

APPENDIX B

RESPONSES TO NOP & COMMENTS MADE AT EIR SCOPING MEETING

SUMMARY OF COMMENTS																										Notes	
	Project Description	Aesthetics	Agricultural and Forestry Resources	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality	Land Use and Planning	Mineral Resources	Noise	Population and Housing	Public Services	Recreation	Transportation	Tribal Cultural Resources	Utilities and Service Systems	Wildfire	Mandatory Findings of Significance	Cumulative Impacts	Alternatives	Other		
COMMENTS RECEIVED AT THE 1000 GIBRALTAR DRIVE PROJECT DRAFT EIR SCOPING MEETING (JUNE 25, 2020)																											
Regional Agencies - No Comments Received																											
State Agencies - No Comments Received																											
Private Individuals and Organizations																											
Kathleen Kotsakis <beangk710@gmail.com> Thursday, June 25, 2020 5:17 PM			x		x																				x	Acknowledged trees along Milpitas Boulevard; inquired whether the trees would remain upon completion of the proposed project and expressed desire to saving many of the trees; wants jobs	
Marcus Rangel <marcusrangel24@yahoo.com> Thursday, June 25, 2020 7:00 PM																x										x	Acknowledged the need for economic growth; inquired whether the developer could provide help to schools
Gray Pham <gray.pham@yahoo.com> Thursday, June 25, 2020 7:03 PM												x														x	Long-time resident pleased with the City's direction and work on proposed project and its location in the appropriate zoning area
Lili Phuong <liliphuongprf@gmail.com>Thursday, June 25, 2020 7:03 PM																										x	Stated the City needs more jobs; inquired about the types of jobs the project would bring to the City, and if there will be job opportunities created for Milpitas residents
Ciera Nguyen <ciera.lehua@gmail.com> Thursday, June 25, 2020 7:07 PM															x											x	Commented on the City's development of housing in the past; pleased to see other types of development that will support the City's economy
Cereniti Antonia Campos <cg3349@pleasantonusd.net> Thursday, June 25, 2020 7:10 PM	x																									x	Commented on the need to improve the current site to something more modern/useful; inquired about the timing of completion and operation
Jeremy Mendoza <jeremymend@gmail.com> Thursday, June 25, 2020 7:10 PM												x						x									Commented on traffic generation related to new businesses and desire for traffic to stay on streets like Montague and Calaveras; acknowledged the site is good for the project
Rick C <wolverines1000@yahoo.com> Thursday, June 25, 2020 7:19 PM																										x	Inquired about the economic support for surrounding businesses the project will provide, and employees
Mina Estores <carmina_estores@yahoo.com> Thursday, June 25, 2020 7:19 PM												x						x									Praised project location and how the location will help keep traffic on appropriate roads with easy freeway access
Kathleen Kotsakis <beangk710@gmail.com> Thursday, June 25, 2020 7:20 PM			x		x																						Thanked the project for saving on-site trees; expressed support for the project
Gray Pham <gray.pham@yahoo.com> Thursday, June 25, 2020 7:31 PM																x										x	Thanked the project for supporting the Milpitas School District
COMMENTS RECEIVED IN RESPONSE TO THE NOTICE OF PREPARATION FOR THE 1000 GIBRALTAR DRIVE PROJECT DRAFT EIR																											
Regional Agencies - No Comments Received																											
State Agencies - No Comments Received																											
Luo, Yunsheng <Yunsheng.Luo@dot.cagov> Thursday, June 18, 2020 4:15 PM																		x									Inquired whether there will be VMT analysis and discussion included in the EIR

