Energy and Air Quality Goals, Policies, and Actions

Introduction

This general plan element identifies the City's overall approach to reducing energy consumption and improving air quality. Issues related to energy and air quality, in general, are intertwined with many topical areas addressed in the General Plan including but not limited to:

- Policies in the Land Use Element, which support infill development and higher densities around transit hubs, to reduce vehicle trips and promote walkable areas.
- Policies in the Parks, Recreation and Open Space Element protect parklands and open space resources, while promoting trails and urban plazas, which reduces urban heat island effects, while increase walking and biking opportunities throughout the community.
- Policies in the Circulation and Mobility Element that support increased connectivity and safety for pedestrians and cyclists, and opportunities for alternative transportation choices.

These aforementioned topic areas all provide policies and actions that would reduce air quality emissions and energy consumption throughout the city. Accordingly, this chapter focuses on specific policies and actions that advance the City's goals of reducing energy consumption and improving air quality, and will include references to applicable policies and actions in other Elements that are in furtherance of these goals.

GOAL EAQ-1: PROMOTE A SUSTAINABLE ENERGY FUTURE THAT INCREASES RENEWABLE ENERGY USE, CONSERVATION, AND EFFICIENCY THROUGHOUT THE CITY

Policy EAQ-1-1: Ensure that new development is consistent with the energy objectives and targets identified by the City's Climate Action Plan (CAP).

CALGreen (California Green Building Standards Code), is a mandatory statewide code for all new residential and non-residential construction projects. CALGreen consists of five categories, Planning and Design, Energy Efficiency, Water Efficiency and Conservation, Material Conservation and Resource Efficiency, and Environmental Quality.

LEED (Leadership in Energy and Environmental Design) is an ecology-oriented building certification program under the U.S. Green Building Council (USGBC). LEED concentrates its efforts on improving performance across five key areas of environmental and human health: energy efficiency, indoor environmental quality, materials selection, sustainable site development and water savings.

A **Climate Action Plan** (CAP) is a strategic planning document that identifies how the City can achieve greenhouse gas (GHG) reduction targets. Specifically, a CAP identifies ways in which Milpitas can reduce greenhouse gas emissions and provides guidance for adapting to the anticipated effects of climate change. Looking at five key sectors: energy use, vehicle miles, waste production, water usage, and off-road activities the CAP incorporates best practices to produce a blueprint for achieving GHG emissions reduction in Milpitas and ultimately, to comply with AB 32 and SB 375.

Policy EAQ-1-2: Ensure all development projects comply with the mandatory energy efficiency requirements of the California Green Building Standards Code (CALGreen).

Policy EAQ-1-3: Support innovative green building best management practices including, but not limited to, LEED certification, and encourage project applicants to exceed the most current "green" development standards in the California Code of Regulations (CCR), Title 24, as feasible.

Policy EAQ-1-4: Require large-scale industrial and manufacturing energy users to implement an energy conservation plan as part of the project review and approval process.

Policy EAQ-1-5: Consider lifecycle costs when identifying opportunities for the replacement and retrofit of energy efficient technologies when upgrading or maintaining City facilities.

Policy EAQ-1-6: Reduce the City's energy demand by pursuing the use of alternative energy and fuel-efficient City vehicles and equipment, and strive for a zero-emission City vehicle fleet to the extent feasible and practical.

Policy EAQ-1-7: Support the production of alternative and renewable energy fueling stations in Milpitas.

Policy EAQ-1-8: Encourage energy efficiency and conservation through public awareness and educational opportunities.

Policy EAQ-1-9: Encourage site planning and building techniques that promote energy conservation. Where feasible, encourage projects to take advantage of shade, prevailing winds, landscaping, sunscreens, building orientations, and material choices that reduce energy use.

Policy EAQ-1-10: Encourage distributed energy resources including solar, fuel cells etc. to provide environmental benefits, as well as energy security, and the support of the grid during peak energy use periods.

Policy EAQ-1-11: Consider incentive programs such as reduced fees, and permit expedition for projects that exceed mandatory energy requirements, incorporate alternative energy technologies, or support the City's energy objectives.

Policy EAQ-1-12 Promote incentives from local, state, and federal agencies for improving energy efficiency and expanding renewable energy installations.

