SUMMARY

This summary presents an overview of this environmental analysis of the Midtown Milpitas Specific Plan, which is contained in further detail in Chapter 3 of this Draft Environmental Impact Report (EIR). Section 15123 of the State CEQA Guidelines requires that an EIR summary identify the following: (1) each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect, (2) areas of controversy known to the Lead Agency including issues raised by agencies and the public, and (3) issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

PROJECT UNDER REVIEW

This Draft EIR has been prepared to provide an environmental assessment of the proposed Midtown Milpitas Specific Plan, which is a long-range land use and development plan for a 942-acre area in the City of Milpitas. The Specific Plan area encompasses land near the western limits of Milpitas, generally bounded by the Union Pacific Railroad lines on the east and north, Abel Street and the Elmwood Rehabilitation Center on the west; and the City limits to the south. The Midtown area is traversed by two Union Pacific Railroad lines. Main Street is the central north-south roadway in the planning area.

The proposed Midtown Milpitas Specific Plan provides development goals and land use directives for the Midtown area for a 20-year planning horizon. Included in the Midtown Milpitas Specific Plan are the following: proposed land use designation changes; a development strategy; recommended public and private improvements; and urban design recommendations, including new development regulations and guidelines.

A detailed project description is provided in Chapter 2 of this Draft EIR.

AREAS OF CONTROVERSY / ISSUES TO BE RESOLVED

The City issued an Initial Study and a Notice of Preparation (NOP) on September 5, 2000, which is included as Appendix A to this EIR. In addition, the Specific Plan was developed through a City-directed planning process that included property and business owners in the area, as well as the larger community. The potential for increased vehicular traffic and the potential for congestion were raised as issues of concern. No other areas of controversy with regard to environmental issues were raised through these outreach efforts. Similarly, there are not any known issues that were discovered through the environmental review process that are in need of resolution.

SIGNIFICANT ENVIRONMENTAL IMPACTS

According to the CEQA Guidelines, a “significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (Section 15382). In determining whether or not the proposed Specific Plan has the

potential to result in a significant impact to the environment, the questions or "thresholds of significance" provided by the State's Environmental Checklist Form (Appendix G of the CEQA Guidelines) were used. These thresholds are provided within each topical section of this EIR prior to the environmental evaluation. In addition, the environmental evaluation in this EIR uses local regulations as thresholds of significance, where applicable.

Implementation of the Milpitas Specific Plan has the potential to generate environmental impacts. Impacts related to the following environmental topics could be significant without the implementation of mitigation measures, but would be reduced to a less-than-significant level if the mitigation measures recommended in this report are implemented:

- Hazardous Materials
- Utilities (Wastewater Effluent Capacity)
- Biological Resources
- Cultural Resources
- Traffic and Circulation
- Air Quality

These impacts are provided in the summary table, which is presented at the end of this chapter.

UNAVOIDABLE SIGNIFICANT EFFECTS

State CEQA Guidelines Section 15126(b) requires an EIR to "describe any significant impacts, including those that can be mitigated but not reduced to a level of insignificance." Chapter 6 provides a summary of the unavoidable significant impacts that are anticipated with the project. These include impacts to the following resource areas:

- Traffic and Circulation
- Air Quality

These impacts are also summarized in the table at the end of this chapter. Unavoidable adverse impacts would require a Statement of Overriding Considerations if the project were to be approved by the City.

ALTERNATIVES TO THE PROJECT

CEQA requires the Lead Agency to consider alternatives to the proposed Specific Plan that meet the Specific Plan's basic objectives, while avoiding or reducing significant impacts. The following alternatives are considered in Chapter 7 of this EIR:

- No Project Alternative - Existing General Plan Land Use Designations
- Higher Residential Development Alternative
- Lower Density Alternative

Chapter 7 of this EIR evaluates potential impacts associated with the Specific Plan alternatives in accordance with Section 15126(d) of the CEQA Guidelines.

