Appendix A

Notice of Preparation and Scoping Comments Received



CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
GENERAL INFORMATION: 408-586-3000, TDD: 586-3013, www.ci.milpitas.ca.gov

Notice of Preparation and Scoping Meeting Milpitas Metro Specific Plan Subsequent Environmental Impact Report State Clearinghouse #2006032091

Date: September 16, 2021

To: State Clearinghouse, Agencies, Organizations and Interested Parties

Subject: Notice of Preparation and Scoping Meeting for the Milpitas Metro Specific

Plan Subsequent Environmental Impact Report

Scoping Meeting: September 30, 2021 at 3:00 P.M. – 4:00 P.M.

Comment Period: September 16, 2021 to October 18, 2021

The City of Milpitas (City) will serve as the Lead Agency in the preparation of a Subsequent Environmental Impact Report (SEIR) for the Milpitas Metro Specific Plan (Metro Plan or project) and would like your views regarding the scope and content of the environmental information to be addressed in the SEIR.

The purpose of this notice is (1) to serve as a Notice of Preparation (NOP) of a SEIR pursuant to the State CEQA Guidelines Section 15082; (2) to advise and solicit comments and suggestions regarding the scope and content of the SEIR to be prepared for the Metro Plan; and (3) to notice the public scoping meeting. The project description, location, and a summary of potential environmental effects are included in this NOP further below.

The project is a long-term planning document that updates the original 2008 Milpitas Transit Area Specific Plan (TASP) and vision for the area. As explained in further detail below, the Metro Plan would expand the TASP area by 73 acres and would accommodate additional future growth in Milpitas, in addition to the growth identified in the TASP. No specific development projects are proposed as part of the Metro Plan. Information regarding the project description, project location, and topics to be addressed in the Draft SEIR is provided below. Additional project documents and information are available at the City of Milpitas, Planning Department located at City Hall 455 E. Calaveras Boulevard, Milpitas, CA 95035, and on-line using the following weblinks:

- https://www.ci.milpitas.ca.gov/milpitas/departments/environmentaldocuments/
- https://www.ci.milpitas.ca.gov/metro/

For questions regarding this notice, please contact Kevin Riley at 1-408-586-3292, or by email: kriley@ci.milpitas.ca.gov.

Notice of Preparation 30-Day Comment Period

The City, as the Lead Agency, requests that responsible and trustee agencies, and the Office of Planning and Research, respond in a manner consistent with Section 15082(b) of the CEQA Guidelines. Pursuant to Public Resources Code Section 21080.4, responsible agencies, trustee agencies and the Office of Planning and Research must submit any comments in response to this notice no later than 30 days after receipt.

Consistent with Section 15082(b) of the CEQA Guidelines, comments should provide specific detail about the scope and content of the environmental information related to the responsible or trustee agency's area of statutory responsibility and should identify significant environmental issues, reasonable alternatives, mitigation measures, and whether an agency will be a responsible or trustee agency. In accordance with the time limits established by CEQA, the NOP public review period will begin on September 16, 2021 and end on October 18, 2021.

In the event that the City does not receive a response from any Responsible or Trustee Agency by the end of the review period, the City may presume that the Responsible Agency or Trustee Agency has no response to make (State CEQA Guidelines Section 15082(b)(2)).

How to Comment

All comments in response to this notice must be submitted in writing at the address below, or via email, by the close of the 30-day NOP review period, which is 5:00 PM on October 18, 2021:

Kevin Riley, Metro Plan Project Manager | City of Milpitas 455 East Calaveras Boulevard, Milpitas, CA 95035 Email: kriley@ci.milpitas.ca.gov

*It is noted that additional opportunities for public comment on the Metro Plan and pending Draft SEIR will be provided. These documents are anticipated to be available for public review in the fall of 2021.

Scoping Meeting

The City will hold a virtual online scoping meeting to provide an opportunity for agency representatives and the public to assist the City in determining the scope and content of the SEIR. The scoping meeting is not intended to be a substitute for comments submitted in response to the NOP, but rather to supplement or expand the understanding of the project, its potential effects and possible mitigation measures, as well as to offer an opportunity for other interested parties to weigh in on the scope and content of the forthcoming SEIR. Any comments on the NOP should be submitted in writing, per the directions listed above in the "How To Comment" section.

The scoping meeting will be held on Thursday, September 30, 2021, at 3:00 P.M. – 4:00 P.M. The scoping meeting can be accessed at:

Facebook: https://www.facebook.com/CityofMilpitas/
YouTube: https://www.ci.milpitas.ca.gov/youtube

Web Streaming: https://www.ci.milpitas.ca.gov/webstreaming

Please submit comments during the meeting by email to kriley@ci.milpitas.ca.gov. For comments before or after the meeting or additional information, please contact Kevin Riley at 1-408-586-3292, or by email: kriley@ci.milpitas.ca.gov.

Project Location and Setting

The City of Milpitas is located at the southern tip of the San Francisco Bay, in Santa Clara County, California. With San Jose situated to its south, Milpitas sits in the northeast section of the South Bay, bordering the East Bay and Fremont. Milpitas is often called the "Crossroads of Silicon Valley" with most of its 13.63 square miles of land situated between two major freeways (I-880 and I-680), and traversed by State Route 237, and County-managed Montague Expressway.

The planning area for the 2008 TASP (TASP Area) comprises an approximately 437-acre area in the southeastern portion of the City, just north of San Jose. The TASP Area is centered on a roughly 0.5-mile radius around the Milpitas Bay Area Rapid Transit (BART) Station (Milpitas Transit Center) located near

the intersection of Montague Expressway and East Capitol Avenue. The boundaries of the TASP Area are the Great Mall to the north, South Main Street to the west, Trade Zone Boulevard and the city limits to the south, Milpitas Boulevard to the southeast, and the industrial lands to the northeast.

As explained in more detail in the following section, the planning area for the Metro Plan (Metro Plan Area) comprises the TASP Area plus an additional 73-acres. As part of the Metro Plan, the Metro Plan Area has been expanded to include additional parcels on the east side of Main Street and the industrial area between Berryessa Creek and Highway 680, which the General Plan establishes as an Innovation District. Similar to the TASP Area, the Metro Plan Area is generally bound by and includes the Great Mall and industrial lands to the north, South Main Street to the west, Trade Zone Boulevard and the city's limits to the south, and I-680 and the San Jose border to the east. The Metro Plan Area is organized into five subdistricts, which are generally separated by major street corridors including Great Mall Parkway/Capitol Avenue, Montague Expressway, Milpitas Boulevard, and the BART rail tracks. The parcels along Main Street are part of the McCandless subdistrict, a primarily residential neighborhood with some services, across Great Mall Parkway from Great Mall. The expansion area to the east of the Transit Center is part of the new Innovation District. The location of the Metro Plan Area is shown in Figure 1 (Project Location).

Project Description

The Metro Plan will replace the 2008 TASP in its entirety. The Metro Plan aims to update the original TASP vision and complete existing and emerging neighborhoods by expanding access to neighborhood services and retail, creating exciting new opportunities for business and jobs near transit and housing, providing additional affordable and market-rate housing, enhancing multimodal connections and non-vehicular mobility throughout the area, providing a greater variety of shared public spaces, and strengthening the identity and sense of place of the Metro Plan Area.

The Metro Plan Area covers a significant portion of the southern area of the City, and the Metro Plan provides policies to guide development in this district in terms of land use, circulation, community design, and utilities and services. The Milpitas General Plan calls for the maintenance and implementation of the Milpitas Metro Specific Plan to guide development around the Milpitas Transit Center and light rail stations into a transit-oriented urban neighborhood with a mix of land uses (General Plan Land Use Goal LU-2, Policy LU 2-1, and Action LU-2a). The Metro Plan will fulfill that requirement.

The Metro Plan expands the original 437-acre TASP area by approximately 73 acres, annexing approximately 60 acres of an industrial area on the east side near I-680 and approximately 13 acres on the west side along a portion of South Main Street, resulting in a Metro Plan area of 510 acres. In addition, the Metro Plan Area would be divided into five subdistricts. To balance the high-density development in the plan area, each subdistrict includes or will include at least one park or open space amenity, as well as linear parks and trails, which will provide residents and workers with outdoor recreational space. In addition, a series of area-wide infrastructure improvements will take place to accommodate residential and mixed-use development; make it more accessible to and comfortable for pedestrians; improve vehicle navigability; and reduce obstructions to development. The proposed land use map for the Metro Plan is shown in Figure 2 (Proposed Milpitas Metro Specific Plan Land Use Map).¹

¹ The City of Milpitas is considering annexing a 3.7-acre site from the City of San Jose. This site is located on the east side of the I-680, south of the Montague Expressway; is located adjacent to the proposed Innovation District; and is shown in Figure 1. The certainty of this annexation is not known at this time; therefore, this SEIR will not consider this annexation site in its environmental analysis. If this site is annexed by the City of Milpitas, then additional environmental review would be prepared at that time.

The following objectives have been identified for the Metro Plan:

- 1. Accommodate a maximum of 7,000 additional housing units to help the City to meet its regional housing needs requirements and support transit ridership.
- 2. Support the evolution of the Great Mall site from a purely retail-based mall site into a mixed-use, retail and amenity-rich area that is well integrated into the Milpitas Metro Plan Area.
- 3. Create additional neighborhood-serving retail to serve demand from Plan Area residents, community members, and the local workforce, including up to 300,000 additional square feet of retail and restaurant space.
- 4. Attract business investments and generate employment opportunities through commercial development near transit, with a maximum of 3,000,000 square feet of new office/R&D/light manufacturing space.
- 5. Ensure adequate public open space to serve residential development. In compliance with the General Plan, the goal for open space development is 3.5 acres per 1,000 residents or the equivalent in terms of recreational value. Some recreational opportunities may be provided outside the plan area, and intensively-programmed and high quality spaces may be counted as equivalent to larger spaces in meeting open space goals.
- 6. Support the development of an Innovation District in the industrial area east of the Transit Station and west of Highway 680, which will become a hub of employment and research and development, better integrating Milpitas into Silicon Valley.
- 7. Enhance the street network to create a multi-modal network that includes pedestrian and bikeways to reinforce a pedestrian scale and grid where appropriate.
- 8. Expand the plan boundaries to encourage the development of an Innovation District east of the Transit Center, and provide opportunities for housing development along Main Street.
- 9. Redefine the five subdistricts, which are bound by major streets and other impediments, each with its own character based on the allocated mix of land uses and development densities, parks placement, street grid, pedestrian connections, and proximity to the Milpitas Transit Center. Particular visions include:
 - 1. High to very high-density housing and/or high intensity office and employment uses along arterials, the light rail and the BART stations;
 - 2. Vibrant mix of lifestyle retail and amenities, high density housing and/or offices within the Great Mall District, along Great Mall Parkway and Montague Expressway; and
 - 3. Innovation District redeveloped with high-density office, research, light manufacturing uses and services primarily to the east of Berryessa Creek.
- 10. Encourage higher density and intensity on the sites closest to the BART and light rail transit nodes in order to support transit ridership and to respond to strong market interest in high-density development. High density is particularly appropriate on wide streets where taller buildings fit with the scale of the street, such as Montague Expressway, Capitol Avenue/Great Mall Parkway, and the Milpitas Boulevard Extension.
- 11. Ensure the active transportation-oriented character of the Plan Area by creating streetscapes that are richly detailed, fine-grained, and provide good connectivity between desired destinations.
- 12. Develop parks that provide active and passive recreation opportunities and pedestrian connectivity in each subdistrict, as per the Parks and Recreation Master Plan. Encourage the development of creative, usable outdoor space on building rooftops and balconies.

