



CITY OF MILPITAS

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Notice of Intent to Adopt a Mitigated Negative Declaration

Date: September 12, 2016

To: Responsible Agencies and Interested Parties

Subject: Milpitas Recycled Water Pipeline Extension Project

NOTICE IS HEREBY GIVEN that the City of Milpitas has prepared a draft Mitigated Negative Declaration (MND) pursuant to the requirements of the California Environmental Quality Act (CEQA) for the Milpitas Recycled Water Pipeline Extension Project.

Project Location: The project is located primarily in the eastern portion of the City of Milpitas in Santa Clara County, California.

Project Description: The City of Milpitas proposes to construct new recycled water infrastructure to expand the City's existing recycled water system east of Interstate 680 (I-680) to meet recycled water demands and reduce potable water and raw water use. The new recycled water infrastructure would include five segments of new recycled water pipeline totaling approximately 50,500 linear feet (9.5 miles), a storage tank with a capacity of up to 1.5-million gallon at Cardoza Park, and four pump stations. The proposed project would provide approximately 750 acre-feet per year of recycled water in the City for non-potable demands such as irrigation, offsetting potable and raw water usage. The proposed recycled water pipelines would connect to the existing recycled water system at Jacklin Road and N. Hillview Drive, Los Coches Street and S. Hillview Drive, and S. Milpitas Boulevard and Ames Avenue. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5. An overall map of the proposed project site and recycled water pipeline alignment is provided in **Exhibit A** on the following page.

Document Availability: Copies of the Public Draft MND are available at the following locations:

City of Milpitas website: <http://app.ci.milpitas.ca.gov/government/planning/environmental.asp>

City of Milpitas Planning and Neighborhood Services office: 455 East Calaveras Blvd, Milpitas, CA 95035

Review Period: The public review period for this MND is from **September 13, 2016 to October 17, 2016**.

Written comments may be forwarded to:

Mr. Michael Fossati

Email: mfossati@ci.milpitas.ca.gov

Phone: (408) 586-3274

City of Milpitas

455 E. Calaveras Boulevard

Milpitas, CA 95035

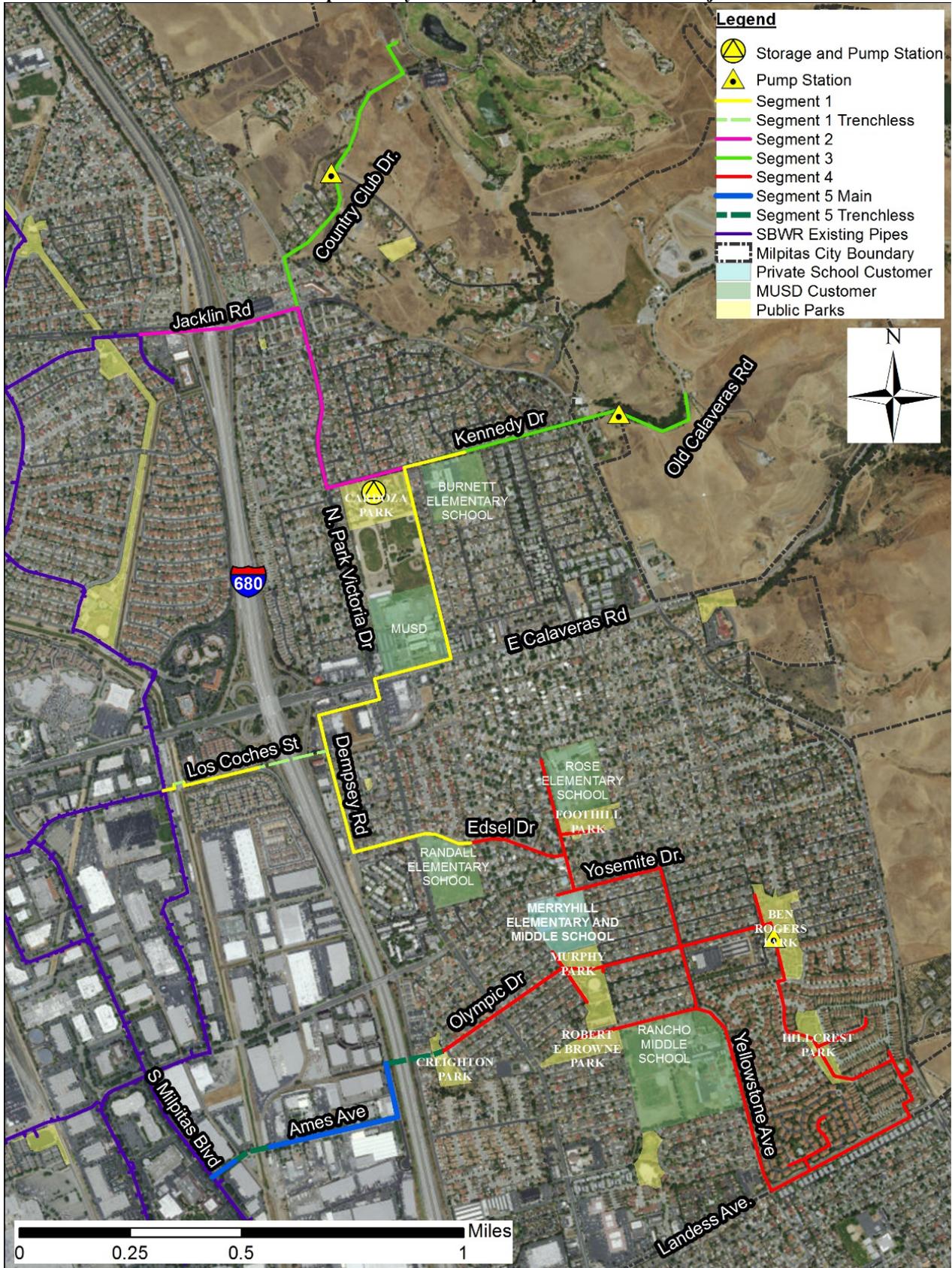
It is anticipated that the City Council will adopt the MND at its meeting of November 15, 2016 after the public hearing.

9/8/16

Michael Fossati, Senior Planner

Date

Exhibit A: Milpitas Recycled Water Pipeline Extension Project





City of Milpitas Recycled Water Pipeline Extension Project Initial Study and Mitigated Negative Declaration

Prepared for:
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035

September 2016



Prepared by:
 **RMC**
water and environment



City of Milpitas
Recycled Water Pipeline Extension Project
Initial Study and
Mitigated Negative Declaration

Prepared for:
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035



September 2016

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Table of Contents

Environmental Determination	I
Chapter 1 Introduction	1-1
1.1 Project Background and Purpose	1-1
1.2 Scope and Use of this Document	1-1
1.2.1 Impact Terminology.....	1-2
1.2.2 Recommended Level of Environmental Documentation	1-2
Chapter 2 Project Description	2-1
2.1 Project Overview.....	2-1
2.2 Project Location	2-1
2.3 Project Objectives	2-1
2.4 Existing Recycled Water Supply Facilities	2-1
2.4.1 South Bay Water Recycling (SBWR) Program	2-1
2.4.2 City of Milpitas	2-3
2.5 Background and Need for Project	2-3
2.6 Proposed Project.....	2-4
2.6.1 Conveyance Pipelines	2-4
2.6.2 Storage Tank	2-9
2.6.3 Pump Stations	2-11
2.6.4 Other Facilities.....	2-11
2.7 Construction Methods	2-12
2.7.1 New Pipeline Installation.....	2-12
2.7.2 Equipment / Staging / Workers	2-14
2.7.3 Schedule.....	2-15
2.7.4 Proposed Project Operation and Maintenance	2-15
2.8 Right-of-Way Issues / Permits Required.....	2-16
Chapter 3 Environmental Checklist	3-1
3.1 Aesthetics	3-1
3.2 Agriculture and Forestry Resources	3-5
3.3 Air Quality	3-6
3.4 Biological Resources.....	3-13
3.5 Cultural Resources	3-25
3.6 Geology and Soils	3-29
3.7 Greenhouse Gas Emissions	3-31
3.8 Hazards and Hazardous Materials.....	3-33
3.9 Hydrology and Water Quality	3-39
3.10 Land Use and Planning	3-45
3.11 Mineral Resources.....	3-50
3.12 Noise	3-51
3.13 Population and Housing	3-59
3.14 Public Services	3-61
3.15 Recreation	3-62
3.16 Transportation/Traffic	3-67
3.17 Utilities and Service Systems.....	3-72
3.18 Mandatory Findings of Significance	3-75

Chapter 4 Federal Cross-Cutting Environmental Regulations Evaluation	4-1
4.1 Federal Endangered Species Act	4-1
4.2 National Historic Preservation Act (NHPA), Section 106	4-1
4.3 Clean Air Act	4-1
4.4 Coastal Zone Management Act	4-2
4.5 Farmland Protection Policy Act	4-2
4.6 Executive Order (EO) 11988 – Floodplain Management.....	4-2
4.7 Federal Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and Executive Order 13168.....	4-2
4.8 Executive Order 11990 – Protection of Wetlands.....	4-3
4.9 Wild and Scenic Rivers Act	4-3
4.10 Safe Drinking Water Act – Source Water Protection.....	4-3
4.11 Executive Order on Trails for America in the 21 st Century	4-3
4.12 Executive Order 13007 – Indian Sacred Sites.....	4-3
4.13 Magnuson-Stevens Fishery Conservation and Management Act.....	4-3
4.14 Environmental Justice	4-4
Chapter 5 Report Preparation	5-1
5.1 Report Authors	5-1
5.2 References	5-1

Appendices

- Appendix A: Air Quality Emissions Model Results and General Conformity Report
- Appendix B: Biological Resources Technical Report
- Appendix C: Hazardous Materials Database Search Results

Tables

Table 2-1: New Recycled Water User Demand Summary	2-4
Table 2-2: Project Pipeline Segment Locations, Diameter and Approximate Length	2-6
Table 2-3: Recycled Water Pump Station Summary	2-11
Table 2-4: Anticipated Construction Schedule	2-15
Table 3.3-1: Maximum Daily Construction and Operational Emissions	3-8
Table 3.3-2: Annual Construction and Operational Emissions.....	3-9
Table 3.8-1: Schools within One-Quarter Mile of Proposed Project.....	3-36
Table 3.9-1: Beneficial Uses in the Proposed Project/Action Area	3-41
Table 3.12-1: Construction Equipment Noise Levels.....	3-52
Table 3.12-2: Acceptable Noise Levels in the City of Milpitas.....	3-53
Table 3.12-3: Exterior Noise Limits in the County of Santa Clara.....	3-54
Table 3.12-4: Vibration Source Levels for Construction Equipment	3-57
Table 3.13-1: Recycled Water Projected Supply (afy)	3-59
Table 3.15-1: Impacts to Recreational Facilities	3-64
Table 3.16-1: Local Bus Routes within the Proposed Project Area.....	3-68

Figures

Figure 2-1: Project Location Map.....	2-2
Figure 2-2: Proposed Project Overview	2-5
Figure 2-3: Segments 1, 2, and 3	2-7
Figure 2-4: Segments 1, 4, and 5	2-8
Figure 2-5: Proposed Storage Tank Location	2-10
Figure 3.10-1: Land Use	3-46
Figure 4-1: Environmental Justice Communities.....	4-6

Acronyms and Abbreviations

ABAG	Association of Bay Area Governments
ACS	American Community Survey
AF	Acre-foot
AFY	Acre-feet per year
APE	Area of potential effect
BAAQMD	Bay Area Air Quality Management District
Basin Plan	Water Quality Control Plan for the San Francisco Bay Basin
BMPs	Best Management Practices
BO	Biological Opinion
BRA	Biological Resource Assessment
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
Caltrans	California Department of Transportation
CAP	Clean Air Plan
CARB	California Air Resources Board
CDFW	California Department of Fish and Wildlife
CEHC	California Essential Habitat Connectivity
CEQA	California Environmental Quality Act
CFGC	California Fish & Game Code
CHRIS	California Historical Resources Information System
City	City of Milpitas
CO ₂ e	Carbon dioxide equivalency
CMA	Congestion Management Agency
CMP	Congestion Management Program
CMUTCD	California Manual of Uniform Traffic Control Devices
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRA	Cultural Resources Assessment
CRHR	California Register of Historical Resources
CRLF	California red-legged frog
CTS	California tiger salamander
CUPA	Certified Unified Program Agency
CY	Cubic yards
CZMA	Coastal Zone Management Act
DAC	Disadvantaged Community
dBA	A-weighted decibel

DDW	Division of Drinking Water
DTSC	(California) Department of Toxic Substances Control
DWR	Department of Water Resources
EFH	Essential Fish Habitat
EO	Executive Order
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FPPA	Farmland Protection Policy Act
FYLF	Foothill yellow-legged frog
GHG	Greenhouse gas
gpm	Gallons per minute
GPS	Global Positioning System
HCP	Habitat Conservation Plan
HDD	Horizontal directional drill
HMCD	Santa Clara County Department of Environmental Health, Hazardous Materials Compliance Division
HMMP	Hazardous Materials Management Plan
hp	Horsepower
Hz	Hertz
IS/MND	Initial Study/Mitigated Negative Declaration
ISA	International Society of Arboriculture
Ldn	Day-night noise level
LF	Linear feet
LID	Low impact development
LRA	Local Responsibility Area
LTS	Less than significant impact
LTSM	Less than significant impact with mitigation incorporation
LUST	Leaking underground storage tank
MBTA	Migratory Bird Treaty Act
MG	Million gallons
mgd	Million gallons per day
MHI	Median household income
MLD	Most likely descendant
MMI	Modified Mercalli Intensity
MND	Mitigated Negative Declaration

MS4	Municipal Separate Storm Sewer System
MT	Metric tons
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NI	No impact
NIC	Northwest Information Center at Sonoma State University
NOAA	National Oceanic and Atmospheric Administration
NO _x	Oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NWIC	Northwestern Information Center
O&M	Operations and maintenance
OSC	Open Space and Conservation District
OSHA	(California) Occupational Safety and Health Administration
PG&E	Pacific Gas & Electric Company
PM	Particulate Matter
PMP	Paleontological Mitigation Program
POS	Parks and Open Space Zoning
PPV	Peak particle velocity
PRA	Paleontological Resources Assessment
PSI	Potential Significant Impact
RWQCB	Regional Water Quality Control Board
RMC	RMC Water and Environment
ROG	Reactive organic gases
ROW	Right-of-way
SBWR	South Bay Water Recycling
SCVWD	Santa Clara Valley Water District
SF	Square feet
SFBAAB	San Francisco Bay Area Air Basin
SFPUC	San Francisco Public Utilities Commission
SHPO	State Historic Preservation Officer
SMARA	Surface Mining and Reclamation Act
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic air contaminant
USACE	United States Army Corps of Engineers

USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
UWMP	Urban Water Management Plan
VTA	Santa Clara Valley Transportation Authority
WDR	Waste Discharge Requirements
WEAP	Worker Environmental Awareness Program
WGCEP	Working Group for California Earthquake Probabilities
WPCP	Santa Clara/San Jose Water Pollution Control Plant
WPT	Western pond turtle
WQO	Water Quality Objective
WWTP	Wastewater treatment plant

Environmental Determination

1. **Project Title:** Milpitas Recycled Water Pipeline Extension Project
2. **Lead Agency Name and Address:** City of Milpitas
3. **Contact Person and Phone Number:** Michael Fossati
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035
(408) 586-3274
4. **Project Location:** City of Milpitas
5. **Project Sponsor's Name:** City of Milpitas
6. **General Plan Designation:**
 - The storage tank and associated pump station would be constructed in an area designated as parks and open space.
 - The pipelines and three pump stations would be constructed in public right-of-way (ROW) within manufacturing and warehousing (MW), single family low density (SFL), single family medium density (SMD), general commercial, hillside very low density (HVL), multi-family residential high density (MFH), highway services (HWS), retail subcenter (RSC), and public facilities (PF) designated areas.
7. **Zoning:**
 - The storage tank and associated pump station would be constructed in an area located in the Parks and Open Space (POS) zoning district.
 - The pipelines and three pump stations would be constructed in public ROW or City property in areas zoned highway services (HS), commercial (C1), commercial (CO), park open space (POS), single family residential (R1-H), single family residential (R1-3), single family residential (R1-4), single family residential (R1-6), single family residential (R1-10), multi-family residential (R2), multi-family residential (R3), institutional (I), industrial (M2).
8. **Description of Project:** The proposed project would include construction of new recycled water infrastructure to expand the City's existing recycled water system east of Interstate 680. The new recycled water infrastructure would include approximately 50,560 linear feet of pipelines, a storage tank, and four pump stations to serve new recycled water users who are currently only served by potable or raw water.
9. **Surrounding Land Uses and Setting:** Land uses in and around the proposed project area include residential, commercial, public/institutional, industrial uses, and undeveloped areas. A figure showing the project location is provided in *Chapter 2, Project Description*.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.).** Multiple federal, state, and local agencies as listed in *Chapter 2, Project Description*.

Environmental Factors Potentially Affected

The proposed project could potentially affect (“Potentially Significant Impact” or “Less than Significant Impact with Mitigation Incorporated”) the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor and identify where mitigation measures would be necessary to reduce all impacts to less than significant.

X	Aesthetics		Greenhouse Gas Emissions		Population and Housing
	Agricultural and Forestry Resources	X	Hazards and Hazardous Materials		Public Services
X	Air Quality	X	Hydrology and Water Quality	X	Recreation
X	Biological Resources		Land Use and Planning	X	Transportation/Traffic
X	Cultural Resources		Mineral Resources		Utilities and Service Systems
	Geology and Soils	X	Noise	X	Mandatory Findings of Significance

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an environmental impact report is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.


 Signature

9/8/16
 Date

Michael Fossoli
 Printed Name Senior Planner

City of Milpitas
 For Planning Dept

Chapter 1 Introduction

This document is a Mitigated Negative Declaration (MND) that addresses the potential environmental impacts of construction and operation of the Milpitas Recycled Water Pipeline Extension Project. This MND has been prepared by the City of Milpitas (City) as lead agency under the California Environmental Quality Act (CEQA).

1.1 Project Background and Purpose

The Milpitas Recycled Water Pipeline Extension Project (proposed project) consists of expanding the City's existing recycled water system east of Interstate 680 (I-680) to meet recycled water demands and reduce potable and raw water use. Currently, recycled water is only accessible to the western portion of the City. The City also has customers with high irrigation usage that are not on the recycled water system and use potable water for irrigation purposes.

The proposed project would consist of 50,560 linear feet (approximately 9.5 miles) of pipeline installation, a new storage tank, and four new pump stations consisting of the following components:

- Five segments of new recycled water pipeline totaling 50,560 linear feet;
- Up to 1.5-million gallon (MG) storage tank at Cardoza Park
- Storage tank and pump station-related appurtenances; and
- Potentially up to 40 new customer meters.

A detailed Project Description, including figures and a list of potential permits and approval requirements, is provided in *Chapter 2, Project Description*.

1.2 Scope and Use of this Document

This MND provides an assessment of the potential impacts to environmental resources that would result from implementing the proposed project. The discussion and level of analysis are commensurate with the expected magnitude and severity of each impact to environmental resources. This document primarily addresses the environmental effects of constructing and operating recycled water infrastructure and the effects of using the water supplies under consideration.

The analyses in *Chapter 3, Environmental Checklist* are based on technical reports and studies prepared for the proposed project, supplemented with other public information sources as provided in the list of references (*Chapter 5, Report Preparation*). The background materials are available for public review at the City of Milpitas Planning Department or on the City's Environmental Documents website at <http://www.ci.milpitas.ca.gov/milpitas/departments/38397-2/>.

This document evaluates the potential for impacts to resources areas identified in Appendix G of the CEQA Guidelines. These resources areas include:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- 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 and Traffic
- Utilities and Service Systems
- Mandatory Findings of Significance

1.2.1 Impact Terminology

The anticipated environmental impacts are identified for each of the resource areas listed above. The level of significance for each resource area uses CEQA terminology as specified below:

- **Potentially Significant.** Adverse environmental consequences that have the potential to be significant according to the threshold criteria identified for the resource, even after mitigation strategies are applied and/or an adverse effect that could be significant and for which no mitigation has been identified. If any potentially significant impacts are identified, an Environmental Impact Report (EIR) must be prepared to meet the requirements of CEQA.
- **Potentially Significant Unless Mitigation is Incorporated.** Adverse environmental consequences that have the potential to be significant, but can be reduced to less than significant levels through the application of identified mitigation strategies that have not already been incorporated into the proposed project.
- **Less than Significant.** Potential adverse environmental consequences have been identified. However, they are not so adverse as to meet the significance threshold criteria for that resource. Therefore, no mitigation measures are required.
- **No Impact.** No adverse environmental consequences have been identified for the resource or the consequences are negligible or undetectable. Therefore, no mitigation measures are required.

1.2.2 Recommended Level of Environmental Documentation

Based on the analysis presented herein, an MND is the appropriate level of environmental documentation for the proposed project.

Chapter 2 Project Description

2.1 Project Overview

The Milpitas Recycled Water Pipeline Extension Project (proposed project) consists of expanding the City's existing recycled water system east of Interstate 680 (I-680) to meet recycled water demands and reduce potable water and raw water use. The proposed project would consist of 50,560 linear feet (approximately 9.5 miles) of pipeline installation, a new storage tank, and four new pump stations, and would serve users within the City and in some adjacent areas of unincorporated Santa Clara County northeast of the City.

2.2 Project Location

The majority of the project would be located east of I-680 in the City of Milpitas, California, with a small portion west of I-680 (**Figure 2-1**). The City is surrounded by the cities of San Jose to the south and west, Fremont to the north, and unincorporated Santa Clara County to the east. The City limits and existing recycled pipelines are shown in **Figure 2-1**. The proposed project would be located mostly within existing paved roads in residential and commercial areas.

2.3 Project Objectives

The objective of the proposed project is to supply an additional 750 acre-feet per year (AFY) of recycled water in the City. The proposed project would:

- **Improve Water Supply Reliability.** Recycled water availability is less influenced by climatic or year-to-year changes in hydrologic conditions than is surface water, and therefore provides additional dry-year reliability for users.
- **Preserve Potable and Raw Water Supplies.** Using recycled water to serve non-potable demands such as irrigation could preserve drinking water supplies for potable needs. This project would offset potable and raw water usage by 750 AFY and allow local water resources to be used for their highest and best use.
- **Expand System in Milpitas.** Currently, the recycled water service area is west of I-680. The proposed project would expand the service area to the east of I-680.

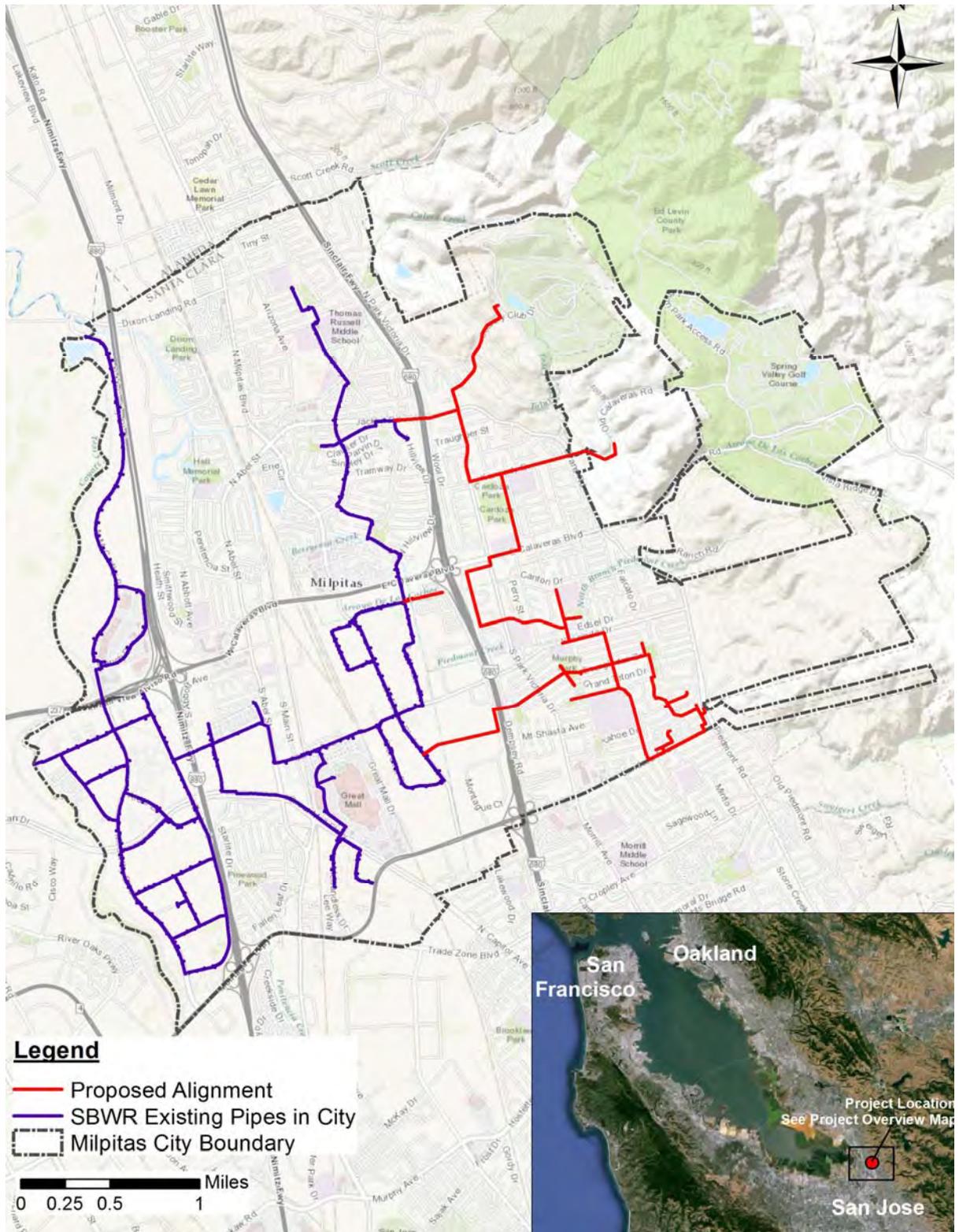
2.4 Existing Recycled Water Supply Facilities

2.4.1 South Bay Water Recycling (SBWR) Program

South Bay Water Recycling (SBWR) is a program operated by the City of San Jose. SBWR facilities were originally built as a wastewater diversion program in response to a directive by the United States Environmental Protection Agency and the Regional Water Quality Control Board to reduce San Jose/Santa Clara Regional Wastewater Facility discharges to San Francisco Bay to protect salt marsh habitat. The SBWR system comprises a north-south artery across San Jose. This main artery feeds extension pipelines to various customers. The SBWR system currently consists of 140 miles of pipeline, 5 pump stations, and 3 above-ground storage reservoirs for a total storage capacity of 9.5 million gallons and serves approximately 750 customers (City of San Jose 2014). The recycled water is treated to meet Title 22 unrestricted water quality standards (i.e., virtually any use except drinking water) and distributed through the SBWR system. In 2014 the SBWR delivered an average of 14 million gallons per day (mgd) to those customers (City of San Jose 2014).

The City of San Jose in partnership with the Santa Clara Valley Water District (SCVWD) recently completed a Strategic and Master Plan to plan for the future of SBWR. The Strategic Plan has a 20-year planning horizon that identifies the purpose and future of recycled water produced from the regional wastewater facility in terms of meeting regulatory needs as well as contributing to regional water supplies.