SUMMARY OF COMMENTS	Project Description	Aesthetics	Agricultural and Forestry Resources	Air Quality	Biological Resources	Cultural Resources	Energy	Geology and Soils	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality	Land Use and Planning	Mineral Resources	Noise	Population and Housing	Public Services	Recreation	Transportation	Tribal Cultural Resources	Utilities and Service Systems	Wildfire	Mandatory Findings of Significance	Cumulative Impacts	Alternatives	Other	Notes
Luo, Yunsheng <Yunsheng.Luo@dot.cagov> Friday, July 3, 2020 9:31 AM																		x								Inquired whether there will be VMT analysis and discussion included in the EIR
Gregg Erickson Department of Fish and Wildlife, July 10, 2020					x																					Comments/mitigations related to biological resources; recommendations on effective compensatory mitigation to completely offset the removal of 88 trees; recommendations on including protective measures in final EIR
Richard Boyd California Air Resources Board, 4 July 14, 2020				x					x																	Letter on project increasing exposure to air pollution in disadvantaged communities; commented on concern with cumulative health impacts associated with construction and operation of the project; recommended mitigation measures on air quality
Mark Leong Caltrans District 4 July 14, 2020																		x								Requested travel demand analysis that provides Vehicle Miles Traveled (VMT) analysis; Commented on need of Transportation Management Plan (TMP) where vehicular, bicycle, and pedestrian traffic may be impacted during construction; Commented on possible completed encroachment permit application
Private Individuals and Organizations																										
Kinh Curotto <kcurotto@devcon-const.com>																									x	Inquired when project information will be uploaded to the City website

Liz Medina

From: Bean Gomez-Kotsakis <beangk710@gmail.com>
Sent: Thursday, June 25, 2020 5:17 PM
To: Planning Meeting
Cc: Rozalynne Thompson
Subject: [BULK] 6/25 Meeting Comments

Importance: Low

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Hello,

I am unable to watch tonight's meeting. Can I submit my comments now? There are lot of fully grown trees that front Milpitas Blvd on this land. I want jobs, but I would like to know if there is a way to save many of those trees. If we can find a way to keep the trees, this project would be great.

Looking forward to hearing from you,
Kathleen Kotsakis

Liz Medina

From: marcus rangel <marcusrangel24@yahoo.com>
Sent: Thursday, June 25, 2020 7:00 PM
To: Planning Meeting
Subject: Gibraltar Meeting

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Milpitas School District needs help. A new high School is needed. Our classrooms need to be renovated. I agree we need economic growth in our city but we all should do our part for education. Can this developer provide help to our schools?

Liz Medina

From: Gray Pham <gray.pham@yahoo.com>
Sent: Thursday, June 25, 2020 7:03 PM
To: Planning Meeting
Subject: Milpitas

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I have lived in Milpitas for over 30 years. I really like the direction our city is headed. It's growing but still maintains that small town feel. I appreciate the work that the Council and staff do to make sure that projects like this one can coexist in our little town and are compatible and are in areas where they belong. This project belongs in an industrial area. Great planning Milpitas.

Gray Pham

Liz Medina

From: Lili Phuong <liliphuongprf@gmail.com>
Sent: Thursday, June 25, 2020 7:03 PM
To: Planning Meeting
Subject: [BULK] City of Milpitas

Importance: Low

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To Whom This May Concern:

Milpitas needs more jobs especially considering our current economic environment. What types of jobs will this company or companies bring to Milpitas and will this create some job opportunities for Milpitas residents?

Liz Medina

From: Ciera Nguyen <ciera.lehua@gmail.com>
Sent: Thursday, June 25, 2020 7:07 PM
To: Planning Meeting
Subject: Tonight's meeting

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Hello,

Milpitas has built a lot of housing over the years. It's nice to see some other types of developments that will support our economy instead of being a drain on resources.

Sincerely,
Ciera Nguyen

Liz Medina

From: Cereniti Antonia Campos <cg3349@pleasantonusd.net>
Sent: Thursday, June 25, 2020 7:10 PM
To: Planning Meeting
Subject: 1000 Gibraltar Drive

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

Hello,

The area needs improvement and I like the idea of redeveloping this site to something more modern and useful that will better serve companies looking to locate here. What is the timing on when this will be built and operating? I think it will be a good addition to our city.

Thank you,

Cereniti Campos

Liz Medina

From: Jeremy Mendoza <jeremymend@gmail.com>
Sent: Thursday, June 25, 2020 7:10 PM
To: Planning Meeting
Subject: Gibraltar scoping meeting

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I understand that new businesses mean more traffic and I am ok with that especially considering the money and jobs that new businesses bring to our city. But please make sure the traffic stays on streets like Montague and Calaveras. Overall I think its great to bring more revenue to the City. Good spot for this though.