- 13. Require local-serving retail on particular sites where it is feasible and appropriate, and permit it in otherwise residential and commercial-only structures.
- 14. Promote the development of hotels where appropriate to meet demand, and support commercial activity to provide an important revenue source for the City.
- 15. Improve the City transportation network and contribute to the County transportation network and transportation demand management over the next 20 years by improving the multimodal network and implementing the Active Transportation Plan. Key enhancements include creating safer connections for pedestrians and bicyclists and establishing a plan-wide transportation demand management (TDM) program.

Additional Growth Under the Metro Plan

While no specific development projects are proposed as part of the Metro Plan, the Metro Plan will accommodate future growth in Milpitas, including new businesses, expansion of existing businesses, and new residential uses. The buildout analysis assumes a 20-year horizon, and 2040 is assumed to be the buildout year of the Metro Plan.

Anticipated growth accommodated by the Metro Plan within the Metro Plan Area includes new and expanded businesses, new and expanded retail uses, and new hotel and residential uses. Table 1 below summarizes the range of net growth, including residential units, and non-residential square footage that could occur.

Consistent with the Metro Plan Land Use Map (see Figure 2), future growth would largely be focused into the five subdistricts or neighborhoods; each of which would have different characteristics and support different land uses. As shown in Table 1, buildout of the Metro Plan could yield an additional 7,000 dwelling units and 14,000 new residents; and 700 hotel rooms, as well as 300,000 square feet (sf) of retail uses, and 3 million sf of office uses, including 500,000 sf of industrial uses, resulting in approximately 9,500 new jobs; in addition to the buildout that was envisioned under the 2008 TASP.

Table 1: Comparison of Existing Growth under the 2008 TASP and Additional Growth under the Metro Plan

Land Use	Existing Development in 2008	TASP Planned New Development	Total TASP Planned Development	Entitled by 2019 ^a	Additional Projected Development for Metro Plan by 2040	Total Planned Development (TASP plus Metro Plan)
Dwelling Units	468	7,109	7,577	6,955	7,000	14,5777
Office (sf)	52,780	993,843	1,050,000	10,630	3,000,000b	4,050,000
Retail (sf)	1,970,000	287,075	2,240,000	186,500	300,000	2,540,000
Hotel (rooms)	292	350	642	0c	700	1,342

Notes:

- a. Entitled, under construction, or constructed/occupied.
- a. Includes 500,000 sf of industrial uses
- ^{c.} Currently there are concept plans for a high-rise hotel.

Subsequent EIR Analysis

The City, as the Lead Agency under CEQA, will prepare a SEIR for the Metro Plan. The purpose of a SEIR is to inform decision makers and the general public of the environmental effects associated with major changes to a previously certified EIR. The SEIR process is intended to provide environmental information sufficient to evaluate major changes and to identify the potential for new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

In May 2008, the City certified a Final Environmental Impact Report (Certified EIR) for the TASP, which evaluated the buildout of approximately 7,100 residential units resulting in 18,000 new residents; and 1,000,000 sf of office space, 285,000 sf of retail space, and 175,000 sf of hotel space resulting in 4,200 new jobs under the TASP. As described above, the Metro Plan would allow for additional growth and expand the boundaries of the TASP Area. In accordance with CEQA and the CEQA Guidelines, the SEIR analysis will focus on the potential impacts of the changes to the project and will not reevaluate the project as a whole. Accordingly, the SEIR will examine the revised project in the context of the 2008 Milpitas TASP EIR, focusing on the changes to environmental impacts and mitigation that would result from the revisions to the project.

The SEIR will be prepared in accordance with CEQA and will include:

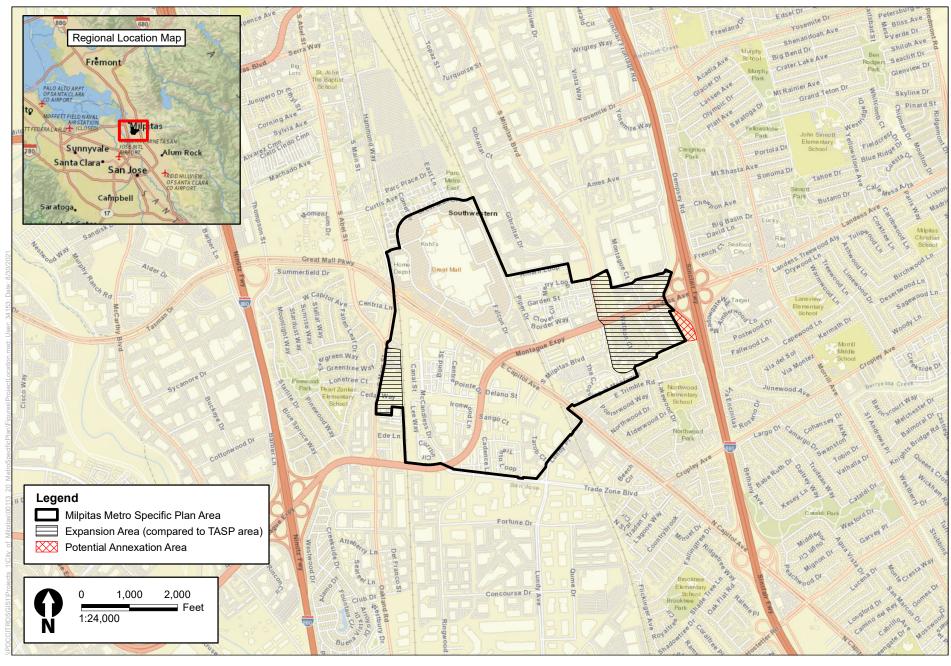
- A description of the project;
- A description of the current environmental setting as compared to the environmental setting from the Certified EIR, new or increased potential environmental impacts, and new or revised mitigation measures;
- Alternatives to the project as currently proposed; and
- New environmental consequences or significant changes in environmental consequences as compared to the Certified EIR, including: (a) any significant environmental effects which cannot be avoided if the project is implemented, (b) the growth-inducing impacts of the project, and (c) cumulative impacts.

The City has determined that the Metro Plan has the potential to result in new environmental effects or environmental effects that are increased in severity compared to the 2008 TASP EIR with respect to the following resource topics, which will be addressed in the SEIR:

- Transportation
- Air Quality and Greenhouse Gas Emissions
- Noise
- Population and Housing
- Public Services
- Utilities
- Land Use

Hazardous Waste Sites

Portions of the project are located on or in close proximity to areas with hazardous materials contamination compiled pursuant to Government Code Section 65962.5 (Cortese List).





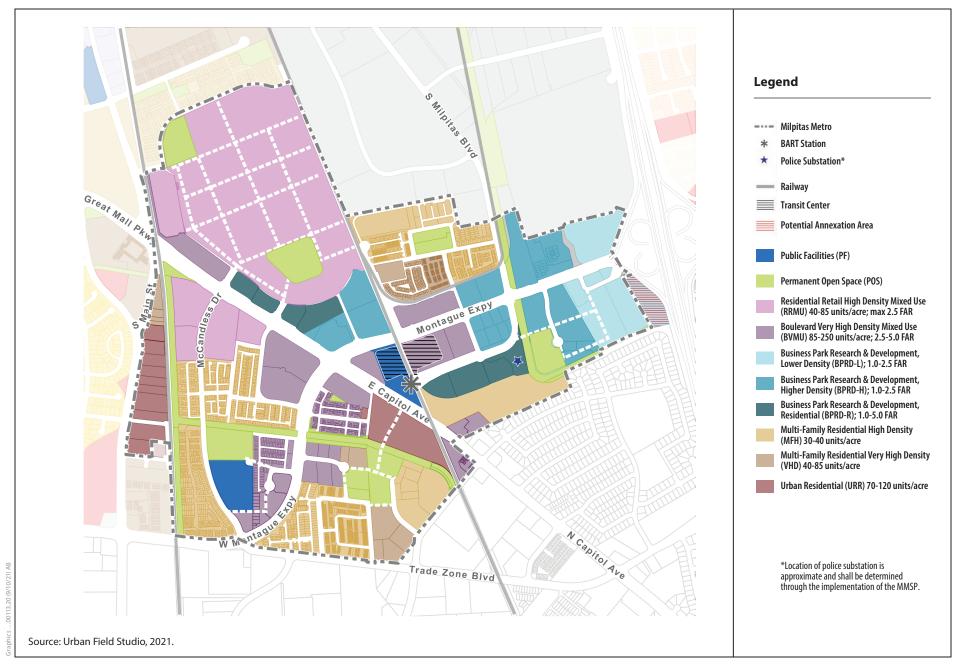


Figure 2
Proposed Milpitas Metro Specific Plan Land Use Map

From: "Ayon, Llisel@DOT" <Llisel.Ayon@dot.ca.gov>

Date: October 15, 2021 at 10:16:53 AM PDT **To:** Kevin Riley <kriley@ci.milpitas.ca.gov>

Cc: OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>

Subject: Milpitas Metro NOP - Caltrans Comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hello Kevin,

Thank you for including Caltrans in the review process for this project. The following comments are based on our review of the NOP. If you have any questions regarding these comments or require any additional information, please feel free to contact me at this email address or the phone number listed below.

Thank you,

Llisel Ayon

Associate Transportation Planner Local Development - Intergovernmental Review California Department of Transportation – District 4

Cell: (510) 506-6184

California Department of Transportation

DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov





October 15, 2021

SCH #: 2006032091

GTS #: 04-SCL-2021-00952

GTS ID: 24224

Co/Rt/Pm: SCL/680/6.4

Kevin Riley, Project Manager City of Milpitas 455 East Calaveras Blvd Milpitas, CA 95035

Re: Milpitas Metro Specific Plan Notice of Preparation (NOP) for Draft Environmental Impact Report (DEIR)

Dear Kevin Riley:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Milpitas Metro Specific Plan. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the September 2021 NOP.