Figure 2-1: Project Location Map



Source: RMC 2016

The Strategic Plan set a near-term goal of increasing recycled water use within the SBWR service area by 25,000 AFY by 2025; to meet this target a combination of non-potable reuse and potable reuse is envisioned. Expansion of the non-potable reuse system is expected to be driven by recycled water retailers while the development of a potable reuse program would proceed as a wholesaler-driven program.

SBWR's recycled water retailers are the City of Milpitas, City of Santa Clara, City of San Jose Municipal Water System and San Jose Water Company.

2.4.2 City of Milpitas

The City purchases recycled water from the SBWR program for irrigating public and private areas such as parks, medians, and industrial uses to supplement potable water use. The City's existing recycled water pipeline system connects to the SBWR system near Technology Drive and Coyote Creek, southeast of the State Route 237/Interstate-880 interchange. Recycled water provided by the SBWR is delivered through an existing transmission line. It is then distributed through a series of mains that provide landscape irrigation to business/retail areas surrounding McCarthy Ranch and Oak Creek Industrial Park, and to central Milpitas. The City maintains and operates approximately 22.4 miles of recycled water lines (**Figure 2-1**). The City has approximately 190 recycled water service connections, the majority of which are for irrigation use. Recycled water use in the City was 860 acre-feet (AF) in 2015 and is expected to rise to 1,100 AFY by 2020. The long-term potential for recycled water use in the City is estimated at 2,200 AFY (RMC and CDM Smith 2014).

2.5 Background and Need for Project

In January 2014, both of the City's water suppliers¹ (SFPUC and SCVWD) declared water supply shortages and requested 10 percent conservation. Due to ongoing drought conditions, SCVWD increased its conservation request to 20 percent a month later and eventually required a mandatory 30 percent conservation in 2015. In 2015, SCVWD also adopted a wholesale water rate structure that includes a 10 percent penalty for water volume purchased above the contract amount.

In light of its potable water supply conditions, the City adopted ordinances restricting the use of potable water to supplement existing water conservation regulations. Additionally, the City has been evaluating implementing measures to increase the use of recycled water to offset its potable demand. The City has constructed recycled water fill stations to meet construction needs, is working to convert raw or potable water irrigators in the vicinity of the existing recycled water pipeline to recycled water use, and planning to expand its recycled water distribution system.

Currently, recycled water is only accessible to the western portion of the City. The City also has customers with high irrigation usage that are not on the recycled water system and use potable water for irrigation purposes. The proposed project would extend the recycled water infrastructure east of I-680 to areas that currently are only served by potable or raw water. The proposed project would allow existing City customers on the eastern edge of the valley floor to offset potable water or raw water use with recycled water. Additionally, the proposed project would make recycled water available to hillside water users who have historically relied on raw water supplies imported by SCVWD.

An alignment, storage, and pump station siting study was prepared for the proposed project in 2015/2016. The study evaluated options for five pipeline segments, two storage tank locations, and six pump station locations. For each of the segments, alignment options were identified and labeled with a letter. For example, two alignment options were evaluated for Segment 2, and thus named Segment 2a and 2b.

¹ The City purchases treated potable water supplies from two wholesalers – the San Francisco Public Utilities Commission (SFPUC) and SCVWD. Approximately two-thirds of the City's potable water is from SFPUC and the remaining one-third is from SCVWD.

Ultimately, the proposed project was selected, consisting of Segments 1, 2a, 3a, 4a, 5c, a new storage tank at Cardoza Park, and four pump stations. For purposes of this document, Segments 1, 2a, 3a, 4a, and 5c will be referred to as Segments 1, 2, 3, 4, and 5.

2.6 Proposed Project

The proposed project would include construction of new recycled water infrastructure. The new recycled water infrastructure would include pipelines, a storage tank, and four pump stations to serve new recycled water users who are currently only served by potable or raw water (**Figure 2-2**). The new storage tank is required to maintain pressure in the system and serve users during peak demand periods. The proposed project would consist of the following components:

- Five segments of new recycled water pipeline totaling 50,560 linear feet;
- Up to 1.5-MG storage tank at Cardoza Park
- Storage tank and pump station-related appurtenances; and
- Potentially up to 40 new customer meters.

Each of these components is described below. The new users or existing users switching to recycled water that would be served by the proposed project are listed in **Table 2-1**.

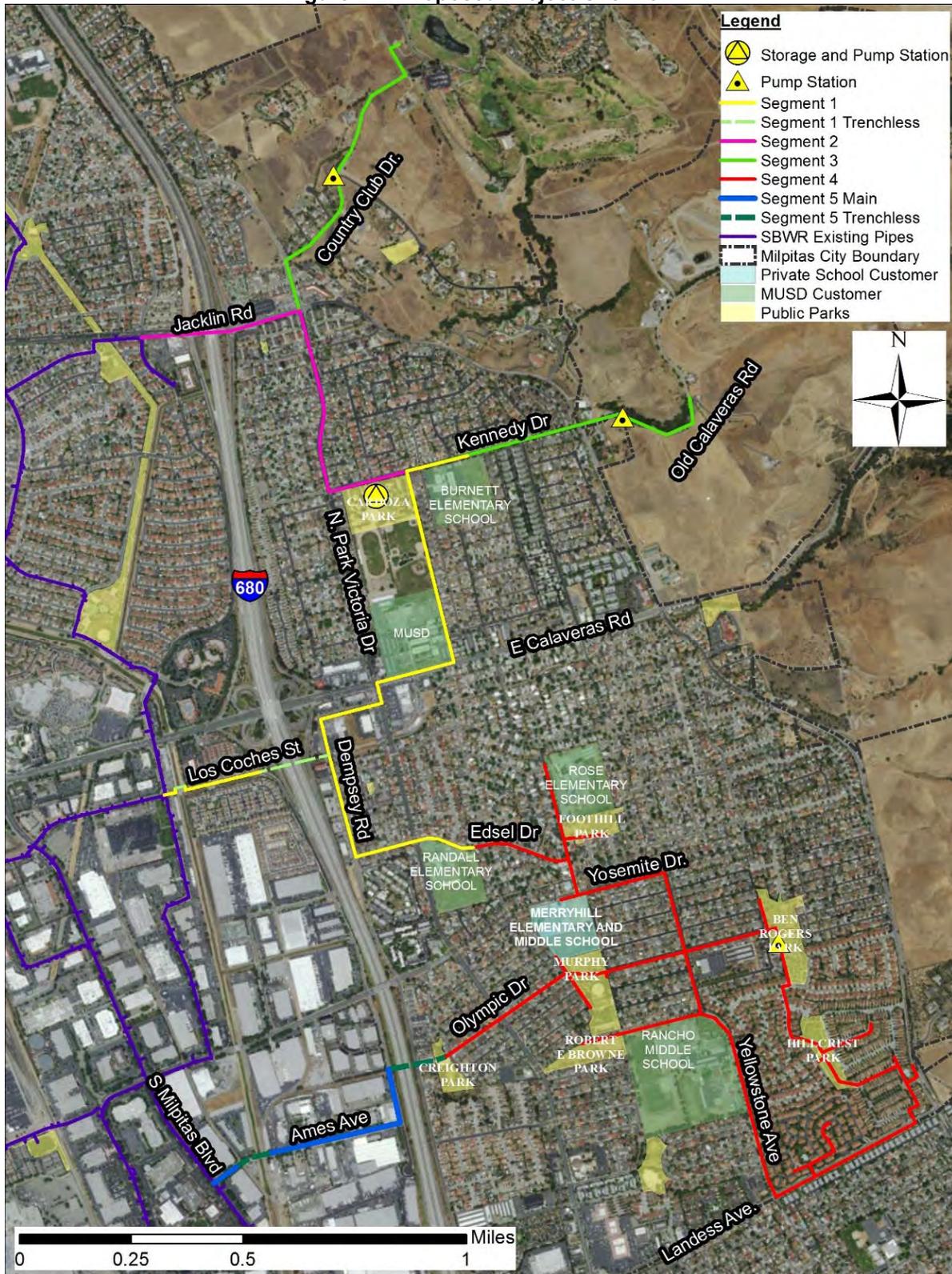
Table 2-1: New Recycled Water User Demand Summary

User	Annual Demand (AFY)	Peak Day Demand (mgd)
City of Milpitas Irrigation	97	0.3
Milpitas Unified School District Irrigation	33	0.1
Summitpointe Golf Club Irrigation	243	0.3
County of Santa Clara Parks Irrigation	337	0.5
Home Owners Associations Irrigation	41	0.1
Total	751	1.3

2.6.1 Conveyance Pipelines

The proposed project would install five new recycled water pipeline segments, shown with the corresponding length, diameter, and locations in **Table 2-2** and illustrated in **Figure 2-2**. Most of the proposed pipeline would be installed within roadways in residential and commercial areas. The construction zone for all segments would be approximately 20 feet in width on either side for a total construction corridor of up to 45 feet. Construction methods are presented in Section 1.7. **Figure 2-3** and **Figure 2-4** show a closer view of each of the segments and pump stations. Each of the segments is described in **Table 2-2**.

Figure 2-2: Proposed Project Overview



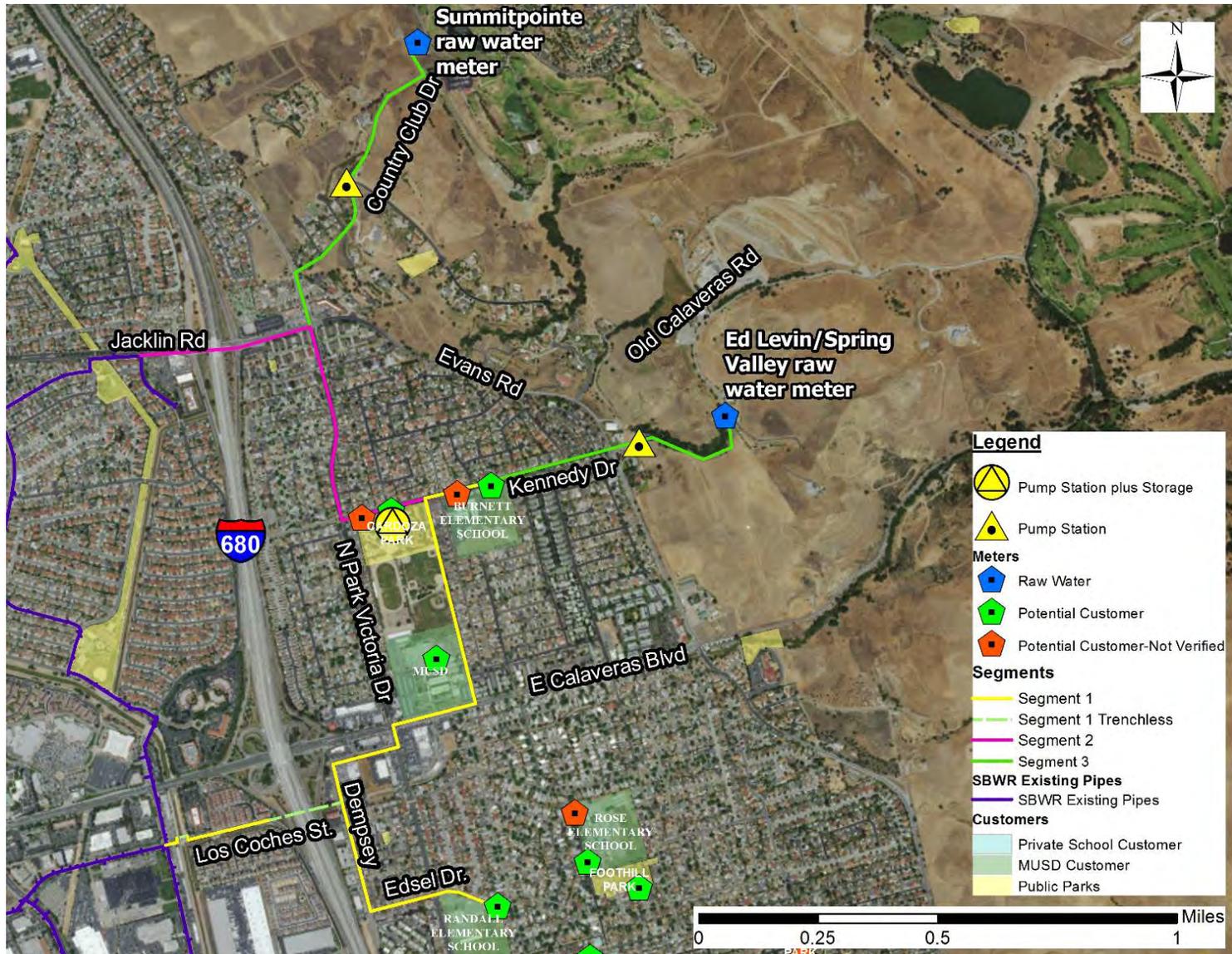
Source: RMC 2016

Table 2-2: Project Pipeline Segment Locations, Diameter and Approximate Length

#	Users	Diameter (in)	Length (ft)	Location
1	Milpitas Unified School District, Milpitas Sports Center	12	10,260	Los Coches St., Dempsey Road, N. Park Victoria Dr., E. Calaveras Boulevard, Kennedy Dr. Edsel Dr.
2	Cardoza Park	8	5,200	Jacklin Rd., N. Park Victoria Dr.
3	Summitpointe Golf Club	8	7,700	Country Club Dr., Kennedy Dr., Old Calaveras Road
4	Murphy Park, Yellowstone Park, Foothill Par, Rancho Milpitas Unified School District, Hillcrest Terrace HOA	8	23,600	Edsel Dr., Roswell Dr., Yellowstone Ave., Sequoia Dr., Everglades Dr., Landess Ave., Olympic Dr., Cascade St.
5	Creighton Park	8	3,800	Ames Ave., Sinclair Frontage Rd., Olympic Dr.
TOTAL			50,560	

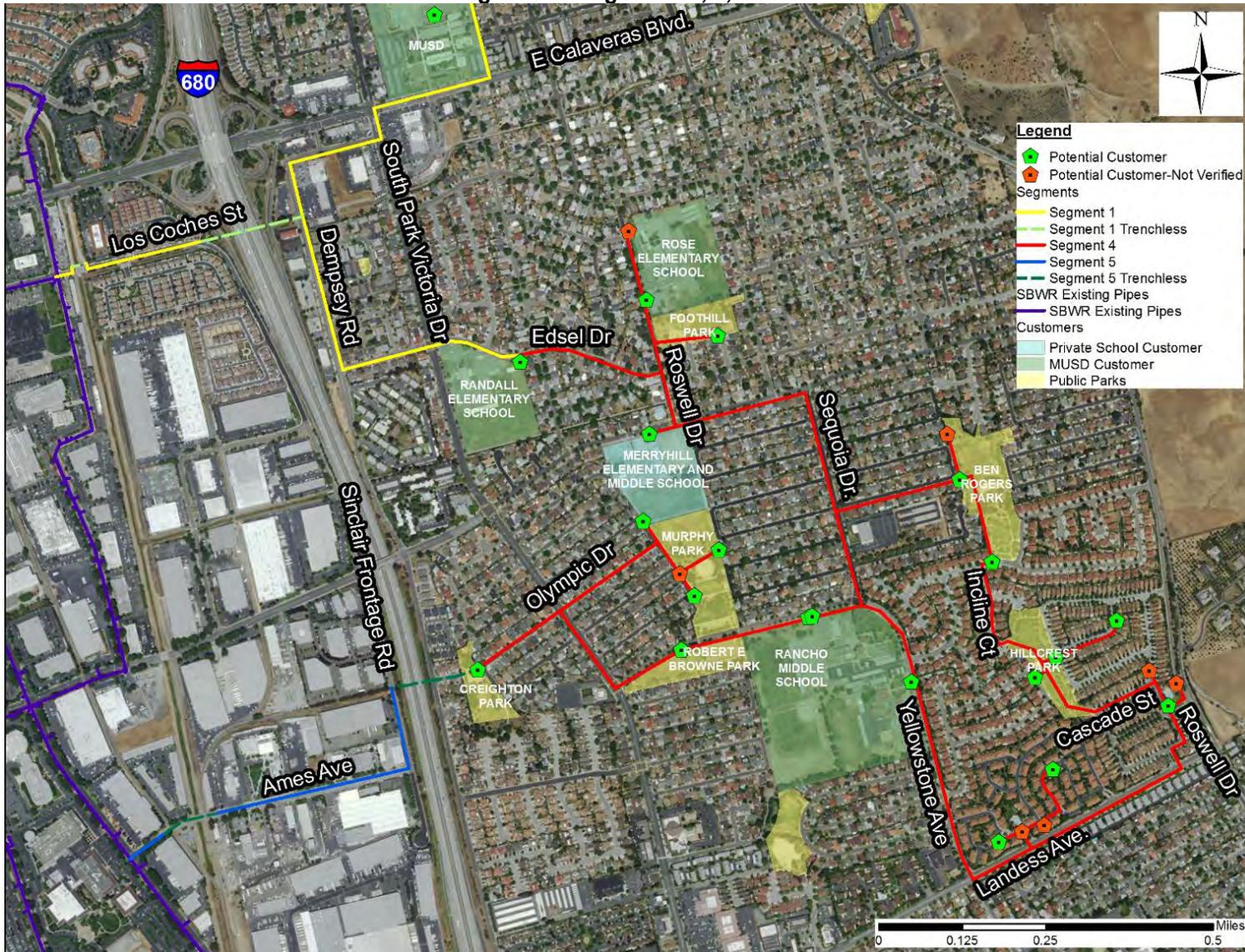
Note: The segment numbers in the table correspond to the numbers identified in **Figures 2-2, 2-3, and 2-4.**

Figure 2-3: Segments 1, 2, and 3



Source: RMC 2016

Figure 2-4: Segments 1, 4, and 5



Source: RMC 2016

Segment 1

Segment 1 would consist of 10,260 linear feet (LF) of 12-inch recycled water main and would provide a recycled water distribution network to the east side of I-680 (see **Figure 2-3** and **Figure 2-4**). Segment 1 would connect to the existing SBWR pipeline at the intersection of South Hillview Drive and Los Coches Street. The pipeline would cross under I-680, then split into a northern and southern branch at Dempsey Road. The northern branch would be within the roadway along Dempsey Road, North Park Victoria Drive and East Calaveras Boulevard, then would follow the eastern edge of the Milpitas Sports Complex and Cardoza Park, and end within the roadway on Kennedy Drive near Burnett Elementary School. The southern branch would follow Dempsey Road and then turn east on Edsel Drive, ending by Randall Elementary School.

Segment 2

Segment 2 would consist of approximately 5,200 LF of 8-inch recycled water main (see **Figure 2-3**). This segment would connect to the existing SBWR system at the intersection of Kennedy Drive and Jacklin Road. From Jacklin Road, Segment 2 would cross under I-680, continue along Jacklin Road, south on North Park Victoria Drive, and east on Kennedy Drive, ending by Cardoza Park.

Segment 3

Segment 3 would serve hillside customers, and would consist of approximately 7,700 LF of 8-inch recycled water main (see **Figure 2-3**). Segment 3 would have two distinct sections of pipeline. One pipeline would connect to Segment 2 at the intersection of Jacklin Road and Country Club Drive; this pipeline would continue northeast along Country Club Drive to serve Summitpointe Golf Club. The other pipeline would connect to Segment 1 at its terminus by Burnett Elementary School and continue easterly along Kennedy Drive and Old Calaveras Road and terminate at the existing SCVWD's Ed Levin/Spring Valley raw water meter. Both sections of pipeline would require a pump station to convey the recycled water to customers.

In the future, the SCVWD could connect to the recycled water system and extend the pipeline further up Old Calaveras Road to serve Ed Levin Park and Spring Valley Golf Course. The timing and details of this are unknown at this time. Any future approval and implementation of SCVWD's potential future connection would be subject to separate environmental documentation.

Segment 4

Segment 4 would serve numerous customers located to the south and east of Segment 1 and would consist of approximately 23,600 LF of 8-inch recycled water main (see **Figure 2-4**). This segment would connect to Segment 1 where it ends by Randall Elementary School on Edsel Drive, and connect to Segment 5 off of Olympic Drive at Creighton Park.

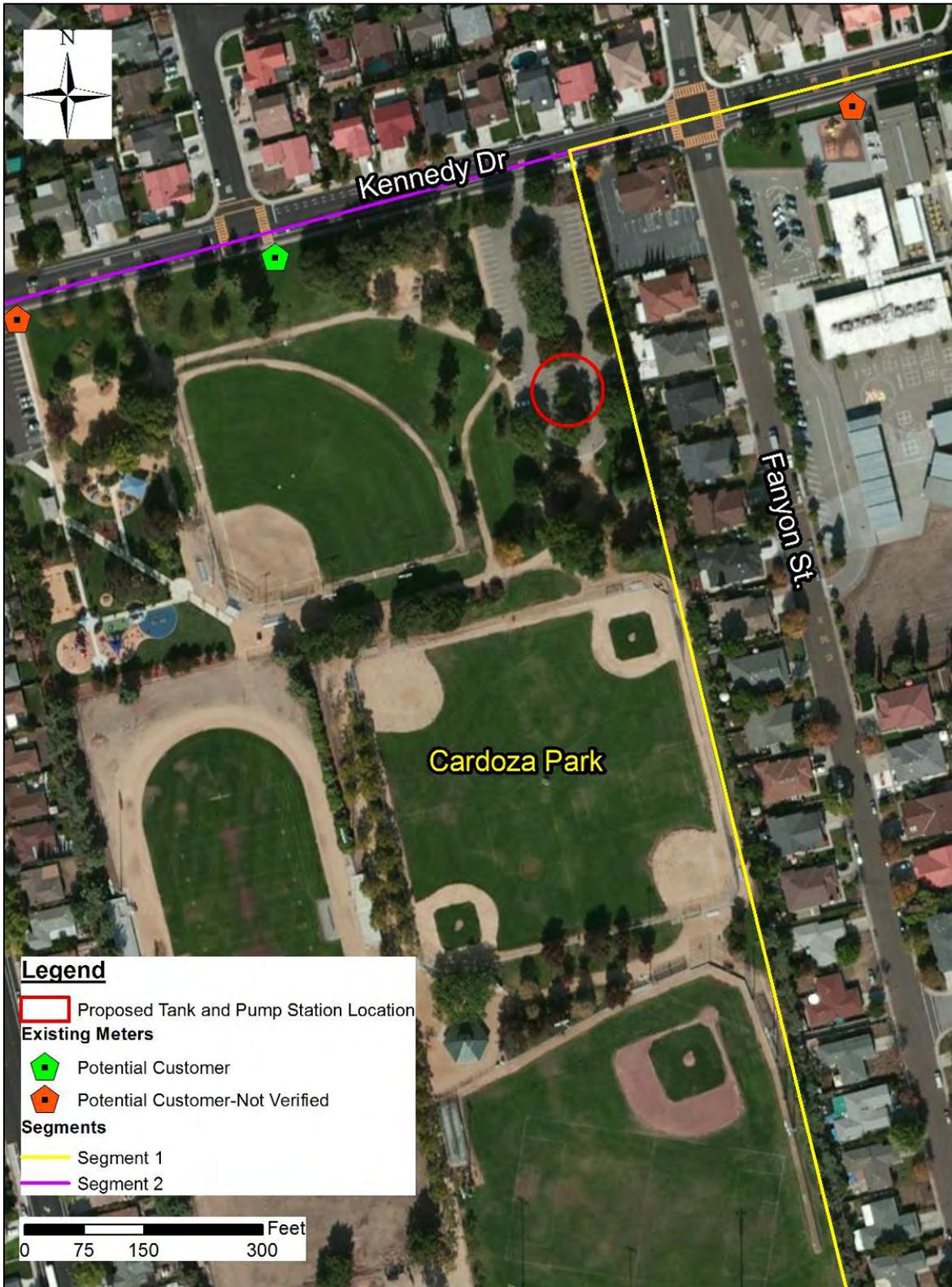
Segment 5

Segment 5 would connect to Segment 4 and would provide another path across I-680 connecting to the SBWR system (see **Figure 2-4**). This segment would consist of approximately 3,800 LF of 8-inch recycled water main. This segment would connect to the existing SBWR system on South Milpitas Boulevard, extend east along Ames Avenue, north along Sinclair Frontage Road, east under I-680, and connect to Segment 4 off of Olympic Drive at Creighton Park.

2.6.2 Storage Tank

The proposed project would include the construction of a new recycled water storage tank with an estimated capacity of up to 1.5 MG. The storage tank would be located at Cardoza Park within the existing parking lot (see **Figure 2-5**) and accessed from Kennedy Drive.

Figure 2-5: Proposed Storage Tank Location



Source: RMC 2016

Construction would include new piping, connections to the new recycled water system (either Segment 1 or 2), and a tank flow control valve. The proposed tank may be located above or below ground. If above ground, the tank would be approximately 100 feet in diameter and 26 feet tall. If completely below ground, the site would be excavated and the tank would be approximately 31 feet below grade. Due to the flat nature of the parking lot, in the above ground tank scenario, it is assumed that minimal grading would be required (up to 0.5 acres) during construction to accommodate staging and the proposed tank.

The tank would be painted the City’s standard tank color (beige or brown). The tank would include an emergency overflow that would be configured to release recycled water to a storm drain in the event of a major system failure. The tank would also include a potable water backup supply connected through an air gap into the top of tank. The potable water connection would be used only in emergency or shut-down situations where recycled water supply is not available to meet demand.

Additional facilities to be constructed on the tank site would include:

- Exterior site lighting, which would be on only when maintenance personnel are on the site.
- An asphalt access road, which would wrap around a portion of or the entire tank. The access road would be up to approximately 16 feet wide.
- Yard piping, which would include storm drainage pipes and buried concrete structures such as drainage inlets, and recycled water piping to and from the tank.
- Electrical and controls facilities, including electrical control panels, conduit, and cables.

The City would own and maintain the new recycled water storage tank. Telemetry would transmit the tank levels to the pump stations and control center. Electrical service would be required and is available at the site. The tank flow control valve would be located in a below grade vault on or adjacent to the tank pad. Electrical service and telemetry components of the new recycled water tank would also require construction of a radio tower that would be used to transmit data. The radio tower would be up to 30 feet in height (about the same height as the tank).

2.6.3 Pump Stations

Four pump stations are proposed as part of the project. One would be located with the new storage tank at Cardoza Park, two would be located along Country Club Drive, and one would be located in Ben Rodgers Park. **Figure 2-3** and **Figure 2-4** show the pump stations relative to the new recycled water pipelines. The pump stations would be located above grade in enclosed structures. **Table 2-3** provides a summary of the four pump stations.

Table 2-3: Recycled Water Pump Station Summary

Pump Station	Pipeline Segment	No. of Duty Pumps	No. of Standby Pumps	Flow per Pump (gpm)	Approximate Motor Size per Pump (hp)	Approximate Pump Station Footprint (SF)	Approximate Height of Pump Station Enclosure (feet)
Cardoza Park Pump Station	1	1	1	1,100	115	600	18
Country Club Drive Pump Station	3	1	1	250	35	400	12
Old Calaveras Road Pump Station	3	1	1	225	35	400	12
Ben Rodgers Park	4	1	1	75	10	200	12

Note: gpm = gallons per minute, hp = horsepower, SF = square feet

2.6.4 Other Facilities

Other facilities, including customer meters and isolation valves, would be installed as part of the proposed project. Customer meters to monitor usage levels would be located at the new user hook-ups, which are required at new user turnouts. Both meters and valves vary in size based on the customer demand and pipe

sizing, and would be located below grade in standard-sized vaults and valve boxes. Maximum footprint of the meter and valve vaults would be approximately 10 feet by 6 feet.