Liz Medina

From: Rick C <wolverines1000@yahoo.com>
Sent: Thursday, June 25, 2020 7:19 PM
To: Planning Meeting
Subject: Gibraltar business Comments

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

As a resident and Business owner of Milpitas . I would like to see more businesses come to this beautiful part of the valley. I would love for their employees to shop, dine and live here. I fill we need more support for our retail and restaurants here . Please consider in helping, we as business owners are hurting right now . Invest in Milpitas and help us remain employed.

Is there any indication of employees or support this company will support?

Thank You
Resident of Milpitas

Liz Medina

From: mina estores <carmina_estores@yahoo.com>
Sent: Thursday, June 25, 2020 7:19 PM
To: Planning Meeting
Subject: Good location

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I like that the project is in on Milpitas Blvd between 680 and 880. That will help keep traffic on the major roadways and allow for easy freeway access. Good location.

[Sent from Yahoo Mail on Android](#)

Liz Medina

From: Bean Gomez-Kotsakis <beangk710@gmail.com>
Sent: Thursday, June 25, 2020 7:20 PM
To: Planning Meeting
Cc: Rozalynne Thompson
Subject: [BULK] Re: 6/25 Meeting Comments

Importance: Low

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

Thank you for saving the trees! I support this!

> On Jun 25, 2020, at 5:17 PM, Bean Gomez-Kotsakis <beangk710@gmail.com> wrote:

>

> Hello,

> I am unable to watch tonight's meeting. Can I submit my comments now? There are lot of fully grown trees that front Milpitas Blvd on this land. I want jobs, but I would like to know if there is a way to save many of those trees. If we can find a way to keep the trees, this project would be great.

>

> Looking forward to hearing from you,

> Kathleen Kotsakis

Liz Medina

From: Gray Pham <gray.pham@yahoo.com>
Sent: Thursday, June 25, 2020 7:31 PM
To: Planning Meeting
Subject: New Milpitas Business

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Thank you for supporting Milpitas school district!

Gray Pham

From: [Rozalynne Thompson](#)
To: [Geoff Reilly](#); [Ellen Poling](#)
Subject: FW: NOP for 1000 Gibraltar Drive
Date: Thursday, June 18, 2020 4:19:06 PM

From: Luo, Yunsheng@DOT <Yunsheng.Luo@dot.ca.gov>
Sent: Thursday, June 18, 2020 4:15 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: NOP for 1000 Gibraltar Drive

Hello Rozalynne,

This is Yunsheng Luo with Caltrans D4. We received a request through SCH to review the NOP for the 1000 Gibraltar Drive project. I am wondering if a TIA scope of work is available at this point? That would help us to gain more information. Also, since the environmental document for this project will come after July 1, may I know if VMT analysis will be prepared. I might miss something but I didn't see the current NOP mentioned the related information.

Thank you!

Best,

Yunsheng Luo
Associate Transportation Planner
Local Development - Intergovernmental Review (LD-IGR)
Caltrans, District 4

Cell: 626-673-7057

FW: DEIR for 1000 Gibraltar Drive project

Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
To: Geoff Reilly <reilly@wra-ca.com>, Ellen Poling <E.Poling@fehrrandpeers.com>
Cc: Reida Khan <reida.khan@wra-ca.com>

Fri, Jul 10, 2020 at 1:24 PM

From: Luo, Yunsheng@DOT <Yunsheng.Luo@dot.ca.gov>
Sent: Friday, July 3, 2020 9:31 AM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: DEIR for 1000 Gibraltar Drive project

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

This is Yunsheng Luo with Caltrans D4. We received a review request through State Clearing House for the [1000 Gibraltar Drive](#) project. Just a quick question, because the DEIR will come out after July 1, per SB 743, VMT would be the standard metric used under the transportation section. In the upcoming DEIR, will there be VMT analysis and discussion included?

Thank you.