Project Understanding

The Milpitas Metro Specific Plan Project will update the 2008 Milpitas Transit Area Specific Plan. The updated plan will expand the original planning area by 73 additional acres, change land use classifications and policies, and allow for additional population and employment growth.

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide (link).

If the project meets the screening criteria established in the City's adopted Vehicle Miles Traveled (VMT) policy to be presumed to have a less-than-significant VMT impact and exempt from detailed VMT analysis, please provide justification to support the

[&]quot;Provide a safe and reliable transportation network that serves all people and respects the environment"

Kevin Riley, Project Manager October 15, 2021 Page 2

exempt status in align with the City's VMT policy. Projects that do not meet the screening criteria should include a detailed VMT analysis in the DEIR, which should include the following:

- VMT analysis pursuant to the City's guidelines. Projects that result in automobile VMT per capita above the threshold of significance for existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential traffic safety issues to the State Transportation Network (STN) may be assessed by Caltrans via the Interim Safety Guidance.
- The project's primary and secondary effects on pedestrians, bicycles, travelers with disabilities and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.

Transportation Impact Fees and Fair Share Contributions

We encourage a sufficient allocation of fair share contributions toward multimodal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT. Caltrans welcomes the opportunity to work with the City and local partners to secure the funding for needed mitigation. Traffic mitigation-or cooperative agreements are examples of such measures.

Please identify in text and graphics existing and proposed improvements for the pedestrian, bicycle, and transit networks. The City should estimate the cost of needed improvements, expansion, and maintenance for the Plan area, as well as identify viable sources of funding, correlated with the pace of improvements, and a scheduled plan for implementation along with the DEIR.

Please consider the following projects for fair share contributions:

- Plan Bay Area 2040 Transit Efficiency & Service Improvement Project
- Plan Bay Area 2040 Envisions Expressway Program (Montague Expressway)
- Plan Bay Area 2050 I-680/Montague Expressway Interchange Improvement
- Plan Bay Area 2050 I-880/Montague Expressway Interchange Improvement

Kevin Riley, Project Manager October 15, 2021 Page 3

Lead Agency

As the Lead Agency, the City of Milpitas is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Llisel Ayon at Llisel. Ayon@dot.ca.gov. Additionally, for future notifications and requests for review of new projects, please email LDIGR-D4@dot.ca.gov.

Sincerely,

MARK LEONG

District Branch Chief

Local Development - Intergovernmental Review

c: State Clearinghouse

Mark Leong

From: Reena Brilliot < RBrilliot@santaclaraca.gov>

Date: October 15, 2021 at 1:42:23 PM PDT **To:** Kevin Riley <kriley@ci.milpitas.ca.gov>

Cc: Andrew Crabtree <acrabtree@santaclaraca.gov>, Michael Liw <MLiw@santaclaraca.gov>

Subject: City of Santa Clara comments on Milpitas Metro Specific Plan SEIR NOP

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Kevin!

Thank you for providing the City of Santa Clara an opportunity to comment on the NOP for the Milpitas Metro Specific Plan EIR.

Please reference the attached comment letter and list of pending projects in the City of Santa Clara for use in the transportation analysis.

Have a great weekend!

Reena Brilliot

Assistant Director| Community Development Department

RBrilliot@SantaClaraCA.gov

www.santaclaraca.gov



October 15, 2021

Kevin Riley

Subject: City of Santa Clara comments on Milpitas Metro Specific Plan SEIR

NOP

Dear Kevin Riley:

Thank you for sharing the Notice of Preparation for the Milpitas Metro Specific Plan Subsequent EIR NOP. The City of Santa Clara has the following comments related to the transportation analysis.

- While the City of Santa Clara has adopted Vehicle Miles Travelled (VMT) as the CEQA metric to measure transportation environmental impacts, the City still also conducts operational traffic analysis at intersections. As this project can add up to 300 peak hour trips within the City of Santa Clara, the City is requesting a local transportation analysis to be conducted at signalized intersections. The City uses the methodology and procedures contained within the VTA TIA Guidelines to conduct the local transportation analysis. Level of service and delay should be determined for intersections that meet the "10-trip rule" along the corridors of Tasman Drive, Agnew Road, Lick Mill Boulevard, and Lafayette Street as project trips most likely will utilize these routes.
- The local transportation analysis must also include an analysis of bicycle and pedestrian facilities in terms of their availability, project effects on future bike/pedestrian plans, and improvements proposed by the project. Maps and information on existing and planned bicycle facilities within Santa Clara can be found on the City's website at https://www.santaclaraca.gov/our-city/departments-g-z/publicworks/engineering/committees/bicycle-and-pedestrian-advisory-committee.
- The project site is located near the eastern boundary of the City of Santa Clara. Relevant approved projects within Santa Clara need to be included in the study estimates of the Background traffic volumes. This is consistent with the CMP TIA Guidelines. A list of approved projects within the City of Santa Clara is attached.
- Similarly, pending projects within Santa Clara need to be incorporated in the Cumulative traffic
 volume estimates, in order to reflect the growth in both the local and regional traffic. A list of
 pending projects within the City of Santa Clara is attached.
- Any physical improvements required or planned at study intersections need to evaluate secondary impacts to alternative modes of transportation.
- Fair share contributions should be made for adverse effects found along roadways and/or intersections, including along Agnew Road, Tasman Drive, Lick Mill Boulevard, and Lafayette Street.

[Double click here and type Recipeint Name; Press F11]

Re: [Click here and type Subject]

October 15, 2021

Page 2 of 2

The City of Santa Clara looks forward to meeting with the City of Milpitas. Please contact Michael Liw, Assistant Director of Public Works to discuss the findings of the local transportation analysis.

Sincerely,

Andrew Crabtree

Andrew Coastrer

Director of Community Development

cc: Michael Liw, Assistant Director of Public Works

Jonathan Yee, Transportation Manager

Carol Shariat, Principal Transportation Planner

Reena Brilliot, Assistant Director of Community Development

orroved Dwelling Units Commercial Space Office Space Industrial Space

				Approved Approved									Dwelling Units			Comme	ercial Space			Offi	ce Space		Industrial Space			Retail Sp	pace					
Date Updated	Street Number & Street Name	APN	Submittal Date	Status of Entitlement	Approval Date	Applicant	SF Tidemark Description (De Fe	O Units SF Units (ached) (Detached) r Sale For Rent	MF Units MF Units For Sale For Rent	Total Dwelling Units	Affordable Senior units? Units	Proposed Number of Dwelling Units	f Existing Existing Dwellings be Removed		Proposed Commercial (non-office) SQ Ft	Existing Commercial (non-office) SQ FT		Net Commercial (non-office) SQ. FT.		I Existing Office SQ. FT.	Existing Office to be Removed SQ. FT.			Ito	Proposed E: Retail SQ. F FT. S	Ref					roposed C titlements R	
11/2/2016	4301, 4401, 4551 Grea America Pkwy	t 104-42-009 & 020	10/25/2007	Approved	4/15/2008	Sobrato Office Development	Rezone from PD & PD[ML] to construct (2) 12-story office buildings totaling 718,000 sq.ft. & (1) four-story parking garage on a developed property wi (2) 300,000 sq.ft. existing office buildings that are to remain			0	N/A	0		0				-	718,000	600,000	- 1	318,000		-				-		High De De Market D No. 1 PD N	izone from [ML] to PD, velopment greement, ntative Map rchitectural Review	EIR
11/2/2016	2620-2727 Augustine D	ir		Completed/Occ upied	7/1/2013	Augustine Bowers Industrial Campus Equity Office				0	N/A	0		0		5,290	5,290	-	1,969,600	444,752	444,752 1	969,600		-	35,000			35,000	PD De	Office/ Research & Sievelopm ent De	nendment, zone ML to PD, Ce	Certified EIR
11/2/2016	2600 San Tomas Expy 2800 San Tomas Expy 2400 Condensa St			Completed/Occ upied	7/16/2013	NVIDIA	1,200,000 sf of office and high-tech lab buildings replacing approx. 690,000 sf of office space. Revised DA; 2400 Condensa still pending for construction			0	N/A	0		0				-	1,200,000	690,550	690,550 1	200,000		-				-	PD De	esearch &	PD. Prior approval Co	Certified EIR
11/2/2016	5403 Stevens Creek Blvd			Completed/Occ upled	7/17/2012	Mellon Bank /Perr Airellaga	General Plan Amendment from Low Intensity Office R&D. Rezone from CT to PD & Architectural Review to construct (2) 6-story office buildings totalling 375,000 sq.ft. & (1) parking structure wi1281 spaces (2 below & 4 above) & 38 surface parking spaces in conjunction wi demo of existing one-story commercial building (IHOP Restaurant); Last office building now under construction as of 12/2019.			0	N/A	0				6,130	6,130	-	375,000			375,000		-				-	Ct Cc	Regional ommerci al AC	A, Rezone, C approval	TBD
11/2/2016	2200 Lawson Ln	224-44-024	5/23/2012	Approved	4/23/2013	Sobrato	Amend PD zoning (PLN2007-06379) and Development Agreement (PLN2008- 06880) for approved office R&D campus to increase building sqt, 1c allowable office space from 516,000 to 613,800 sq.ft. (Under construction per BLD2018- 13353)			0	N/A	0		0				-	97,800	516,000	-	613,800		-				-	DD Ir	High ntensity Am ffice/R& D	endment to PD 70	Addendu n to EIR CH#200 '042165 EQ2012- 01146
11/2/2016	2620 Augustine Dr			Completed/Occ upled	5/7/2014	Irvine Co.	General Plan Amendment #80 from High Intensity Office/R&D to Community Commercial Fleefal Centrel and Light Industrial High Intensity Commercial Fleefal Centrel and Light Industrial High Intensity Commercial Plan & March Centrel, and Planned Development (PD) It Planned Development (PD) Retail Centrel, and from Light Industrial (ML) to Commercial Peak (CP) (Office Phase II & III) to allow the construction of up to 1,243,300 square feet of office space and up to 125,000 square feet of retail space for a total (inclusive of Office Phase II & of Up to 1,000,100 square feet of development, Approval of Development Agreement Amendment No. 2			0	N/A	0		0				-	1,862,100	0 640,520	640,520 1	862,100		-	1,380,000	5,290	5,290	1,380,000		D Ar	D Rezone, .A., Map, chitectural Review, ential GPA	
11/2/2016	4301 Great America Pkwy	104-42-021	1/1/2013	Approved	9/1/2014	SOBRATO	Rezone from PD & PD[ML] to PD to construct two high rise office buildings and one parking structure (CECQ007-01051) construct up to 718,000 square feet of new office space in up to 1,018,000 square feet of office development; up to two, five-level parking structures with up to 3,360 total parking spaces;			0	N/A	0		0				-	718,000	418,000	118,000 1	018,000		-				-				
11/2/2016	2620 Augustine Dr			Completed/Occ upled	5/1/2014	Irvine Co.	125,000 square foot retail center (adjustment to PD with office campus)			0	N/A	0		0				-	1,862,100	640,520	640,520 1	862,100		-	138,000	5,290	5,290	138,000	PD	- re	oning to PD adjustment of Office campus	dendum to EIR
11/2/2016	2520 Augustine Dr 3333 Octavius Dr	216-45-036, 37, 38, 024, 025		Completed/Occ upied	8/14/2014	Irvine Co. Carlene Matchniff	Santa Ciara Square Office Project (Phase II and III-see a. Two additional parcels are proposed to be added to the recently approved SCSO Project. Addendum to the EIR and Amendment to Development Agreement is part of this proposal. The Office Sites proposed will not exceed the 2009 Project. Office Phase II and III are proposed to consist of 6-8 story office buildings with associated surface and structured parking at a ratio of 3.3/1000. Vesting Tentative Parcel Map proposal combines 6 parcels to create 3 parcels (See Drawings.) Strets build at Augustine			0	N/A	0		0					1,862,100	0 640,570	775,570 1	727,100		-	138,000	5,290	5,290	138,000		Ar Ar Rev	nendment, Map, pre chitectural ad	Addendu m to reviously adoprted EIR
11/2/2016	1313 Franklin St 1052 Monroe St 1358 Benton St	269-20-076, -077 -078	10/22/2014	Completed/Occ upied	1/1/2015	Silicon Valley Builders	Drive and Octavius Drive is proposed to Multifamily Residential project with 46 units and 16K or retail space and 4 stories. Occupied 2019; retail still vacant		46	0	4 plus partial in-liue fee	44	3 3	44				-				-		-	16,700	11,066	11,066	16,700	TBD	d	upon	TBD
11/2/2016	3700 El Camino Real	313-06-004, 002		Approved	5/12/2015	Essex Property Trust	Gateway Santa Clara (formerly Kohls Sile) Mixed use development- Redevelopment of entire site 87K retail/commercial and 476 housing units (partments); Apartments nearly complete (12/2020) retail to be constructed starting in 2021		476	0	None	476		476				-				-		-	87,000 1	20,000	120,000	87,000		Rez sic ap ren u 86,	velopment one/Subdivi in Map/AC proval 475 tal dwelling units and 000 square et of retail space	EIR
11/2/2016	2600 Augustine	216-45-011 -022 024 -025 -028; 216-29-053 -112 and 216-46-003		Completed/Occ upied	12/1/2015	Irvine	Santa Clara Square Mixed Use Project phased project 100+ acres 2,000 rental housing units 40,000 sf retail added 30 acres parks/open		1,800	1800	None	1800		1800				-				-		-				-	P	Phase III General GF Plan su	A, rezone, ubdivision map	
11/2/2016	190 N Winchester Blvd	I 303-16-073		Approved	1/1/2016	Morley Bros, USA properties	92 unit senior apartment home community with onsite clubhouse and recreational amenities. New proposal for market rate housing		92	92	None	92		92				-		84,000	84,000	-		-				-	OA		zone and MN GPA	IND OR EIR