2.7 Construction Methods

2.7.1 New Pipeline Installation

Most of the proposed pipeline would be installed within City right-of-way (ROW) or public parks owned by the City. For all work activities, prior to the start of construction, the construction boundary and the locations of underground utilities would be identified through field survey (potholing) and the use of Underground Service Alert. Standard open cut trenching would be the primary method of installing the new pipeline, with trenchless construction for portions of Segments 1 and 5. Each of these construction methods are described below.

Open Trench Excavation/Shoring

Segments 2, 3, and 4 of the proposed project and portions of Segments 1 and 5 would be installed through standard open-cut trenching. A backhoe, excavator, or trencher would be used to dig trenches for pipe installation. Once at the required depth, the bottom of the trench would be compacted. In general, trenches would have vertical side walls to minimize the amount of soil excavated, and the area needed for construction easements if required. Soils excavated from the trenches, if of suitable quality, would be stockpiled alongside the trench or in staging areas for later reuse in backfilling the trench. A crushed rock layer would be placed at the base of the trench after the compaction process has been completed. After placement of the crushed rock layer, the new pipeline would be installed and the pipe segments connected, and the trench would be backfilled with native soil or other suitable imported material. The backfill would be compacted, and the disturbed surface over the trench would be restored to pre-construction conditions.

For open-cut trenching, the maximum trench width (for a 12-inch pipeline) would be approximately 3 feet for average trench depths, and average trench depth would be approximately 5.5 feet. Where needed, the walls of trenches and pits would be sloped outwards or shored to prevent cave-ins, as required by federal Occupational Safety and Health Administration Title 8 regulations pertaining to excavations. The sides would most likely be shored using trench boxes.

The active work areas would be about 20 feet on either side of the trench, which would provide access for trucks and loaders for a total work area of about 45 feet. For the purpose of this analysis, a construction easement of 20 feet on either side is assumed for areas not within City ROW. Standard installation of the pipeline would proceed at the rate of approximately 150 feet per day per work crew with an overall work zone length of about 200-300 feet. Pipeline trenches, in any given location, would be open for two to three days on average. During construction, vertical wall trenches would be temporarily “closed” at the end of each work day, by covering with steel plates or backfilled.

If excavated soil is not reusable, the soil would be hauled off site for disposal at an approved facility, such as a sanitary landfill where it could be used as daily cover. Dump trucks would be used to deliver imported, engineered backfill material to stockpiles near the trenching operation. Native soil would be reused for backfill to the greatest extent possible; however, the soil may not have the properties necessary for compactability and stability.

Surface Restoration

For all trenches and pits, once filled and compacted, the area would be resurfaced to match the surrounding material. When the pipe is installed in a paved roadway, repaving would occur after pipeline installation and testing. New asphalt or concrete pavement would be placed to match the surrounding road type. For asphalt repaving, a temporary asphalt material may be installed to allow traffic to use the roadway immediately after pipeline construction. A repaving crew would follow the pipe installation crew and

prepare the road surface for repaving. Final repaving would be done after pipeline installation and testing is completed for a whole street width, lane width, or trench width.

Damage to unpaved areas and parks would be repaired. Unpaved areas would be revegetated with native grasses indigenous to the disturbed area. Any pathways and recreational equipment removed or damaged during construction would be restored or replaced by the City. Revegetation would occur after construction and prior to winter rains to stabilize disturbed areas against erosion.

Trenchless Construction Methods

Trenchless construction methods would be needed where open cuts are not acceptable or practical, such as across highways, flood control facilities, or creeks. Portions of Segments 1 and 5 of the proposed project would be installed using trenchless construction methods to avoid construction through Berryessa Creek (**Figure 2-4**). Trenchless methods include jack-and-bore or horizontal directional drilling (HDD).

Jack and Bore

Jack-and-bore involves use of a horizontal boring machine or auger to drill a hole, and a hydraulic jack to push a casing through the hole; the pipeline is then installed in the casing. The casing is jacked using a large hydraulic jack in a pit located at one end of the crossing. For this construction method, pits would be dug on either side of the surface feature to be avoided (e. g. flood control facility or heavily traveled roadway). The pits are typically 10 to 15 feet wide and 10 to 20 feet long for the receiving pit and up to 50 feet long for the jacking pit. The depth would depend on the feature to be avoided. An additional area of 2,000 square feet would be needed around the pit for temporary storage of pipe sections and for loading material removed from the bore. The construction area around the receiving pit at the other end of the trenchless crossing is smaller, encompassing approximately 1,000 square feet.

Horizontal Directional Drilling

HDD involves the use of a drill rig tilted at the top at an angle of up to ten degrees from horizontal. The bore entry holes are drilled from the starting point to the destination point. In preparing the hole, a small diameter (3-inch wide) pilot hole is first drilled from the entry pit in a gentle arc from the drill rig to the completion hole on the other side of the area to be crossed. Alternatively, the pilot hole is drilled along a pre-determined horizontal and vertical alignment from the entry site to the exit site. This pilot hole can be guided using magnetic readings transmitted from the drill bit back to the drill rig.

After the initial hole is drilled, the final bore entry pit, approximately 10 feet square by approximately 8 feet deep, is constructed, and is used as the collection point for Bentonite drilling mud and drill spoil. The pilot hole is then enlarged by pulling larger reamers, or reaming heads, from the pilot exit pit back towards the drilling rig. The pipeline is then pulled into place behind the last reamer head.

During the directional drill procedure, drilling mud is injected into the drill and recovered from the entry hole until the drill bit surfaces at the exit pit. Once the drill bit surfaces, the drilling mud is recovered at both the entry and exit hole, pumped into tanks and transported back to the rig location for cleaning and eventual reuse. The drilling equipment and materials require a work area of approximately 2,500 square feet. An additional area of approximately 2,000 square feet is needed for loading materials removed from the bore. Pits and work areas would be located within existing ROW and along streets, where appropriate.

Pipes would be installed at a depth of approximately 8 to 10 feet, dependent on existing underlying utilities, soil types, environmental constraints, entry and exit constraints, and bend radius of the installed product and drill pipe.

Construction of Structures

Construction of the storage tank and pump stations involves site grading and excavation, shoring of excavations, placement of compacted base rock, forming and pouring of concrete structures, installation of mechanical equipment, trenching for installation of connecting pipelines, connection of electrical supplies and controls, and backfill and restoration. Shallow excavations would be shored by sloping the sides of the

excavation or by using driven or vibrated steel sheet piles. Deep excavations may require use of soldier piles and lagging².

General Construction Activities

If groundwater or runoff were to enter the trench during excavation, the water would be pumped from the excavated area and contained and treated in accordance with all applicable State and Federal regulations, before being discharged to the existing sewer system. The contractor would provide all temporary holding tanks required for sedimentation of soil particles and treatment of other contaminants, and would conduct chemical testing of groundwater pumped into the temporary holding tanks. Where groundwater is encountered, the excavation would be dewatered as needed to place pipes and compact the soil. Other measures would be implemented, such as the installation of water impermeable shoring walls, localized sump pumps, and working pads made of crushed rock, to prevent water infiltration into the excavated areas.

Spoil (soil and rock) that is excavated during construction activities would be hauled off site and disposed. The excavated material would be stored temporarily at the construction staging area until characterized and then hauled away to a permitted disposal site. Backfill that is imported would be delivered to stockpiles near the open trench.

For construction that would occur in parks, a safety buffer zone would be established and a remaining portion of the park would be kept open during construction.

The amount of spoil generated would depend on the construction methods selected and the amount of material reused on site. Approximately 70 cubic yards³ of spoil would be generated from excavation activities per day. Assuming a dump truck capacity of 10 cubic yards per truckload, and that all material would be hauled off site for disposal, approximately 7 round trips (14 one-way truck trips) would be generated per day over the course of the construction period that includes pipe installation. It is assumed that an additional 20 one-way truck trips per segment would occur to deliver equipment and other materials.

2.7.2 Equipment / Staging / Workers

Installation of the proposed project components would require equipment including, but not limited to: crane, excavators, backhoes, front-end loaders, dump trucks, diesel generator, water tank, flat-bed trucks, compactors, double transfer trucks for soil hauling, concrete trucks, paving equipment, dewatering pumps (as needed), and baker tanks (as needed). Equipment and vehicle staging would be located at the parking lot adjacent to Sandy Wool Lake at the Ed Levin County Park. Additional staging areas along the construction route would be established where space is available and no potentially sensitive resources are present, such as vacant lots, roadway turnouts, and parking lots. Certain staging areas may be used for the duration of project construction due to their favorable location in terms of convenient access and lack of sensitive receptors. As pipeline construction moves along the route, staging areas may also be moved to minimize hauling distances and avoid disrupting any one area for extended periods of time. The City of Milpitas would need to review the Construction Staging and Traffic Management Plan and approve lane closures to street segments and intersections. The City or its contractor would make arrangements for the use of staging areas.

² Soldier piles and lagging is an earth retention technique that retains soil, using vertical steel piles with horizontal lagging. Typically, H-piles are drilled or driven at regular intervals along the planned excavation perimeter. Lagging consisting of wood, steel or precast concrete panels, is inserted behind the front pile flanges as the excavation proceeds. The lagging effectively resists the load of the retained soil and transfers it to the piles. The walls can be designed as cantilever walls, or receive additional lateral support from anchors or bracing. The technique has been used to provide support for many excavations in environments similar to that present in the Project area.

³ 70 cubic yards (CY) is a realistic assumption based on daily activities involving construction of a 150-foot segment of pipeline assuming that one half of the material is reusable.

The typical crew size for construction of the proposed facilities is 15 to 25 people, plus inspectors. An additional crew may be working at the proposed storage tank and pump station sites during pipeline installation and rehabilitation. All construction activities within residential areas, including work hours, would be subject to City of Milpitas regulations, but generally would be limited to weekdays from 7 a.m. to 7 p.m. However, nighttime construction and weekend construction may be necessary for certain pipeline connections; nighttime construction would be restricted to non-residential areas only.

During construction the recycled water pipeline would normally be inspected daily by observing trenching, shoring, compaction techniques, traffic control, pipe quality, construction methods, and installation methods for adherence to federal, state, and city codes, spoil storage and hauling, functional testing, and other construction activities. The surface over the completely installed pipeline would also be inspected to detect any leaks or settlement.

2.7.3 Schedule

Construction of the pipelines, storage tank, and pump stations is planned to start in 2017 (refer to **Table 2-4**). At a pace of 150 feet per day, the approximately 50,560 feet of pipeline installation and rehabilitation would take approximately 17 months. However, due to the large size of the project that would result from combining of all of the segments, the City is likely to design and construct the segments individually at the approximate pace of one segment per year. The construction of the storage tank would occur concurrently with pipeline construction, most likely during the construction of Segment 2.

Table 2-4: Anticipated Construction Schedule

Project Component	Timeline
Segment 1	March 2017 – March 2018
Segment 2 (including new storage tank and pump station)	September 2017 – June 2018
Segment 3 (including Country Club Drive pump station and Old Calaveras Road pump station)	June 2018 – March 2019
Segment 4 (including Ben Rogers Park pump station)	March 2019 – March 2020
Segment 5	March 2020 – December 2020

2.7.4 Proposed Project Operation and Maintenance

Maintenance of proposed facilities would consist of existing City staff making inspections and would not require new employees. The recycled water pipeline would normally be inspected weekly by observing the surface over the pipe to detect any leaks or settlement. Recycled water pipes are designed for a lifetime measured in decades; therefore, very little maintenance of the pipe itself is anticipated. Isolation valves on the system would be exercised and logged on an annual basis. Meters would be inspected on a regular basis and replaced or refurbished according to the manufacturer’s recommendations. Reading of meters provides an opportunity to observe the integrity of the valves, connections, and the meter. The storage tank would be periodically inspected and routine maintenance of valves and equipment would be performed. Typical pump station operational and maintenance activities would be conducted as specified by the design engineer or pump manufacturer. Annual performance testing would also be required to verify meter calibration, and calibrate pressure gauges. Preventive maintenance for mechanical and electrical equipment would be scheduled annually. Completed work would be recorded using daily logs.

2.8 Right-of-Way Issues / Permits Required

The proposed facilities would be sited within City and county lands (primarily streets). It is anticipated that permits would potentially be required from the following agencies:

- City of Milpitas: Encroachment and Excavation Permit, Street Work Permit
- County of Santa Clara: Encroachment and Excavation Permit, Street Work Permit
- California Department of Transportation (Caltrans): Encroachment Permit
- RWQCB Notice of Intent for Coverage Under:
 - National Pollutant Discharge Elimination System (NPDES), Construction General Permit (Order Nos. 2009-0009-DWQ and 2010-0014-DWQ);
 - Landscape Irrigation Uses of Municipal Recycled Water (Order No. 2009-0006-DWQ).
- California Department of Fish and Wildlife (CDFW) 1601 Streambed Alteration Agreement

In addition, the permits listed above, if the City applies for State Revolving Fund financing from the State Water Resources Control Board (SWRCB), additional federal consultation requirements would have to be met. SWRCB would be required to complete Section 106 Consultation with the State Historic Preservation Officer to ensure compliance with the National Historic Preservation Act. SWRCB would also complete Section 7 Endangered Species Act consultation with U.S. Fish and Wildlife Service.

Chapter 3 Environmental Checklist

3.1 Aesthetics

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Would the Project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Environmental Setting

The proposed project is located within the City of Milpitas and a small portion of unincorporated County of Santa Clara. The visual quality of the proposed project area is defined by an urban setting consisting of residential, commercial, and industrial uses. There are no designated scenic highways located within the project area (Caltrans 2016). The City’s General Plan identifies hillsides, ridges, and visually significant vegetation as scenic resources. The City’s General Plan also identifies two types of scenic routes. Scenic corridors are located along designated streets that pass through areas of scenic value. Scenic corridors include street rights-of-way and extend 200 feet from the center line of the streets along which they are located. Scenic connectors are designated streets that connect or provide access to Scenic Corridors or distant views. Within the proposed project area, I-680, East Calaveras Boulevard, and Evans Road are Scenic Connectors. A portion of the hillside on Country Club Drive between Calaveras Ridge Drive and Calera Creek Heights Drive is considered a Visually Significant Hilltop or Ridge (City of Milpitas 2010a). General Plan Guiding Principal 4.g-G-7 exempts lands within the Valley Floor Planning area from the General Plan scenic corridor policies. The majority of the proposed project area lies within the Valley Floor Planning area.

Segment 3 on Country Club Drive would extend through an area identified as a Visually Significant Hilltop or Ridge. The Country Club Drive pump station would be located adjacent to an existing raw water pump station at the intersection of Country Club Drive and Calaveras Ridge Drive, surrounded by undeveloped hillside. The existing raw water pumps station is enclosed in an approximately 8-foot tall-white structure, and surrounded by screened chain link fencing.

The County of Santa Clara’s General Plan identifies local designated scenic highways, however the portion of Segment 3 within the County does not fall within any of these areas (County of Santa Clara 2008).

The proposed storage tank and a pump station would be located at the south end of the Cardoza Park parking lot. The parking lot is paved and bordered by tall trees around its perimeter. A row of tall trees are also planted down the center of the parking lot. The visual quality is defined by the residential and recreational uses in the vicinity of the site.

Impacts

- a, b) The proposed pipelines, Old Calaveras Road and Ben Rodgers Park pump stations would be located in areas that include residential, public facilities, commercial, and parks and open space uses. Once constructed, the pipelines would not be visible. Segments 1, 2, 4, and 5 and a portion of Segment 3 are located within the Valley Floor Planning area and therefore would have no impact on scenic corridors, scenic connectors, or scenic resources. The Old Calaveras Road and Ben Rodgers Park pump stations would be visible, however because there are no scenic resources or scenic roadways in the vicinity of these project elements, they would have no impact on scenic vistas or scenic resources.

Segment 3 along Country Club Drive would extend through an area identified as a Visually Significant Hilltop or Ridge. However, construction activities associated with Segment 3 would be temporary in nature and the pipeline would be located below grade. Once construction activities are complete, Country Club Drive would be restored to pre-construction conditions. Therefore, construction of the Segment 3 pipeline would have a less than significant impact on a scenic resource. The Old Country Club Drive pump station would not be located within the Visually Significant Hilltop or Ridge area, but may be visible from that area. The Old Country Club Drive pump station would be located next to an existing raw water pump at Old Country Club Drive and Calaveras Ridge Drive, and is thus in an already disturbed area. With implementation of **Mitigation Measure AES-1**, the Country Club Drive pump station would be screened to blend into the existing view and to be compatible with existing aesthetics. Implementation of **Mitigation Measure AES-1** would ensure that the proposed Country Club Drive pump station is screened and that it visually integrates with surrounding land uses. Thus, with mitigation, the construction of the Old Country Club Drive pump station would have a less than significant impact on scenic vistas or scenic resources. The proposed storage tank and pump station at Cardoza Park would be visible once constructed. The tank would be approximately 100 feet in diameter and 26 feet tall, and the pump station would be approximately 600 square feet and 18 feet tall. Because there are no scenic resources or scenic roadways in the vicinity of the proposed storage tank, it would have no impact on scenic vistas or scenic resources.

Mitigation Measure AES-1: Design, Vegetation, and Screening of Above-Ground Storage Tank, Cardoza Park Pump Station, Country Club Drive Pump Station, Old Calaveras Boulevard Pump Station, and Ben Rodgers Park Pump Station

Vegetation and/or fencing shall be placed around the storage tank and pump station structures to provide screening if existing vegetation is deemed insufficient. Landscaping shall include re-vegetation of disturbed areas in the parking lot at Cardoza Park to minimize contrasts with the existing vegetation and to screen the storage tank and pump station from surrounding areas. The tank and pump stations shall be painted with low-glare earth-tone colors that blend with the surrounding terrain.

- c) Construction of the proposed project would be visible from surrounding land uses and would temporarily alter the existing visual character and quality of the project area and vicinity, particularly where the proposed facilities are located within residential and commercial land uses. Specifically, the visual character in and around the proposed pipeline alignment, storage tank, and pump stations would be temporarily modified due to the presence of construction equipment and material, stockpiles of soil, and construction-related vehicles. The underground components (pipelines) would not be visible to the public once they have been installed. As such, the alteration of visual quality would be short term. The pipeline installation could occur at a rate of approximately 150 feet per day. As described in *Chapter 2, Project Description*, trenches would be open at any one location for two to three days on average, and thus the visual character would be affected for short durations when trenching activities occur in residential and commercial areas. Once the pipelines are installed, the roadways and parks would be restored to pre-

construction conditions. Due to the temporary nature of construction, pipeline installation would not substantially degrade the existing visual character or quality of the sites and their surroundings.

The proposed storage tank and pump station would be constructed on a developed site on the south side of the Cardoza Park parking lot. If the tank is constructed below ground, it would have temporary visual impacts, similar to the pipelines described above. Infrastructure associated with the storage tank such as electrical and controls facilities and radio tower would be visible to the public once complete, however due to the small footprint of these ancillary facilities, this would not result in a significant long-term visual impact.

The Cardoza Park pump station would be approximately 600 square feet and 18 feet high. If the proposed storage tank is constructed above ground, it would be approximately 100 feet in diameter and 26 feet tall, with a radio tower immediately adjacent to it that would be up to 30 feet in height. These aboveground structures would permanently alter the visual character of the area. The parking lot is currently bordered by tall trees. Most of the proposed storage tank and pump station is not anticipated to be visible from Kennedy Drive or adjacent residential areas due to the screening that the existing trees currently provide. The tank and pump station would be painted beige or brown, which would make them less noticeable from a distance, however because they are new structures, they may be noticeable from adjacent recreational areas in Cardoza Park. With implementation of **Mitigation Measure AES-1**, the storage tank and pump station would be screened to further blend into the existing view and be compatible with existing aesthetics. Implementation of **Mitigation Measure AES-1** would ensure that the proposed storage tank and pump station are screened and that they visually integrates with surrounding land uses. Thus, the construction of the above-ground facilities would not substantially degrade the existing visual character or quality of the sites and their surroundings.

Limited tree removal at the south end of the parking lot would be required for the construction of the storage tank and pump station. Other tree removal could occur in the parks where the proposed pipeline would cut through. Any trees removed as part of the proposed project would be replaced in accordance with the City's Tree Maintenance and Protection Ordinance (see *Section 3.4 Biological Resources* for further discussion of trees).

Although the visual quality of Cardoza Park parking lot site would change with the proposed above-ground storage tank and pump station, and it could be visible to views from certain points, the proposed structure would be screened to integrate with the existing landscape. The facility would be surrounded by vegetation, fencing, or walls to screen views of the site and to integrate it with the existing landscape. **Mitigation Measure AES-1** would reduce potential impacts from the proposed storage tank and pump station to a less-than-significant level.

The Ben Rodgers Park pump station would be approximately 200 square feet and 12 feet high and located within a park. The Country Club Drive and Old Calaveras Boulevard pump stations would be approximately 400 square feet and 12 feet high. The Country Club Drive pump station would be adjacent to an existing sewer/raw water pump station, surrounded by undeveloped hillside. The Old Calaveras Boulevard pump station would be located in an undeveloped area and over 100 feet away from the nearest residence. These pump stations would change the visual quality of the sites and would be visible from immediately surrounding areas (i.e. within the park and from roadways). Implementation of **Mitigation Measure AES-1** would ensure that the proposed pump stations are screened and that they visually integrate with surrounding areas. Thus, the construction of the above-ground facilities would not substantially degrade the existing visual character or quality of the sites and their surroundings. Impacts would be less than significant with mitigation.

- d) Construction of the proposed project components may create a new source of light and glare, but the impact would be temporary. The proposed pipelines would not create any new source of light or glare following construction, because these facilities would be located underground. Construction would occur primarily during the daytime hours, although nighttime construction may be necessary for certain pipeline connections. The presence of exterior lights would create a new temporary light source that would otherwise not be present. This light may be visible from surrounding roadways and residential land uses, however, as described in the Project Description, nighttime construction would be restricted to areas where residences would not be affected. Construction-related light and glare would be less than significant.

The proposed storage tank (if above ground) and pump stations would require the installation of outdoor, permanent lighting for security purposes. The exterior lights would only be on when maintenance personnel are at the site. These lights would be directed downward and oriented in a manner that would not be directly visible from neighboring residences, or located on the sides of the storage tank and pump stations away from neighboring residents, to minimize light and glare effects. Given the design features, potential impacts related to light and glare are expected to be less than significant.

3.2 Agriculture and Forestry Resources

Would the Project:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for or cause rezoning of, forest land (as defined in Public Resource Code section 12220 (g)), timberland (as defined by Public Resource Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Environmental Setting

According to the Farmland Mapping and Monitoring Program (FMMP) map for Santa Clara County, the project area is mostly within “Urban and Built Up Land” designations (California Department of Conservation 2012). Small portions adjacent to Segment 3 along Country Club Road and Old Calaveras Road are designated “Grazing Land”.

Impacts

a-e) The proposed project would be constructed mostly within the public right of way, including existing roadways. The project area is not zoned for agricultural or forestry purposes, nor is there any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The proposed project therefore would not convert farmland, conflict with existing zoning for agricultural use/forest land, result in the loss/conversion of forest land, or involve other changes in the existing environment that could result in the conversion of Farmland or forest land. No impacts would occur.

3.3 Air Quality

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Environmental Setting

The proposed project area lies within the San Francisco Bay Area Air Basin (SFBAAB). The Bay Area Air Quality Management District (BAAQMD) is the local agency responsible for developing and implementing the clean air plan (CAP) for attaining and maintaining air quality in the San Francisco Bay Area Air Basin (SFBAAB) within federal and state air quality standards. The BAAQMD regulates most air pollutant sources, except for motor vehicles, marine vessels, aircraft, and construction equipment, which are regulated by the California Air Resources Board (CARB) or the United States Environmental Protection Agency (USEPA). State and local government projects are subject to BAAQMD requirements if the sources are regulated by the BAAQMD.

The USEPA is responsible for enforcing the Federal Clean Air Act (CAA) of 1970 and its 1977 and 1990 Amendments. The CAA required USEPA to establish National Ambient Air Quality Standards (NAAQS) for criteria pollutants, and CARB has established the more stringent California Ambient Air Quality Standards (CAAQS) through the California CAA of 1988. Areas that do not meet the CAAQS for a particular pollutant are considered to be “non-attainment areas” (i.e., failing to meet standards) for that pollutant. The SFBAAB is designated as either in attainment¹ or unclassified for most criteria pollutants,

¹ “Attainment” status refers to those regions that meet federal and/or state standards for a specified criteria pollutant. “Non- attainment” refers to regions that do not meet federal and/or state standards for a specified criteria pollutant. “Unclassified” refers to regions where not enough data exist to determine the region’s attainment status for a specified criteria air pollutant.

with the exception of ozone², particulate matter equal to or less than 2.5 micrometers in diameter (PM_{2.5}), and particulate matter equal to or less than 10 micrometers in diameter (PM₁₀); the SFBAAB is designated as non-attainment for either the state or federal standards for these pollutants.

The BAAQMD has adopted State and Federal attainment plans for the proposed project area in the 2010 Clean Air Plan (BAAQMD 2010). The BAAQMD has also developed the air basin's input to the State Implementation Plan (SIP), which is required under the CAA for areas that are out of attainment of air quality standards. CARB implements SIPs for criteria air quality pollutants within the SFBAAB and other air basins throughout California. These implementation plans are based on local General Plan buildout projections. The most current SIP, the 2005 Ozone Strategy, is a comprehensive document that describes how the SFBAAB will achieve compliance with the state one-hour air quality standards for ozone and how the region will reduce transport of ozone and ozone precursors to neighboring air basins.

The Bay Area CAP is prepared pursuant to the California CAA. The 2010 Clean Air Plan defines a control strategy that BAAQMD and its partners will implement to reduce emissions and decrease ambient concentrations of harmful pollutants and reduce greenhouse gas (GHG) emissions to protect the climate.

Impacts

The BAAQMD 2010 Thresholds have been used in this analysis for a conservative determination of impact analysis. These thresholds include the following:

- During project construction result in average daily emissions of 54 pounds per day of reactive organic gases (ROG), oxides of nitrogen (NO_x), or PM_{2.5} or 82 pounds per day of PM₁₀.
- During project operation result in average daily emissions of 54 pounds per day of ROG, NO_x, or PM_{2.5} or 82 pounds per day of PM₁₀; or result in maximum annual emissions of 10 tons per year of ROG, NO_x, or PM_{2.5} or 15 tons per year of PM₁₀.
- If a project exceeds the identified project-level significance thresholds, its emissions would also be cumulatively considerable.

The proposed project's emissions have been quantified using the CalEEMod version 2013.2.2 and the Road Construction Emissions Model version 7.1.5.1. Emissions calculated for the proposed project were compared to BAAQMD's mass daily thresholds for construction and operational activities for ROG, NO_x, CO, SO₂, PM₁₀, and PM_{2.5}. **Table 3.3-1** provides a summary of the maximum daily construction emissions for the proposed project, along with a summary of the BAAQMD thresholds. **Table 3.3-2** shows overall annual construction emissions for the proposed project, along with the Federal General Conformity thresholds. **Appendix A** includes a General Conformity Air Quality Analysis for the proposed project, and the summary output tables from the air emissions model.