Actions that Support Goal EAQ-1

Action EAQ-1a: *Update the City's Climate Action Plan to achieve the greenhouse gas reduction targets for 2035, and 2050. Updates to the CAP should align the City's GHG reduction targets with the statewide GHG reduction targets of Assembly Bill 32, SB 375, and Executive Orders S-03-05 and B-30-15.*

Action EAQ-1b: *Adopt a City Green-Fleet policy to guide the City in purchasing energy efficient and clean emissions vehicles.*

Action EAQ-1c: *Display energy conservation and energy efficiency information including state and local programs, community choice aggregation opportunities, and rebate opportunities on the City's web page.*

Action EAQ-1d: *Continue to participate in Silicon Valley Clean Energy (SVCE) whereby city-owned facilities, parks, and streetlights will run on renewable energy sources like wind and solar, and educate and encourage Milpitas residents and businesses to participate in Silicon Valley Clean Energy (SVCE) to reduce greenhouse gas emissions and support statewide alternative energy use.*

Action EAQ-1e: *Continue to review all new public and private development projects to ensure compliance with the California Code of Regulations (CCR), Title 24 standards as well as the energy efficiency standards established by California Green Building Standards Code (CALGreen), the General Plan, and the Milpitas Municipal Code Chapter 20 Green Building Regulations.*

Action EAQ-1f: *Continue to require all development project applications for new buildings to include a completed LEED or CalGreen Mandatory Measures Checklist.*

Action EAQ-1g: *Annually audit and report on the progress toward achieving the Milpitas Climate Action Plan (CAP) goals of reducing community-wide emissions levels by 2020, 2035 and 2050. The audit should be publicly available on the City's website, and shall also be presented to the Milpitas Planning Commission and City Council.*

Silicon Valley Clean Energy (SVCE) is known as Community Choice Aggregation (CCA) or Community Choice Energy (CCE) and is a community-owned electricity provider that provides municipal, residential and commercial electricity customers with clean, carbon free electricity options from sources like solar, wind and hydropower.

GOAL EAQ-2: IMPLEMENT A PROACTIVE APPROACH TO MAINTAIN AND IMPROVE AIR QUALITY WITHIN MILPITAS AND THE REGION

Policy EAQ 2-1: Ensure that land use and transportation plans support air quality goals through a logical development pattern that focuses growth in and around existing urbanized areas, locates new housing near places of employment, encourages alternative modes of transportation, supports efficient parking strategies, reduces vehicle miles traveled, and requires projects to mitigate significant air quality impacts.

Toxic Air Contaminates (TACs) Certain air pollutants have been classified as toxic air contaminants, or TACs, because they are known to increase the risk of cancer and/or other serious health effects, ranging from skin and eye irritation, asthma, and neurological damage.

Policy EAQ 2-2: Minimize exposure of the public to toxic or harmful air emissions and odors through requiring an adequate buffer or setback distance between residential and other sensitive land uses and land uses that typically generate air pollutants, toxic air contaminants, or obnoxious fumes or odors, including but not limited to industrial, manufacturing, and processing facilities, high-volume roadways, and industrial rail lines. New sensitive receptors, such as residences (including residential care and assisted living facilities for the elderly), childcare centers, schools, playgrounds, churches, and medical facilities shall be located away from existing point sources of air pollution such that excessive levels of exposure do not result in unacceptable health risks. Compliance shall be verified through the preparation of a Health Risk Assessment when deemed necessary by the Planning Director.

Policy EAQ 2-3: Require projects which generate high levels of air pollutants, such as heavy industrial, manufacturing facilities and hazardous waste handling operations, to incorporate air quality mitigations in their design to reduce impacts to the greatest extent feasible.

The **California Environmental Quality Act (CEQA)**, is a California statute that requires state and local agencies to identify and disclose the environmental impacts of projects, and to avoid or mitigate those impacts, if feasible.

Policy EAQ 2-4: Require projects to adhere to the requirements of the Bay Area Air Quality Management District (BAAQMD).

Policy EAQ 2-5: Use the City's development review process and the California Environmental Quality Act (CEQA) to evaluate and mitigate the local and cumulative effects of new development on air quality.

Policy EAQ 2-6: Coordinate with the California Air Resources Board (CARB) and the Bay Area Air Quality Management District to properly measure air quality emission sources and enforce the standards of the Clean Air Act.