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Dwelling Units
Commercial Space
Office Space
Industrial Space
Retail Space

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Date Updated	Street Number & Street Name	APN	Submittal Date	Status of Entitlement	Approval Date	Applicant	Tidemark Description	SFD Units SF (Detached) (Det For Sale For	F Units M tached) For Rent	IF Units MF Units for Sale For Rent	Total Dwelling Units	Affordable Senior units? Units	Proposed Number of Dwelling Units			of Dwelling	Commerciai	Existing Commercial (non-office) SQ FT		Net Commercia (non-office) SQ. FT.	Proposed Office SQ. FT.	Existing	Existing Office to be	Net Office SQ. FT.	Proposed Industrial SQ. FT.	Industrial	Existing Industrial to be Removed SQ. FT.	industriai	Proposed Retail SQ. FT.	Existing Retail		Net Retail SQ. FT.	Current Zoning	Current GP E	Proposed intitlements	CEQA Review
11/2/2016	3033 Scott Blvd and 3080 Alfred	224-09-159, 224- 09-113, 224-09- 140		Pending		MCA	Expansion of activities at Muslim Community Association to include new high school student base, administrative offices. Director of Planning and Inspection administrative approval an increase of 50 students inculting up to 150 high school students. Use Permit for futher expansion. Initial StudyMND/MMRP prepared.				0	N/A	0			0	-			-				-				-				-				
11/2/2016	1627 Monroe St	224-26-062		Approved	8/1/2016	Samir Sharma	Architectural Review to construct 3 new two-story residences; Rezone from R1-8L to PD; Tentative Parcel Map to subdivide one lot into 3 lots; construction completed-for sale now	3			3	NA	3			3				-				-				-				-				NOE
11/2/2016	5155 5120 Stars And Stripe Dr	104-03-036 & 037, 104-01-102, 097-01-039 & 097	7-	Approved	7/1/2016	Related	City Place -Related Co project for redevelopment of five parcels that include Santa Clara Golf & Tennis Club, BMX track, Fire Station #10, and former City landfill and two parcels on other side of Stars and Stirpse (formerly for Montana Lowe project) directly across from Lev's Stadium. Master Development totals of 9.2M square feet and proposes 5.7M sq ft office; 1.1M sq fretalt; 1360 mixed density residential units; 700 hotel rooms; 250K restaurant uses; 190K entertainment space			360 1000	1360	TBD	1,360			1360	990,000			990,000	5,700,000	-		5,700,000				-	1,100,000	-		1,100,000	P	Public Quasi Public [Plan Amendment, tezone to PD or PD-MC, entative Map, nd/or Vesting entative Map, Development Agreement and/or Disposition Development	
11/2/2016	3226 Scott Blvd	224-46-006		Approved	11/15/2016	Courtney Bauer	Architectural Review and ZA Modification to allow the demolition of the existing industrial building and development of a new 230,500 square foot office building with 93,640 parking structure and other onsite improvements; Under construction/nearing completion				0	NA	0			0				-				-				-				-				
11/2/2016	1890 El Camino Real	269-01-081, 82		Approved	9/27/2016	Pinn Bros	56 for sale units condo units (no commercial removed from project by CC and reduced project by 4 units). Construction fire in 2019- rebuilt underway			56	56	3 to 4	56			56	-	4,250) 4,250	-				-				-				-		Use	Rezone, ARC review, TSM	EIR
11/2/2016	1 Great America Pkw	y 104-42-008, 014, 019 APNs) 224-40-	12/1/2014	Approved	1/1/2017	Cedar Fair	PD rezone to allow 140,000 new retail for open access to general public and year round operation of park				0	NA	0			0	140,000			140,000				-				-				-		G	CT to PD for California's ireat America Park Master Plan	
11/2/2016	651, 725, and 825 Mathew St	011 (0.26 acre),	10/1/2016	Approved	3/29/2017	Vantage	New Data Center campus- Vantage 420,000 sq. ft. Total in up to 4 buildings with electrical substation; under construction				0	NA	0			0				-				-	420,000	107,600	107,600	420,000				-				
11/2/2016	3375 Scott Blvd		5/1/2016	Approved	4/19/2017 and 3/20/2019 (two year extension)	John Duquette	New six story office buildin 237,104 sf, 4 story parking structure with 14,000 sq.ft. amenity building (2 story building attached to garage for employee cafe and/or fitness center, etc.)				0	0	0			0		37,600	37,600	,	250,000			212,400				-				-				
11/2/2016	1205 Coleman Ave	230-46-069	1/1/2016	Approved	7/9/2019	Hunter Storm Properties	New multi-family residential project on former BAE site, 1,600 residentyial units, 15,000 sq.ft. retail, a 182,00 sq.ft. 225 room hotel, 2.1 acre dedicated park			1360	1360	TBD	1360			1360				-				-		287,000	287,000	-	25,000	-	-	25,000		Station area plan t	Rezone, entative map	
11/2/2016	3001 Tasman Dr	104-49-030	12/1/2015	Approved	Extension approved on 1/16/2019 for two additional years	Mike Hodges/Bixby Land Co	New 4-story core and shell building and two new parking structures and associated site improvements 2-year extension granted for AC approval in 2018. New permit expires in 2020.				0	NA	0			0				-	150,000	408,753	-	558,753				-				-		,	AC approval	EIR
11/2/2016	3305 Kifer Rd	216-33-001	11/1/2016	Approved	11/29/2017	Toll Brothers	Development of 45 attached townhomes and stacked flats with 109 parking spaces and open space as part of the Lawrence Station Area Plan . 7.5 acre site project. The environmental review for this project will be covered under the LSAP EIR; Under Construction/sales office open			45	45	10% of units	45	0	0	45				-		30,000	30,000	-				-							Rezone	TBD
11/2/2016	3069 Lawrence Expy		9/1/2015	Approved		Westlake Urban/Gaye Quinr	Proposal for up to 328 unit multi-family development; Tentative Subdivision Map 3.82 acres			333	333	TBD	333			333				-				-	-	70,000	70,000	-				-		1	Architectural Review, Rezone (for sale units) Tentative subdivision map	TBD
11/2/2016	3505 and 3485 Kifer Road; 2985, 2951, 2901, 2900 and 2960 Gordon Avenue; 3060 2960, 3045 and 3045 Copper Road; and 357 Ryder Street	of Kifer Road and Lawrence Expressway.	11/1/2016	Approved	11/29/2017	Summerhill Homes	Development of 996 residential units with 37,000 square foot retail and associated open space, landscaping, parking and other improvements as part of the Lawrence Station Area Plan. Under construction	41		298 657	996	10% \$ -	996	\$ -		996								-		839,884		839,884	37,000	-		37,000	ML I		Rezone, Possible DA, Specific plan oproval, ARC review	EIR
11/2/2016	2891 Homestead Rd		9/14/2014	Pending		Anthony Ho	Pre-zone a 0.39 acre site to PD pending annexation, for the construction of 8 townhouses on a podium over subterranean parking area			11 0	11	1	11		1	10				-				-				-				-				