CEQA also requires the identification of the environmentally superior alternative. Based on the information contained in Chapter 7, the Lower Density Alternative is the environmentally superior alternative. This is because it reduces wastewater outflows and slightly reduces the vehicle trips attributable to the Specific Plan area. In general, the selection of this alternative as the environmentally superior alternative is due in large part to the lower intensity of development envisioned. However, this alternative would continue to result in significant and unavoidable traffic and air quality impacts. Further, this alternative would not provide as much housing as the proposed Specific Plan, for which there is a substantial demand in the region. More detail on this alternative, and a comparison against the proposed Specific Plan is provided in Chapter 7.

Although the Lower Density Alternative is considered the environmentally superior alternative, CEQA does not require the Lead Agency to adopt this alternative. In short, CEQA requires that the Lead Agency adopt mitigation measures or alternatives, where feasible. The concept of feasibility encompasses the question of whether a particular alternative promotes the underlying goals and objectives of the project to the extent that these are based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.

SUMMARY TABLE

The following table provides a summary of the environmental impacts of the proposed Specific Plan, the level of significance before mitigation, recommended mitigation measures, and notes the level of impact significance after implementation of the mitigation measures. Impacts are numbered in accordance with the environmental topic to which they pertain and in the order in which they appear within each EIR section. Please see Chapter 3 of this EIR for more information on the potential impacts of the proposed Specific Plan.

Summary of Impacts and Mitigation Measures
Midtown Specific Plan

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
Hazardous Materials			
Impact HazMat-1: Soil and Groundwater Contamination. Development or redevelopment of properties within the Midtown planning area could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. This is considered a potentially significant impact.	S	Mitigation Measure HazMat-1: A Phase I Environmental Site Assessment (ESA) shall be conducted in accordance with American Society for Testing and Materials (ASTM) guidelines prior to the approval of development that would involve soil disturbance within 100 feet of any parcel that has been identified on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, or which has had previous land uses associated with hazardous materials (e.g., industrial sites, gas stations, etc.) . Additional investigation may not be necessary for sites which have no record of hazardous materials, past history of land uses associated with hazardous materials, adjacency to such sites, nor surface indications of possible hazardous materials conditions. Figure 3.3-1 provides the general locations of reported hazardous materials sites as of August 2000. For more detail, refer to the Environmental Records Search, on file with the Planning Division (EDR 2000). The Phase I ESA will include the findings of a site reconnaissance and investigation of prior uses of the property that could have resulted in contamination. If a significant likelihood of contamination is revealed by the Phase I ESA, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling and could result in remediation requirements in accordance with State and federal regulations. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.	LTS

S = Significant; LTS = Less than Significant; SU = Significant and Unavoidable; n/a = not applicable