² Ozone is a secondary air pollutant that is produced in the atmosphere through a complex series of photochemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO_x).

Table 3.3-1: Maximum Daily Construction and Operational Emissions

Maximum Daily Construction Emissions (lbs/day)						
	ROG	NOx	CO	SO₂	PM₁₀	PM_{2.5}
Maximum Daily Emissions from Phase Overlap						
Pipeline Segment 1 and 2, Storage Tank, and Pump Station	6.06	60.18	43.09	0.03	10.25	4.30
Pipeline Segment 2 and 3¹, and Pump Station	5.70	52.48	39.69	0.03	7.74	3.50
Pipeline Segment 3 and 4¹, and Pump Station	5.72	52.50	39.88	0.03	7.75	3.5
Pipeline Segment 4 and 5¹, and Pump Station	5.73	52.52	40.07	0.03	7.75	3.51
Pipeline Single Segment Maximum	2.28	23.71	15.22	0.00	4.39	1.72
Maximum Daily Emissions (Pipeline Segment 1 and 2, Storage Tank, and Pump Station)	6.06	60.18	43.09	0.03	10.25	4.30
BAAQMD Thresholds²	54	54	-	-	82	54.00
Significant Construction Emissions	NO	YES	-	-	NO	NO
Mitigated Pipeline Segment 1 and 2, Storage Tank, and Pump Station (Phased Maximum)	5.73	52.52	41.06	0.03	7.76	3.51
BAAQMD Thresholds²	54	54	-	-	82	54
Significant Construction Emissions	NO	NO	-	-	NO	NO
Maximum Daily Operation Emissions (lbs/day)						
	ROG	NOx	CO	SO₂	PM₁₀	PM_{2.5}
Pipeline	-	-	-	-	-	-
Milpitas Storage Tank and Pump Station	0.37	0.00	0.00	0.00	0.00	0.00
Milpitas Pump Stations (Sum for 3 Pump Stations)	0.14	0.00	0.00	0.00	0.00	0.00
Power Generation Emissions	NA	2.20	NA	0.12	NA	NA
Total	0.51	2.20	0.00	0.12	0.00	0.00
BAAQMD Thresholds¹	54	54	-	-	82	54
Significant Operation Emissions	NO	NO	-	-	NO	NO

¹ Represents one month overlap of segments when maximum emissions would occur.

² CEQA Guidelines (BAAQMD 2010)

Table 3.3-2: Annual Construction and Operational Emissions

Overall Annual Construction Emission (tons/year)						
	ROG	NOx	CO	SO₂	PM₁₀	PM_{2.5}
Pipeline Segment 1 (Mar 2017-Mar 2018)	0.23	2.23	1.54	0.00	0.33	0.15
Pipeline Segment 2 (Sep 2017-Jun 2018)	0.20	1.90	1.31	0.00	0.26	0.12
Pipeline Segment 3 (Jun 2018-Mar 2019)	0.20	1.91	1.33	0.00	0.26	0.12
Pipeline Segment 4 (Mar 2019-Mar 2020)	0.19	1.70	1.56	0.00	0.30	0.12
Pipeline Segment 5 (Mar 2020-Dec 2020)	0.15	1.39	1.26	0.00	0.23	0.10
Storage Tank and Pump Station (2018)	0.06	0.54	0.41	0.00	0.04	0.03
Storage Tank and Pump Station (2019)	0.02	0.16	0.15	0.00	0.02	0.01
Pump Stations (Sum for 3 Pump Stations)	0.10	1.00	0.76	0.00	0.09	0.05
Worst-Case Year	0.49	4.67	3.25	0.00	0.63	0.30
Federal General Conformity Thresholds²	100	100	100	100	100	100
Significant Construction Emissions	NO	NO	NO	NO	NO	NO
Annual Operation Emission (tons/year)						
	ROG	NOx	CO	SO₂	PM₁₀	PM_{2.5}
Pipeline	-	-	-	-	-	-
Storage Tank and Pump Station	0.07	0.00	0.00	0.00	0.00	0.00
Pump Stations (Sum for 3 Pump Stations)	0.01	0.00	0.00	0.00	0.00	0.00
Power Generation Emissions	NA	0.40	NA	0.02	NA	NA
Total	0.08	0.40	0.00	0.02	0.00	0.00
BAAQMD Thresholds¹	10	10	-	-	15	10
Federal General Conformity Thresholds²	100	100	100	100	100	100
Significant Construction Emissions	NO	NO	NO	NO	NO	NO

¹ CEQA Guidelines (BAAQMD 2010)

² USEPA 40 CFR § 93.153(b)

- a) The BAAQMD recognizes that construction equipment emits ozone precursors, but indicates that such emissions are included in the emission inventory that serves as the basis for regional air quality plans. Therefore, the proposed project's construction equipment exhaust emissions are not expected to prevent attainment or maintenance of the ozone, PM_{2.5} and PM₁₀ standards within the Bay Area.

The emissions reduction strategies in the *2010 Clean Air Plan* and the *2005 Bay Area Ozone Strategy* were developed, in part, based on regional population, housing, and employment projections prepared by the Association of Bay Area Governments (ABAG). The proposed project would not facilitate growth in the SFBAAB as it would not generate housing or substantial employment opportunities leading to increased population. The proposed project would not require additional full time staff. As such, the proposed project would be consistent with the assumptions contained within the *2010 Clean Air Plan* and the *2005 Bay Area Ozone Strategy* and would not conflict with or obstruct implementation of those plans. Impacts would be less than significant, and no mitigation would be required.

With respect to conformity with the Federal CAA, as shown in **Table 3.3-2**, the proposed project's potential emissions are below the General Conformity thresholds and are well below 10

percent of the area's inventory specified for each criteria pollutant designated non-attainment or maintenance for the Bay Area. As such, further general conformity analysis is not required.

b) *Construction*

The proposed project's construction activities would generate dust and criteria pollutant emissions that could, but are not expected to, exceed BAAQMD standards. Construction of the proposed pipeline, storage tank and four pump stations would generate approximately 44,600 cubic yards of excavated soils, and would require approximately 32,000 cubic yards of backfill to be imported. Assuming a truck capacity of 10 cubic yards per truckload, this would total approximately 4,460 truck round trips (truck trips) over the three years and nine months of construction. Pipeline construction would proceed at a rate of approximately 150 feet per day. The pipeline would be installed primarily by open cut trenching, with up to four trenchless portions in Segments 1 and 5. For emissions modeling purposes, the trenchless portion was considered to be open cut trenching.

The air quality modeling assumed that excavation activities would require an average of 7 truck trips per day, 5 days per week, over portions of the 4-month schedule. Additional incidental truck trips would be necessary for delivery of materials and workers. The 2010 BAAQMD thresholds shown in **Table 3.3-1** were used in this analysis for determination of impact significance.

Construction of the proposed project based on the timeline presented in **Table 2-4** would result in simultaneous construction of some of the project components. **Table 3.3-1** shows anticipated criteria pollutant emissions that would be generated from implementation of the proposed project. Construction activities would generate dust on a temporary and intermittent basis. Because residential uses occur along the proposed pipeline alignment, unmitigated fine particulate matter (PM₁₀) emissions could result in significant local effects. The 2010 BAAQMD guidelines recommended quantitative construction thresholds, and although those thresholds were withdrawn by BAAQMD, quantitative construction thresholds are consistent with guidance provided by other air districts in California and have been adopted by the City of Milpitas. Thus, to reduce potentially significant local effects from fine particulate matter to less-than-significant levels, **Mitigation Measure AIR-1**, which includes the BAAQMD basic control measures would be required.

As shown in **Table 3.3-1**, construction of the proposed project would not exceed the thresholds for any criteria air pollutants with the exception of NO_x. Construction would result in over 60 pounds per day of NO_x emissions, which exceeds the threshold of 54 pounds per day. Implementation of **Mitigation Measure AIR-2** would reduce potentially significant NO_x effects to less-than-significant levels by requiring the construction of Segment 1 and Segment 2 of the pipelines to overlap no more than 3 months to ensure the grading and excavation phases do not overlap.

Implementation of **Mitigation Measures AIR-1** and **AIR-2** would ensure that the proposed project's construction emissions would not violate air quality standards and would not significantly contribute to an existing or projected air quality violation. Construction impacts would be less-than-significant with mitigation.

Mitigation Measure AIR-1: Dust Abatement Program

This mitigation applies to the proposed project as a whole, and therefore is required for all five segments.

The City shall require the construction contractor(s) to implement a dust abatement program that includes, but is not necessarily limited to, the following BAAQMD-recommended measures as needed to control dust:

- Water³ all active construction areas at least twice a day.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, exposed stockpiles, and staging areas at construction sites.
- Sweep daily (with water or vacuum sweepers) all paved access roads, parking areas, and staging areas at construction sites.
- Sweep streets daily (with water or vacuum sweepers) if visible soil material is carried onto adjacent public streets.

Mitigation Measure AIR-2: Construction Schedule Phasing

The City shall include provisions in the bid specifications to phase the construction activities to comply with the following scheduling restrictions:

Project Component	Construction Restriction
Pump Station	Construct one at a time
Segment 1 and 2	No more than 3 months of overlap

Operation

Operational activities would include routine inspection and maintenance of the proposed storage tank, pump stations, and pipelines. Pumping recycled water from the existing SBWR program to new recycled water customers would require energy and generate indirect emissions from off-site Pacific Gas and Electric (PG&E) power generation facilities. Mobile operational emissions are not anticipated as no new employees are anticipated. As shown in **Table 3.3-1** and **Table 3.3-2**, daily and annual operational emissions would be minimal. Operation of the proposed project facilities would not result in the violation of any air quality standard or contribute substantially to an existing or projected air quality violation. Operational impacts would be less than significant, and no mitigation is required.

- c) The 2010 BAAQMD CEQA Guidelines have set forth significance thresholds for four criteria pollutants to determine whether emissions of that pollutant would have a cumulative impact on air quality. If a project exceeds the identified project-level significance thresholds, its emissions would also be cumulatively considerable.

As demonstrated above, the proposed project’s construction emissions of NO_x, ROG, PM₁₀, and PM_{2.5} would be less than significant with mitigation and less than significant for operations. The project emissions of SO₂ are negligible. The proposed project’s emissions of CO are relatively minor and primarily limited to construction activities and thus would be local and temporal in impact and duration. CO is a less significant contributor to ozone formation than NO_x and ROG. Given that operational emissions are below the threshold for NO_x and ROG, impacts would be less than significant. The proposed project therefore would not result in a cumulatively considerable net increase of any criteria air pollutants.

³ The City of Milpitas Municipal Code Title VIII, Chapter 6, Section 5 prohibits the use of potable water for construction purposes including dust control and compaction. The City requires pre-approval for construction water customers, which includes a recycled water meter for use with the City’s fill station sites.

- d) The storage tank and pump station site would be located in the Cardoza Park parking lot in the eastern half of the City of Milpitas just east of I-680, and the recycled water pipelines would be constructed in the same area primarily within the bounds of I-680, Evans Road, Jacklin Road, Piedmont Road, and Landess Avenue. Three other pump stations would be located at: Old Calaveras Road approximately 450 feet before turning into Kennedy Drive, at the intersection of Calaveras Ridge Drive and Country Club Drive, and on the west side of Ben Rogers Park.

Sensitive receptors are those locations where sensitive populations are commonly found. Sensitive populations include children, seniors, people with health conditions, and other members of the general public that are at increased risk of negative health effects. Common sensitive receptors include homes, schools, hospitals, retirement and nursing facilities, and child care centers

The proposed pipeline alignment is located within 0.25 miles of Alexander Rose Elementary School, Robert Randall Elementary School, Day Star Montessori School, Jacklin Commons KinderCare, William Burnett Elementary School, John Sinnott Elementary School, Foothill SDA Elementary School, Milpitas Christian Preschool Milpitas Montessori School, Merryhill Elementary and Middle School, Rancho Milpitas Middle School, Calveras Hills High School, Calaveras Montessori School, Milpitas Unified School District, a number of parks, and residences. The exhaust of large, heavy-duty diesel-powered equipment, which would be used during construction, is known to contain PM₁₀, which is a reference pollutant used to correlate with carcinogenic risk. Because the proposed project includes installation of pipelines near residences and other sensitive receptors, the proposed project could potentially expose sensitive receptors to PM₁₀ and NO_x emissions. However, as construction would be limited in duration and scale, sensitive receptors would not be exposed to diesel emissions for a prolonged period. In addition, implementation of standard dust control measures and construction phasing would be required (see **Mitigation Measure AIR-1** and **AIR-2**), so that criteria pollutant emissions and associated impacts to sensitive receptors would be reduced. Thus, the proposed project is not anticipated to emit carcinogenic or toxic air contaminants (TACs) that individually or cumulatively exceed the maximum individual cancer risk of 10 in 1 million. Therefore, impacts would be less than significant.

- e) Sources that may emit construction-related odors generally include architectural coatings, solvents, and diesel powered on- and off-road equipment. Odors may be emitted during operational activities if diesel-powered equipment is used. Further, ROG, while diverse in nature, are known to include odorous compounds.

Due to the nature of construction activities and the relatively small footprint of the various construction sites for the proposed project, there would be few pieces of diesel-powered equipment operating simultaneously during construction. Further, operations would not be anticipated to require the use of diesel-powered equipment.

There are no potential new sources of odor from the proposed project operations. As shown in **Table 3.3-1** and **3.3-2**, ROG emissions associated with operation and construction of the proposed project would be minimal. The proposed project would not create objectionable odors and would have a less than significant impact.

3.4 Biological Resources

	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Environmental Setting

The proposed project would be located mostly within existing paved roads in developed areas of Milpitas and is surrounded by residential, commercial, and recreational uses. The proposed pipelines would also be located adjacent to or cross parks that include Cardoza Park, Foothill Park, Murphy Park, Creighton Park, Robert E. Brown Park/Yellowstone Park, Ben Rogers Park, and Hillcrest Park.

A Biological Resources Assessment (BRA) was prepared for the proposed project area and is provided in **Appendix B**. A field survey of the project area and associated biological resources was conducted in December 2015; the complete Biological Resources Assessment, prepared by Rincon Consultants for the proposed project is available for public review online or at the City of Milpitas Planning Department (Rincon Consultants 2016a). The following discussion and analyses is based on the BRA prepared for the proposed project.

Developed lands include areas that have been constructed upon or otherwise physically altered to an extent that native vegetation is no longer supported. Segments 1, 2, 4, and 5 were identified as being located in developed lands. Developed lands within the project area include paved roads(s) and associated landscaping. The vegetation in these areas is typical of urban areas and includes ornamental trees, shrubs, and turf adjacent to existing roadways, sidewalks, and buildings.

Vegetation Communities

Most of the proposed project area is located in or adjacent to existing paved roads. However, some portions of the project area support vegetation. Non-native grasslands occur along portions of Segment 3, specifically between Calaveras Ridge Drive and Calera Creek Heights Road on Country Club Drive, and between Fanyon Street and the end of Segment 3 on Kennedy Drive. One special-status vegetation alliance has been mapped along Segment 3 between Evans Road and its terminus on Old Calaveras Road. This includes Coast Live Oak Woodland (*Quercus agrifolia* Alliance) which primarily occurs on north-facing slopes and in drainages along the roadside, and is surrounded by non-native grasslands. Stands can be dominated by coast live oak with few understory species, or in mixed woodlands with western sycamore (*Platanus occidentalis*) and California sagebrush (*Artemisia californica*), and/or ornamental species.

Special Status Plant Species

No rare or sensitive plants were identified along the proposed project alignment. However, two California Natural Diversity Database (CNDDDB) records of special status plant species within 5 miles of the project area were identified. One CNDDDB record of fragrant fritillary (*Fritillaria liliacea*) is located at Alum Rock Park in the City of San Jose and is approximately 2.9 miles southeast of the proposed project area. This occurrence is presumed extant but is based on a 1941 herbarium specimen and was not relocated in a 1994 survey. Fragrant fritillary could potentially occur on the project area in oak woodlands and grasslands. One CNDDDB record of arcuate bush mallow (*Malacothamnus arcuatus*) is located approximately 4.6 miles west of the proposed project area. It was recorded along Alviso Slough in 1955 and is presumed extant; it potentially occurs in the project area in oak woodlands.

Special Status Animal Species

A CNDDDB database search documents 52 special status plants, animals, and vegetation communities within a five-mile radius of the proposed project area. Based on review of the BRA and the selected alignments for the proposed project there would be a potential for 11 special status animal species to occur in the project area. Three of the following species are listed under the Federal Endangered Species Act and/or California Endangered Species Act and have the potential to occur in the project area:

- California tiger salamander – a federally and state listed threatened species
- California red-legged frog – a federally listed threatened species, a state species of special concern
- Foothill yellow-legged frog – a state species of special concern
- Western pond turtle – a state species of special concern
- Alameda whipsnake – a federally and state listed threatened species
- Golden eagle – a federally protected species

- Burrowing owl – a state species of special concern
- White-tailed kite – a federally protected species
- Northern harrier – a state species of special concern
- Tricolored blackbird – a federal candidate endangered species, a state species of special concern
- Pallid bat – a state species of special concern
- Nesting birds – in addition to above, nesting birds are afforded protection under the California Fish and Game Code and Migratory Bird Treaty Act (MBTA).

The proposed project area does not fall within critical habitat for California red-legged frog or western pond turtle as designated by the United States Fish and Wildlife Service (USFWS). Each of the special status species and potential to occur in the proposed project area as described below.

California tiger salamander (CTS)

Suitable breeding habitat for this species does not occur within the project area, but is documented within 1.2 miles of the project area. CTS have been documented migrating up to 1.0 mile from breeding sites to refugia sites, and California ground squirrels and small mammal burrows adjacent to the project area could provide refugia for dispersing CTS during the non-breeding migration periods.

California red-legged frog (CRLF)

Creeks adjacent to the project area could provide suitable breeding habitat and migration corridors for CRLF. CRLF have been documented migrating up to 2 miles from breeding sites to refugia sites and may cross the proposed alignment while dispersing to breeding or foraging habitat.

Foothill yellow-legged frog (FYLF)

The project area does not provide breeding habitat for this species, but creeks adjacent to the area could provide breeding habitat and foothill yellow-legged frogs could be distributed throughout upland grasslands on the project area.

Western pond turtle (WPT)

It is unlikely that the species would be found in the project area due to lack of observation records within 3 miles of the project. However, creeks in the vicinity of the project can provide suitable habitat for this species, depending on water levels throughout the year.

Golden eagle

Large undeveloped grasslands are present adjacent to the northern portions of the project area that are suitable foraging habitat for this species.

Burrowing owl

Mammal burrows that were the appropriate size for burrowing owls were observed in the project area during the December reconnaissance surveys. Though a formal survey was not conducted, the burrows were evaluated for the presence of burrowing owl sign (e.g. pellets, white wash) but no sign was observed. A complex of burrows is located at the Summitpointe Golf Course on a slope with non-native grasses that is adjacent to a small coast live oak stand and in other non-native grassland locations throughout the project area.

White-tailed kite

Mature trees in the project area could potentially provide nesting habitat for this species. The remnant coast live oak and valley oak woodlands, and mixed riparian habitats in the project area provide nesting habitat and grasslands in the project area provide foraging habitat. A total of three white-tailed kites were observed during the December reconnaissance surveys. White-tailed kites are fairly adapted to urban

environments and could be present either nesting or foraging in and immediately adjacent to the project area.

Northern harrier

Northern harriers occur in open areas, particularly in grasslands, wet meadows and marshes, and require larger areas for foraging. Nesting and foraging habitat occur in the vicinity of Segment 3.

Tricolored blackbird

Even though the nearest occurrence of tricolored blackbird documented in the CNDDDB is approximately 3.5 miles northwest of the project area, suitable foraging habitat for this species occurs adjacent to areas of Segment 3.

Pallid bat

Pallid bats may potentially roost in rock outcrops or trees on the project area. Non-native grasslands on the project area potentially provide limited foraging habitat.

Nesting birds

Nesting birds, in addition to those mentioned above, are afforded protection under the California Fish and Game Code (CFG) and/or MBTA and have the potential to occur within the project area. Landscaped areas with mature trees and shrubs, ruderal areas with grassland vegetation or cleared areas, and oak woodland and grassland immediately adjacent to the project area all provide suitable nesting habitat for a wide variety of birds.

Wildlife Movement

Segment 3 follows existing roads, some of which are within undeveloped areas, the entirety of which is within a mapped California Essential Habitat Connectivity (CEHC) area. Woodlands and riparian corridors along creeks are also expected to be used as migration corridors by local wildlife.

Potentially Jurisdictional Areas

The project area is located within the Coyote Watershed. The pipeline alignment for the proposed project would cross drainages at Berryessa Creek at Los Coches Street and Ames Avenue. At both of these locations, the creek is channelized, and is approximately 20 feet wide at the Los Coches Street crossing and 6 feet wide at the Ames Avenue crossing. Horsetail (*Equisetum* sp.) and potentially other hydrophytic vegetation were observed along the channel during the field survey (Rincon 2016).

Habitat Conservation Plans

A portion of Segment 3 between Evans Road and its terminus at the existing Ed Levin/Spring Valley raw water meter on Old Calaveras Road is within the area covered by the Santa Clara Valley Habitat Conservation Plan (HCP). The HCP is intended to streamline state and federal permitting for public and private projects, while offering a comprehensive and effective way to address impacts of those projects on endangered and threatened species and their habitats. Segment 3 within the HCP area includes areas defined in the Santa Clara Valley HCP as tri-colored blackbird survey areas, and falls within Fee Zone B. For impacts within unincorporated Santa Clara County, the City of Milpitas, as a Participating Special Entity, would be required to go through the Santa Clara Valley HCP review process, meet HCP conditions for surveys and reporting, pay required fees, and comply with pertinent HCP impact avoidance measures. The City would proceed as if they were a typical private developer, and submit the Private Application Form to the Habitat agency for review.

Impacts

- a) Based on a search of the CNDDDB records of special status species within five miles of the project area, 11 special status animal species and two special status plant species have the potential to occur in the project area. Most of the proposed project would be constructed within developed

areas, however portions of the project would be in the vicinity of habitat that could support listed species. The BRA determined that the project area lacks breeding habitat for most of these special status species except for California tiger salamander and western pond turtle, and five special status birds.

Special Status Animal Species

No suitable habitat for special status animal species were identified for Segments 1, 2, 4 and 5 (excluding migratory birds which are discussed under Impact (c), therefore no impacts to special status wildlife are expected to occur in these segments as a result of the proposed project. Proposed project activities associated with Segment 3 could impact federal and/or state listed species such as CRLF, Alameda Whipsnake, CTS, Western burrowing owl, FYLF, and WPT. Roosting pallid bats could also be potentially impacted, specifically in areas where grading of rocky outcrops or removal of trees would be required. This would be a potentially significant impact. Implementation of **Mitigation Measure BIO-1** would require mandatory Worker Environmental Awareness Program training and avoidance measures, and **Mitigation Measures BIO-2** through **BIO-5**, requiring specific additional measures for each special status animal, would reduce Segment 3 impacts to special-status animals to a less-than significant level.

Special Status Plants

No suitable habitat for special status plants was identified for Segments 1, 2, 4 and 5, therefore no impacts to special status plant species are expected to occur in these segments as a result of the proposed project. The proposed project construction activities for Segment 3 could have potential direct impacts on two special status (but non-listed) plant species through direct removal or as a result of other construction activity, resulting in a potentially significant impact. Implementation of **Mitigation Measure BIO-6**, requiring special status plant surveys prior to ground-disturbing activities, would reduce potential impacts to special-status plants to a less-than significant level.

Mitigation Measure BIO-1: General Requirements for Special Status Species

The following measures shall be implemented for the construction of Segment 3:

- Prior to start of project construction activities, a qualified biologist shall conduct mandatory Worker Environmental Awareness Program (WEAP) training to familiarize all personnel conducting project activities with the identification and life-history of special status wildlife and plants.
- A qualified biologist shall conduct a survey within 7 days of initial ground disturbing activities within suitable habitat for special status species. The survey area shall include the project area and a 150-foot buffer.
- All work areas within 150 feet of suitable aquatic habitat shall be flagged for monitoring during construction.
- Off-road travel of project-related vehicles and construction equipment shall be restricted to designated construction areas.
- All trash shall be removed from the site daily and disposed of properly to avoid attracting potential predators to the site.
- No pets shall be permitted on site during project activities.
- All vehicles and equipment shall be in good working condition and free of leaks. All leaks shall be contained and cleaned up immediately to reduce the potential or soil/vegetation contamination.
- All refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from riparian habitat or water bodies and in a location from which

a spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water).

- The number of access routes, size of staging areas, and the total construction area shall be limited to the minimum necessary to achieve the project goals.
- The biologist(s) shall maintain sufficiently detailed records of any individual observed, captured, or relocated, including size, coloration, any distinguishing features and photographs (preferably digital) to assist in determining whether translocated animals are returning to the project area.
- No herbicide shall be used within 50 feet of water ways.

Mitigation Measure BIO-2: California Red-legged Frog, Alameda Whipsnake, and California Tiger Salamander Protection Measures

In addition to **Mitigation Measure BIO-1**, the following measures shall be implemented for the construction of Segment 3:

- If feasible, initial ground disturbing activities adjacent to suitable habitat for these species shall be conducted between May 1 and October 31 during dry weather conditions to minimize the potential for encountering CRLF, Alameda whipsnake, and CTS. Work shall be restricted to daylight hours.
- A focused habitat assessment to determine the potential for CRLF, Alameda whipsnake, and CTS shall be conducted by a qualified biologist for all areas within 150 feet of the Segment 3 alignment that may contain suitable habitat for the species. If suitable habitat is present and would be directly impacted by the project, protocol-level surveys to determine presence or absence of CRLF, Alameda whipsnake, and CTS are recommended. According to the CTS survey protocol (USFWS, 2003), a drift fence study conducted during each of two fall/winter rainy seasons with aquatic sampling in spring between the two fall/winter is the primary method used to study CTS in upland habitats.
- A qualified biologist shall be present on site during initial ground disturbance in portions of the project area that contain suitable habitat for Alameda whipsnake, suitable upland habitat for CRLF or CTS or within 150 feet of potential CRLF or CTS aquatic habitat.
- If CRLF, Alameda whipsnake, and CTS are found to be present, the USFWS (for CRLF and CTS) and CDFW (for CTS and Alameda whipsnake) shall be consulted to determine the appropriate course of action.
- To ensure that diseases are not conveyed between work sites by the qualified biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force shall be followed at all times.

Mitigation Measure BIO-3: Western Burrowing Owl Protection Measures

In addition to **Mitigation Measure BIO-1**, the following measures shall be implemented for the construction of Segment 3:

- Prior to the commencement of construction activities within suitable habitat for western burrowing owl, a qualified biologist shall conduct protocol surveys in accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation within all areas of the project area that contain suitable habitat for the species. The survey methodology shall consist of walking parallel transects 7 to 20 meters apart, adjusting for vegetation height and density as needed, and noting any

potential burrows with fresh burrowing owl sign or presence of burrowing owls. Copies of the survey results shall be submitted to CDFW.