				Approved Approved									Dwelli	ing Units			Comme	ercial Space			Offic	ce Space		Industrial Space	9		Ret	tail Space				
Date Updated	Street Number & Street Name	APN	Submittal Date	Status of Entitlement	Approval Date	Applicant	Tidemark Description	SFD Units (Detached) (Detached For Sale For Rent	MF Units MF Uni For Sale For Re	Total Dwelling Units	Affordable units? Seniou Units	Proposed Number o Dwelling Units	f Existing		Net Amount of Dwelling Units	Commerciai	Existing Commercial (non-office) SQ FT		Net Commercial (non-office) SQ. FT.	Proposed Office SQ. (FT.	Existing Office SQ. FT.	Existing Office to be Removed SQ. SQ. FT.	Proposed Industrial SQ. FT.	Fyis	ting rial to noved	Propose rial Retail SC T. FT.	ed Existing D. Retail SQ. FT.	Demond	Net Retail SQ. FT.	Current Cur Zoning C	rrent Proposec SP Entitlemen	CEQA ts Review
11/2/2016	2490, 2500 EI Camin Real	290-46- 0 001,002,003,015 016,17 and 316- 17-024	7/1/2015	Pending		Lou Mariani	Proposal for 262 multi-family residential units and senior residential units and sal senior residential units and a 11-room hole (full service and extended stay) with a total 215,074 square feet of commercial space consisting of commercial space consisting of commercial fuels restaurants, bars, and meeting oroms on a 7.4 darce site (Project on hold; restructuring proposal or it may be withdrawn due to partnership issues).		398	398	39 66	398	0	0	398	206,000	161,358	161,358	206,000										,		General Pla Amendmer from Communit; Mixed Use Regional Mix Use for the developmer and PD rezoning! A approval	tt / / / / / / / / / / / / / / / / / /
	90 North Wincheste Boulevard (1834 Worthington Circle)	303-17-053	16-Dec	Approved	1/29/2019	CORE	Portion of former BAREC site (approx 6 acres). Amendment to Existing PD allowing 165 senior affordable units, 419 mixed income apts. up to 548 housing units with 50% of units affordable, and up to 25,000 site serving commercial. Up to 1.5 acre open space	0	34 325	359	181 165	359	0	0	359				-			-				-			1			
	2904 Corvin	216-33-034	Feb-17	Approved	1/16/2019	Concentric	145 residential units 5-story multi-family affordable housing w/supportive services; under construction		121	121	60	121	0		121				-			-				-			-	Isap Is	ар	
	3905 Freedom Circle	104-40-046 APN: 104-40-036 and 104-40-021	Feb-17	Pending		Greystar	A new mixed-use development wifollowing uses: Office (606,988 square feet; Residential 1018 units; Commercial 18,653 square feet publicly Accessible Open Space (2.5 acres), 163 acres of land bounded by Freedom Circle, Mission College Boulevard, Highway 101, and the San Thomas Aquino Creek. The existing also consists of 17,000 square feet Pedro's restaurant and a surface parking lot (APN 104-40-120), and 13,5 acres of vacant land .		1018	1018		1018			1018	18,653			18,653	606,968	-	606,968				-			-		GPA #89, Vesting Tentative Parcel Mag Rezoning to of for Planne Mixed Use Developmen Architectun, Review, Elf	PD dd: : :tt,
	2305 Mission Colleg	104-13-096	21-Nov	Approved	8/20/2020	Oppidon	Architectural Review of a complete demolition of an existing two-story 358,000 square foot office/R&D and construction of a new substation, equipment yard, and two 3-story data center buildings totally 489,951 square feet.			0		0			0				-	1			485,951	3	58,000 127,	951			-			
	3625 Peterson Way	216-30-040	18-Mar	Approved	9/16/2020	Boston Properties	Architectural review of (2) 8-story office buildings connected by bridges at 2 levels; a 4-level paking structure w? attached amenity building that includes a roof deck; and surface paking and site landscaping; & Variance to increase maximum building height from 70 to 129 at top of parapet wall (w/ top of roof screen at 138.5')			0		0			0				-	672,000		53,069 618,931		206,000 2	06,000	-			-			
	3402 El Camino Rea	I 290-01-136	Mar-17	Approved	5/15/2018	John Vidovich	Rezoning of a 2.27 acre site that was recently burned down, and redevelop a mixed-use project with 66 apartment units, 9.440 square feet of retail, amenities on the third floor, surface parking, and two-level garage parking. Under Construction		66	66		66	0		66	9,900						-				- 9,90	24,050	24,050	9,900			
	575 Benton	230-07-002, 004 009, 010, 013, 029, 031, 034, 038, 053, 059, 060		Approved	7/17/2018	Prometheus	(New MTC project proposal) GPA, Rezoning to PD to construct a mixed-use residential development project that consist of 355 apartment units, and approx. 26,000 square feet of retail with 697 parking spaces. (under construction)		355	355		355			355	14,000			14,000			-				-			1			
11/2/2016	2780 El Camino Rea	I 290-16-018	17-Apr	Approved	5/22/2018	KB Home	General Plan Amendment from Regional Commercial to Medium Density Residential; Rezone from CC to PD & Architectural Review for 58- 3 story townhomes; Under Construction		58	58	6	58	0		58	-	36,000	36,000	-							-			-			MND
	1375 El Camino Rea	224-48-002, 224- 48-012, & 224-48 013		Approved	5/22/2018	Land Sea	56 townhomes inclusive of 8 live work units (under construction)			0		0			0				-			-				-			-			
11/2/2016	2232 El Camino Rea	I 290-10-0913	6/30/2017	Approved	10/24/2017	Summerhill	Rezoning a 2.74 acre project site to PD for a four-story mixed-use project with 151 senior apartment homes, 17,909 square foot of commercial space, and 277 parking spaces provided in a wapped parking structure and parking lot. (under construction)		151	151	0 151	151		0	151		23,200	23,200	-							- 10,00	00		10,000		Rezoning, General Pla Amendmen and Vestin Tentative Parcel Ma	n t, 9
	1575 Pomeroy	290-03-089		Pending		Warmington Residential	AC approval for a 33 condominiums using AB 3194																									
	3045 Stender	216-29-084	6/15/2017	Approved	6/6/2018	Tiemo Mehner	Arch review for new 4-story 175,670 s.f. data center building with rooftop mechanical equipment. The project includes demolition of the existing single- story building.			0		0			0				-							-			-			
	1150 Walsh	224-58-003	8/11/2017	Approved	8/28/2019	Raging Wire/NTT	Proposed 248,000 square foot data center and substation																248,000		37,500					ML	LI	
	2788 San Tomas Expressway	224-11-068	9/25/2017	Completed/Occ upied	7/16/2013	Saris Regis for NVIDIA	Architectural review for a new 754,100 square-foot office building and a trellis; PHASE 2 of DA and allowed area additional 300K added to to Phase II originally planned for Phase III on other parcel. Two structures built, one additional structure available to build.			0		0			0				-	754,100	-	754,100				-			-			

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				Approved										Ι.	Owelling Units			Commi	ercial Space			Offic	e Space			industri	ai Space			Ketali Space	•			
Date Updated	Street Number & Street Name	APN	Submittal Date	Status of Entitlement	Approval Date	Applicant	Tidemark Description	SFD Units (Detached) For Sale	SF Units (Detached) For Rent	MF Units MF Units For Sale For Rent	Total Dwelling Units	Affordable units? Senior	Proposed Number o Dwelling Units	l f Existi Dwellin	Existing Dwellings to be Removed	Net Amount of Dwelling Units		Existing Commercial (non-office) SQ FT		Net Commercial (non-office) SQ. FT.	Proposed Office SQ. FT.	Existing Office SQ. FT.	Existing Office to be Removed SQ. FT.	Net Office SQ. FT.	Proposed Industrial SQ. FT.	Industrial	Existing Industrial to be Removed SQ. FT.	Industrial	Proposed Ex Retail SQ. R FT. SC	tail	to be Net Re	etail Current T. Zoning		Proposed CEQA Review
	2961 Corvin	216-33-040	Sep-17	Approved	4/24/2018	Summerhill	Development application for 38 townhomes on 27 acre site consistent with LSAP. Tentative Subdivision Map filed. Under construction			38	38	3.8	38			38				-				-		4,503	4,503	-				- LSAP		AC
	3005 Democracy	104-04-064, 65, 111, 112, 113, 142, 143, 150, 151	Oct-17	Pending		Kylii	General Plan Amendment from the High- Intensity Office/Research and Development (R&D) to a new designation allowing high-intensity mixed use development, including residential and office. 48,6 acre site. Former Patho				0		6,000			6000				-				-				-				-		
	1900 Warburton	224-20-027	11/14/2017	Approved	7/10/2018	Samir Sharma	Rezone from General Office (OG) to Planned Development (PD) to construct 13 attached condo units in two buildings with a shared driveway on a 0.55 acre site			13	13	1	13	0		13				-				-		2,000	2,000	-				-		
10/12/2018	3035 El Camino Real	220-32-059	5/11/2018	Approved	12/17/2019	Haden Land Company	Rezoning from CT to Planned Development (PD) and Architectural Review for the demolition of existing building and site improvements, and the new mixed use construction of 42 residential condominiums and 6 live work				48		48			48				-				-				-				- СТ		Tentative Subdivision ap, Rezoning om CT to PD and AC approval
10/12/2018	2200 Calle De Luna	097-05-098	7/27/2018	Approved	10/24/2019	Holland Partner Group	condominiums Architectural review for three 12 residential towers over three-level parking garage with 600 residential units.				601		601			601				-				-				-				- B	Light Industrial	Addendu m to EIR
10/12/2018	2101 Tasman Drive	097-05-056	7/30/2018	Pending		Related California	Architectural review of 950 multi-family units,associated amenity spaces, open space & 1.25 acre park (Addendum to EIR CEQ2018-01055). Tasman East Specific				950		950			950				-				-				-				- ML	Light Industrial	Addendu m to EIR
10/12/2018	2300 Calle De Luna	097-46-016	7/30/2018	Approved	12/4/2019	Related California	Plan. Architectural review of 575 multi-family dwelling units, 25,000 sq.ft. retail, & associated amenity space (Addendum to EIR CEQ2018-01056). Tasman East Specific Plan				575		575			575	25,00			25,000				-				-				- ML	Light Industrial	Addendu m to EIR
10/12/2018	5185 Lafayette St.	097-46-011	7/31/2018	Approved		Ensemble Investments	Architectural review for a new mixed-use building consisting of 147 residential units and 3,650 square feet of retail space				147		147			147	3,65)		3,650				-				-				-		
10/12/2018	5123 Calle Del Sol	097-46-019	7/31/2018	Approved	7/17/2019	Ensemble Investments	Architectural Review of a 504 residential units and 23,170 square feet of retail space. In the first phase a single story industrial building will be demolished on parcel 19 to redevelop the properly into a 85 fall mixed-use mid-rise consisting of 311 residential units with amently space, 14,210 sf retail space and 462 parking spaces. In phase two a mixed-use high-rise will be built consisting of 193 residential units with amently space, 8,960 of of retail space and 149 parking spaces.				504		504			504	23,17			23,170				-				-				-		
10/12/2018	2263 Calle Del Mundo/5185 Lafayette	097-05-060	7/31/2018	Pending			Architectural review for a new 148 unit residential development- no response from application/possibility to withdraw project (note 7/26/21)				148	0	148			148				-				-		16,860	16,860	-				- TESP		AC
10/12/2018	2233 Calle Del Mundo	097-05-056	7/30/2018	Approved	3/15/2019	Ensemble Investments	Architectural review of for new construction of 182 multi-family dwelling units involving demolition of an existing warehouse (Addendum to EIR CEQ2018-01058). Tasman East Specific Plan				182		182			182				-				-		16,092	16,092	-				-		
10/12/2018	2343 Calle Del Mundo	097-05-063	7/30/2018	Approved	3/15/2019	SummerHill Apartments Communities	Architectural review of 347 unit apartment building & 0.425 acre park (Addendun to EIR CEQ2018-01057) & Lot Line Adjustment (Tasman East Specific Plan)				347		347			347				-				-		16,368	16,368	-				-		
10/12/2018	3131 Homestead	290-24-071	6/18/2018	Approved			AC approval for approximately 183 net new apartments				0	0	183			183				-				-				-				-		
10/12/2018	3725 El Camino Real		5/29/2018	Approved	1/9/2019		Use Permit to allow a convenience store and potential restaurant in an existing service station				0		0			0				-				-				-				-		
2/8/2019	1433 El Camino Real	224-48- 004,005,006	11/6/2018	Approved	7/9/2019	SCS Development	Catalina II. 30 taurahaman (undar		1		1		0	1	1	0		14,880	14,880					-				-				- PD		
4/3/2019	2175 Martin	224-10-115	2/15/2019	Approved	11/13/2019	Scott Rynders	New three story data center with 8.5 MW capacity.				0		0			0				-				-	80,000	31,000	31,000	49,000				-		
4/3/2019	2200 Lawson Ln	224-44-025	10/15/2018	Approved	6/23/2020	Sobrato	Rezone from PD to PD to allow a 5-story 241,419 sq.ft. office building, 607 sq.ft. expansion to 2-story amenity building and expansion of parking garage - (CEQ2018-01064)				0		0			0				-	241,419	-		241,419	-	131,328	131,328	-				-		