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
Utilities			
Impact Util-1: Effluent Treatment Capacity. Development that could occur with approval of the Midtown Milpitas Specific Plan would result in an additional 0.4 mgd dry weather peak week flow discharge to the San Jose/Santa Clara Water Pollution Control Plant (WPCP) above the discharge anticipated with the current General Plan. Cumulative growth within the City of Milpitas, could require 12.9 mgd average dry weather peak week flow of wastewater treatment plant capacity in the year 2020, with approval of the Midtown Milpitas Specific Plan. This exceeds the City's current Master Agreement (12.5 mgd dry weather peak week flow) by 0.4 mgd. The additional generation of effluent attributable to the Midtown Milpitas Specific Plan would contribute to this cumulative impact. This is considered a significant impact.	S	Mitigation Measure Util-1: The following mitigation measures shall be implemented to ensure that wastewater discharge and treatment capacities are available for planned development: a. The City of Milpitas shall continue to participate in WPCP Action Plan projects to reduce existing wastewater flows, such as low flow toilet installation programs and water conservation programs. The City of Milpitas shall continue to participate in the South Bay Water Recycling Program, and pursue additional recycled water opportunities whenever available. b. The City shall continue to monitor for adequate discharge capacity to serve existing and approved development in the city for all development projects, including remodels. The Planning Division shall continue to coordinate with the Utilities Division and require a sewer needs assessment to be completed by the developer prior to any development approvals. The Utilities Division shall continue to keep a running estimate of how much capacity remains citywide to aid in this analysis. c. The City of Milpitas shall complete the Sewer-Water Master Plan Update (Winter 2002) and implement the feasible recommended infrastructure improvements, including infiltration and inflow reduction measures. Upon completion of the Sewer Master Plan Update, the City of Milpitas shall review the treatment capacity needs and seek additional capacity if warranted. If the available treatment capacity has been reached, the City of Milpitas shall not issue the building permit until additional capacity is acquired. With the implementation of these mitigation measures, adequate wastewater treatment capacity would be ensured, and this impact would be considered less-than-significant.	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
Biological Resources			
Impact Bio-1: Burrowing Owl. New development envisioned by the Specific Plan of undeveloped lands in the planning area could result in the loss of burrowing owls or active nests, which would be a significant environmental impact.	S	Mitigation Measure Bio-1: Undeveloped areas proposed for development during the nesting season (April 15 to July 15) shall be surveyed for burrowing owls. The survey must follow the California Department of Fish and Game (CDFG) protocol. The survey report shall be submitted to Milpitas Planning Division for review and approval. If owls are observed during the surveys, or if a burrowing owl nest has been documented on the site within the last three years, a burrowing owl habitat map and mitigation plan must be prepared by a qualified ornithologist and submitted to the City for approval. Implementing this mitigation measure would reduce potential impacts to burrowing owls to a less-than-significant level.	LTS
Impact Bio-2: Raptors. Implementation of the Specific Plan could result in the loss or disturbance of active raptor nests. Breeding and nesting raptors could be negatively affected by the removal of large tress or nearby construction activity during the breeding season. This would be a potentially significant impact.	S	Mitigation Measure Bio-2: Most hawks build bulky nests of twigs, bark, and leaves high in trees. Red-shouldered hawks (the species observed in the project area) nest in deciduous or coniferous trees, usually 20-60 feet above the ground. The birds construct well-made cupped nests of sticks and twigs, lined with bark, mosses, leaves, feathers and down. A red-shouldered hawk nest is approximately 2 feet wide and 1 foot deep. For proposed projects that would remove any large tree with a potential raptor nest during the raptor-nesting season (February 1 to August 31), the following mitigation measures shall be implemented a. If construction or large tree (i.e., 20 feet or more in height) removal is proposed during the raptor-nesting season (February 1 to August 31), Planning Division staff shall conduct a site visit to determine whether any nest structure is visible in the trees to be removed.	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		b. If a nest is observed, a focused survey shall be conducted by a qualified biologist during the nesting season to identify if they are active. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction or tree removal. c. If nesting raptors are found during the focused survey, no construction or tree removal will occur within 500 feet of an active nest (or an alternative distance deemed appropriate by the California Department of Fish and Game (CDFG), depending on the existing degree of disturbance in the vicinity of the nest) until the young have fledged (as determined by a qualified biologist). If nest trees are unavoidable, they shall be removed during the non-breeding season. Implementing these mitigation measures would reduce potential impacts to raptors to a less-than-significant level.	