- If burrowing owls are detected on site, no ground-disturbing activities, such as vegetation clearance or grading, shall be permitted within a buffer of no fewer than 100 meters (330 feet) from an occupied burrow during the breeding season (February 1 to August 31), unless otherwise authorized by CDFW. During the non-breeding (winter) season (September 1 to January 31), ground-disturbing work can proceed as long as the work occurs no closer than 50 meters (165 feet) from the burrow. Depending on the level of disturbance, a smaller buffer may be established in consultation with CDFW.
- If burrow avoidance is infeasible during the non-breeding season or during the breeding season (February 1 through August 31), where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, a qualified biologist shall implement a passive relocation program in accordance with Appendix E1 (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 CDFW Staff Report on Burrowing Owl Mitigation.
- If passive relocation is required, a qualified biologist shall prepare a Burrowing Owl Exclusion and Mitigation Plan and Mitigation Land Management Plan in accordance with CDFW's 2012 Staff Report on Burrowing Owl Mitigation and for review by CDFW prior to passive relocation activities. The Burrowing Owl Exclusion and Mitigation Plan shall include all necessary measures to minimize impacts to burrowing owls during passive relocation, including all necessary monitoring of owls and burrows during passive relocation efforts. The Mitigation Land Management Plan shall include a requirement for the permanent conservation of off-site Burrowing Owl Passive Relocation Compensatory Mitigation.
- If passive relocation is required, the City shall implement the Mitigation Land Management Plan and permanently conserve off-site habitat suitable for burrowing owl at a ratio of 15 acres per passively relocated burrowing owl pair, not to exceed the size of the final project footprint. Land identified to mitigate for passive relocation of burrowing owl may be combined with other off-site mitigation requirements of the project if the compensatory habitat is deemed suitable to support the species. The Passive Relocation Compensatory Mitigation plan shall be approved by CDFW. If the project is located within the service area of a CDFW-approved burrowing owl conservation bank, the project proponent may purchase available burrowing owl conservation bank credits in lieu of placing off-site habitat into a conservation easement, if acceptable to the CDFW.
- The City shall mitigate for the loss of acres of burrowing owl foraging habitat by providing habitat management lands at a ratio of ten acres per burrow identified within the final project footprint. These lands must be on suitable habitat for burrowing owl within the Santa Clara County HCP prior to completion of the project. Land identified to mitigate for foraging habitat may be combined with other offsite mitigation requirements of the proposed project if the compensatory habitat is deemed suitable. A Foraging Habitat Compensatory Mitigation Plan describing the proposed mitigation, including suitability for meeting the objectives of the mitigation, and methods for preserving the mitigation values of the habitat shall be provided to the City of Milpitas and CDFW for approval.

Mitigation Measure BIO-4: Foothill Yellow-legged Frog Protection Measures

In addition to **Mitigation Measure BIO-1**, the following measures shall be implemented for the construction of Segment 3 only:

- A focused habitat assessment to determine the potential for FYLF shall be conducted by a qualified biologist for all areas within 150 feet of the project alignment that may contain suitable habitat for the species.
- If the focused habitat assessment finds no suitable aquatic habitat for this species occurs within 150 feet of the proposed project, no further action is necessary
- If suitable aquatic habitat is for this species is identified within 150 feet of the proposed project a qualified biologist shall conduct a survey within 48 hours of initial ground disturbing activities within FYLF habitat. The survey area should include all potential suitable habitat in the project area and suitable habitat located within a 100 feet of the project area.
 - If an FYLF is encountered, all activities within 100 feet of the species shall cease until the species leaves the site. If the species has become entrapped in the project area, it will be safely relocated by a qualified biologist 100 feet from the project area.
 - To ensure that diseases are not conveyed between work sites by the qualified biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force should be followed at all times.
- A qualified biologist shall be present on site during initial ground disturbance in portions of the project area that are suitable upland habitat for FYLF and within 150 feet of potential aquatic habitat.

Mitigation Measure BIO-5: Roosting Pallid Bats Protection Measures

In addition to **Mitigation Measure BIO-1**, the following measures shall be implemented for the construction of Segment 3:

- A qualified biologist shall conduct a pre-construction survey for roosting pallid bats. The survey shall be conducted within 50 feet of project activities within 15 days prior to any grading of rocky outcrops or removal of trees (particularly trees 12 inches in diameter or greater at 4.5 feet above grade with loose bark or other cavities).
- If active maternity roosts or non-breeding bat hibernacula are found in trees scheduled to be removed, relocation or other measures shall be determined in consultation with the County and/or CDFW, as appropriate, and a qualified biologist.

Mitigation Measure BIO-6: Special Status Plant Surveys

The following measures shall be implemented for the construction of Segment 3:

- Prior to the commencement of any ground-disturbing activities, surveys for special status plants (fragrant fritillary [*Fritillaria liliacea*] and arcuate bush mallow [*Malacothamnus arcuatus*]) shall be conducted in suitable habitats within the proposed project impact area. The surveys shall be conducted in general accordance with CDFW *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (2009), California Native Plant Society *Inventory of Rare and Endangered Plants of*

California (sixth edition, 2001), and U.S. Fish and Wildlife Service *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants* (2000) protocols for special status plant surveys. The survey area shall be traversed on foot by walking meandering transects to ensure thorough coverage of the area; surveys shall be timed to ensure adequate coverage of the spring and summer bloom periods; and the surveys shall be floristic in nature (meaning all plant species observed shall be identified to a sufficient level to determine rarity). If no special status plant species are observed during the focused surveys, no further action shall be required.

- If special status plants are observed, all special status plant species identified on site shall be mapped onto a site-specific aerial photograph and their location shall be recorded with a Global Positioning System (GPS). Field data shall be recorded on the population size, cover, and associated species. The results shall be evaluated in the context of known local populations (the definition of local population should be determined by a qualified botanist on a species by species basis) for any non-listed special status plant species to determine the extent of impacts to the local population. If impacts are determined to affect less than 10% of the local population of any non-listed special status plant species, no further measures are necessary. If impacts are determined to affect more than 10% of the local population of any non-listed special status plant species the following measure should be implemented.
 - If feasible, measures shall be implemented to avoid special status plants within the limits of disturbance. If special status plants cannot be avoided, a qualified biologist shall prepare a mitigation and monitoring plan in consultation with wildlife agencies. If a state-listed plant species would be impacted, the restoration plan shall be submitted to CDFW for review and approval. If a federally listed plant species would be impacted, the restoration plan shall be submitted to USFWS for review and approval. The Special Status Plant Mitigation and Monitoring Plan (Plan) shall be developed by a qualified biologist. The Plan shall include at a minimum the following: the species and number of individuals to be relocated; a map depicting the relocation planting area; replanting site preparation methods; irrigation and weed control methods; schedule of replanting and monitoring activities; success criteria; reporting requirements; and a list of suitable contingency measures in the event of relocation failure.
- b, c) One special-status vegetation community has been mapped in the project area – which includes coast live oak woodland along Segment 3 between Evans Road and its terminus on the north-facing slopes and in drainages along Old Calaveras Road. The proposed pipeline alignment and construction activities would be located within the existing roadway and would not result in removal or impact to the coast live oak woodland. Construction activities could result in impacts to the drainages and slopes if soil or other materials are sidecast or not contained within the construction site and fall into the drainage area. These potential impacts would be avoided by implementing sediment and contaminant best management practices (BMPs) as required under the Storm Water Pollution Prevention Plan (SWPPP) and implementation of **Mitigation Measure BIO-1** for general construction management practices would reduce impacts to a less-than-significant level.

Segment 1 of the proposed project would cross a drainage at Berryessa Creek at Los Coches Street and Segment 5 would cross a drainage at Berryessa Creek at Ames Avenue. Berryessa

Creek drains directly to the San Francisco Bay and is expected to be subject to the jurisdiction of the San Francisco Regional Water Quality Control Board (RWQCB) and United States Army Corps of Engineers (USACE). Based on the BRA, Berryessa Creek contains areas with dense riparian woodlands. As described in *Chapter 2, Project Description*, construction at these locations would use trenchless methods. No work would occur within the creek; thus there would be no loss of riparian habitat or waters of the U.S. from installation of the pipeline at Berryessa Creek. However, CDFW does consider trenchless crossings to be within their jurisdiction and would require a Streambed Alteration Agreement because of the slight potential for indirect impacts as a result of “frac-out” (uncontrolled release of drilling fluids into the environment). The areas adjacent to the Berryessa Creek crossings are developed with roadways and contain no habitat. Construction activities could result in impacts to the creek if soil or other materials are sidecast or not properly contained within the trenchless construction sites and fall into the creek. These potential impacts would be avoided by implementing sediment and contaminant BMPs as required under the SWPPP, implementation of **Mitigation Measure BIO-1** for general construction management practices, and implementation of **Mitigation Measure HYD-1** to contain risk of frac-out, which would reduce impacts to a less-than-significant level.

- d) Segments 1, 2, 4, and 5 do not fall within a mapped CEHC. A portion of Segment 3 falls within a mapped CEHC east of Evans Road. Woodlands along creeks are also expected to be used as migration corridors by local wildlife. Project activities may temporarily displace wildlife during construction; however, the proposed project would involve the installation of pump stations and underground pipelines along existing roads, and would not change the function of the area to serve as wildlife movement corridors. Given the disturbed nature of the site, the predominantly urban setting of the project area, and the placement of the proposed project components within existing roadways, implementation of the proposed project is not expected to interfere with wildlife movement.

Landscaped areas with mature trees and shrubs, ruderal areas with grassland vegetation or cleared areas, and oak woodland and grassland immediately adjacent to the project area all provide suitable nesting habitat for a variety of birds. All alignments of the proposed project have potential to result in direct impacts to nesting birds, including raptors such as white-tailed kite, passerine species such as tri-colored blackbird, and other species. Construction of the proposed project could require removal of trees where the pipeline crosses parks, and removal of several trees in the Cardoza Park parking lot for the proposed storage tank. Birds habituated to urban disturbance are capable of occupying the habitats that these trees provide, and there is the potential for nesting birds to be present in these trees and in landscaped areas adjacent to the project area. Removal of the trees or disturbance of nests during the nesting season could result in nest abandonment, destruction, injury or mortality of nestlings, and disruption of reproductive behavior. Birds and active nests are protected under the federal Migratory Bird Treaty Act, and disturbance to nesting birds would be considered a potentially significant impact. To avoid impacts to nesting migratory birds, **Mitigation Measure BIO-7** would reduce potential impacts to a less-than-significant level. If construction occurs outside of the bird breeding season September 1 and January 31, preconstruction surveys are not required.

Mitigation Measure BIO-7: Preconstruction Nesting Bird Surveys

This mitigation applies to the proposed project as a whole, and therefore is required for all five segments.

- If construction occurs within the bird breeding season (February 1 through August 31), then no more than seven days prior to initiation of ground disturbance and/or vegetation removal, a nesting bird and raptor pre-construction survey shall be conducted by a qualified biologist within the disturbance

footprint plus a 300-foot buffer, where feasible. If the project is phased, a subsequent pre-construction nesting bird and raptor survey may be required prior to each phase of construction within the project area.

- Pre-construction nesting bird and raptor surveys shall be conducted during the time of day when birds are active and should be of sufficient duration to reliably conclude presence/absence of nesting birds and raptors on site and within the designated vicinity. A report of the nesting bird and raptor survey results, if applicable, shall be submitted to the lead agency for review and approval prior to land use clearance for grading.
- If nests are found, their locations shall be flagged. An appropriate avoidance buffer ranging in size from 25 to 50 feet for song birds, and up to 250 feet for raptors depending upon the species and the proposed work activity shall be determined and demarcated by a qualified biologist with bright orange construction fencing or other suitable flagging. Active nests shall be monitored at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults. No ground disturbance shall occur within this buffer until the qualified biologist confirms that the breeding/nesting is completed and all the young have fledged.

- e) For all segments located within the City of Milpitas, potential impacts to trees would be subject to the City of Milpitas Tree Maintenance and Protection Ordinance. In the portion of Segment 3 that extends into the County of Santa Clara to its terminus, potential impacts would be subject to the County's Tree Preservation Ordinance. Segment 3 within the County of Santa Clara would be constructed within the existing roadway and would not require removal of trees. Therefore, the County of Santa Clara's ordinance is not applicable and not discussed further.

The City regulates the removing and pruning trees in or adjacent to streets and within easements, in rights-of-way and other public places within the City and on private property. The City's Municipal Code (Title X, Chapter 2) defines protected trees as:

- Trees with a 56 inch diameter or more, measured 54 inches from the ground located on residential property;
- Trees with a 37 inch diameter or more, measured 54 inches from the ground located on developed commercial or industrial, vacant, undeveloped, or underdeveloped property;
- All heritage trees or groves. A heritage tree or grove has historical significance, special character or community benefit, and is specifically designated by resolution of the City Council.

A permit is required from the City Public Works Department for the removal or pruning of a protected tree. A permit is not required for removing less than 10 percent of the tree canopy, sucker growth, watersprouts, and low hanging branches less than 4 inches in diameter causing obstructions.

The proposed pipelines within roadways would not require the removal of trees. Other components of the proposed project could result in impacts to protected trees. Three of the proposed pump stations would be located outside of the roadway, but within the right-of-way, where trees may be present. The proposed storage tank and pump station would require removal of several trees within the Cardoza Park parking lot. Additional areas of tree removal would include areas in City parks crossed by pipelines. **Mitigation Measure BIO-8** would require pre-construction assessment for protected trees, preparation of a tree preservation plan, and tree removal permitting and replacement plan, if applicable. Implementing this mitigation measure would reduce conflicts with local policies or ordinances to a less-than-significant level.

Mitigation Measure BIO-8: Protected Trees

This mitigation applies to the proposed project as a whole, and therefore is required for all five segments where trees are to be removed.

- Prior to obtaining a permit from the City Public Works Department, a tree survey shall be conducted by an International Society of Arboriculture (ISA) Certified Arborist/City Qualified Arborist for protected trees that occur within 25 feet of the impact area. The tree survey shall identify protected trees, including protected oak trees and woodlands.
- Removal of protected trees shall be compensated by the following, in accordance with the City's Tree Maintenance and Protection Ordinance:
 - Reimbursement to the City Public Works Department for the full costs of time and materials to prune, remove and/or replace trees within the public right-of-way or tree planting easements;
 - Reimbursement to the City Public Works Department for the value of the removed or damaged tree as determined by an arborist certified by the International Society of Arboriculture utilizing the current edition of the "Guide for Plant Appraisal, International Society of Arboriculture"; or
 - A combination of the above terms as determined by the Public Works Director.

- f) Segments 1, 2, 4, and 5 do not fall within an HCP area. A portion of Segment 3 that is located within Santa Clara County and terminating at the existing Ed Levin/Spring Valley raw water meter on Old Calaveras Road is within the Santa Clara Valley HCP. Segment 3 within the HCP area includes areas defined in the Santa Clara Valley HCP as tri-colored blackbird survey areas, and falls within Fee Zone A. There are no other adopted habitat or natural community conservation plans within the proposed project area.

Due to the nature and extent of proposed construction activities, it is possible that construction of Segment 3 could conflict with the provisions of the adopted Santa Clara County HCP. However, prior to commencement of construction activities, the City of Milpitas would initiate the Santa Clara Valley HCP process, including submittal of an application, payment of required fees for the disturbance of habitat within Fee Zone A, and completion of necessary surveys for tri-colored blackbird, which may result in avoidance and impact minimization requirements. Items required of the City of Milpitas for the Santa Clara Valley HCP would be completed in accordance with the extent and nature of potential impacts associated with the proposed project. Required fees would be used to further conservation efforts via habitat acquisition, creation, or enhancement, and may also be used to preserve and manage local habitat. Required surveys, avoidance, and minimization requirements for the tri-colored blackbird would also be completed in accordance with potential project-related impacts. Through payment of fees and other measures, the City of Milpitas would ensure that construction and operation of the proposed project would be completed in accordance with provisions of the Santa Clara Valley HCP, and therefore would not conflict with the plan. Impacts are considered less than significant, and no mitigation is required.

3.5 Cultural Resources

Would the Project:	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Environmental Setting

A Cultural Resources Assessment (CRA) and a Paleontological Resources Assessment (PRA) were prepared for the proposed project area by Rincon Consultants in March 2016, and are available for public review at the City of Milpitas Planning Department (Rincon Consultants 2016b, 2016c). The CRA and PRA involved field surveys of the proposed project area, which were conducted in December 2015 to determine potential impacts to archaeological, historical, and paleontological resources within the Area of Potential Effects (APE) for the proposed project. The APE includes all areas where direct or indirect impacts may occur, including a 20-foot buffer on each side of all potential pipeline segments and an additional 75-foot buffer around the potential storage tank and pump station sites.

The CRA and PRA also involved records searches of the APE and an additional 0.5-mile buffer, including searching the cultural resource records housed at the California Historical Resources Information System (CHRIS), Northwestern Information Center (NWIC) located at Sonoma State University. The CHRIS search included a review of the National Register of Historic Places (NRHP), the California Register of Historic Places (CRHR), the California Points of Historical Interest list, the California Historical Landmarks list, the Archaeological Determinations of Eligibility list, and the California State Historic Resources Inventory list.

Historical and Cultural Resources

The NWIC identified two historic addresses within the search radius; however, neither of the historic features are located within the proposed project alignment or within the potential storage tank and pump station sites. The NWIC also identified six previously recorded cultural resources within a 0.5-mile radius of the APE for the proposed project. Of the recorded cultural resources, none are located within a segment associated with the proposed project alignment. The CRA identifies potential concerns with a resource, identified as P-43-000167 or the Jose Maria Alviso Adobe; however, this resource is not located within the proposed project alignment as described in *Chapter 2, Project Description*.

The CRA notes that given the amount of disturbance from previous land development activities, the potential to encounter intact subsurface archaeological deposits within the APE varies from low in developed areas to moderate/high in undeveloped areas located in proximity to Segment 3. The developed area associated with the majority of the APE was noted as being heavily impacted from prior development, which has included grading and subsurface utility installations that would likely have impacted surficial archaeological deposits.

The Native American Heritage Commission (NAHC) was contacted on August 6, 2015 to request a review of the Sacred Lands File. The NAHC responded via facsimile on August 14, 2015, stating that the search of the SLF “did not indicate the presence of any sites within the APE”. The NAHC provided a contact list of 11 Native American individuals or tribal organizations that may have knowledge of cultural resources in or near the proposed project APE. Rincon Consultants prepared and mailed letters to each of the NAHC-listed contacts on August 19, 2015 requesting information regarding any Native American cultural resources within or immediately adjacent to the proposed project APE. Follow-up emails were sent to each contact on November 11, 2015. Follow-up phone calls were made to each group or individual on February 4, 2016. Two Tribal representatives recommended that Native American and archaeological monitoring take place during ground disturbing activities to address concerns regarding the potential for previously undocumented resources to be unearthed during construction activities for the proposed project. No additional previously undocumented cultural resources were identified as a result of the Native American consultation. The City has not received any requests for formal consultation pursuant to Assembly Bill 52 as of the preparation of this document.

Paleontological Resources

The PRA demonstrates that the proposed project area contains four mapped units that have a high paleontological sensitivity, and could yield scientifically significant paleontological resources; Pleistocene older alluvium (Qoa) Pliocene to Pleistocene Santa Clara Formation (Tsm), middle to late Miocene Orinda Formation (Tor), and middle to late Miocene Briones Formation (TBr). Therefore, ground disturbance activities associated with construction of the proposed project have a high potential to directly disturb geologic units with high paleontological sensitivity. The paleontologically-sensitive soils are located within Segment 3 along Country Club Drive and along a small segment of Old Calaveras Road.

- a, b) No known NRHP and/or CRHR listed, determined eligible, or pending properties have been identified within the various pipeline crossings or proposed sites to locate storage tanks, pump stations, and other appurtenances. It is, therefore, unlikely that unexpected discoveries of unique archaeological discoveries would occur during construction of the proposed project based on the archaeological data, as well as the disturbed nature of the proposed project area. However, a sensitive resource and historic addresses have been recorded in proximity to the APE, and concerns about potentially undiscovered cultural resources were raised by Native American tribes. **Mitigation Measures CUL-1 and CUL-2** would be implemented to address concerns raised in the Native American consultation process, as well as ensure that ground disturbing activities associated with the proposed project would not affect cultural resources. Potential impacts to historical resources and unique archaeological resources are considered less than significant with implementation of these mitigation measures.

Mitigation Measure CUL-1: Workers Environmental Awareness Program

This mitigation applies to the proposed project as a whole, and therefore is required for all five segments.

Prior to construction of the proposed project, the City or the City’s construction contractor shall retain a qualified archaeologist meeting the Secretary of the Interior’s Standards for archaeology to conduct a WEAP for all construction personnel working on

the proposed project. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and notification to a qualified archaeologist in the event of unanticipated discoveries.

Mitigation Measure CUL-2: Unanticipated Discovery of Cultural Resources

This mitigation applies to the proposed project as a whole, and therefore is required for all five segments.

In the event that archaeological resources are unearthed during construction for the proposed project, all earth disturbing work within 50 feet of the find shall be temporarily suspended or redirected until a qualified archaeologist meeting the Secretary of the Interior's Standards for archaeology has evaluated the nature and significance of the find. Evaluation of significance for the find may include the determination of whether or not the find qualifies as an archaeological site. Isolated finds do not qualify as historic properties under the National Historic Preservation Act (NHPA) or historical resources under CEQA and require no management consideration under either regulation. Should any resource(s) be identified, an evaluation of eligibility for the NRHP and CRHR may be required through the development of a treatment plan including a research design and subsurface testing through the excavation of test units and shovel test pits. After effects on the find have been appropriately mitigated, work in the area may resume. Mitigation of effects on the find may include a damage assessment of the find, archival research, and/or data recovery to remove any identified archaeological deposits, as determined by a qualified archaeologist.

If prehistoric or Native American cultural resources are identified during project construction, a Native American consultant shall also be contacted to provide input regarding the treatment and disposition of the find.

- c) The proposed project area contains four mapped units that have a high paleontological sensitivity, and could yield scientifically significant paleontological resources. The mapped units are located within two portions of the Segment 3 alignment. The first portion is located on Country Club Drive from the intersection of North Park Victoria Drive and Country Club Drive to just past the intersection of Calaveras Ridge Drive and Country Club Drive. The second portion is located on a small stretch of Old Calaveras Road just past the intersection of Old Calaveras Road and Evans Road.

Significant paleontological resources are fossils or assemblages of fossils that are unique, unusual, rare, uncommon, diagnostically important, or are common but have the potential to provide valuable scientific information. The proposed project is likely to impact geologic units with high paleontological sensitivity, both at the surface and at depth. Impacts to paleontological resources could occur during ground disturbing activities associated with construction, and could include the destruction of fossils. To reduce potential impacts to paleontological resources, **Mitigation Measure CUL-3** would be implemented, which would require development and implementation of a Paleontological Mitigation Program. Potential impacts to paleontological resources and unique geologic features would be reduced to less than significant levels with implementation of proposed mitigation.

Mitigation Measure CUL-3: Develop and Implement Paleontological Mitigation Program

This mitigation applies to the proposed project as a whole, and therefore is required for all five segments.

A qualified paleontologist approved by the City of Milpitas shall be retained to develop and implement a Paleontological Mitigation Program (PMP) following final design and prior to project construction. The PMP shall include the following components:

- Prior to the start of construction, construction personnel shall be informed of the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.
 - Any excavations or other ground disturbing activity in areas mapped as high paleontological sensitivity (refer to details in the PRA) shall be monitored on a full-time basis by a qualified paleontological monitor. Should no fossils be observed during the first 50 percent of excavations, paleontological monitoring could be reduced to weekly spot-checking under the discretion of the qualified paleontologist.
 - If fossils are discovered, the qualified paleontologist (or paleontological monitor) shall recover them. Typically fossils can be safely salvaged quickly by a single paleontologist without disrupting construction activity. In some cases larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner.
 - Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data, and maps.
 - Upon completion of ground disturbing activity (and curation of fossils if necessary) the qualified paleontologist shall prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report shall include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.
- d) The discovery of human remains is always a possibility during ground disturbing activities. If human remains are found, the State of California Health and Safety Code §7050.5 states that no further disturbance shall occur until the county coroner has made a determination of origin and disposition pursuant to Public Resources Code §5097.98. In the event of an unanticipated discovery of human remains, the Santa Clara County coroner must be notified immediately. If the human remains are determined to be prehistoric, the coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Impacts would be less than significant through compliance with applicable State codes in the event of discovery of human remains.

3.6 Geology and Soils

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Would the Project:				
a) Place new structures in or otherwise adversely affect areas requiring special management due to hazards, including: unstable soil areas including fault zones, liquefaction zones, areas subject to landslides and expansive soil areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Environmental Setting

The City of Milpitas is located in the San Francisco Bay Area, which is a seismically active region. The proposed project is located within the Hillside and Valley Areas of the City. Elevations in the City range from sea level near Coyote Creek to approximately 2,400 feet in the northeastern corner (City of Milpitas 2010). There are three faults in proximity to the project area, which are considered active. These faults include the Hayward fault, which trends northwestward and runs through the western part of the Milpitas Hillside Area, Calaveras fault (approximately 1½ miles northeast of the eastern edge of the City), and San Andreas fault (13 miles southwest) (City of Milpitas 2010).

The Alquist-Priolo Earthquake Fault Zoning Act and Seismic Hazards Mapping Act directs the State Geologist to delineate regulatory zones (known as Zones of Required Investigation) to reduce the threat to public health and safety and to minimize risk of loss of life and property posed by earthquake-triggered ground failures, which include surface fault rupture, strong ground shaking, liquefaction, and landslides. Local agencies must regulate most development within these zones, and require a geotechnical investigation of the site. A review of the State of California’s Alquist-Priolo Earthquake Fault Zone Maps shows that portions of the project area east of I-680 are located within the Milpitas and Calaveras Reservoir 7.5 minute quadrangles, which contain an Earthquake Fault Zone for the Hayward Fault delineated by the California Geological Survey (CGS) (CGS 1982a, 1982b, 2016).

A review of Seismic Hazards Maps for the Milpitas and Calaveras Reservoir 7.5 minute quadrangles indicates that portions of the project area also traverse areas susceptible to earthquake induced landslides and liquefaction (CGS 2001, 2004). The Valley Floor of Milpitas is underlain by alluvial soil, most of which is expansive and susceptible to liquefaction, and alluvial areas along creeks may be susceptible to lateral spreading (City of Milpitas 2010). The Hillside Area is generally underlain by relatively hard, shallow, fractured bedrock with softer bedrock underlying the western margin of the Hillside Area. The General Plan also notes that the soils found in Monterey Shale, Briones Sandstone, Orinda Formation, and the Santa Clara Formations in the Hillside Area and foothills west of Spring Valley are considered

expansive to highly expansive (City of Milpitas 2010). Potential landslide hazard areas generally occur on unstable hillsides and are located in the Hillside Area of the City (City of Milpitas 2010, CGS 2001).

The Working Group for California Earthquake Probabilities (WGCEP) estimates that there is a 72 percent probability that a magnitude 6.7 or greater earthquake will occur in the San Francisco Bay Area within 30 years (USGS 2013). ABAG has prepared a regional shaking hazard map and indicates that all of Milpitas is susceptible to very strong to severe shaking (ABAG 2016). ABAG has classified the Modified Mercalli Intensity⁴ Shaking Severity Level of the project area due to an earthquake on the Hayward fault as “VIII-Very Strong” (ABAG 2016). The project area could therefore experience strong groundshaking from an earthquake. The intensity of ground shaking in the project area depends on a number of factors such as earthquake magnitude, distance to fault, depth of earthquake, physical characteristics of underlying soil and bedrock, and local topography. Earthquake hazards produced by ground shaking include damage to structures, and secondary ground failures.