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Dwelling Units
Commercial Space
Office Space
Industrial Space
Retail Space

State Stat	-	1		I	1	Approved	1									Dwell	ing Units			Comme	ercial Space			Offic	ce Space			Industrial	Space			Reta	ail Space					
Column C		Date Updated		APN				Applicant	Tidemark Description	SFD Units SF (Detached) (Detached) For Sale For	Units Matached) For Rent	IF Units MF Units for Sale For Rent	Total Dwelling Units	Affordable Senior units? Units	Number of Dwelling	Existing Dwellings	Existing Dwellings to be Removed	of Dwelling	Commercial (non-office)	Existing Commercial (non-office) SQ FT	Commercial (non-office) to be removed SQ	Net Commercial (non-office) SQ. FT.	Proposed Office SQ. FT.	Existing Office SQ. FT.	Existing Office to be Removed SQ. FT.	Net Office SQ. FT.	Proposed Industrial SQ. FT.	Industrial	ndustrial to e Removed	Industrial	Retail SQ.	Retail	Retail to be Removed	Net Retail SQ. FT.	Current Zoning	urrent GP E	Proposed :ntitlements	CEQA Review
March Marc		4/3/2019	2330 Monroe	224-37-068	2/1/2019	Approved	1/28/2020	Freebird	vacant site from Single Family residential (R1-6L) to Planned Development (PD) to support the construction of a single building ranging in height from two to three stories and containing 65 residential affordable units in a mix of studios and one, two- and three bedroom units. The project intends to provide housing for a broad range of family sizes and incomes, including 20% set aside for people with			65	65	65	65	0		65				-				-				-				-				
March Marc		4/3/2019	2201 Laurelwood	104-39-023	2/15/2019	Approved	9/23/2020	MEP1	square foot data center and substation and demolition of 201,529 square feet and				0		0			0				-				-	737,093	201,529	201,529	535,564				-				
March Marc		5/29/2019	651 Walsh	224-04-059	6/11/2018	Approved	9/16/2020	Jacobs	with the demolition of the existing industrial structures on-site totaling 171,259 sq.ft. of				0		0			0				-				1	435,050	171,259	171,259	263,791				-				
The control of the		5/29/2019	2302 Calle Del Mundo	097-46-024	4/24/2019	Approved	1/17/2020	ZAEN Partners	150 unit - 8 story residential project with 5,000 sq. ft of retail	0			0	TBD	150			150	5,000			5,000				-	-	16,600	16,600	-				-				
Market M		5/22/2019	4249 Cheeney	104-12-025	3/20/2019	Pending			8 unit townhome project			8	8	0	8	2		6				-				-				-				-				
Miles Mile		6/26/2019	1530 and 1540 Pomeroy	290-03-089		Pending		Omid Shakeri	townhomes and two Small lot SF homes . Project utilizing AB 3194 no rezoning required (consistency with GP only). 1540				0		8	2		10				-				-				-				-				
200 Seeds 200 February 200 Febr		7/12/2019	1111 Comstock	224-08-092	6/17/2019	Approved		CAC Architects	demolition of an existing one-story industrial building, and the construction of a new three-story 70,170 square foot data center building, and a Zoning Administrator Modification to allow	0			0		0			0				-				-	70, 170	26,000	26,000	44,170				-				
# deficient incorpagement with processing and an incorpagement of the processing of the processing and an incorpagement of the processi			2550 Scott	224-10-122	6/6/2019	Approved	1/17/2020		52,508 square-foot building at an existing 108,960 square-foot self-storage facility on 3.17 acres; Under Construction				0		0			0				-				-	52,508			52,508				-				
205 Entered Wiley 2 146-201 80 1500 170 Approved 6 600 201 Courselate of the foundation of the foundat			80 Saratoga	294-38-016	4/8/2021	Pending			affordable housing project with a podium level courtyard and a structured parking garage with about 90 parking stalls and 15 exterior parking stalls. The proposal will request for SB35 ministerial review and unlimited density under state density bonus law, due to proximity less than a				0		25	0	0	25		5,000	5,000	-				-				-				-				
Process Proc			2905 Stender Way	216-29-108	9/18/2019	Approved	6/8/2021	Coresite	new four-styory CoreSite Data Center,				0		0			0				-				-				-				-				
1290 Collemns (1372			2600 De La Cruz	230-03-105	9/24/2019	Approved	7/28/2021	CyrusOne	gross area, Total maximum building load would be 96.5 megawatts (MW). A 100- megavolt amps electrical substation would be located in the western portion of the				0		0			0				-				-	702,114	107,560	107,560	702,114				-				
1290 Memores: 224-68-68 8802019 Pending 1200 Strata Class Property Co. Property Co. Pending 1200 Strata Class Property Class Property Co. Pending 1200 Strata Class Property Clas			Brokaw Road, 1240	230-05-050	2/11/2020	Pending		Hilton Assoc.	story hotel (5 stories over 1 level of parking w/ 284 stacked parking stalls totaling 204,444 sq.ft. Application includes sale & service of distilled spirits (Type 47)				0		0			0	204,444		3,100	201,344				-				-				-				
Aguar 104-44-039 2/27/2020 Pending Eri Smith-Hilton Square feet Square f			1290 Memorex	224-6666	8/8/2019	Pending		1200 Santa Clara Property Co.	561,340 sq.ft. data center & substation in an ML zoning district & Modificatioin to increase maximum building height to 85' where 70' is the maximum & reduce minimum parking requirement to 113				0		0			0				-				-				-				-				
4949 GAP 104-44-039 2/27/2020 Pending Eri Smith-Hilton Amendment and Rezoning to PD to develop a 22-story mixed-use high-rise hotel. 3/25/2020 2901 Tasman 104-24-025,26 3/4/2020 Pending Jane Vaughn/Mento Equities R & D for 10.4 acres site 1/74 and 1/75 Montree 269-47-017, 18 12/2/2018 Pending 12/2/2018 Pending R & D for 10.4 acres site Rezoning and Architectural Review for a 8			2825 Lafayette	2224-04-093	11/19/2019	Pending			3 story data Center totaling 148,442 square feet				0		0			0				-			277,597	(277,597)	148,442			148,442				-				
25047.017 18 12/2/2/018 Panding 25047.017 18 12/2/2/018 Panding LDMD Architectural Review for a 8			4949 GAP	104-44-039	2/27/2020	Pending		Eri Smith/Hilton	Amendment and Rezoning to PD to develop a 22-story mixed-use high-rise				0		0			0				-				-				-				-				
		3/25/2020	2901 Tasman	104-24-025,26	3/4/2020	Pending		Jane Vaughn/Menlo Equities	General Plan Amendment to High Density R & D for 10.4 acre site		T		0		0			0				-				-				-				-]
			171 and 175 Monroe	269-47-017, 18	12/24/2018	Pending		LPMD Architects				8	8	0 0	8	2	2	8				-				-				-				-				