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
Impact Bio-3: Waters of the United States, Including Wetlands. Development of the Elmwood site could result in loss or disturbance of wetlands. In addition, implementing the trails along the creeks identified in the Specific Plan could result in the loss or disturbance of Waters of the United States, including jurisdictional wetlands. Proposed trails are shown in Figure 2-8 of Chapter 2: Project Description. This impact is considered potentially significant.	S	Mitigation Measure Bio-3: If a project in the planning area has the potential to result in discharge of dredged or fill material into Waters of the United States, including wetlands, the following measures shall be implemented. Waterways in the planning area that could be Waters of the United States are Berryessa Creek, Lower Wrigley Ford Creek, and East Penitencia Creek. a. Prior to implementation of a project in the vicinity of known waterways in the planning area, qualified biologists shall make a determination as to whether Waters of the United States, including jurisdictional wetlands, are present in the development area. If no Waters of the United States, including jurisdictional wetlands, would be filled or degraded as a result of the proposed project, no further mitigation will be required. b. If Waters of the United States would be filled or degraded as a result of the proposed project, authorization for the fills shall be secured from USACE via the Section 404 permitting process. c. The acreage of Waters of the United States removed will be replaced or rehabilitated on a "no-net-loss" basis in accordance with USACE regulations. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE. d. Measures to minimize erosion and runoff into drainage channels shall be included in all drainage plans and implemented during construction adjacent to creeks. Implementing these mitigation measures would reduce potential impacts to Waters of the United States, including wetlands, to a less-than-significant level.	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
Cultural Resources			
Impact Cult-1: Reduction of Historic Significance. Implementing the Specific Plan may cause a substantial adverse change in the significance of historic resources through demolition or alteration. Historic resources include locally-designated resources and those identified as potentially significant in the Historic Sites Inventory (Milpitas 1990).	S	Mitigation Measure Cult-1: The following mitigation measures shall be implemented to ensure that substantial adverse changes do not occur to historical resources within the planning area. These measures shall be implemented when modification or demolition is proposed for any of the sites identified on Figure 3.8-1. a. Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of the historic resource would be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstruction Historic Buildings (1995), Weeks and Grimmer, the project's impact on the historic resource shall be considered mitigated to a less-than-significant level. This is the preferred mitigation approach. b. If removal or modification of any potentially significant resource is proposed and is not consistent with the Standards described in (a), the resource shall be evaluated for its integrity and structural values pursuant to the California Register criteria by a licensed architect specialized in historic buildings. This shall occur prior to the approval of any proposed modification or demolition. c. If these resources are determined ineligible for the California Register of Historic Resources, no further mitigation is required. However, if a resource is listed or determined eligible for the California Register of Historic Resources, documentation of the structure's architectural values by a licensed architect specialized in historic buildings shall be completed prior to demolition or alteration. At least one additional mitigation measure also will be	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		implemented at the recommendation of the architect in consultation with the City of Milpitas; this might include on-site interpretation of the lost resource or documentation of the resource to Historic American Building Survey/Historic American Engineering Recordation (HABS/HAER) standards. Implementation of these mitigation measures would reduce the potential impacts to historic resources to a less-than-significant level.	
Impact Cult-2: Potential Impacts to Known Archaeological Sites. Known archaeological resources in the vicinity of Penitencia Creek (site CA-SCL-38) may be adversely affected by a planned bicycle and trail system identified in the Specific Plan and/or development of the vacant parcels to the north and east of the Elmwood Correctional Facility. This is considered a potentially significant adverse impact.	S	Mitigation Measure Cult-2: When proposed for development, the planned bicycle and pedestrian improvements in the vicinity of the Penitencia Creek and development of vacant lands in the vicinity of Penitencia Creek (within 100 feet of the creek bank) shall be reviewed for their potential to adversely affect archaeological site CA-SCL-38. Mitigation, including site avoidance, data recovery and/or construction monitoring may be necessary, depending on the nature of the site, and the project's potential impact to it. A qualified archaeologist shall make project-specific recommendations, which shall be implemented prior to the development of the path or construction on these vacant lands. Implementation of this mitigation measure would reduce this potential impact to a less-than-significant level.	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
Impact Cult-3: Potential Impacts to Unknown Cultural Sites. Previously undiscovered cultural resources may be encountered during construction efforts related to implementation of the Specific Plan's development program. Damage or destruction to these unknown resources prior to the assessment of their importance and development of resource-specific mitigation measures would be considered a potentially significant adverse impact.	S	Mitigation Measure Cult-3: Project developers shall be required to implement provisions for historical or unique archaeological resources accidentally discovered during construction in accordance with CEQA Guidelines Section 15064.5(e)(f). This requirement shall be specified in all building and grading permits. These provisions require the immediate evaluation of the find by a qualified archaeologist or historic archaeologist meeting the Secretary of the Interior's Professional Qualification Standards. If the find is determined to be an historical or unique archaeological resource, funding will be made available by the project developer and a schedule identified for implementing avoidance measures or appropriate mitigation. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place. Implementation of this mitigation measure would reduce this potential impact to a less-than-significant level.	LTS
Impact Cult-4: Potential Disturbance of Human Remains. Implementation of the Specific Plan may disturb unknown human remains in the planning area. This is considered a potentially significant adverse impact.	S	Mitigation Measure Cult-4: In the event that human remains are encountered, City planning staff will be contacted and excavation or disturbance activities at the site or at any nearby area reasonably suspected to overlie adjacent human will be halted. This requirement shall be specified in all building and grading permits. The Santa Clara County coroner will be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery. If the County coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		The most likely descendent may make recommendations to the landowner for the person responsible for the excavation work, for means of treating or disposing of, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. Implementation of this mitigation measure would reduce this potential impact to a less-than-significant level.	
Traffic and Circulation			
Impact Traffic-1: Unacceptable Intersection Operations (Baseline+Project). Implementation of the proposed Midtown Milpitas Specific Plan would result in significant traffic impacts at fourteen (14) intersections in and surrounding the Midtown planning area. Of these intersections, nine (9) intersections would be significantly affected by project traffic in the AM peak hour, and eleven (11) intersections would be significantly impacted in the PM peak hour. A summary of these impacts is provided in Table 3.9-13.	S	Mitigation Measure Traffic-1: With implementation of the Specific Plan the City shall implement the improvements summarized in Table 3.9-13, consistent with Policy 4.8 of the Draft Midtown Milpitas Specific Plan. Historically, the City has required development to pay its pro-rata share of improvement costs on a project by project basis. The City shall continue to use this approach or identify alternative funding mechanisms such as RDA funds or General Funds prior to development in Midtown. Improvements may be phased, according to actual development and the demonstrated need for the improvements. With the implementation of the traffic improvements specified in Table 3.9-13 (Draft EIR), six of the intersection impacts would be mitigated to a less than significant level. However, impacts at eight of the intersections would still be considered significant. Feasible mitigation measures are not available. Thus these remaining are considered significant and unavoidable.	SU