Best,

Yunsheng Luo
Associate Transportation Planner
Local Development - Intergovernmental Review (LD-IGR)
Caltrans, District 4

Cell: 626-673-7057



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
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 10, 2020

Ms. Rozalynne Thompson, Senior Planner
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035-5411
rthompson@ci.milpitas.ca.gov

Subject: 1000 Gibraltar Drive Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2020069024, City of Milpitas, Santa Clara County

Dear Ms. Thompson:

The California Department of Fish and Wildlife (CDFW) received the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Milpitas (City) for the 1000 Gibraltar Drive Project (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 expected to be a Trustee Agency with regards to this Project. As a Trustee Agency, CDFW has a responsibility pursuant to CEQA for commenting on projects that could directly or indirectly impact biological resources. CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e. biological resources). As a Trustee Agency, CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities (CEQA Guidelines, § 15386; Fish and Game Code, § 1802).

PROJECT DESCRIPTION SUMMARY

Proponent: Overton Moore Properties

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.

Ms. Rozalynne Thompson
City of Milpitas
July 10, 2020
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Objective: Within a 28.96-acre area, all existing on-site buildings, parking lots, and associated improvements will be demolished. Thereafter, a new 491,040-square-foot industrial building and two building offices totaling 4,910 square feet will be constructed. Parking lots to accommodate 354 automobiles will be constructed.

Location: 1000 Gibraltar Drive, City of Milpitas, CA 95035; APN# 086-42-033.

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.

The Project includes removal of 88 trees. Trees are also present in areas adjacent to the Project. Please be advised that both native and non-native trees provide nesting habitat for birds, and habitat value for other wildlife. CDFW recommends that the draft EIR include appropriate and effective compensatory mitigation to completely offset the permanent impacts of removing a large number of trees from the Project area.

CDFW also recommends that the following protective measures be included in the draft EIR:

1. 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), CDFW recommends that a qualified biologist 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 should be conducted at the appropriate times of day and during appropriate nesting times.
2. 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 should be established. The buffer should be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist should 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 should 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

Ms. Rozalynne Thompson
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position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman should have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

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 (CNDDDB). The CNDDDB field survey form can be found at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data#44524420-pdf-field-survey-form>.

The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/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 and Game 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 Ms. Kristin Garrison, Environmental Scientist, at (707) 944-5534 or by email at Kristin.Garrison@wildlife.ca.gov; or Ms. Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 944-5541 or by email at Brenda.Blinn@wildlife.ca.gov.

Sincerely,

DocuSigned by:

BE74D4C93C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

ec: State Clearinghouse

July 14, 2020

Rozalynne Thompson
Senior Planner
City of Milpitas
455 East Calaveras Boulevard
Milpitas, California 95035
Submitted via email: rtompson@ci.milpitas.ca.gov

Dear Rozalynne Thompson:

Thank you for providing the California Air Resources Board (CARB) with the opportunity to comment on the Notice of Preparation (NOP) for the 1000 Gibraltar Drive Project (Project) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2020069024. The Project includes the demolition of on-site buildings and the development of a single warehouse building totaling 491,040 square feet. The proposed Project is within the City of Milpitas, California, which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Freight facilities, such as warehouse and distribution facilities, can result in high daily volumes of heavy-duty diesel truck traffic and operation of on-site equipment (e.g., forklifts and yard tractors) that emit toxic diesel emissions, and contribute to regional air pollution and global climate change.¹ CARB has reviewed the NOP and is concerned about the air pollution and health risk impacts that would result should the City approve the Project.

I. The Project Would Increase Exposure to Air Pollution in Disadvantaged Communities

The Project, if approved, will expose nearby disadvantaged communities to elevated levels of air pollution. Residences are located approximately 440 feet south of the Project's southern boundary. In addition to residences, six schools (Laneview Elementary School, John Sinnott Elementary School, Rancho Milpitas Middle School, Milpitas Montessori School, Robert Randall Elementary School, and Pearl Zanker Elementary School) are located within 1 mile of the Project. The community is surrounded by existing toxic diesel particulate matter (diesel PM) emission sources, which include existing industrial uses and vehicular traffic along Interstate 680 (I-680). Due to the Project's proximity to residences already disproportionately burdened by

¹ With regard to greenhouse gas emissions from this project, CARB has been clear that local governments and project proponents have a responsibility to properly mitigate these impacts. CARB's guidance, set out in detail in the Scoping Plan issued in 2017, makes clear that in CARB's expert view, local mitigation is critical to achieving climate goals and reducing greenhouse gases below levels of significance.

multiple sources of air pollution, CARB is concerned with the potential cumulative health impacts associated with the construction and operation of the Project.

