourages pedestrian- and cyclist-oriented modes of transport and reducing the number of vehicles on the road.	None
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?	No impact	<b>No.</b> The proposed project will not conflict with any congestion management programs.	<b>No.</b> The proposed project will not conflict with any congestion management programs.	<b>No.</b> The proposed project will not conflict with any congestion management programs.	None
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	<b>No.</b> The project site is not located within the vicinity of an airport and therefore would not alter air traffic patterns.	<b>No.</b> The project site is not located within the vicinity of an airport and therefore would not alter air traffic patterns.	<b>No.</b> The project site is not located within the vicinity of an airport and therefore would not alter air traffic patterns.	None
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No impact	<b>No.</b> The proposed project would not increase hazards due to a design feature.	<b>No.</b> The proposed project would not increase hazards due to a design feature.	<b>No.</b> The proposed project would not increase hazards due to a design feature.	None
e) Result in inadequate emergency access?	No impact	<b>No.</b> The proposed project will not result in inadequate emergency access.	<b>No.</b> The proposed project will not result in inadequate emergency access.	<b>No.</b> The proposed project will not result in inadequate emergency access.	None
f) Conflict with adopted policies plans or programs supporting alternative transportation (e.g., bus turnouts,	No impact	<b>No.</b> The proposed project in fact complements adopted plans and	<b>No.</b> The proposed project in fact complements adopted plans and	<b>No.</b> The proposed project in fact complements adopted plans and	None



Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
bicycle racks)?		policies supporting alternative transportation.	policies supporting alternative transportation.	policies supporting alternative transportation.	

## Discussion

a, b) The proposed project involves the development new trail segments within the Lower Penitencia Creek and East Penitencia Creek corridors. These trail segments are intended to improve mobility for non-motorized transportation modes such as bicycles and pedestrians and, thus, would have no potential to affect Level of Service on surrounding roadways. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

c) The project site is approximately 3 miles from San Jose International Airport, the nearest airport to the project site. Given the distance from the airport and the nature of the project there is no possibility of the proposed project altering existing air traffic patterns. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d) The proposed East Penitencia Creek (north) trail segments involves the development of a new mid-block crossing of McCandless Drive. The mid-block crossing would employ pavement treatments, street markings, and signage to alter motorists to the presence of this crossing point. This will minimize any hazards due to design features; therefore, development of the proposed project will not alter these conclusions. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

e) The proposed project involves the development new trail segments within the Lower Penitencia Creek and East Penitencia Creek corridors. Because of the characteristics of the proposed project, it would not impair emergency access. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

f) The proposed project involves the development new trail segments within the Lower Penitencia Creek and East Penitencia Creek corridors. These trail segments are contemplated by the Transit Area Specific Plan, City of Milpitas Bikeways Master Plan and the City of Milpitas Trails Master Plan and, thus, represent the continued development of the City's trail network. As such, they would

further adopted policies, plans, and programs that support alternative transportation. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

**Specific Plan Policies that will Reduce the Impact:**

---

- **Policy 3.15:** Review individual development applications to ensure that adequate street right of-way, bicycle facilities, pedestrian facilities and landscaping are provided and are consistent with the Transit Area Plan circulation policies and street design standards in Chapter 5.
- **Policy 3.28:** Provide continuous bicycle circulation through the project site and to adjacent areas by closing existing gaps in bicycle lanes and bicycle routes, per Figure 3-5 [of the proposed Plan]. Gaps exist on Capitol Avenue between Montague Expressway and Trimble Road, and on Trade Zone Boulevard between Montague Expressway and Lundy Place. Capitol Avenue only needs to be re-striped to add a bike lane. Trade Zone Boulevard generally contains sufficient width to accommodate two travel lanes and bike lanes in each direction; however, the westbound lanes on Trade Zone jog south slightly, so right-of-way acquisition will likely be required to push the curb further north to maintain a consistent section and to add bike lanes. Bike routes should be upgraded to bike lanes as part of any Montague widening project.