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
Impact Traffic-2: Unacceptable Freeway Operations (Baseline+Project). The addition of traffic from the proposed Midtown Specific Plan under Baseline Conditions would exacerbate already unacceptable traffic operations at impacts on one (1) of the ten (10) study freeway segments intersections during the AM peak hour and all ten (10) segments (one or both directions) during the PM peak hour. These changes are considered a significant impact.	S	Mitigation Measure Traffic-2: According to VTA policy direction, mitigation measure for regional freeway impacts is participation in the Countywide Deficiency Plan (CDP) prepared by the VTA, which would require additional impact fees to provide for regional roadway improvements, including freeways. However, the CDP has not received final approval. Thus, the mitigation of regional impacts to freeway operations cannot be guaranteed, as the City of Milpitas does not have legal authority to mitigate freeway impacts. For this reason, the contribution of development under the Milpitas Specific Plan to unacceptable freeway operations is considered a significant and unavoidable impact.	SU
Impact Traffic-3: Future Conditions - Unacceptable Roadway Segment Operations. The addition of traffic from the proposed Midtown Specific Plan under Cumulative Conditions would significantly exacerbate AM peak hour operations on 10 roadway segments that are projected to operate at unacceptable levels under the current General Plan. The project would also cause two segments to degrade from LOS D or better (under the current General Plan) to LOS E or F. During the PM peak hour, development within the Midtown area is expected to significantly exacerbate operations on 10 of the 35 study roadway segments and cause two additional segments to operate unacceptably. Tables detailing these impacts are provided in Appendix E of the Draft EIR. These changes are considered a significant impact.	S	Mitigation Measure Traffic-3: The City of Milpitas has taken on the administration and construction of widening Montague Expressway between Great Mall Parkway-Capitol Avenue and I-680. This widening includes the addition of a fourth through lane in each direction, one of which will be a dedicated HOV lane during the AM and PM peak commute periods. Although this improvement will not reduce the projected impacts to a less-than-significant level, it will reduce overall congestion and improve traffic flow in the Midtown Area. The VTA, Santa Clara County Roads and Airports Department, City of Santa Clara, City of San Jose, and the City of Milpitas recently completed a plan line study and operations analysis to assess the right-of-way, design, and cost issues to widen the remaining section of Montague Expressway from Highway 101 in San Jose to Great Mall Parkway-Capitol Avenue in Milpitas. At this time, funding for this project has not been obtained; however, the agencies listed above are preparing a financing plan to pay for the improvements.	SU