Dwelling Units Commercial Space Office Space

				Approved Approved											Dwelli	ng Units		Con	nmercial Space			Office	Space			Industri	al Space			Retail Space				
Date Updated	Street Number & Street Name	APN	Submittal Date	Status of Entitlement	Approval Date	Applicant	Tidemark Description	SFD Units (Detached) For Sale	SF Units (Detached) For Rent	hits MF Unit	ts Total Dwellin Units	Affordable sunits?	Senior Nur Units Dv	oposed mber of welling Units	Fulation.	Existing Dwellings to be Removed	Net Amount of Dwelling Units	Proposed Existin	g Existing cial (non-office) t	Net Commercial (non-office) SQ. FT.	Proposed Office SQ. FT.		Existing Office to be smoved SQ. FT.	ot Office Q. FT.	Proposed ndustrial SQ. FT.	Existing industrial	Existing Industrial to be Removed SQ. FT.	Net Industrial SQ. FT.	Proposed Ex Retail SQ. R FT. SG	kisting Retail to	g be Net Retai	Current Curre Zoning GP	nt Proposed Entitlements	CEQA Review
	3000 Bowers	216-48-033	11/25/2019	Pending		Sobrato Organization	Architectural review of (2) new 5-story office buildings (330K total 165K each building) & 5-story parking garage on a vacant ML zoned property and Modifican to increase height from 70' to 876" (Supplemental EIR); demolish 102,600 square foot industrial building				0			0			0			-				,	330,000	102,600	102,600	330,000						
	25 Calle De Luna and 232 Calle del Mundo		7/20/2020	Approved	2/3/2021	Greystar	Arch review of propsoed 8 story high density residential building on each parcel (388 units) 2225 Calle de Luna & 2232 Calle del Mundo. (Arch Review fee paid under PLN2020-14407). Demo 44,100 sq. ft. industrial building			388	388	TBD		388	0	0	388			-				-		44,100	44,100	-						
	3335 Kifer Rd	216-33-035	6/25/2020	Approved	2021	Allied Housing, Inc.	Architectural review of 80 units affordable senior rental apartments (supportive housing development, 56% restricted to homeless persons) in a six-story building within the Lawrence Station Are Plan (LSAP) - SB 330-Lawrence Station Area Plan		80		80	80	80	80	0	0	80			-				-	-	29,196	29,196	-						
23	354 Calle Del Mundo	097-46-002	7/30/2020	Approved	5/12/2021	Ensemble Investments	Architectural review for a new 89 unit residential project within the Tasman East Specific Plan area; 7,060 sq. ft industrial bldg to be removed			89	89	yes/TBD		89	0	0	89			-				-	-	7,060	7,060	-						
31	1155 El Camino Real	220-32-058	10/27/2020	Pending		Edward McMahon/Oak Investment Group	Rezoning to create a for-sale 60 unit residential development infill project; 8 buildings total		60		60	yes/TBD		60	0	0	60	2K/TBD	0	#VALUE!				-				-						
4:	1565 Stevens Creek	296-21-030	12/17/2020	pending		Lisa Wong	Architectural Review of the demolition of the remaining 6,190 square foot retail building destroyed by fire and a separate 2,660 square foot commercial office building on a 10,29 acre properly, for the replacement construction of a new 9,745 square foot, single-story retail commercial building including 12 outdoor seats for China Delight Restaurant and other sitework including landscaping and 57 on site parking stalls. All new contruction to be 1 yipe IIA.				0			0			0			-				-				-						
28	855 El Camino Real	221-31-082	12/10/2020	Pending		Leo Texiera/	Pre-app with PCC review for Rezoning to construct 26 new townhomes units and 62 affordable senior apartments				0			0			0			-				-				-						
160	01 Civic Center Drive	229-49-006		Pending		Charities Housing	Pre-application for 119 Affordable housing units				0			0			0			-				-				-						
	906, 930 Monroe	289-20-95	6/16/2020	Pending		Sal Caruso	Rezoning to PD, Architectural review of the Relocation of two single family homes at 906 and 930 Monroe and build a new 61 unit housing with 8K approx of retail and restaurant at the gound floor				0			0			0			-				-				-						
	275 Saratoga	303-46-051	6/7/2021	Pending		Swenson Builderes	Rezone from PD to PD to allow redevelopment of the site with a 4-story building with 121 units and 146 beds as a memory care facility over below grade parking with 73 parking spaces; in conjunction with demolition of existing 30.050 sq.ft. commercial office building and site improvements (CEOA to be determined)				0			0			0							-				-						
3	3155 Stevens Creek	303-14-036	7/12/2021	Pending		Lincoln Dealership	Remodel existing two-story auto sale showroom building, construction of a new one-story auto service building, and site work.				0			0			0			-				-				-						
	2590 Walsh	218-28-112	5/10/2021	Pending		Vantage	Arch review of the demoliton of a 115,000 sf single-story office and warehouse and the new construction of a 469,467 sf four-story data center project consisting of 8 data center halls Proposed renovation of an ewsting motel				0			0			0	469,464		469,464	ı			-		115,000	115,000	-						
	3550 ECR	290-01-113		Pending		Rhoades Planning Group and RCD Housing	into long-term affordable housing and the construction a new 7-story mixed-use				0			0			0			-				-				-						
	3060 Raymond	224-08-099	8/2/2021	Pending		Dean Rubinson	The proposed project includes conversion to a modern data center facility with 4.5 MW upgradel Tis and seismic upgrade 30K building area; site and ADA improvements; Exterior minor remodel				0			0			0			-				-				-						

From: "Hultman, Debbie@Wildlife" < Debbie. Hultman@wildlife.ca.gov>

Date: October 18, 2021 at 3:20:21 PM PDT **To:** Kevin Riley <kriley@ci.milpitas.ca.gov>

Cc: OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>, "Garrison, Kristin@Wildlife" <Kristin.Garrison@wildlife.ca.gov>, "Blinn, Brenda@Wildlife" <Brenda.Blinn@wildlife.ca.gov>,

"Weightman, Craig@Wildlife" < Craig. Weightman@wildlife.ca.gov>

Subject: Milpitas Metro Specific Plan-SCH2006032091

Good Afternoon Kevin Riley,

Please see the attached letter for your records. If you have any questions, contact Kristin Garrison, cc'd above.

Thank you,

Debbie Hultman | Assistant to the Regional Manager California Department of Fish and Wildlife – Bay Delta Region 2825 Cordelia Road, Ste. 100, Fairfield, CA 94534 707.428.2037 | debbie.hultman@wildlife.ca.gov

State of California – Natural Resources Agency DEPARTMENT OF FISH AND WILDLIFE Bay Delta Region 2825 Cordelia Road, Suite 100 Fairfield, CA 94534 (707) 428-2002 GAVIN NEWSOM, Governor CHARLTON H. BONHAM, Director

October 18, 2021

www.wildlife.ca.gov

Kevin Riley City of Milpitas 455 East Calaveras Boulevard Milpitas, CA 95035 kriley@ci.milpitas.ca.gov

Subject: Milpitas Metro Specific Plan, Notice of Preparation of a Subsequent Draft

Environmental Impact Report, SCH No. 2006032091, Santa Clara County

Dear Kevin Riley:

The California Department of Fish and Wildlife (CDFW) received the Notice of Preparation (NOP) of a Subsequent Draft Environmental Impact Report (SDEIR) from the City of Milpitas (City) for the Milpitas Metro Specific Plan (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act Permit, the Lake and Streambed Alteration (LSA) Agreement and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Milpitas

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Objective: City of Milpitas certified the Milpitas Transit Area Specific Plan (TASP) Environmental Impact Report in 2008. The SDEIR will expand the TASP area by approximately 73 additional acres for a total area of 510 acres and change land use classifications (e.g., increased allowable densities, new land use classifications, and change in location of land use classifications).

Location: The Project area is located in the southernmost portion of the City of Milpitas. The Project area is generally bounded by the Great Mall to the north, South Main Street to the west, Trade Zone Boulevard and the City limits to the south, Milpitas Boulevard to the southeast, and Highway 680 to the east.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

In order to avoid significant impacts to avian species potentially nesting within or near the Project area, CDFW recommends that the following protective measures be included in the SDEIR.

Potential Impacts to Habitat and Avian Species

Habitat Assessment

In review of the NOP, Figure 1 Project Location Map, and Google Earth aerials, Berryessa Creek and two unnamed drainage channels are located within the Project area. Berryessa Creek and the unnamed drainage channels appear to include wetland plant species, riparian habitat and grass and herbaceous vegetation.

The NOP does not discuss if the proposed Project may result in impacts to Berryessa Creek, drainage channels, or associated habitats such as tree removal. The NOP, page 5, describes objective #15 to improve the City transportation network, and NOP, page 3, discusses that area-wide infrastructure improvements will take place to accommodate residential and mixed-use development. Several bridges or culvert crossings also appear to currently exist over Berryessa Creek and drainage channels. Implementation of projects such as bridge widening or replacement, replacing or installing new utility lines, and expansion of or new installation of stormwater outfalls within the Berryessa Creek or the drainage channels could result in impacts to riparian habitat, and fish and wildlife species.

If the Project may result in impacts to riparian areas and other habitat types, CDFW recommends the measures below be included in the DEIR to potentially offset some of the foreseeable impacts.

- 1. <u>Habitat Assessment</u>: A qualified biologist will conduct a habitat assessment to determine if the Project area or its immediate vicinity supports freshwater marsh, wetland, and/or riparian communities. This survey should include, but not be limited to the drainage channels located within the Project area (as listed above).
- 2. Wetland Delineation: A formal wetland delineation will be conducted by a qualified biologist prior to Project construction to determine the location and extent of wetlands and riparian habitat present. [Please note that, while there is overlap, State and federal definitions of wetlands, as well as which activities require Notification pursuant to Fish and Game Code § 1602 differ; therefore, the delineation should identify both State and federal wetlands, as well as which activities may require Notification to comply with Fish and Game Code (§ 1602 and §2081(b)).]
- 3. Nesting Bird Surveys: If Project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), a qualified biologist will conduct two surveys for active nests of such birds within 14 days prior to the beginning of Project construction, with a final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys will be conducted at the appropriate times of day and during appropriate nesting times.
- 4. Active Nest Buffers: If the qualified biologist documents active nests within the Project area or in nearby surrounding areas, an appropriate buffer between the nest and active construction will be established. The buffer will be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist will conduct baseline monitoring of the nest to characterize "normal" bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The qualified biologist will monitor the nesting birds daily during construction activities and increase the buffer if the birds show signs of unusual or distressed behavior (e.g., defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman will have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.
- 5. <u>Qualified Biologist</u>: A qualified biologist is an individual who has a degree in biological sciences or related resource management with a minimum of two seasonal years post-degree experience conducting bird nest surveys. During or following academic training, a qualified biologist will have achieved a high level of

- professional experience and knowledge in biological sciences and special-status species identification, ecology and habitat requirements.
- 6. Notification of Lake or Streambed Alteration: Fish and Game Code §1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake: (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. Project activities in or around drainage channels and other waterbodies within the Project may require that the project proponent submit an LSA Notification to CDFW. CDFW is required to comply with CEQA in the issuance of an LSA Agreement. Additional information can be found at https://www.wildlife.ca.gov/Conservation/LSA.

Avian Collision with Buildings

The NOP describes, in comparison to the TASP, an additional 7,000 dwelling units, 700 hotel rooms, 300,000 square feet of retail, and 3 million square feet of office uses, including 500,000 square feet of industrial uses. The NOP does not discuss if this expansion will occur with a change of use of the current building height levels, or with other design or planning changes.

If the proposed Project will include an increase in building height over existing conditions, this could potentially result in an increase in the number or frequency of avian collisions with buildings, especially tall buildings located adjacent to riparian areas. CDFW therefore recommends that the SDEIR include building height and land use location alternatives that reduce environmental impacts such as locating tall buildings at a biologically appropriate distance away from wetlands or riparian areas. The SDEIR should analyze all potential impacts of increases in building height, types of materials used on the exterior façade of buildings, and changes in other design features on volant wildlife species, and include avoidance and minimization measures that reduce those impacts to a less-than-significant levels.