The State of California has placed additional emphasis on protecting local communities from the harmful effects of air pollution through the passage of Assembly Bill 617 (AB 617) (Garcia, Chapter 136, Statutes of 2017). AB 617 is a significant piece of air quality legislation that highlights the need for further emission reductions in communities with high exposure burdens, like those in which the Project is located. Diesel PM emissions generated during the construction and operation of the Project would negatively impact the community, which is already disproportionately impacted by air pollution from traffic on I-680.

II. The DEIR Should Quantify and Discuss the Potential Cancer Risks from On-site Transport Refrigeration Units

Since the Project description does not explicitly state that the proposed industrial land uses would not be used for cold storage, there is a possibility that trucks and trailers visiting the Project site would be equipped with transport refrigeration units (TRU).² TRUs on trucks and trailers can emit large quantities of diesel exhaust while operating within the Project site. Residences and other sensitive receptors (e.g., daycare facilities, senior care facilities, and schools) located near where these TRUs could be operating, would be exposed to diesel exhaust emissions that would result in a significant cancer risk impact.

CARB urges the City to model air pollutant emissions from on-site TRUs in the DEIR, as well as include potential cancer risks from on-site TRUs in the Project's health risk assessment (HRA). The HRA prepared for the Project should account for all potential health risks from Project-related diesel PM emission sources such as backup generators, TRUs, and heavy-duty truck traffic, and include all the air pollutant reduction measures listed in Attachment A of this comment letter.

In addition to the health risks associated with operational emissions, health risks associated with construction emissions should also be included in the air quality section of the DEIR and the Project's HRA. Construction of the Project would result in short-term diesel emissions from the use of both on-road and off-road diesel equipment. The Office of Environmental Health Hazard Assessment's (OEHHA) guidance recommends assessing cancer risks for construction projects lasting longer than two months. Since construction would very likely occur over a period lasting longer than two months, the HRA prepared for the Project should include health risks for existing residences near the Project site during construction.

². TRUs are refrigeration systems powered by integral diesel engines that protect perishable goods during transport in an insulated truck and trailer vans, rail cars, and domestic shipping containers.

The HRA prepared in support of the Project should be based on the latest OEHHA guidance (2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments),³ and the South Coast Air Quality Management District's (SCAQMD) CEQA Air Quality Handbook.⁴ The HRA should evaluate and present the existing baseline (current conditions), future baseline (full build-out year, without the Project), and future year with the Project. The health risks modeled under both the existing and the future baselines should reflect all applicable federal, state, and local rules and regulations. By evaluating health risks using both baselines, the public and City planners will have a complete understanding of the potential health impacts that would result from the Project.

III. Conclusion

To reduce the exposure of toxic diesel PM emissions in disadvantaged communities already disproportionately impacted by air pollution, the final design of the Project should include all existing and emerging zero-emission technologies to minimize diesel PM and oxides of nitrogen (NO_x) emissions, as well as the greenhouse gases that contribute to climate change. CARB encourages the City and applicant to implement the measures listed in Attachment A of this comment letter to reduce the Project's construction and operational air pollution emissions.

Given the breadth and scope of projects subject to CEQA review throughout California that have air quality and greenhouse gas impacts, coupled with CARB's limited staff resources to substantively respond to all issues associated with a project, CARB must prioritize its substantive comments here based on staff time, resources, and its assessment of impacts. CARB's deliberate decision to substantively comment on some issues does not constitute an admission or concession that it substantively agrees with the lead agency's findings and conclusions on any issues on which CARB does not substantively submit comments.

³. Office of Environmental Health Hazard Assessment (OEHHA). Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February 2015. Accessed at: <https://oehha.ca.gov/media/downloads/cmr/2015guidancemanual.pdf>.