Impacts

- a) A project that places development in an existing or future hazard area is not considered under CEQA to have a significant impact on the environment, unless the project would exacerbate the environmental hazard or condition. This analysis therefore focuses on whether seismic impacts could cause the proposed project’s facility to fail, and if that failure would cause a secondary impact that could exacerbate an environmental hazard. As described above, the proposed project area is within a region of high seismic activity and other related geologic hazards. Seismic events could result in secondary seismic impacts associated with unstable soils such as lateral spreading, liquefaction, and subsidence. If not designed correctly, a seismic event could result in structural failure of the storage tank, misalignment of the pipelines, failure of joints, and recycled water leakage underground from the pipelines. Leakage from the pipelines could saturate the soils, such that it contributes to conditions for liquefaction, lateral spreading, and subsidence. The structural failures could thus result in increased risk to safety. However, geotechnical analysis required as part of the California Building Standards Code during the design phase would incorporate appropriate standard engineering practices and specifications in the facility design to minimize risk of structural failure in a seismic event, and would reduce secondary impacts that may occur as a result. Therefore, impacts would be less than significant.
- b) Construction activities involving soil disturbance, such as excavation, stockpiling, and grading could result in increased erosion and sedimentation to surface waters. As described in *Chapter 2, Project Description*, construction activities associated with the proposed project would disturb a large amount of soil, as the majority of the pipeline would be installed via open cut methods. Construction of the proposed project would be required to comply with Construction General Permit (Order Nos. 2009-0009-DWQ and 2010-0014-DWQ), which is issued by the SWRCB. The Construction General Permit requires the development of a SWPPP, which outlines BMPs the City would use to reduce erosion and topsoil loss from storm water runoff. Compliance with the Construction General Permit would ensure that BMPs are implemented during construction, and preventing substantial soil erosion or the loss of topsoil. Impacts are considered less than significant, and no mitigation is needed.
- c) The proposed project would not include septic-related waste. Therefore, there would be no impact related to septic tanks or alternative wastewater disposal methods.

⁴ The Modified Mercalli Intensity (MMI) estimates the intensity of shaking from an earthquake at a specific location or over a specific area by considering its effects on people, objects, and buildings. At high intensities (MMI \geq 6), earthquake shaking damages buildings.

3.7 Greenhouse Gas Emissions

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Would the Project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Environmental Setting

As described in *Section 3.3 Air Quality*, BAAQMD is the agency principally responsible for comprehensive air pollution control in the SFBAAB. Climate change and GHG emissions have been addressed through a series of state legislation and executive orders, including the following:

- California Global Warming Solution Act (AB 32) – Requires that the state reduce emissions of GHG to 1990 levels by 2020.
- Executive Order S-3-05 – Sets emission reduction targets: by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; and by 2050, reduce GHG emissions to 80 percent below 1990 levels.
- Executive Order S-01-07 – Mandates a statewide goal be established to reduce carbon intensity of California’s transportation fuels by at least 10 percent by 2020.
- Executive Order B-30-15 – Sets emissions reduction targets to 40 percent below 1990 levels by 2030, in order to ensure California meets its 80 percent below 1990 levels by 2050.
- Title 24 – Established standards to allow consideration and possible incorporation of new energy efficiency technologies and methods.
- AB 1493 – Requires CARB to develop and adopt regulations that reduce GHG emitted by passenger vehicles and light duty trucks.
- The Western Regional Climate Action Initiative – Signed by five states, including California, to collaborate to identify, evaluate, and implement ways to reduced GHG emissions in the states collectively and to achieve related co-benefits.

The City of Milpitas adopted its Climate Action Plan in 2013 (City of Milpitas 2013). This document includes a GHG inventory for the City’s municipal operations. The City’s GHG emissions reduction goal is equivalent to that established in AB 32, to reduce GHG emissions to 15% below baseline 2005 levels by the year 2020, and the plan outlines strategies that can be taken to reduce GHG emissions.

To provide GHG emission guidance to local jurisdictions within the SFBAAB, BAAQMD developed CEQA GHG significance thresholds in 2010. BAAQMD identified screening levels of 1,100 metric tons of CO₂e⁵ emissions per year (BAAQMD 2010) for operational emissions for projects other than stationary

⁵ CO₂e is the concentration of carbon dioxide that would cause the same amount of radiative forcing as a given mixture of carbon dioxide and other greenhouse gases.

sources, and a significance threshold of 10,000 metric tons of CO₂e per year (MTCO₂e/year) from stationary GHG sources. BAAQMD has not established GHG significance thresholds for construction, but construction-related GHG emissions can be compared to BAAQMD's operational threshold for non-stationary sources.

Quantification of GHG emissions for the proposed project was based on the carbon dioxide equivalent (CO₂e) outputs generated during construction and operations using the Road Construction Emissions Model, CalEEMod, and PG&E electricity emissions based calculations.

Impacts

- a, b) Applicable plans, policies, and regulations associated with reducing the emissions of GHGs include BAAQMD's proposed thresholds of significance for GHG as described above. The total GHG emissions for construction of the proposed project are estimated to be 853 MTCO₂e/year, which is below the interim operational threshold of 1,100 MTCO₂e/year set by BAAQMD (BAAQMD 2009) for operation of non-stationary sources. The annual GHG emissions for operating the proposed project are estimated to be 193 MTCO₂e/year, far below the threshold of 1,100 MTCO₂e/year established by BAAQMD⁶. Given that the BAAQMD threshold is established based upon implementation of AB 32, the proposed project would meet GHG reductions goals established in AB 32. As such, the proposed project would not generate GHG emissions that would have a significant impact on the environment or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. Impacts would be less than significant and no mitigation is required.

⁶ As described in *Section 3.3 Air Quality*, the Alameda County Superior Court issued a writ of mandate ordering the BAAQMD to set aside the criteria pollutant thresholds in its most recent CEQA Guidelines. Thus, BAAQMD is no longer recommending that the thresholds be used as a generally applicable measure of a project's significant air quality impacts and is relying on individual lead agencies to determine the appropriate air quality thresholds of significance to use in its CEQA analysis. For the purposes of this analysis, because the BAAQMD 1999 CEQA Guidelines do not contain thresholds for GHGs, the current thresholds have been used here.

3.8 Hazards and Hazardous Materials

Would the Project:	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the Project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

Environmental Setting

Hazardous Materials

The proposed project area is predominantly residential with areas of commercial, parks and open space, and institutional uses (City of Milpitas 2015). Hazardous materials presently used in the proposed project area in association with the aforementioned land uses may include household hazardous materials that are common to residential areas.

An online regulatory agency database search was conducted in June 2016 to identify reported hazardous materials spills and releases. Environmental databases reviewed include the SWRCB GeoTracker and the California Department of Toxic Substances Control (DTSC) EnviroStor. Properties on which previous or ongoing activities have resulted in a reported release of hazardous materials into soil or groundwater, as identified by SWRCB and DTSC, are located within one-quarter mile of the proposed project area. Listed properties do not necessarily represent a potential risk to the proposed project area, as many of the identified sites have been remediated and their cases have been closed. A summary report of the database search is included as **Appendix C**.

The EnviroStor database identifies sites that have known contamination or sites for which there may be reason to investigate further. Specifically, the database lists the following types of sites: Federal Superfund sites (National Priority List); State Response (including Military Facilities and State Superfund); Voluntary Cleanup; Evaluation; School Investigation; Non-operating; Post-closure; Tiered Permit; and Corrective Action. Based on the EnviroStor database search, six cleanup sites are located within one-quarter mile of the proposed project area.

The Geotracker database provides regulatory data regarding sites with leaking underground storage tanks (LUSTs), fuel pipelines, and public drinking water supplies; these sites also meet the Cortese List requirements. The SWRCB GeoTracker identified 17 sites within one-quarter mile of the proposed project area. Thirteen of the sites were listed as closed, and therefore do not present any potential impacts. The remaining four sites are cleanup sites.

The Santa Clara County Department of Environmental Health, Hazardous Materials Compliance Division (HMCD) is the Certified Unified Program Agency (CUPA) for the majority of cities within Santa Clara County, including Milpitas. The Department regulates the use, storage, and disposal of hazardous materials in Santa Clara County under the Hazardous Materials Program by issuing permits, inspecting facilities, investigating complaints, and consulting with both the business community and the public. As a part of the program, businesses that handle hazardous materials over 55 gallons, 500 pounds, or 200 cubic feet of gas are required to prepare a Hazardous Materials Management Plan (HMMP) to address emergency response to incidents. The Milpitas Fire Department is a Participating Agency and coordinates their activities with the County CUPA (County of Santa Clara 2016).

Fire Hazards

Fires have the potential to cause significant losses to life, property, and the environment. According to CalFire, the City of Milpitas is located in a Local Responsibility Area (LRA) (CalFire 2007). The Milpitas General Plan acknowledges the potential for fire hazards within the City boundaries, particularly during the summer months and during prolonged periods without precipitation (City of Milpitas 2010). ABAG designates the majority of the edges of the City boundary as a “Wildland Urban Interface Fire Threat” area, which includes the majority of the proposed project area (ABAG 2016).

Emergency Response and Access

The Milpitas Fire Department is responsible for hazardous and toxic materials emergency response and the Department’s Office of Emergency Services provides emergency planning for the City. The City maintains an emergency plan to deal with natural or man-made disasters. The Plan specifies actions for

the coordination of operations, management and resources, and responsibilities of the different departments and governmental agencies during emergency events (City of Milpitas 2010). Evacuation routes are to be determined as appropriate depending on the nature of the emergency.

Impacts

a,b) Construction of the proposed project would not require long-term routine transport, use, or disposal of hazardous materials. However, the proposed project's construction activities could temporarily increase the transport of materials generally regarded as hazardous that are used in construction activities. It is anticipated that limited quantities of miscellaneous hazardous substances, such as gasoline, diesel fuel, hydraulic fluids, paint, and other similar materials would be brought onto work sites, used, and stored during construction. The risks associated with the transport, use, and storage of these materials are anticipated to be relatively small. However, there is potential for an accidental release of hazardous materials during construction, which could result in exposure of worker and the public to health hazards. In addition, inadvertent release of large quantities of these materials could adversely impact soil, surface waters, or groundwater quality, leading to a potentially significant impact. Implementation of **Mitigation Measure HAZ-1** requiring a Hazardous Materials Management and Spill Prevention and Control Plan would reduce any risk associated with hazardous materials used during construction to less than significant.

Project construction would require excavation and trenching of subsurface materials along the proposed pipeline alignments and at the storage tank site. Subsurface soils excavated during construction could potentially be contaminated with hazardous substances from releases in the area, which could be a significant impact. In the event contaminated soil or groundwater is encountered during excavation activities, implementation of **Mitigation Measure HAZ-2** would reduce the impact to a less-than-significant level.

Operation of the proposed project would not create a significant hazard to the public or the environment involving the release of hazardous materials, as it would consist of operating pump stations, underground recycled water pipelines and a storage tank. No operational impacts would occur.

Mitigation Measure HAZ-1: Hazardous Materials Management and Spill Prevention and Control Plan

This mitigation applies to the proposed project as a whole, and therefore is required for all 5 segments.

Before construction begins, the City shall require its construction contractor to prepare a Hazardous Materials Management Spill Prevention and Control Plan that includes a project-specific contingency plan for hazardous materials and waste operations. The Plan shall be applicable to construction activities, and shall establish policies and procedures according to applicable codes and regulations, including but not limited to the California Building and Fire Codes, and federal and California Occupational Safety and Health Administration (OSHA) regulations. Elements of the Plan shall include, but not be limited to the following:

- A discussion of hazardous materials management, including delineation of hazardous material storage areas, access and egress routes, waterways, emergency assembly areas, and temporary hazardous waste storage areas;
- Notification and documentation of procedures; and
- Spill control and countermeasures, including employee spill prevention/response training.

Mitigation Measure HAZ-2: Contingency Plan for Contaminated Soil or Groundwater

This mitigation applies to the proposed project as a whole, and therefore is required for all 5 segments.

While there are no known areas of contaminated soil within the project site, the City of Milpitas shall require its construction contractors to follow the procedures below in the event contaminated soil or groundwater is encountered (either visually or through odor detection) during excavation activities:

- Stop work in areas of contact;
- Notify the San Francisco Bay Regional Water Quality Control Board and the California Department of Toxic Substances Control;
- Contain the areas of contamination;
- Perform appropriate clean up procedures; and
- Segregate, profile, and dispose of all contaminated soil. Required disposal method shall depend on the type and concentration of contamination identified. Any site investigation or remediation shall be performed in accordance with applicable regulations.

- c) Eleven school sites are located within one-quarter mile of the proposed project. **Table 3.8-1** provides the schools and the approximate distances to the nearest proposed construction sites.

Table 3.8-1: Schools within One-Quarter Mile of Proposed Project

School	Approximate Distance
Calaveras Hills High School/ Calaveras Montessori School/ Milpitas Unified School District	50 feet
William Burnett Elementary School	50 feet
Day Star Montessori School	50 feet
Robert Randall Elementary School	50 feet
Jacklin Commons KinderCare	450 feet
Alexander Rose Elementary School	50 feet
Milpitas Montessori School/ Merryhill Elementary and Middle School	50 feet
Rancho Milpitas Middle School	100 feet
Milpitas Christian Preschool	0.25 mile
John Sinnott Elementary School	75 feet
Foothill SDA Elementary School	125 feet

As described above under item (a,b), construction activities would require the use of hazardous materials, which could result in accidental releases during their handling and storage. In addition, hazardous materials could be encountered during construction and excavation that could pose a threat to workers, the public, or the environment. Because of the possibility of accidental release, and the proximity to schools and other sensitive receptors, potential impacts would be considered significant. However, with implementation of **Mitigation Measures HAZ-1** and **HAZ-2**, potential impacts would be reduced to a less-than-significant level.

- d) A search of available environmental records for the proposed project area, including records from the State Water Resources Control Board SWRCB GeoTracker database and the California Department of Toxic Substances Control (DTSC) EnviroStor database found 23 hazardous materials sites within one-quarter mile of the proposed project. Within the proposed project area,

there are no properties that are included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 (“Cortese List”).

As explained above, eight of the hazardous materials sites are listed as open (three of which are located at the same site), including the following:

1. Victorian Square Cleaners, located at 1285 East Calaveras Boulevard (approximately 200 feet from the Segment 1 alignment; open and in site assessment)
2. Fox Hollow – Park Victoria site, located at the intersection of North Park Victoria Drive and Fox Hollow Court (at the location of Segment 3; open and in site assessment)
3. Prudential Properties site, located at 1051 South Milpitas Boulevard (approximately 250 feet from the Segment 5 alignment; open but inactive)
4. Great Western Stinnes-Western Chem (four cases located at the same property, one case closed and three remain open and in remediation), located at 945 Ames Avenue (north of the Segment 5 alignment)
5. Sipex Corporation, located at 233 South Hillview Drive (approximately 250 feet south of the Segment 1 alignment; inactive, tiered permit)
6. Sherwin Williams Company, located at 805 Sinclair Frontage Road (approximately 300 feet south of the Segment 5 alignment; needs corrective action)

Due to the proximity of these open hazardous materials sites, there is potential to expose construction workers to contaminated soils during excavation activities. Implementation of **Mitigation Measure HAZ-3** would reduce potential impacts from listed hazardous materials sites to less than significant.

Mitigation Measure HAZ-3: Phase I Environmental Site Assessment

During the design phase, the City or its contractor shall conduct a Phase I Environmental Site Assessment (ESA) to clarify the potential for soil contamination due to the adjacent open hazardous materials sites. The recommendations set forth in the Phase I ESA shall be implemented before construction begins. Follow-up sampling may be conducted, if necessary, to characterize soil and groundwater quality. Prior to construction, contractors shall be informed of the locations of potential areas of hazardous materials that may be encountered during construction, and shall ensure that safety precautions are in place to avoid or minimize exposure to potentially contaminated soils, and to reduce the potential for accidental damage to underground storage tanks that could cause accidental release of hazardous materials into the environment.

- e, f) The proposed project area does not include any airports or airstrips. The nearest airport to the project area is in the City of San Jose, five miles southwest of the proposed project area. As such, the proposed project would not expose people residing or working in the area to safety hazards. No impacts would occur.
- g) Construction of the proposed pipeline may require temporary lane or road closures that could impede emergency response. The Traffic Management Plan required in **Mitigation Measure TRA-1** (see *Section 3.16 Transportation/Traffic*) would address any potential interference with emergency response and/or evacuation plans, and would reduce these impacts to less than significant.
- h) The hillside area of the City is covered in grasses, trees, and other vegetation, which can be potential fuel for fires during the summer and dry periods (City of Milpitas 2010). Segments 1, 2, 3 and 4 fall within an area designated as “Wildland Urban Interface Fire Threat” by the Association of Bay Area Governments (ABAG 2016). These areas primarily run along the eastern edge of the City, which is composed of hillsides, open space, and low density residential areas.

Use of spark producing construction machinery within or adjacent to areas within fire threatened areas could potentially create hazardous fire conditions and expose people to wildlife risks. As such, the proposed project has the potential to generate wildland fire-related hazards. Implementation of **Mitigation Measure HAZ-4** would ensure that fire safety measures are employed during construction of the proposed project components that are within proximity to areas within or adjacent to fire threatened areas. With implementation of **Mitigation Measure HAZ-4** requiring fire safety practices during construction, wildland fire impacts are considered less than significant.

Mitigation Measure HAZ-4: Implement Fire Safety Construction Practices

The City shall require its construction contractor to implement fire safety practices, including but not limited to: clearing dried vegetation or other material that could ignite during construction from staging areas, welding areas, or other areas slated for construction. Construction equipment that includes a spark arrestor shall be equipped in good working order. Additionally, construction crews shall have a spotter during welding activities to look out for potentially dangerous situations, such as accidental sparks. Other construction equipment, including those with hot vehicle catalytic converters, shall be kept in good working order and used only within cleared construction zones. During construction of the proposed project, the construction contractors shall require vehicles and crews working at the project site to have access to functional fire extinguishers.

3.9 Hydrology and Water Quality

	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
Would the Project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation of seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Environmental Setting

Hydrology and Drainage

The City of Milpitas is located in the Coyote Creek watershed and generally drains to the west and northwest. The project area is drained by several intermittent creeks, all tributary to Coyote Creek including Berryessa Creek, Piedmont Creek, Arroyo de los Coches Creek, and Tularcitos Creek (RMC 2009). Extensive urban development has largely modified these waterways into straight, trapezoidal channels. The structurally channelized watercourses and culverts retain few natural attributes of the original meandering creeks.

Storm Water

The City collects and disposes of its storm water via a storm drainage network consisting of catch basins, conveyance piping, pump stations, and outfalls to creeks. The City has 18 miles of storm pipe, 3,750 catch basins, approximately 4 miles of drainage ditches and creeks, and 13 storm water pump stations (RMC 2009). Storm water collection efforts are guided by the City's Storm Drain Master Plan which identifies capital improvements needed to maintain recommended levels of protection against storm water runoff (Shaaf & Wheeler 2013).

Flooding

The creeks and channels within the project area are subject to periodic flooding. The City owns and maintains the local storm drain and gutter system, while the SCVWD has jurisdiction over Berryessa Creek, Calera Creek, Coyote Creek, Arroyo de los Coches Creek, Lower Penitencia Creek, Piedmont Creek, and Tularcitos Creek (Shaaf & Wheeler 2013).

The National Flood Insurance Program branch of the Federal Emergency Management Agency (FEMA) maintains maps of floodways and floodplains for the United States. FEMA maps these areas on Flood Insurance Rate Maps or FIRMs. A typical FIRM will show specific flood hazard areas, flood risk zones, and floodplains at a local level of detail. In some identified flood hazard zones, certain types of construction and/or uses are prohibited or are required to carry flood insurance. Cities and other jurisdictions use FIRMs to establish zoning districts, buffers, or other regulatory requirements intended to protect people and property from flood damage and minimize the cost of physical flood control mechanisms. Flood hazards related to storm events are typically expressed as a "100-year-flood," which describes a flooding event that has a one in one hundred probability of occurring or being exceeded in any given year. In accordance with flood mapping from FEMA, a portion of Segment 1 between I-680 and S. Park Victoria Drive and Segment 2 between Grayson Way and I-680 along Jacklin Road fall within a 100-year flood zone (FEMA 2014a, 2014b). All of the land west of I-680, where portions of Segments 1, 2, and 5 are located, is within a 500-year flood zone (a flooding event that has a one in five hundred probability of occurring or being exceeded in any given year) (City of Milpitas 2010).

Water Quality

Urbanized areas can contribute non-point source pollution to surface waters. Examples of common contaminants include sediment, nutrients, trace metals, oil and grease, pesticides and herbicides, organic matter, and soil debris/litter. Runoff is carried into the storm drains, discharged into creeks and channels, and eventually discharged into the San Francisco Bay.

The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) establishes water quality objectives (WQOs) for surface waters within the basin, and also establishes specific WQOs for selected water bodies. In 2011, the USEPA approved a revised list of impaired water bodies prepared by the State of California pursuant to provisions of Section 303(d) of the Clean Water Act. No waterways within the project area are listed on the 2010 303(d) list of impaired water bodies. However, South San Francisco

Bay and Coyote Creek are listed on the 2010 303(d) list for trash, chlordane, DDT, dieldrin, dioxin compounds, furan compounds, invasive species, mercury, PCBs, and selenium (USEPA 2010).

The Basin Plan for the San Francisco Bay Region lists beneficial uses for each relevant surface water body in the project area. The Basin Plan identifies beneficial uses for Berryessa Creek, Arroyo de los Coches Creek and Tularcitos Creek, as shown in **Table 3.9-1**.

Table 3.9-1: Beneficial Uses in the Proposed Project/Action Area

Beneficial Uses	Surface Waters		
	Berryessa Creek	Arroyo de los Coches ¹	Tularcitos Creek ¹
Agricultural Supply (AGR)			
Municipal and Domestic Supply (MUN)			
Freshwater Replenishment (FRSH)			
Groundwater Recharge (GWR)			
Industrial Service Supply (IND)			
Industrial Process Supply (PROC)			
Commercial and Sport Fishing (COMM)			
Shellfish Harvesting (SHELL)			
Cold Freshwater Habitat (COLD)			
Estuarine Habitat (EST)			
Marine Habitat (MAR)			
Fish Migration (MIGR)			
Preservation of Rare and Endangered Species (RARE)		E	
Fish Spawning (SPWN)			
Warm Freshwater Habitat (WARM)	E	E	E
Wildlife Habitat (WILD)	E	E	E
Water Contact Recreation (REC-1)	E	E	E
Non-contact Water Recreation (REC-2)	E	E	E
Navigation (NAV)			

Source: ¹San Francisco Bay Regional Water Quality Control Board 2010.

Notes: E: Existing beneficial use

Groundwater

The project area is located within the Santa Clara Valley Groundwater Basin. From the early 1900s through the mid-1960s, water levels declined from groundwater pumpage, causing subsidence in the Santa Clara subbasin and degradation of the aquifer from saltwater intrusion. Recently, however, groundwater levels have generally increased as a result of increases in imported water supplies and groundwater recharge efforts. SCVWD conducts an artificial recharge program by releasing locally conserved or imported water to in-stream and off-stream recharge facilities (DWR 2004). The City operates one well (Pinewood Well) in the southwestern part of the City that is designated as an emergency water supply source and has a second well near the Great Mall under construction; however groundwater is typically not used as a domestic water supply in the area (City of Milpitas 2010).

Recycled Water

The San Francisco Bay RWQCB has a region-wide general permit for municipal wastewater and water agencies (General Order 96-011); the City as a distributor is required to comply with the prohibitions, water quality requirements and limitations, and other provisions.

In addition, the City is required to comply with the Statewide General Permit for Landscape Irrigation Uses of Municipal Recycled Water (Order No. 2009-0006-DWQ). This General Permit provides a list of potential BMPs that depend on the specific project. In addition to the BMPs, the General Permit contains Waste Discharge Requirements (WDRs) that the recycled water producer or distributor must meet. Compliance with this General Permit requires that the recycled water meets quality standards, that recycled water be applied at agronomic rates for the vegetation being irrigated, that degradation of groundwater be minimized, and that the nutritive loading to the landscape not be exceeded, when considering the nutrient loading from the recycled water and any additional fertilizers. The permit stipulates that discharge to surface waters, unless otherwise authorized by an NPDES permit, is prohibited. The General Permit also requires that recycled water be applied by trained personnel (*e.g.*, a recycled water supervisor).

Discussion

a, f) *Construction*

Excavation, grading, and construction activities associated with construction of the proposed project could result in water quality violations from soil disturbance and potential sedimentation and erosion. These violations could result from the potential increase in erosion and sedimentation into storm drain systems and nearby creeks downstream of the project area. The construction activities could also cause water quality violations in the event of an accidental fuel or hazardous materials leak or spill. If precautions are not taken to contain contaminants, construction could produce contaminated stormwater runoff (nonpoint source pollution), a major contributor to the degradation of surface water quality.

Construction activities of one acre or more are subject to the permitting requirements of the NPDES General Permit for Stormwater Discharges associated with Construction and Land Disturbance Activities (Construction General Permit) Order No. 2009-0009-DWQ). The project sponsor must submit a Notice of Intent to the San Francisco RWQCB prior to construction. The Construction General Permit requires the preparation and implementation of a formal SWPPP, which must be prepared before construction begins. The SWPPP includes specifications for BMPs implemented during project construction to control sedimentation or pollution concentration in stormwater runoff, and defines conditions for complying with the SWRCB NPDES permit requirements. Implementation of the SWPPP starts with the commencement of construction and continues through project completion. Upon completion of the project, the sponsor must submit a Notice of Termination to the RWQCB to indicate that construction is complete.

Project construction would follow the requirements of the Construction General Permit and the contractor would be required to implement the BMPs in the SWPPP to prevent construction pollution via stormwater and minimize erosion and sedimentation into waterways as a result of construction. Trenchless construction would be used to cross Berryessa Creek at two locations: in Segment 1 where it crosses Los Coches Street and in Segment 5 where it crosses Ames Avenue. If Horizontal Directional Drilling (HDD) is selected as the trenchless construction method, it could result in water quality impacts to Berryessa Creek from frac-out, which is the inadvertent return of drilling fluid or lubricant. Regardless of the construction method at the creek crossings, a SWPPP, compliance with applicable permits and BMPs, and implementation of **Mitigation Measure HYD-1** would reduce potential water quality impacts from the risk of frac-out to a less-than-significant level.

Mitigation Measure HYD-1: Development and Implementation of Frac-Out Contingency Plan

If HDD is employed for trenchless installation at creek crossings in Segment 1 and 5, a Frac-Out Contingency Plan shall be developed by the contractor. The Frac-Out

Contingency Plan shall include a description of potential short-term and long-term impacts of frac-out in terrestrial and aquatic systems; design and construction criteria to minimize the potential for frac-out, including but not limited to minimum depth and drilling fluid requirements; identification of equipment such as a vacuum truck, absorbent pads, or straw logs, and actions to minimize and contain frac-out, including halting directional boring, relieving pressure, inspecting equipment, and using a standing pipe to contain mud; identification of appropriate follow-up measures, including notification of appropriate entities and environmental compliance documentation. Construction personnel shall be trained to recognize frac-out and briefed on the use of any safety equipment and actions included in the Frac-Out Contingency Plan.

Compliance with the requirements of the Construction General Permit for all construction and implementation of **Mitigation Measure HYD-1** would reduce potential water quality impacts to a less-than-significant level.