ENVIRONMENTAL DATA

CEQA requires that information developed in draft environmental impact reports be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form, online field survey form, and contact information for CNDDB staff can be found at the following link: https://wildlife.ca.gov/data/CNDDB/submitting-data. The

types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Kristin Garrison, Environmental Scientist, at (707) 944-5534 or by email at Kristin.Garrison@wildlife.ca.gov; or Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 944-5541 or by email at Brenda.Blinn@widlife.ca.gov.

Sincerely,

—Docusigned by: Stephanie Fong

Stephanie Fong
Acting Regional Manager

Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento

From: "Torney, Lola" <lola.torney@vta.org>
Date: October 18, 2021 at 4:22:25 PM PDT
To: Kevin Riley <kriley@ci.milpitas.ca.gov>
Cc: "plan.review" <plan.review@vta.org>

Subject: VTA comments on Milpitas Metro Specific Plan NOP

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Kevin,

Attached are VTA's comments on the NOP for the Milpitas Metro Specific Plan. Thank you!

~Lola Torney

Lola Torney | She/Her Transportation Planner III Bicycle and Pedestrian Program

Santa Clara Valley Transportation Authority 3331 North First Street, Building B San José, CA 95134-1927 Phone 408-321-5830



October 18, 2021

City of Milpitas 455 East Calaveras Boulevard Milpitas, CA 95035

Attn: Kevin Riley

By Email: kriley@ci.milpitas.ca.gov

Dear Kevin,

VTA appreciates the opportunity to comment on the Notice of Preparation for the Milpitas Metro Specific Plan Subsequent Environmental Impact Report (SEIR) project. VTA has reviewed the document and has the following comments:

Land Use and Densification

VTA supports the addition of the Innovation District to the Metro Plan area east of the Milpitas Bay Area Rapid Transit (BART) station. VTA also supports the Boulevard Very High-Density Mixed Use and Business Park Research and Development Land Uses on VTA parcels next Great Mall and Parking lot. Also, VTA supports the future changes of Great Mall's evolution from purely retail to mixed-use site. This is a transit-supportive change that can increase transit ridership in Milpitas and therefore may lead to lower greenhouse gas emissions in Santa Clara County.

Once transit facilities are no longer needed as public facilities, VTA would like Boulevard Very High-Density Mixed use as the underlayer. VTA does not want any blue for public facilities to be on our land that can be used for transit-oriented development.

Transportation Impact Analysis (TIA)

The City should perform operations analysis of key intersections near the plan area and CMP intersections that may be affected the project. This will likely include the following intersections:

- 1. Montague Expressway / South Milpitas Boulevard
- 2. Montague Expressway / East Capitol Avenue
- 3. Montague Expressway / Trade Zone Boulevard
- 4. Montague Expressway / South Main Street

The Local Transportation Analysis (LTA) performed should examine if any localized improvements can be done to these intersections to address these operational issues without any widening if possible and instead focus on multi-modal improvements to bikes, pedestrians and transit.

Mitigations to Address CMP Standards

The City is still required to conform to the requirements of the VTA CMP, which is governed by state CMP legislation. While VTA is supportive of the City's use of Vehicle Miles Traveled as CEQA

City of San José Milpitas Metro Specific Plan NOP Page 2 of 2

methodology for transportation impacts in conformance with SB 743, the CMP guidelines currently refer to an LOS standard for CMP purposes. The TIA shall include a discussion of mitigation measures to address any impacts per CMP standards identified in the analysis.

Transportation Demand Management

VTA recommends that the SEIR analyze the potential for the project to reduce its VMT and intersection operational effects through a comprehensive Transportation Demand Management (TDM) program, including setting a target, third-party monitoring, and an enforcement framework. Chapter 8 of VTA's TIA Guidelines includes recommendations for such Target-Based Trip Reduction programs. VTA supports trip caps and aggressive parking management strategies to help reach these TDM goals.

Safety, Security, and Access

VTA engages with its partners at BART, the Federal Transit Administration (FTA), the Department of Homeland Security (DHS), and the California Public Utilities Commission (CPUC) concerning existing and future access underneath VTA Light Rail guideway. New access points or modification near the guideway may trigger regulatory requirements or review of the FTA, DHS, and the CPUC. If any proposals, including art, access for autos, bicycles, or pedestrians is shown in the Metro Plan, VTA strongly recommends documenting proposal as "Conceptual" to set public expectations. Any proposed modifications would require close VTA collaboration and coordination.

VTA notes the possible location for a police substation near the Milpitas BART station shown in some maps. VTA recommends coordinating with VTA's County Sheriff Transit Patrol for this effort. The County Sheriff handles the police activities for VTA and would appreciate coordination when determining needs and location. Please contact me through email to begin coordination.

Noise and Vibration

The SEIR should analyze the impacts of noise and vibration on any future projects or uses. The SEIR should identify any impacts and propose mitigations for the project based on current and future conditions. BART currently operates trains throughout the day as part of VTA's BART Silicon Valley Phase I project within the Metro Plan area.

Thank you again for the opportunity to review this project. If you have any questions, please do not hesitate to contact me at 408-321-5830 or <u>lola.torney@vta.org</u>.

Sincerely,

Lola Torney

Transportation Planner III

ML0601

From: "Talbo, Ellen" <Ellen.Talbo@rda.sccgov.org>

Date: October 19, 2021 at 11:14:13 PDT **To:** Kevin Riley <kriley@ci.milpitas.ca.gov>

Cc: "Aghegnehu, Ben" <ben.aghegnehu@rda.sccgov.org>, "Camacho, Leo" <Leo.Camacho@rda.sccgov.org>, "Pham, Thien" <Thien.Pham@rda.sccgov.org>

Subject: Public Comment for Milpitas Metro NOP SEIR

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links.

Hi Kevin,

Unfortunately our network experienced a difficulty last night that didn't allow this letter to go through. Please accept the attached letter for the NOP SEIR.

Thank you greatly, **Ellen Talbo**, **AICP**

County Transportation Planner | Dept. of Roads and Airports Santa Clara County | 101 Skyport Drive | San Jose CA 95127 <u>www.countyroads.org</u> (408) 573-2484 office | (408) 234-6533 cell

County of Santa Clara

Roads and Airports Department

101 Skyport Drive San Jose, CA 95110-1302 (408) 573-2460 FAX 441-0276



October 18, 2021

Kevin Riley

City of Milpitas 455 East Calaveras Boulevard Milpitas, CA 95035

SUBJECT: Response to Notice of Preparation for the Milpitas Metro Specific Plan Subsequent EIR (SEIR)

Dear Mr. Riley,

The Department of Roads and Airports appreciates the opportunity to review the Notice of Preparation of a SEIR for the Metro Specific Plan. We submit the following comments pertaining to the SEIR:

- We understand that the SEIR is intended to be programmatic and prepared so that the Metro Specific Plan can be characterized as one large project. We also understand that Level of Service is no longer a consideration for the purposes of CEQA mitigation. Due to the signal operations and coordination needed to move expressway traffic flows at a reasonable level, the County still evaluates level of service for the purposes of analyzing operational and safety impacts from individual developments along and surrounding the expressway. Therefore, we prefer an approach to continue to require traffic impact analysis studies for individual development projects within the Metro subarea on the basis of analyzing local operational and safety impacts as a means of demonstrating that an individual project and its impacts are consistent with the findings in the programmatic SEIR. We are open and available to meet mutually with City staff and applicants at a pre-application stage to coordinate an adequate scope of work in the preparation of any local traffic studies. Please contact Leo Camacho, Senior Land Development Engineer, at leo.camacho@rda.sccgov.org as the main point of contact for any questions related to this.
- Should impacts from an individual project within the subarea trigger any future fair share contribution(s), the County would prefer to utilize the fair share contribution toward the cost of the Montague Expressway widening project and/or any future planned active transportation or intersection improvements on Montague Expressway.

We also submit the following comments related to the development aspects of implementing the Metro Plan:

We observed the patterns of high density mixed use among both retail and residential uses in
Figure 2 of the scoping notice and acknowledge the environment this creates for higher pedestrian
circulation surrounding or along Montague Expressway. Due to the higher volumes and higher
traffic speeds of Montague Expressway, we believe that pedestrian safety would be best served, at
a minimum, through the provision of sidewalks in a consistent manner free of gaps in the network.



Therefore, the County will require sidewalk frontage improvements upon development application for encroachment permitting.

- Maintenance of non-standard improvements in the County right of way will be subject to a maintenance indemnification agreement between the encroachment permit applicant and the County unless otherwise coordinated between the City and County.
- The implementation of a bicycle network on Montague Expressway would require mutual planning, design, and coordination between the City and County due to the unique geometric features of the roadway related to sight distance, speed, curvature, intersection configuration, driveway conflicts, and other technical design issues that impact users safety. Please contact Ellen Talbo, County Transportation Planner, at ellen.talbo@rda.sccgov.org for any questions or to discuss implementation of the bicycle infrastructure within the subarea.

For the reasons listed above we invite the City to dually engage with our Land Development and Transportation Planning units on a frequent enough basis to sufficiently check in about any development activity that requires City/County coordination. We thank you for engaging the department in this effort. Further we recognize the City's efforts and goals in addressing regional housing development challenges and support the City's goals of reducing congestion through increases in transit use. If you have any questions or concerns about these comments, please feel free to contact me at 408-573-2482.

Thank you,

Ellen Talbo, AICP

County Transportation Planner

D. Elle Tall



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NATIVE AMERICAN HERITAGE COMMISSION

September 20, 2021

Kevin Riley City of Milpitas 455 East Calaveras Boulevard Milpitas, CA 95035 RECEIVED IM

Re: 2006032091, Milpitas Metro Specific Plan Project, Santa Clara County

Dear Mr. Riley:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015. If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). Both SB 18 and AB 52 have tribal consultation requirements. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of <u>portions</u> of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - **b.** The lead agency contact information.
 - **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. <u>Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:</u> A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. <u>Mandatory Topics of Consultation If Requested by a Tribe</u>: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. <u>Discretionary Topics of Consultation</u>: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - **b.** Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- **6.** <u>Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:</u> If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. <u>Conclusion of Consultation</u>: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - **a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - **b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - **ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - **b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - **c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. <u>Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource</u>: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - **a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - **b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - **c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09-14-05-updated-Guidelines-922.pdf.

Some of SB 18's provisions include:

- 1. <u>Tribal Consultation</u>: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe. (Gov. Code §65352.3 (a)(2)).
- 2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
- 3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
- 4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - **a.** The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - **b.** Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

- 1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
- 2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - **a.** The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - **b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

- **a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
- **b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- **4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - **a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - **b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - **c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Katy.Sanchez@nahc.ca.gov.

Sincerely,

Katy Sanchez

Associate Environmental Planner

cc: State Clearinghouse

Katy Sanchez