⁴. SCAQMD's 1993 Handbook can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

Rozalynne Thompson

July 14, 2020

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CARB appreciates the opportunity to comment on the NOP for the Project and can provide assistance on zero-emission technologies and emission reduction strategies, as needed. Please include CARB on your State Clearinghouse list of selected State agencies that will receive the DEIR as part of the comment period. If you have questions, please contact Michaela Nucal, Air Pollution Specialist via email at michaela.nucal@arb.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Richard Boyd".

Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

Attachment

cc: See next page.

Rozalynne Thompson

July 14, 2020

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cc: State Clearinghouse
state.clearinghouse@opr.ca.gov

Carlo De La Cruz
Senior Campaign Representative
Sierra Club
carlo.delacruz@sierraclub.org

Paul Cort
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Michaela Nucal
Air Pollution Specialist
Risk Analysis Section
Transportation and Toxics Division
michaela.nucal@arb.ca.gov

ATTACHMENT A

Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers

The California Air Resources Board (CARB) recommends developers and government planners use all existing and emerging zero to near-zero emission technologies during project construction and operation to minimize public exposure to air pollution. Below are some measures, currently recommended by CARB, specific to warehouse and distribution center projects. These recommendations are subject to change as new zero-emission technologies become available.

Recommended Construction Measures

1. Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero equipment and tools.
2. Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology vehicles and equipment that will be operating on site. Necessary infrastructure may include the physical (e.g., needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.
3. In construction contracts, include language that requires all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits, such that, emission reductions achieved equal or exceed that of a Tier 4 engine.
4. In construction contracts, include language that requires all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction be battery powered.
5. In construction contracts, include language that requires all heavy-duty trucks entering the construction site, during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NO_x) standard starting in the year 2022.¹

¹: In 2013, CARB adopted optional low-NO_x emission standards for on-road heavy-duty engines. CARB encourages engine manufacturers to introduce new technologies to reduce NO_x emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model year 2010 and later. CARB's optional low-NO_x emission standard is available at: <https://www.arb.ca.gov/msprog/onroad/optionnox/optionnox.htm>.

6. In construction contracts, include language that requires all construction equipment and fleets to be in compliance with all current air quality regulations. CARB is available to assist in implementing this recommendation.

Recommended Operation Measures

1. Include contractual language in tenant lease agreements that requires tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.
2. Include contractual language in tenant lease agreements that requires all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration are encouraged and can also be included in lease agreements.²
3. Include contractual language in tenant lease agreements that requires all TRUs entering the project site be plug-in capable.
4. Include contractual language in tenant lease agreements that requires future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans.
5. Include contractual language in tenant lease agreements requiring all TRUs, trucks, and cars entering the Project site be zero-emission.
6. Include contractual language in tenant lease agreements that requires all service equipment (e.g., yard hostlers, yard equipment, forklifts, and pallet jacks) used within the project site to be zero-emission. This equipment is widely available.
7. Include contractual language in tenant lease agreements that requires all heavy-duty trucks entering or on the project site to be model year 2014 or later, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030.

². CARB's Technology Assessment for Transport Refrigerators provides information on the current and projected development of TRUs, including current and anticipated costs. The assessment is available at: https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf.

8. Include contractual language in tenant lease agreements that requires the tenant be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation,³ Periodic Smoke Inspection Program (PSIP),⁴ and the Statewide Truck and Bus Regulation.⁵
9. Include contractual language in tenant lease agreements restricting trucks and support equipment from idling longer than 5 minutes while on site.
10. Include contractual language in tenant lease agreements that limits on-site TRU diesel engine runtime to no longer than 15 minutes. If no cold storage operations are planned, include contractual language and permit conditions that prohibit cold storage operations unless a health risk assessment is conducted, and the health impacts fully mitigated.
11. Include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid.
12. Including language in tenant lease agreements, requiring the installing of vegetative walls⁶ or other effective barriers that separate loading docks and people living or working nearby.

³. In December 2008, CARB adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at: <https://www.arb.ca.gov/cc/hdghg/hdghg.htm>.