Policy EAQ 2-7: Comply with regional, state, and federal standards and programs for control of all airborne pollutants and noxious odors, regardless of source.

Policy EAQ 2-8: Consider the health risks associated with Toxic Air Contaminants (TACs) when reviewing development applications.

Policy EAQ 2-9: Coordinate with Santa Clara County and nearby cities to implement regional GHG reduction plans and to consolidate efforts to reduce GHGs throughout the county as appropriate.

Policy EAQ 2-10: Implement policies and action from the Land Use and Circulation Elements to provide mixed-use developments, locate high-density uses near transit facilities, provide neighborhood-serving retail uses convenient to residential neighborhoods, and other Transportation Demand Management (TDM) programs that would reduce vehicle trips and vehicle miles traveled, thus reducing air-pollutant emissions.

Policy EAQ 2-11: Encourage improvements and design features that reduce vehicle delay such as bus turnouts, and synchronized traffic signals for new development to reduce excessive vehicle emissions caused by idling.

Policy EAQ 2-12: Encourage and prioritize infrastructure investments and improvements that promote safe walking, bicycling and increased transit ridership.

Policy EAQ 2-13: Implement energy policies and actions that have co-benefits of reduced air pollution and greenhouse gases by increasing energy efficiency, conservation, and the use of renewable resources.

Actions that Support Goal EAQ-2

Health Risk Assessments (HRAs) are used to evaluate the potential health impacts related to cancer and acute and chronic incidence rates associated with exposure to Toxic Air Contaminates (TACs).

Action EAQ-2a: *As the City replaces landscaping equipment and other mechanical equipment, prioritize as appropriate the purchasing of equipment that would reduce emissions and energy use.*

Action EAQ-2b: *Provide regional and local air-quality information on the City's website, including links to the Bay Area Air Quality Management District, the California Air Resources Board, and other environmentally-focused internet sites, and provide information regarding Spare the Air Days.*

Action EAQ-2c: *Require site-specific air quality Health Risk Assessments (HRAs) for developments that would place sensitive receptors closer than 500 feet from the edge of a regional roadway facility (including I-680, I-880, and SR-237), or for development projects that would place significant point sources of air pollution such as gas station and dry cleaning facilities, or other industrial facilities that emit toxic air contaminates TACs within 500 feet of a sensitive receptor.*

Action EAQ-2d: *Continue to seek the cooperation of the BAAQMD to monitor emissions from identified point sources that impact the community. In addition, for sources not*

within the regulatory jurisdiction of the City, seek cooperation from the applicable regulatory authority to encourage the reduction of emissions and dust from the pollutant source.

Action EAQ-2e: *Require dust control measures, including those included in the Santa Clara Valley Non-point Source Pollution Control Program, and BAAQMD's Best Management Practices for fugitive dust control during construction.*

Action EAQ-2f: *Use the BAAQMD "Air Quality Guidelines", as amended, or replaced, in identifying thresholds, evaluating the potential project and cumulative impacts, and determining appropriate mitigation measures.*

Review development, infrastructure, and planning projects for consistency with BAAQMD requirements during the CEQA review process. Require project applicants to prepare air quality analyses to address BAAQMD, and General Plan requirements, which includes analysis and identification of:

- *Air pollutant emissions associated with the project during construction, project operation, and cumulative conditions;*
- *Potential exposure of sensitive receptors to toxic air contaminants;*
- *Significant air quality impacts associated with the project for construction, project operation, and cumulative conditions; and*
- *Mitigation measures to reduce significant impacts to less than significant or the maximum extent feasible where impacts cannot be mitigated to less than significant.*

Action EAQ-2g: *Continue implementation of the City's Municipal Code Chapter 15, Fireplace/Woodsmoke Pollution, in order to improve and maintain air quality conditions in the City.*

Action EAQ-2h: *Prior to the entitlement of a project that may be an air pollution point source, such as a manufacturing facility, the developer shall provide documentation that the use is located and appropriately separated from residential areas and sensitive receptors (e.g., homes, schools, and hospitals).*

Action EAQ-2i: *Require construction activity plans, and grading and drainage plans to include and/or provide for dust management to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Project applicants, or their assigned agents/contractors, shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project grading and construction.*