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		No mitigation measures are considered feasible for any of the other roadway segments; however, historically the City has required development to pay its pro-rata share of improvement costs toward improvements on a project by project basis. All of those segments projected to operate at unacceptable levels under the current General Plan will do so because no feasible mitigation measure can be implemented to increase vehicle capacity. All of these roadways are already built out and cannot be widened within the existing right-of-way. The secondary impacts of widening these roadways, which include right-of-way acquisition and demolition of existing buildings, is expected to result in a greater negative impact on the environment than accommodating the additional congestion. This impact is considered significant and unavoidable.	
Air Quality			
Impact Air-1: Construction-Related Air Emissions from Development of the Midtown Milpitas Specific Plan. Construction activities associated with the proposed development would temporarily produce new air emissions. Emissions would vary substantially from day-to-day and could potentially produce substantial amounts of PM10. The Specific Plan does not include BAAQMD PM10 construction control measures. Because construction significance is determined by means of whether BAAQMD PM10 construction mitigation measures are implemented, construction emissions is a short-term significant air quality impact.	S	Mitigation Measure Air-1: The following basic control measures are required to be implemented at all construction sites in the Midtown area. These measures shall be incorporated into construction contracts for projects in the Midtown area. a. Water all active construction areas twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives. b. Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard. c. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		d. Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites. e. Sweep streets daily (preferably with water sweepers) if visible soil material is carried on to adjacent public streets. f. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas. g. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). h. Limit traffic speeds on unpaved roads to 15 miles per hour. i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways. j. Replant vegetation in disturbed areas as quickly as possible. k. Suspend excavation and grading activity whenever the wind is so high that it results in visible dust plumes despite control efforts. After implementation of the listed mitigation measures, construction-related air emissions would be less-than-significant.	
Impact Air-2: Long-term Regional Air Emissions from Development of the Midtown Milpitas Specific Plan. Based on the modeling conducted, the Specific Plan would generate approximately 127 tons per year of ROG, 159 tons per year of NOx, and 63 tons per year of PM10. The estimated increases in regional emissions would exceed the BAAQMD's annual significance threshold of 15 tons per year for each of the regional criteria pollutants. This is a significant impact.	S	Mitigation Measure Air-2: The Specific Plan contains policies directed at reducing vehicle miles traveled. The Specific Plan encourages a compatible mixture of land uses, provides for a land-use mix that supports major transit facilities, locates higher density development around hubs and commercial centers, provides for the continuation of pedestrian-oriented retail development, and provides pedestrian connections between the transit stations and important destinations. Though these policies would help to reduce emissions, they would not reduce them to a level of insignificance. Due to the intensity of the	SU

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		development proposed, the proposed Specific Plan could not be feasibly developed without an increase in air emissions above the significance thresholds of 15 tons per year for ROG, NOx, and PM10. This impact is considered significant and unavoidable.	
Impact Air-3: Cumulative Long-term Regional Impacts. Implementation of the proposed Specific Plan would generate cumulative regional mobile source emissions associated with increased vehicle use and residential emissions. Direct and indirect emissions produced by the proposed project would cumulatively contribute to existing and projected exceedances of the State and federal air quality standards in the air basin. This is a significant impact.	S	Mitigation Measure Air-3: Due to the intensity of the development proposed, the Specific Plan could not be feasibly developed without causing an increase in regional emissions, and all feasible mitigation measures have been incorporated into the Specific Plan as policies (e.g., policies directed at encouraging non-automotive transportation). This impact is considered significant and unavoidable.	SU

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