⁴. The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at: <https://www.arb.ca.gov/enf/hdvip/hdvip.htm>.

⁵. The regulation requires that newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at: <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>.

⁶. Effectiveness of Sound Wall-Vegetation Combination Barriers as Near-Roadway Pollutant Mitigation Strategies (2017) is available at: <https://www2.arb.ca.gov/sites/default/files/classic/research/apr/past/13-306.pdf>

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

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*Making Conservation
a California Way of Life.*

July 14, 2020

SCH # 2020069024

GTS # 04-SCL-2020-00758

GTS ID: 19816

SCL-680-M6.681

Rozalynne Thompson
City of Milpitas Planning Department
455 East Calaveras Boulevard
Milpitas, CA 95035

1000 Gibraltar Drive Project- Notice of Preparation (NOP)

Dear Rozalynne Thompson:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 1000 Gibraltar Drive project. 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 June 2020 NOP.

Project Understanding

The 28.96-acre project site is located on 1000 Gibraltar Drive, Milpitas. Regional access is provided by Interstate (I)-680, which is approximately 0.5 miles east of the project site and I-880, which is approximately 1.1 miles west of the project site. The project would demolish all existing on-site buildings, parking lots and associated improvements and construct a new 490,040 s.f. tilt-up concrete creative industrial building with two supporting offices and surface parking. This project proposes approximately 485,130 s.f. of warehouse and 4,910 s.f. office space, along with 354 automobile surface parking spaces on all sides of the building and a total of 101 trailer stalls to the west and east of the building.

The existing buildings on-site totaling approximately 394,000 s.f. have been vacant since 2012. Potentially significant transportation impact is expected due to an increase in daily traffic trips and change in traffic patterns associated with the project site.

Highway Operations

To determine the vehicular traffic impacts to the local and regional transportation system, please provide the following information for this project: trip generation, trip distribution, and trip assignment estimates. All project-generated trips should be added to the existing traffic demand volumes and the future forecasted scenario traffic demand volumes. Existing traffic demands should be taken from pre or post COVID-19 once traffic levels return to normal.

Please evaluate the following ramps and its corresponding intersection for potential impacts:

Route 680

SB off-ramp to WB Calaveras
SB off-ramp to Landess Avenue/Montague Expressway
SB on-ramp from EB Landess Avenue
NB on-ramp from EB Landess Avenue

Route 880

NB off-ramp to Route 237
SB off-ramp to EB Route 237
NB on-ramp from WB Route 237
SB on-ramp from WB Route 237
SB off-ramp to NB Montague Expressway
NB off-ramp to NB Montague Expressway
NB on-ramp from SB Montague Expressway
SB on-ramp from SB Montague Expressway
SB off-ramp to Tasman Drive/Great Mall Parkway
NB off-ramp to Tasman Drive/Great Mall Parkway
SB on-ramp from Tasman Drive/Great Mall Parkway
NB on-ramp from Tasman Drive/Great Mall Parkway

Route 237

Intersection of Calaveras Blvd. and S. Milpitas Blvd.

Evaluations of the aforementioned locations and its corresponding intersection should include:

- On-ramp storage capacity evaluations to determine if on-ramp queues are spilling back to the city streets;
- Off-ramp storage capacity evaluations to determine if off-ramp queues are spilling back onto mainline freeway;

- Storage capacity evaluations for all of the turning movements at the intersections;
- Increased queue lengths from the project; and
- All of the above for intersections upstream of any intersections where there is queue spillback.

In addition, the project should evaluate its impact to the operations of the mainline freeways (I-880, I-680, SR-237 (Calaveras Boulevard)) near the vicinity of the project, which include, but are not limited to, the upstream/downstream areas near the locations previously listed.

Travel Demand Analysis

Please submit a travel demand analysis that provides a Vehicle Miles Traveled (VMT) analysis resulting from the proposed project. With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies using efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. The travel demand analysis should include:

- A vicinity map, regional location map, and site plan clearly showing project access in relation to the State Transportation Network (STN). Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way (ROW). Project driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped.
- A VMT analysis pursuant to the City's guidelines or, if the City has no guidelines, the Office of Planning and Research'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 safety issues for all road users should be identified and fully mitigated.