Operation

The RWQCB issued the Municipal Separate Storm Sewer System (MS4) Phase I San Francisco Bay Region Municipal Regional Stormwater NPDES Permit No. CAS612008 (Order No. R2-2015-0049-DWQ) (San Francisco Bay MS4 Permit) on November 19, 2015. Under the MS4 provisions, all projects are responsible for implementing low impact development (LID) techniques to address stormwater runoff through source control, site design, and stormwater treatment measures. The proposed storage tank site would be designed to result in no net new runoff, in accordance with MS4 requirements.

The proposed project would convey recycled water to the east side of Milpitas and expand provision of recycled water to customers for irrigation purposes. Recycled water delivered by the proposed project would meet applicable Title 22 standards for water quality, and uses would be compliant with Title 22 regulations and applicable recycled water permits. Title 22, Division 4, of the California Code of Regulations (Title 22) regulates wastewater reclamation and recycling, and helps to protect public health associated with the use of recycled water. As described above, the Statewide General Permit for Landscape Irrigation establishes terms and conditions of discharge to ensure that the discharge does not unreasonably affect present and anticipated beneficial uses of groundwater and surface water (SWRCB 2009).

Potential impacts from incidental runoff of recycled water⁷ would be reduced to less than significant through compliance with the SWRCB's Recycled Water Policy for control of incidental runoff, and implementation of the required BMPs in the General Permit for Landscape Irrigation. Compliance with the general permits would ensure occasional runoff of recycled water does not negatively impact water quality. Should the proposed project generate substantial incidental runoff that produces a water quality concern, discharges would then be regulated under an individual NPDES permit from the San Francisco Bay RWQCB. Operational impacts to water quality would be less than significant through compliance with the San Francisco Bay MS4 Permit requirements, Title 22, and the General Permit for Landscape Irrigation.

- b) The proposed project would not require any groundwater withdrawals for water supply. However, it is recognized that limited dewatering operations may be required at certain locations during construction (e.g., during grading and excavation near Berryessa Creek). These operations would be minimal and would not deplete groundwater supplies or interfere with groundwater recharge. Dewatering discharges would be released to the local sewer system to protect downstream water

⁷ Incidental runoff of recycled water refers to small amounts of runoff from intended recycled water use areas, overspray from sprinklers that escapes the recycled water use area (SWRCB 2004).

quality. Because these operations would be minimal, the potential to deplete groundwater is considered less than significant.

- c, d, e) The proposed pipelines would generally be located within existing roadway right-of-way. Construction of the pipelines, storage tank, and pump stations would disturb existing developed lands. Due to the relatively small footprint of the proposed facilities and their locations (pipelines would be buried underground and aboveground storage tank and pump stations would be located away from water courses), the proposed facilities would not substantially alter the project area drainage or the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site. Because the pipelines would be constructed underground within developed areas, they would not increase the rate or amount of surface runoff. Construction would be conducted in compliance with the State's Construction General Permit (Order No. 2009-0009-DWQ). Preparation of the SWPPP in accordance with the Construction General Permit would require erosion-control BMPs at the construction areas, which would reduce potential water quality impacts to less than significant levels.

Construction of the proposed storage tank, whether it is below grade or above ground, would not create additional runoff during operation because the area is already developed as an impermeable surface area (parking lot). The storage tank would be designed to connect to the existing stormwater drainage system. The proposed storage tank and pump stations would be designed to result in no net new runoff, in accordance with the MS4 requirements.

- g) The proposed project would not construct housing; therefore it would have no impact related to placing housing within a 100-year flood zone.
- h) A portion of Segment 1 between I-680 and S. Park Victoria Drive and Segment 2 between Grayson Way and I-680 along Jacklin Road fall within a 100-year flood zone (FEMA 2014a, 2014b). In addition, the portions of Segment 1, 3, and 5 west of I-680 fall within a 500-year flood zone. Because the proposed pipelines would be located underground, they would not impede or redirect flows, nor expose people or structures to a significant risk of loss, injury or death involving flooding.
- i) Parts of the City along the Calaveras Road area east of I-680 could be inundated by failure of the Sandy Wool Lake Dam, located to the east (City of Milpitas 2010). Portions of Segment 1 and 2 fall within this dam inundation area; however the proposed project would not construct housing; therefore it would not expose people to risks of flooding, dam, or levee failure. There would be no impact.
- j) Earthquakes can cause tsunamis ("tidal waves") and seiches (oscillating waves in enclosed water bodies). The project area is located approximately 2 miles from portions of the South San Francisco Bay that could be affected by a tsunami (ABAG 2016). There are relatively small bodies of inland water in Milpitas, but not within the project area. Due to distance from the Bay and lack of large water bodies within the project area, the project area is not subject to tsunamis or seiche. No impacts would occur.

3.10 Land Use and Planning

Would the Project:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable HCP or NCCP?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Environmental Setting

The proposed project is located within the City of Milpitas with a small portion in the County of Santa Clara. Land uses in and around the proposed project area, including nearby parks and schools, and undeveloped areas are shown in **Figure 3.10-1**. Existing land uses in and around the project area include residential, commercial, public/institutional, industrial uses, and undeveloped areas.

The proposed project consists of pipelines and pump stations located within and adjacent to existing roadways, and a storage tank within City-owned property adjacent to Cardoza Park. In some cases, the proposed pipelines would terminate at parks and schools because these would be the potential customers receiving recycled water for use in landscape irrigation. Specifically, the parks/recreation areas and schools located within the proposed project area include the following:

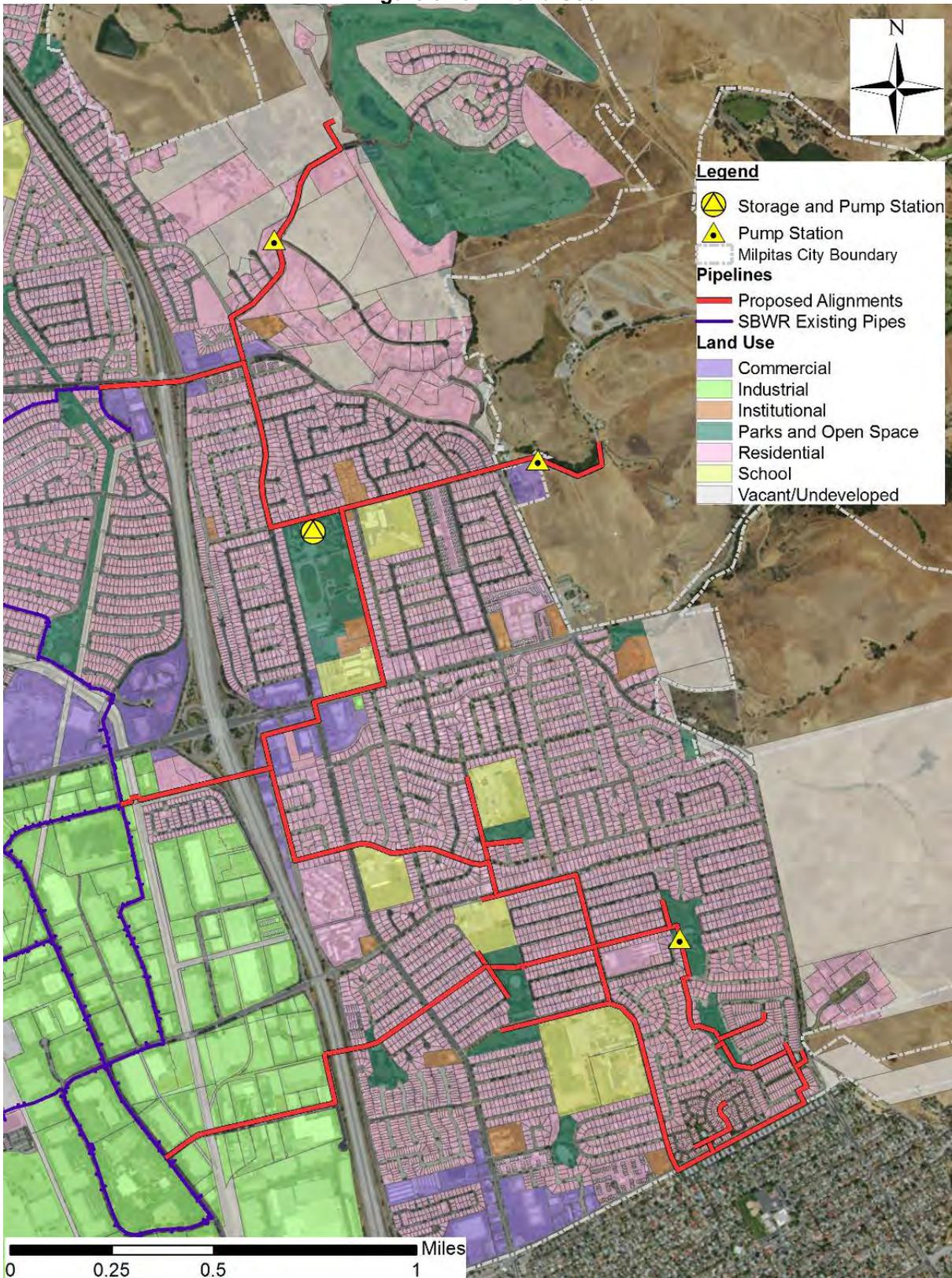
Parks/Recreation Areas: Cardoza Park, Foothill Park, Murphy Park, Creighton Park, Sinnott Park, Yellowstone Park/Robert E. Browne Park, Ben Rogers Park, and Hillcrest Park.

Schools: Calaveras Hills High School, William Burnett Elementary School, Alexander Rose Elementary School, Robert Randall Elementary School, Merryhill Elementary and Middle School, Rancho Milpitas Middle School, and John Sinnott Elementary School.

The proposed facilities would be located in and around areas designated as Town Center, General Commercial, Retail Subcenter, Public Facilities, Parks and Open Space, Hillside Low Density, Single Family Low Density, and Multi-Family Residential High Density (City of Milpitas 2014).

A small portion of Segment 3 would be within the County of Santa Clara in an area designated as Hillside (County of Santa Clara 2013).

Figure 3.10-1: Land Use



Source: RMC 2016

Plans, Policies, and Regulations

The policies contained in the City's General Plan, Land Use Element, as amended through 2010, provide the physical framework for development in the Study Area. It is a comprehensive, long-range plan for the physical development of the City. The General Plan contains the following policies related to land use and planning applicable to the proposed project.

The City of Milpitas General Plan identifies goals and policies to guide the use of private and public lands within their respective boundaries. The City recognizes and values the need for infrastructure and improvements to existing infrastructure to meet the needs of residents.

Policy 2.a I-2.1 Maintain an Urban Growth Boundary in the hillside area, as shown on the General Plan Land Use Map, that shall be effective until December 31, 2018 and, except as otherwise provided below, shall not be moved until that time. A. City Services Prohibited in Area Outside the Urban Growth Boundary and Outside the City Limits: The City shall not process, approve or authorize construction or provision of any City service or City service extension to any property or people in that area located both outside of the Urban Growth Boundary and outside of the city limits of the City of Milpitas, except as expressly provided in this Policy 2.a I-2.1A. "City service" means any water, sanitary sewer, storm drain, flood control, road maintenance, sidewalk maintenance, police, fire or emergency medical service, including construction of related infrastructure that the City, its agents, its departments, or its contractors, provides to any property or people within the City limits...

Guiding Principal 2.d-G-1 Provide all possible community facilities and utilities of the highest standards commensurate with the present and anticipated needs of Milpitas, as well as any special needs of the region.

Policy 2.d-I-1 Coordinate capital improvement planning for all municipal service infrastructure with the location and timing of growth.

Policy 2.d-I-2 Periodically update the City's water and sewer master plans.

Guiding Principle 4.d-G-6 Promote conservation and efficiency in the use of water.

The policies contained in the County's General Plan Resource Conservation Element, as amended through 2010, provide the physical framework for development in unincorporated areas of the County. The General Plan contains the following policies related to land use and planning applicable to the proposed project.

Policy C-RC 5 An adequate, high quality water supply for Santa Clara County should be considered essential to the needs of households, business and industry.

Policy C-RC 6 A comprehensive strategy for meeting long term projected demand for water should at a minimum include the following: a. Continued conservation and increased reclamation; b. Securing additional sources as supplemental supply; c. System and local storage capacity improvements; and d. Drought contingency planning and groundwater basin management programs.

Policy C-RC 7 Countywide land use and growth management planning should be coordinated with overall water supply planning by the SCVWD in order to maximize dependability of long term water supply resources.

Policy C-RC 8 Environmental impacts of all state and local water supply planning and decision-making should be taken into full consideration.

Policy C-RC 12 More efficient use of water for agricultural irrigation and industrial processes should be promoted through improved technology and practices.

Policy C-RC 23 Use of reclaimed wastewater for landscaping and other uses, including groundwater recharge if adequately treated, should be encouraged and developed to the maximum extent possible.

Environmental Impacts

- a) The proposed project facilities would be installed within public roadways or public parks owned by the City with the exception of a portion of Segment 3 within the County of Santa Clara. Construction of the proposed project would generate temporary, intermittent construction-related impacts in the areas surrounding the proposed facilities as well as staging areas (located along the pipeline alignments and at the storage tank site). The presence of construction-related equipment and workers would temporarily change the existing character of the vicinity to that of a construction zone but would not physically divide the existing community because local access would be maintained for residents and businesses along the proposed alignment throughout construction of the proposed project.

After the proposed project is completed, all pipelines would be below ground, and there would be no changes to land uses in the project area; as such, they would not serve as barriers within the community and existing neighborhoods would not be divided. The pump stations would be above ground and the proposed storage tank may be located below grade or above ground at the Cardoza Park parking lot. For purposes of this analysis, it is assumed that the storage tank would be located above ground. Construction of the pump stations and storage tank would result in temporary land use disturbance similar to those identified for the proposed pipeline, and operation would result in new aboveground structures. The proposed storage tank would be located on the south side of the existing parking lot, however it would not create barriers that would separate the existing surrounding neighborhood community, nor would it block access to the adjacent fields or impede access to the park. Access to the park would still be available from Kennedy Drive during and after construction. Given the storage tank's location at the south end of the parking lot, it would not create barriers that would separate the nearby neighborhoods or communities. As the existing character of the affected area where construction of proposed facilities would occur would not change, potential impacts related to physically dividing an established community would be less than significant. Pump stations would be small structures located along the pipeline alignment and would thus not divide an established community.

In addition, construction and operation of the proposed project would not permanently interfere with the pedestrian, bicycle, or vehicle circulation of the neighborhood or community, as they would either be located underground below existing roadways or within areas away from pedestrian, bicycle, or vehicle circulation.

- b) The proposed pipeline would be located underground and would not result in any significant, long-term, land use and planning impacts. The proposed storage tank, pump station, and associated equipment at Cardoza Park, and Ben Rodgers Park pump station would be constructed in Parks and Open Space (POS) zoning, and the Country Club Drive and Old Calaveras Road pump stations would be constructed in Single-Family Residential Hillside (R1-H) zoning. Public utility facilities and radio transmitters can be located in POS and residential zones with approval of a Conditional Use Permit (Milpitas Municipal Code, Section 39, XI-10-30.03 and Section 4, XI-10-4.02). The maximum allowable height of structures in the POS and R1 Districts is 30 feet, and does not include light standards, public utility facilities, and radio or television transmitters. Compliance with the development regulations and acquisition of a Conditional Use Permit would ensure that the project would not conflict with the City's land use policies.

As described in the Project Description, the proposed storage tank would be up to 26 feet tall, when constructed above ground. It would be located on the south end of the existing Cardoza Park parking lot. The tank would be located approximately 80 feet west from an existing fence between the parking lot and adjacent residential uses. There are residential uses adjacent to the

parking lot, however they are separated by a wooden fence, and trees that extend beyond the height of the homes line the wall.

The proposed project would not conflict with the policies of the City of Milpitas and would not result in substantial alterations to the built character of the proposed project area. There would not be any significant, long-term, land use and planning impacts associated with implementation of the proposed project. Due to the necessity of infrastructure improvements within the City, and the fact that proposed infrastructure for the proposed project would be largely constructed within roadways and City property, this project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect. Recycled water would be available to existing users who currently use potable or raw water supplies, so extension of the recycled water infrastructure to the eastern portion of the City would not be inconsistent with City policies regarding provision of services.

- c) Refer to *Section 3.4 Biological Resources* for a discussion of consistency with the HCP.

3.11 Mineral Resources

Would the Project:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Environmental Setting

According to the Milpitas General Plan, there are four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources (City of Milpitas 2010). These areas are located in the foothills in the City’s sphere of influence, but outside of City limits. There are no significant mineral deposits or active mining operations within the City limits.

Impacts

- a, b) The proposed project facilities are located within existing roadways and City owned property within Milpitas, and within an existing roadway of the County that are considered built-up and disturbed. They are not located in areas identified as containing state, regional, or locally important mineral resources. As such, the proposed project would not result in the loss of availability of known mineral resources and no direct or indirect impacts to mineral resources would occur.

3.12 Noise

Would the Project:	<i>Less Than Potentially Significant Impact</i>	<i>Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Environmental Setting

Traffic and railroad-related noises are the primary sources of noise within the project area. As described in *Section 3.16 Traffic and Transportation*, nearby major roadways include I-680, which traverses the project area in the eastern portion of the City in a north-south direction and I-880, which crosses the western side of the City in a north-south direction to the west of the project area. Other major roadways include East Calaveras Boulevard.

Construction Noise

Construction noises primarily arise from the use of equipment such as excavators, jackhammers, compactors, pile drivers, trucks, and other machinery. In addition, trenchless construction methods utilize additional equipment such as a boring machine, hydraulic jack, and/or drill rig, which generate additional noise and vibration above that produced by open trench methods. Trenchless pipeline installation utilizes

equipment that also adds to noise and vibration associated with construction activities for the proposed project.

The potential for an impact is determined by the proximity of sensitive receptors⁸ to construction activities, estimated noise levels associated with construction equipment, the potential for construction noise to interfere with daytime and nighttime activities, and whether construction noise at nearby receptors would exceed local noise ordinance standards. Typical construction activities (e.g. jackhammering and use of earthmoving equipment) generate maximum noise levels (without noise controls) ranging from 70 dBA⁹ to 89 dBA at 50 feet from the source, with slightly higher levels of about 81 to 96 dBA at 50 feet for pile-driving activities (FHWA 2006). **Table 3.12-1** provides the typical noise levels for common construction equipment. The rate of attenuation (i.e., reduction) is about 6 dBA for every doubling of distance from a point source. Similarly, vibration impacts are a function of the associated activity and equipment and the distance to the nearest receptor.

Table 3.12-1: Construction Equipment Noise Levels

Equipment	Typical Noise Levels (dBA, at 50 feet)	Typical Noise Levels (dBA, at 100 feet) ¹
Front loaders	85	80
Backhoes, excavators	80-85	75-80
Tractors, dozers	83-89	78-84
Graders, scrapers	85-89	80-84
Concrete pumps, mixers	82-85	77-80
Cranes (movable)	83	78
Cranes (derrick)	88	83
Pipe-layers	83-88	78-83
Forklifts	76-82	71-77
Pumps	76	71
Generators	81	76
Compressors	83	78
Pneumatic tools	85	80
Pavers	89	84
Compactors	82	77
Drill rigs	70-85	65-80
Pile drivers	81-96	76-91

⁸ Noise-sensitive land uses and/or receptors include: residences of all types, schools, hospitals, convalescent facilities, rest homes, hotels, motels, and places of worship. Sensitive uses from a noise perspective include places where there is a reasonable expectation that individuals could be sleeping, learning, worshipping, or recuperating.

⁹ The decibel scale is used to quantify sound intensity. Because sound can vary in intensity by more than 1 million times within the range of human hearing, a logarithmic loudness scale is used to keep sound intensity numbers at a convenient and manageable level. Because the human ear is not equally sensitive to all sound frequencies within the entire spectrum, human response is factored into sound descriptions in a process called “A-weighting,” expressed as “dBA.” The dBA, or A-weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0 dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

For this analysis, a peak particle velocity (PPV) descriptor is used to evaluate construction-generated vibration for building damage and human complaints. PPV is the vibratory ground motion in inches per second adjusted for distance. Specific criteria used in the analysis of groundborne vibration and noise are as follows:

- Vibratory equipment and impact pile drivers (pertains to cosmetic or structural damage of buildings): 0.2 in/sec PPV
- Activities causing annoyance (pertains to nighttime construction only): 0.012 in/sec PPV

Local Noise Standards

City of Milpitas. According to the Milpitas Municipal Code Section V-213-3-3.05, Site Construction Regulations:

“No person shall engage or permit others to engage in construction of any building or related road or walkway, pool, or landscape improvement or in the construction operations related thereto, including, delivery of construction materials, supplies, or improvements on or to a construction site except within the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends. No construction work shall be constructed or permitted on the holidays indicated in Section V-213-2-2.05 of this Chapter.” The City’s General Plan establishes land use compatibility guidelines in relation to land uses and noise. **Table 3.12-2** shows the levels of noise that are acceptable and unacceptable within the various land use categories. The General Plan policies applicable to the proposed project include:

Policy 6-I-2 - Require an acoustical analysis for projects located within a “conditionally acceptable” or “normally unacceptable” exterior noise exposure area. Require mitigation measures to reduce noise to acceptable levels.

Policy 6-I-7 - Avoid residential DNL (Ldn)¹⁰ exposure increases of more than 3 dB or more than 65 dB at the property line, whichever is more restrictive.

Table 3.12-2: Acceptable Noise Levels in the City of Milpitas

Land Use	Normally Acceptable (Ldn or CNEL, dBA)	Conditionally Acceptable (Ldn or CNEL, dBA)	Normally Unacceptable (Ldn or CNEL, dBA)	Clearly Unacceptable (Ldn or CNEL, dBA)
Residential – low density single family, duplex, mobile homes	<60	55-70	70-75	75-85
Residential – multi-family	<65	60-70	70-75	75-85
Transient lodging	<65	60-70	70-80	80-85
Schools, libraries, churches, hospitals, nursing homes	<70	60-70	70-80	80-85
Auditoriums, concert halls, amphitheaters	-	<70	65-85	-
Sports arena, outdoor, spectator sports	-	<75	70-85	-
Playgrounds, neighborhood parks	<70	-	68-75	73-85
Golf courses, riding stables, water recreation, cemeteries	<75	-	70-80	80-85
Office buildings, business commercial and professional	<70	68-78	75-85	-
Industrial, manufacturing, utilities, agriculture	<75	70-80	80-85	-

¹⁰ Day-Night Noise Level - The Ldn used in the General Plan Noise Element represents a sound level that is equivalent to the total varying sound levels that occur over a 24 -hour period plus a 10 (dB) penalty for nighttime noise (i.e. between 10 p.m. and 7 a.m.).

County of Santa Clara. According to the County of Santa Clara Municipal Code Division B11, Chapter VIII – Control of Noise and Vibration, Section B11-152, Table B11-152 establishes maximum permissible sound levels by receiving land use as shown below in **Table 3.12-3:**

Table 3.12-3: Exterior Noise Limits in the County of Santa Clara

Receiving Land Use	Time Period	Noise Level (dBA)
One- and Two- Family Residential	10:00 p.m. – 7:00 a.m.	45
	7:00 a.m. – 10:00 p.m.	55
Multiple-Family Dwelling	10:00 p.m. – 7:00 a.m.	50
Residential Public Space	7:00 a.m. – 10:00 p.m.	55
Commercial	10:00 p.m. – 7:00 a.m.	60
	7:00 a.m. – 10:00 p.m.	65
Light Industrial	Any Time	70
Heavy Industrial	Any Time	75

Municipal Code Division B11, Chapter VIII – Control of Noise and Vibration, Section B11-154, lists the following specific prohibitions:

“Subsection 6, Construction/demolition:

- (a) Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between weekdays and Saturday hours of 7:00 p.m. and 7:00 a.m., or at any time on Sundays or holidays, that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by variance. This section will not apply to the use of domestic power tools as specified in Subsection 11.
- (b) Where technically and economically feasible, construction activities will be conducted in a manner that the maximum noise levels at affected properties will not exceed those listed in the following schedule:
 - i. Mobile equipment. Maximum noise levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment:

	Single- and Two-Family Dwelling Residential Area	Multifamily Dwelling Residential Area	Commercial Area
Daily, except Sundays and legal holidays 7:00 a.m. – 7:00 p.m.	75 dBA	80 dBA	85 dBA
Daily, 7:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays	50 dBA	55 dBA	60 dBA

- ii. Stationary equipment. Maximum noise levels for repetitively scheduled and relatively long-term operation (periods of ten days or more) of stationary equipment are as follows:

	Single- and Two-Family Dwelling Residential Area	Multifamily Dwelling Residential Area	Commercial Area
Daily, except Sundays and legal holidays 7:00 a.m. – 7:00 p.m.	60 dBA	65 dBA	70 dBA
Daily, 7:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays	50 dBA	55 dBA	60 dBA

Subsection 8, Powered model vehicles. Operating or permitting the operation of powered model vehicles:

- (a) Between the hours of 7:00 p.m. and 7:00 a.m. the following day so as to create a noise disturbance across a residential or commercial real property line or at any time to violate the provisions of Section B11-152.
- (b) In a manner as to exceed the levels set forth for public space land use in Table B11-152, measured at a distance of not less than 100 feet (30 meters) from any point on the path of a vehicle operating on public space or public right-of-way.

Subsection 11, Domestic power tools.

- (a) Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between 10:00 p.m. and 7:00 a.m. the following day so as to create a noise disturbance across a residential or commercial real property line.
- (b) Any motor, machinery or pump will be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance in accordance with Section B11-152.”

Impacts

a, c, d) *Construction*

Construction activities associated with the proposed project would result in temporary and intermittent noise increases at sensitive receptors near construction activities. Construction of the proposed project would involve the use of heavy equipment that could create noise substantially above existing ambient noise levels. Typical construction activities (e.g. jackhammering and use of earthmoving equipment) generate maximum noise levels (without noise controls) ranging from 70 to 89 dBA Lmax at 50 feet from the source, with slightly higher levels of about 81 to 96 dBA Lmax at 50 feet for pile-driving activities associated with trenchless construction. The rate of attenuation (i.e., reduction) is about 6 dBA for every doubling of distance from a point source.

As described in *Chapter 2, Project Description*, construction activities would generally be limited to weekdays from 7 a.m. to 7 p.m. However, nighttime construction and weekend construction may be necessary for certain pipeline connections; nighttime construction would be restricted to non-residential areas only.

Construction noise has the potential to temporarily generate noise that results in Ldn exposure increases of 3 dB or more than 65 dB at the property line in residential areas in the City of Milpitas. The proposed project would be located within and adjacent to various land uses and may produce noise levels above the acceptable levels as established by the Milpitas General Plan. The pipeline installation would occur within 50 feet of residential areas. As shown in **Table 3.12-1**, the use of any construction equipment within 50 feet of residential uses would exceed the level of significance threshold by increasing noise levels for residential zones by 3 dB or more.

The majority of the portion of Segment 3 within the County of Santa Clara would not be in the vicinity of any sensitive receptors with the exception of a residence at the northeast corner of Old Calaveras Road and Evans Road. Construction would occur approximately 75 feet from the residence and could exceed the 75 dBA maximum noise level for short term operation of mobile equipment as established in Section B11-154, Subsection 6 of the County of Santa Clara Municipal Code.