---

**Conclusion**

---

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>XV. Utilities and Service Systems</b>					
<i>Would the project:</i>					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	No impact	<b>No.</b> The proposed project would not exceed wastewater treatment requirements.	<b>No.</b> The proposed project would not exceed wastewater treatment requirements.	<b>No.</b> The proposed project would not exceed wastewater treatment requirements.	None
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?	No impact	<b>No.</b> The proposed project would not result in the construction of new water or wastewater treatment facilities.	<b>No.</b> The proposed project would not result in the construction of new water or wastewater treatment facilities.	<b>No.</b> The proposed project would not result in the construction of new water or wastewater treatment facilities.	None
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?	No impact	<b>No.</b> The proposed project would not result in the construction of new stormwater drainage facilities.	<b>No.</b> The proposed project would not result in the construction of new stormwater drainage facilities.	<b>No.</b> The proposed project would not result in the construction of new stormwater drainage facilities.	None
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	No impact	<b>No.</b> The proposed project would be served by adequate water supplies.	<b>No.</b> The proposed project would be served by adequate water supplies.	<b>No.</b> The proposed project would be served by adequate water supplies.	None
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?	No impact	<b>No.</b> The proposed project would be served by adequate wastewater treatment capacity.	<b>No.</b> The proposed project would be served by adequate wastewater treatment capacity.	<b>No.</b> The proposed project would be served by adequate wastewater treatment capacity.	None
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	No impact	<b>No.</b> The proposed project would be served by a landfill with sufficient capacity.	<b>No.</b> The proposed project would be served by a landfill with sufficient capacity.	<b>No.</b> The proposed project would be served by a landfill with sufficient capacity.	None
g) Comply with federal, state, and local statutes and regulations related to solid waste?	No impact	<b>No.</b> The proposed project would comply with applicable statutes and regulations related to solid waste.	<b>No.</b> The proposed project would comply with applicable statutes and regulations related to solid waste.	<b>No.</b> The proposed project would comply with applicable statutes and regulations related to solid waste.	None

---

**Discussion**

---

a) The proposed project consists of the development of new trail segments within existing creek corridors. The proposed project would not generate any volume or type of wastewater that would affect the City's ability to meet existing wastewater treatment requirements. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b, c) The proposed project consists of the development of new trail segments within existing creek corridors. The construction and maintenance of a trail would not require the need for new water or wastewater facilities. The trail section will be constructed in a manner that drains runoff onto the adjacent private property and the material will be decomposed granite which will allow for water to permeate through the material. Therefore, the proposed project will not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

d) The proposed project consists of the development of new trail segments within existing creek corridors. Because of the characteristics of the proposed project, the construction and maintenance of trails will not require new or expanded water supplies or entitlements. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

e) The proposed project consists of the development of new trail segments within existing creek corridors. Because of the characteristics of the proposed project, the construction and maintenance of trails will not require additional wastewater treatment capacity to serve the project's projected demand. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

f, g) The proposed project consists of the development of new trail segments within existing creek corridors in an existing developed community. Construction activities would not involve demolition, which limits the potential for solid waste generation associated with these activities. Operation of the trails would not generate substantial sources of solid waste. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

---

**Specific Plan Policies that Reduce the Impact**

---

None.

---

---

**Conclusion**

---

The conclusions from the Transit Area Specific Plan EIR remain unchanged.

Environmental Issue Area	Conclusion in EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	Final EIR Mitigation Measures Implemented
<b>XVI. Mandatory Findings of Significance</b>					
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?	No	<b>No.</b> The proposed project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.	<b>No.</b> The proposed project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.	<b>No.</b> The proposed project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.	None
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.)	No	<b>No.</b> The proposed project would not have cumulatively considerable impacts.	<b>No.</b> The proposed project would not have cumulatively considerable impacts.	<b>No.</b> The proposed project would not have cumulatively considerable impacts.	None
c) Does the project have environmental effects which will cause substantial adverse effects on human beings?	No	<b>No.</b> The proposed project would not have environmental effects that will cause substantial adverse effects on human beings.	<b>No.</b> The proposed project would not have environmental effects that will cause substantial adverse effects on human beings.	<b>No.</b> The proposed project would not have environmental effects that will cause substantial adverse effects on human beings.	None

---

**Discussion**

---

a) As previously discussed, the proposed project will have less than significant impacts on biological and cultural resources. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

b) As previously discussed, the development of the proposed project will not have impacts that are individually limited but cumulatively considerable to current or probable future projects. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

c) As previously discussed, the development of the project will not have an adverse effect on human beings. No impacts beyond what were previously disclosed in the Transit Area Specific Plan EIR have been identified. Therefore, development of the proposed project would not alter these conclusions.

---

**Specific Plan Policies that Help Reduce Impact**

---

None.

---

**Conclusion**

---

The conclusions from the Transit Area Specific Plan EIR remain unchanged.