- 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.
- Clarification of the intensity of events/receptions to be held at the location and how the associated travel demand and VMT will be mitigated.

Transportation Management Plan

Where vehicular, bicycle, and pedestrian traffic may be impacted during the construction of the proposed project requiring traffic restrictions and detours, a Caltrans-approved Transportation Management Plan (TMP) is required.

Pedestrian access through the construction zone must comply with the Americans with Disabilities Act (ADA) regulations (see Caltrans' Temporary Pedestrian Facilities Handbook for maintaining pedestrian access and meeting ADA requirements during construction at:

www.dot.ca.gov/hq/construc/safety/Temporary_Pedestrian_Facilities_Handbook.pdf) (see also Caltrans' Traffic Operations Policy Directive 11-01

"Accommodating Bicyclists in Temporary Traffic Control Zones" at:

<http://www.dot.ca.gov/trafficops/policy/11-01.pdf>).

All curb ramps and pedestrian facilities located within the limits of the project are required to be brought up to current ADA standards as part of this project. The TMP must also comply with the requirements of corresponding jurisdictions. For further TMP assistance, please contact Caltrans Office of Traffic Management Chief, Raoul Maltez, via raoul.maltez@dot.ca.gov.

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.

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto the ROW requires a Caltrans-issued encroachment permit. If any Caltrans facilities are impacted by the project, those facilities, including the sidewalk and curb, must meet American Disabilities Act (ADA) Standards as well

Rozalynne Thompson, Senior Planner

July 14, 2020

Page 5

as other Caltrans Standard Plan after project completion. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application, six (6) sets of plans clearly delineating the State ROW, six (6) copies of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. To download the permit application and to obtain more information on all required documentation, visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Yunsheng Luo at Yunsheng.Luo@dot.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Mark Leong". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Leong
District Branch Chief
Local Development - Intergovernmental Review

cc: State Clearinghouse



Reida Khan <reida.khan@wra-ca.com>

FW: 1000 Gibraltar

Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>

Tue, Jul 14, 2020 at 12:36 PM

To: Geoff Reilly <reilly@wra-ca.com>, Reida Khan <reida.khan@wra-ca.com>

Hi Geoff and Reida,

Even though this email from Kinh Curotto of Devcon Construction wasn't substantively about the NOP, I thought I would forward it to both of you anyway.

Rozalynne

From: Rozalynne Thompson

Sent: Monday, June 22, 2020 3:09 PM

To: Kinh Curotto <kcurotto@Devcon-const.com>

Subject: RE: 1000 Gibraltar

Hi Kinh,

We are working on fixing the link. In the meantime, you may access the environmental documents at <http://www.ci.milpitas.ca.gov/milpitas/departments/38397-2/> and the Notice of Preparation and Scoping meeting at <http://www.ci.milpitas.ca.gov/notice-preparation-notice-scoping-meeting/>.

Please let me know if you have any questions.

Sincerely,

Rozalynne

From: Kinh Curotto <kcurotto@Devcon-const.com>

Sent: Monday, June 22, 2020 3:05 PM

To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>

Subject: RE: 1000 Gibraltar

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

Hi Rozalynne,

Do you have an approximate date as to when info might be loaded to the website?

Kinh

From: Rozalynne Thompson [<mailto:rthompson@ci.milpitas.ca.gov>]
Sent: Friday, June 12, 2020 2:11 PM
To: Kinh Curotto
Subject: RE: 1000 Gibraltar

Hello Kinh,

We will be uploading documents to the website shortly.

Rozalynne

From: Kinh Curotto <kcurotto@Devcon-const.com>
Sent: Friday, June 12, 2020 1:27 PM
To: Rozalynne Thompson <rthompson@ci.milpitas.ca.gov>
Subject: 1000 Gibraltar

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

Hi Rozalynne,

I went to the website below and it doesn't have any project info. Are you expecting to upload something soon? All I see are the plans for the future building.

<http://www.ci.milpitas.ca.gov/1000gibraltardrive/>

Kinh Curotto | Senior Assistant to Justine Pereira



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