Pipeline installation is anticipated to occur at a rate of approximately 150 feet a day, such that pipeline construction would not be in one location for long durations of time. Longer durations of time are needed for the trenchless construction activities and construction of the new storage tank and pump stations. Because of the range of equipment noise levels, the duration of construction at discrete locations, and the proximity to sensitive receptors, the proposed project would expose sensitive receptors to elevated daytime noise levels and has the potential to generate substantial temporary or periodic increase in ambient noise levels; thus noise impacts are considered potentially significant.

In accordance with the City's General Plan, the preferred method of mitigating noise impacts is controlling noise at the source. Implementation of **Mitigation Measure NOI-1** would require noise control practices to reduce construction noise impacts to a less-than-significant level.

Mitigation Measure NOI-1: Implement Noise Control Measures during Construction

To reduce noise during construction, the City shall require its construction contractor implement the following noise control measures:

- **Locate Staging Areas away from Sensitive Receptors.** The City shall require the contractor to select staging areas as far as feasibly possible from sensitive receptors.
- **Idling Prohibition and Enforcement.** The City shall prohibit unnecessary idling of internal combustion engines. In practice, this would mean turning off equipment if it would not be used for five or more minutes.
- **Equipment Location, Mufflers, and Shielding.** The City shall require its contractors to locate stationary noise-generating construction equipment such as air compressors and generators as far as possible from homes and businesses. Mufflers and/or temporary noise barriers shall be used as necessary to meet the City's applicable sound level limits (unless a variance has been obtained in advance from the City). Use of temporary walls, stockpiles of excavated materials, or moveable sound barrier curtains would be appropriate for construction at the pump station and storage tank sites and can provide a 10 to 15 dBA reduction in noise levels.
- **Pre-Construction Notification.** Prior to construction, written notification to residents within 100 feet of the proposed project segment(s) undergoing construction shall be provided, identifying the type, duration, and frequency of construction activities. Notification materials shall also identify a mechanism for residents to register complaints with the City if construction related noise impacts should occur.

Operation

Operation of the recycled water pipelines and storage tank would not produce additional noise above ambient levels. Noise-generating operations would result from the use of the pump stations. The pump stations would produce permanent noise, but would be in fully enclosed

structures that would be designed to attenuate noise from the mechanical components. The Cardoza Park and Ben Rodgers Park pump stations would be in locations zoned for parks and open space. The two pump stations associated with Segment 3 would be located in or near residential areas, but more than 100 feet from the nearest residence; one at the intersection of Country Club Drive and Calaveras Ridge Drive and the other just east of the Old Calaveras Road and Evans Road intersection. The pump stations would be in an enclosed building housing small pumps ranging between 10 to 115 hp. Operation of the pump stations is not expected to increase ambient noise levels by 3 dB or more within the City of Milpitas, or result in residential land use exterior noise levels exceeding 45 dBA (nighttime) or 55 dBA (daytime). Implementation of **Mitigation Measure NOI-2** would require noise reduction features and would ensure that operational noise impacts are less than significant.

Mitigation Measure NOI-2: Noise Reduction Features

The City shall include noise reduction features as part of the proposed project to ensure that noise levels associated with proposed pump stations would be in conformance with applicable City performance standards (General Plan Policy 6-I-7) avoiding Day-Night Noise Level (Ldn) exposure increases of more than 3 dB or more than 65 dB at the property line, whichever is more restrictive.

- b) Construction activities that could generate vibration include excavation, soil transport, pile driving, shoring of trenches and the storage tank and pump station sites, and trenchless construction. Construction would occur in close proximity to residential, commercial, and school buildings that could be affected by construction activities along the proposed pipeline.

Based on anticipated equipment proposed for use and the vibration level data provided in **Table 3.12-4**, vibration levels generated by the majority of proposed equipment would be equal to or below the 0.2 in/sec PPV criterion applied to assess the potential for cosmetic or structural damage, and would not result in significant impacts.

Table 3.12-4: Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 feet (in/sec)
Pile Driver (Vibratory)	upper range	0.734
	Typical	0.170
Clam shovel drop		0.202
Hydromill (slurry wall)	in soil	0.008
	in rock	0.017
Vibratory Roller		0.210
Hoe Ram		0.089
Large bulldozer		0.089
Caisson drilling		0.089
Loaded trucks		0.076
Jackhammer		0.035
Small bulldozer		0.003

Typical vibratory pile-driving vibration levels would also be below the 0.2 in/sec PPV criterion but may at times exceed the 0.2 in/sec PPV criterion when levels reach the uppermost range of measured vibration levels (0.734 in/sec PPV). In general, cosmetic or threshold damage to residential buildings can occur at vibrations greater than 0.5 in/sec PPV. As described in *Chapter 2, Project Description*, construction of the proposed project could require driven or vibratory sheet piles to shore the excavation area.

Continuous vibration caused by vibratory pile drivers and large vibratory rollers/compactors could cause structural damage if the continuous vibration is greater than 0.2 in/sec PPV.

Because groundborne vibration levels could exceed the established thresholds for short periods of time, impacts would be considered potentially significant. However, implementation of **Mitigation Measure NOI-3**, which includes vibration monitoring, would reduce potential construction-related impacts to less than significant levels.

The operation of the pipeline, storage tank, pump stations and appurtenances would not result in groundborne vibrations. Therefore, there would be no operational vibration impacts.

Mitigation Measure NOI-3: Vibration Monitoring

The City shall require its contractors to conduct vibration monitoring at any residences or buildings located less than 50-feet from construction activities. Ground vibration level at the nearest residential structure to the construction site will be monitored using vibration sensor(s) or velocity transducer with adequate sensitivity capable of measuring peak particle velocity level in the frequency range of 1 hertz (Hz) to 100 Hz. If the vibration level due to construction activities exceeds 0.2 inch/second, the contractor shall make modifications/revisions to construction methods for approval by the City.

- e, f) There are no airports or airstrips within the City. Thus, the proposed project would not expose people residing or working in the project area to excessive noise levels. No impacts would occur.

3.13 Population and Housing

	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
Would the Project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Environmental Setting

As of January 2015, the population of the City of Milpitas was estimated at 72,606 (DOF 2015). The City’s 2010 Urban Water Management Plan (UWMP) estimates an increase in population over a 20-year span, resulting in an estimated 2030 population of 98,100 (City of Milpitas 2011).

According to the UWMP, the existing and planned source of recycled water would continue to be SBWR. In 2010, recycled water use was approximately 806 AF¹¹ and projected to be 1,983 AF in 2035 (City of Milpitas 2011). The actual recycled water use in 2010 was 792 AF¹², compared to the 1,210 AF that was projected for 2010 in 2005. The difference in the actual use compared to projected use partly reflects the impact of a down economy on the infrastructure additions that had been planned. The projected recycled water future use by five year increments is shown below.

Table 3.13-1: Recycled Water Projected Supply (afy)

	2015	2020	2025	2030	2035
Recycled Water Future Supply	1,109	1,333	1,546	1,759	1,983

Source: City of Milpitas, 2011

The City of Milpitas has prepared land use maps and established land use policies that define the city’s future land use pattern and maximum development intensities throughout their planning area. In addition, the City has established growth management policies that ensure balanced growth and adequate public services are available to accommodate the growth.

One of the City’s General Plan growth management policies relevant to the proposed project is that “the City shall not process, approve or authorize construction or provision of any City service or City service

¹¹ The UWMP provided existing and planned water supplies in hundred cubic feet (hcf). These numbers have been converted to AF.

¹² The UWMP provided actual and planned recycled water use in million gallons. These numbers have been converted to AF.

extension to any property or people in that area located both outside of the Urban Growth Boundary and outside of the city limits of the City of Milpitas, except as expressly provided in this policy. “City service” means any water, sanitary sewer, storm drain, flood control, road maintenance, sidewalk maintenance, police, fire or emergency medical service, including construction of related infrastructure that the City, its agents, its departments, or its contractors, provides to any property or people within the City limits....”. The City also has a policy to “coordinate capital improvement planning for all municipal service infrastructure with the location and timing of growth.”

Impact

- a) The proposed project is a recycled water system expansion project, and is intended to provide recycled water to serve non-potable demands such as irrigation that are currently served by raw or potable water. Provision of recycled water would not directly induce population growth because it would not produce additional water supply, but instead replace the current imported supply (purchased water) with a more desirable (locally-produced) water. In addition, the proposed project would not directly induce population growth in the service area by proposing new homes and businesses. Environmental impacts associated with population growth include secondary, or indirect, physical effects such as increased traffic, degradation of air and/or water quality, loss of sensitive biological resources and habitats, increased demand on public services and infrastructure, and changes in land use. Projects are considered to have growth-inducing implications when economic, housing, or population growth would be stimulated, either directly or indirectly. Local land use plans (e.g., general plans and specific plans) provide for development patterns and growth policies that allow for the planned and orderly expansion of urban development supported by adequate urban public services, such as water supply, roadway infrastructure, sewer service, and solid waste service. A project that would induce unplanned growth (i.e., conflict with local land use plans) could indirectly cause adverse environmental impacts not previously envisioned. Thus, to assess whether a project has the potential to induce growth and result in adverse secondary effects beyond what is anticipated by local jurisdictions, it is important to assess the degree to which the growth associated with a project would or would not be consistent with applicable land use plans.

Growth inducement may constitute an adverse impact if the growth is inconsistent with the land use and growth management policies for the affected area. There is potential that the resulting increase of supply availability (750 AFY of potable and raw water replaced by recycled water) from the reduced demand for purchased water could indirectly support population growth to meet the increasing demands of the City as it reaches its planned, buildout growth. However, this growth would be within the growth framework of the City’s General Plan and the potential impact would be less than significant. Because the proposed project would provide recycled water to offset raw and potable water use and meet existing demand, it would not increase the capacity of or otherwise expand the recycled water system in direct support of new population or economic expansion. In addition, the volume of recycled water provided by the proposed project is considered in the 2035 projections of the UWMP. Thus, impacts would be less than significant.

- b, c) The proposed recycled water pipelines, pump stations, and storage tank would be constructed within existing roadways and City-owned land and would not displace any existing housing. The proposed project would not displace existing housing or people; therefore it would have no displacement impacts. No impacts would occur.

3.14 Public Services

<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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Would the Project:

- a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Environmental Setting

The Milpitas Fire Department provides fire and emergency services within City limits. Law enforcement services are provided by the Milpitas Police Department within City limits. The City of Milpitas Recreation Services Department maintains parks and recreational facilities within City limits. Milpitas Unified School District administers the public school system within the City.

Impacts

- a) Schools are located in and around the project area, as described in *Section 3.10 Land Use and Planning*. *Section 3.15 Recreation* identifies the bike paths/trails and parks located adjacent to the proposed facilities.

The proposed project would not change existing demand for public services (e.g., fire and police protection, schools, parks, or libraries) because population growth would not result from construction of the proposed project (see *Section 3.13 Population and Housing*). In addition, operation and maintenance of the proposed project facilities are not anticipated to require new employees and therefore would not substantially increase the need for new staff from any of public protection services entities (e.g., police and fire). Because implementation of the proposed project would not change the demand for any public services, it would not require additional equipment or resources for those public service providers. The proposed project would have no impact, and no mitigation is required.

3.15 Recreation

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Would the Project:				
a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the Project affect recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

Environmental Setting

The City of Milpitas Recreation Services Department owns and maintains over 30 parks. **Figure 2-2** shows the location of existing parks and other recreational areas. There are no park or recreational areas operated by the County of Santa Clara adjacent to the proposed project area.

Parks and recreational facilities that are located adjacent to or near the proposed project components are listed below (City of Milpitas 2016a). Play yards and fields located within existing schools are also located adjacent to the proposed pipeline alignments.

Parks/Recreation Areas:

- Cardoza Park is located on Kennedy Drive at North Park Victoria Drive. It is a 10-acre park with a lighted ball diamond, two horse-shoe units, volleyball poles, and an outdoor amphitheater. It also includes 8 barbeque units, 19 tables, restrooms, play equipment, and parking.
- Foothill Park is a 4-acre park located at Roswell Drive and Roswell Court, with barbeque units, tables, play equipment, and parking.
- Murphy Park/Yellowstone Park is an 8.7-acre park on Yellowstone Avenue east of South Park Victoria Drive with restrooms, play equipment, picnic area, barbeque units, tables, and parking.
- Creighton Park is a 5-acre park located on Olympic Drive, west of South Park Victoria Drive. It has barbeque units, tables, play equipment, and parking.
- Sinnott Park is a 4.7-acre park located between Clear Lake Avenue and Tahoe Drive. It has horse-shoe units, play equipment, barbeque units, and tables.
- Yellowstone Park/Robert E Browne Park is located at Yellowstone Avenue and South Park Victoria Drive. It has four lighted tennis courts and a large grassy area and par course.
- Ben Rodgers Park is a 9.5-acre park located at Skyline Drive and Glenview Drive. It has barbeque units, tables, backstop, play equipment, and parking.
- Hillcrest Park is a 5.2-acre park located between Fieldcrest Drive and Chipman Drive. It has barbeque units, tables, and a tot lot.

Recreational Facilities:

- Milpitas Sports Center is located immediately south of Cardoza Park and located on East Calaveras Boulevard. It is a fitness center that includes a gym, pools, and aerobic studios.

Trails:

- Neighborhood trails connect homes with schools and parks and provide pedestrian and bicycle access to local shops and markets. Neighborhood trails within the project area include the Hillcrest Park/Ben Rogers Park Trail and Yellowstone Park Trail.

Impacts

- a, b) The proposed project would provide recycled water to public, commercial, industrial, and private customers to offset potable and raw water use. Although this project may indirectly induce population growth (see *Section 3.13 Population and Housing*) consistent with approved General Plan, because of the nature of this project, it would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Thus, impacts would be less than significant. In addition, the proposed project does not propose recreational facilities and would not require the construction or expansion of any recreational facilities. As such, no impacts would occur.
- c) Construction of the pipelines would occur primarily within existing roadway, but at some locations they would be adjacent to or cross parks and other recreational facilities (including school play yards and turf areas). **Table 3.15-1** shows the recreational areas that could be affected along the proposed pipeline alignments, either directly or indirectly. Although the precise duration of construction activities along these segments has not yet been determined, during construction activities, parts of the parks outside of a safety buffer zone would remain open for use by the public. For most locations, impacts to recreational facilities are indirect, associated with noise and dust generated from temporary and intermittent construction activities in the vicinity of the sites. Because construction of the pipeline would progress continuously along the pipeline route and would not remain at any one location for a long duration of time (pipeline trenches would be open for two to three days on average), and due to the temporary nature of overall construction, impacts would generally be considered less than significant.

Lane closures may be required along the pipeline alignments, which could affect bike routes and lanes, and access to parks and during construction. Along North Park Victoria Drive, South Park Victoria Drive, East Calaveras Boulevard, and Yosemite Drive. Construction lane closures may require bicyclists and pedestrians to take alternative routes along City streets, thus affecting the overall experience. Because of the continuous progression of pipeline construction, this impact would be temporary and short term. As construction is completed, the City would restore all disturbed areas (park equipment, pathways, and turf) to their original condition. To minimize disruption of schools, **Improvement Measure REC-1** could be implemented to coordinate with school officials to identify the appropriate timing of construction adjacent to school properties. To minimize temporary impacts on neighborhood trails, **Improvement Measure REC-2** could be implemented by informing the public of anticipated construction activities and schedule.

Operation of the proposed project would not affect recreational facilities as the pipelines would be located entirely underground.

Improvement Measure REC-1: Effects on Rose Elementary, Randall Elementary, Merryhill Elementary and Middle, and Rancho Middle Schools.

The City shall coordinate with school officials to identify the appropriate timing of construction adjacent to school property.

Improvement Measure REC-2: Effects on Neighborhood Trails.

Prior to construction, the City or its contractors shall post signage along the Hillcrest Park and Ben Rogers Neighborhood Park Trails informing the public of anticipated construction activities and schedule.

Table 3.15-1: Impacts to Recreational Facilities

Segment No./Name	Location	Nearest Recreational Facility and Potential Impact
1 and 2 - Cardoza Park	Along Kennedy Drive and Fanyon Street	One baseball field and an outdoor amphitheater are located approximately 125 feet south of the pipeline alignment along Kennedy Drive. The baseball field and amphitheater are located 200 feet and 540 feet respectively to the west of the proposed storage tank. The two baseball fields along the east side of the park would be temporarily closed while Segment 1 is installed. The park would not be closed during construction activities. The northwest and northeast entrances/exits to the parking lots would be temporarily closed at separate times while the pipeline along this area is constructed. The temporary reduction in parking would not directly affect the recreational experience and thus is not considered an impact to recreation. Because there are multiple accesses to the park (access is available through two parking lots and through the MUSD parking lot along East Calaveras Boulevard), this is considered a less than significant impact. Indirect impacts are expected to be less than significant due to the temporary and intermittent nature of construction activities.
1 – Milpitas Sports Center	Along East Calaveras Boulevard and Fanyon Street	Pipeline installation would occur within the roadway. The Milpitas Sports Center is an indoor facility, therefore no indirect or indirect impacts are anticipated as construction activities would be outside.
4 - Foothill Park/Rose Elementary School	Along Roswell Drive and into the park, through the play area.	The pipeline would be constructed within the roadway along Roswell Drive, and through the park in an area that currently contains a play area and turf, and would extend towards Lomer Way. Rose Elementary School's play area is immediately adjacent to Foothill Park. The northern and eastern portion of the park would remain open during construction and would be accessible from a pathway from South Temple Drive to the east. Construction would have a direct impact on the play area, however the recreation equipment would be replaced and the disturbed areas restored after the pipeline is installed. As described in <i>Chapter 2, Project Description</i> , a safety buffer zone would be established around the construction area. Although not a significant impact, construction activities could indirectly impact school yard uses (i.e. noise and dust in the immediate vicinity) during the school season. The City could implement Improvement Measure REC-1 would further reduce temporary impacts between school recreational uses and construction activities.
4 - Murphy Park	Along the western boundary pathway of the park and cut across through the turf area to a connection point near Everglades Drive.	The pipeline would be constructed along the park pathway and through the turf area. The play area would remain open for recreational purposes. Construction activities may have a direct impact on the turf/soccer area. Due to the temporary and intermittent nature of construction activities, impacts would be less than significant.

Segment No./Name	Location	Nearest Recreational Facility and Potential Impact
4 - Creighton Park	Cut across the park through the open gravel access area between Creighton Court and Olympic Drive	Pipeline installation would occur within a gravel area. The park would remain accessible from Olympic Drive and Big Bear Court. Other areas of the park would remain open. Because construction would not affect access into the park, turf/playground areas would remain open for recreational purposes, and due to the temporary and intermittent nature of construction activities, impacts would be less than significant.
4 - Ben Rodgers Park	Cuts across the park along the west side through the turf between Skyline Drive and Big Bend Drive	Pipeline installation and connection would occur through the park along the western edge where the turf is located. The other areas of the park would remain open and would remain accessible from multiple access points (from Mesa Verde Drive, Shiloh Avenue, Skyline Drive, and Glenview Drive). Construction would have a direct impact on the Ben Rodgers Park Trail pathway. Due to the temporary and intermittent nature of construction activities, this impact would be less than significant. However, the City could implement Improvement Measure REC-2 to further reduce temporary impacts to the neighborhood trail through the park.
4 – Yellowstone Park/Robert E. Browne Park	Along Yellowstone Avenue	Pipeline installation would occur in the roadway adjacent to the park where the turf area and tennis courts are located, and thus would have no direct impact to the park or to the Yellowstone Park Trail pathway. The park would remain open and accessible during construction. Due to the temporary and intermittent nature of construction activities, impacts would be less than significant.
4 – Hillcrest Park	Cut across Hillcrest Park between Whitcomb Court and Chipman Drive, and between Whitcomb Court and Cascade Street	The pipeline would be constructed through the park in an area that currently contains a tot lot and turf. The park would remain open and would be accessible from a pathway from Incline Court, Chipman Drive, and Cuesta Drive. The construction would have a direct impact on the tot lot area, and the Hillcrest Park Trail pathway. The park equipment would be replaced and the disturbed areas restored after the pipeline is installed. Due to the temporary and intermittent nature of construction activities, this impact would be less than significant. However, the City could implement Improvement Measure REC-2 to further reduce temporary impacts to the neighborhood trail through the park.
1 – Burnett Elementary School	Along Kennedy Drive	Pipeline installation would occur adjacent to Burnett Elementary School. Although construction would occur within the roadway, it would be adjacent to the turf area. As described in <i>Chapter 2, Project Description</i> , a safety buffer zone would be established around the construction area. Although not a significant impact, construction activities could indirectly impact school yard uses (i.e. noise and dust in the immediate vicinity) during the school season. The City could implement Improvement Measure REC-1 would further reduce temporary impacts between school recreational uses and construction activities.

Segment No./Name	Location	Nearest Recreational Facility and Potential Impact
4 - Randall Elementary School	Along Edsel Drive	Pipeline installation would occur adjacent to Randall Elementary School. Although construction would not occur within or adjacent to the turf or marked school yard play area, construction activities during the school season could indirectly impact school yard uses (i.e. noise and dust in the immediate vicinity) during the school season. The City could implement Improvement Measure REC-1 would further reduce temporary impacts between school recreational uses and construction activities.
4 – Rancho Middle School	Along Yellowstone Avenue	Pipeline installation would occur adjacent to Rancho Middle School. Although construction would occur within the roadway, it would be adjacent to the turf area. Construction activities during the school season could indirectly impact school yard uses (i.e. noise and dust in the immediate vicinity) during the school season. The City could implement Improvement Measure REC-1 would further reduce temporary impacts between school recreational uses and construction activities.
4 – Merryhill Elementary and Middle School	Along Yosemite Drive	Pipeline installation would occur adjacent to Merryhill Elementary and Middle School. Although construction would not occur within or adjacent to the turf or school yard play area, construction activities during the school season could indirectly impact school yard uses (i.e. noise and dust in the immediate vicinity) during the school season. The City could implement Improvement Measure REC-1 would further reduce temporary impacts between school recreational uses and construction activities.

3.16 Transportation/Traffic

Would the Project:	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

Environmental Setting

The proposed project is located within the City of Milpitas and a small portion of unincorporated Santa Clara County. The Santa Clara Valley Transportation Authority (VTA) is the Congestion Management Agency (CMA) for Santa Clara County. VTA is responsible for developing the Valley Transportation Plan, which is a long-term regional transportation planning document. VTA is also responsible for administering the Congestion Management Program (CMP), which is an integrated process for transportation planning decision-making that establishes traffic and transit standards, trip-reduction and travel-demand requirements, and incorporates transportation implications of land use planning. Local

cities, including the City of Milpitas, are responsible for maintaining service level standards defined by the CMP, and conforming to transit standards (City of Milpitas 2010).

Local Circulation System

Within the City of Milpitas there are three freeways (I-680, I-880, and State Route 237/Calaveras Boulevard), one expressway (Montague Expressway), and multiple principal arterial roads (Jacklin Road, Abel Street, South Main Street, Milpitas Boulevard, and Great Mall Parkway). None of the identified CMP roadways extend east of I-680 within the City of Milpitas (VTA 2013). Within the proposed project area, the portion of Segment 2 that runs along Jacklin Road west of I-680, is the only component located along one of these identified major roadways. Segment 5 would connect to the existing recycled water system at South Milpitas Boulevard, which is identified in the CMP as a principal arterial.

Public Transit

Although the region includes multiple transit networks, including rail, light rail, regional bus service, and local bus services, only local buses run through the proposed project area. **Table 3.16-1** indicates the bus routes and associated roadways within the proposed project area.

Table 3.16-1: Local Bus Routes within the Proposed Project Area

Local Bus Route	Route within Proposed Project Area	Proposed Project Segment
Route 46	Jacklin Road North Park Victoria Drive Yellowstone	Segment 2 Segment 4
Route 47	East Calaveras Boulevard Dempsy Road	Segment 1
Route 71	Landess	Segment 4

Source: VTA 2016

Bicycle Facilities

The CMP identifies cross county bicycle corridors, though only one corridor is identified within the proposed project area (Corridor 21). Within the proposed project area, Corridor 21 runs along North Park Victoria Drive north of Jacklin Road, and along Evans Road to East Calaveras where it turns into Piedmont Road, and south past the City of Milpitas boundary (VTA 2013). Segment 3 runs alongside Corridor 21 on North Park Victoria Drive from Jacklin Road to Country Club Drive, and crosses Corridor 21 at the intersection of Kennedy Drive and Evans Road. A small portion of Segment 4 runs along Corridor 21 for approximately 150 feet on Piedmont Road just north of the intersection of Cresthaven Street and Piedmont Road.

The City of Milpitas’ Bikeway Master Plan Update identifies the following bicycle facilities in the proposed project area (Alta Planning + Design 2009):

- Class III Bike Routes:
 - East Calaveras Boulevard between I-680 and Piedmont Road;
 - Yosemite Drive between South Victoria Drive and Piedmont Road;
 - North Park Victoria Drive between Jacklin Road/Evans Road and East Calaveras Boulevard;
 - South Park Victoria Drive between Yosemite Drive and Montague Expressway;
 - Jacklin Road between I-680 and transition to Evans Road

- Class II Bike Lanes:
 - North Park Victoria Drive between Jacklin Road/Evans Road and Scott Creek
 - Evans Road/Piedmont Road between North Park Victoria Road and Landess Avenue
 - South Park Victoria Drive between East Calaveras Boulevard and Yosemite Drive.

Discussion

a, b) *Construction*

The proposed project would be constructed primarily within roadways and City property. Open trench construction would be employed for the majority of the pipeline alignments, with trenchless crossings of I-680 at Los Coches Street in Segment 1, and I-680 from Olympic Drive to Sinclair Frontage Road in Segment 5 (see *Chapter 2, Project Description*). The active construction area for all segments would be approximately 20 feet in width on either side for a total construction corridor of up to 45 feet, which would require limiting on-street parking and temporarily reducing traffic lane widths. Roadway closures and/or one-way traffic control limitations are expected to occur but would be minimal and temporary in nature.

Traffic impacts during project construction would be associated primarily with worker vehicles and haul trucks, and with lane reductions caused by construction activity in the roadways. The increased traffic could result in a reduction of roadway capacities due to slower movements and larger turning radii of the trucks compared to passenger vehicles. In addition, lane closures associated with pipeline construction would occur along streets and intersections during construction. Lane reductions could further reduce the roadway capacities, especially during peak hours. For most pipeline segments, construction would use the open-trench method, and thus only a small segment would be closed at one time during construction activities (construction of pipelines would proceed at a rate of 150 feet per day).

Anticipated construction-related vehicle trips include construction workers traveling to and from the proposed project work areas, haul trucks, and other trucks associated with equipment and material deliveries. For one crew, the number of construction worker trips would average up to 25 round trips per day, and 7 construction truck trips per day. During limited times, two crews may be working concurrently but in different areas when segment construction timeframes overlap. The traffic generated by construction workers would be spread out within the project area and would vary depending on which segment is under construction. The trips associated with hauling of material off site for disposal and delivery of equipment/material would occur throughout the day. Any construction-related traffic occurring between 7:00 a.m. and 9:00 a.m. or between 4:00 p.m. and 6:00 p.m. would coincide with peak hour traffic and could temporarily impede traffic and transit flow. Travel during these time frames would primarily consist of workers traveling to and from the proposed project area, because deliveries would likely occur throughout the day.

Access to the construction area would vary depending on where the installation is occurring. The proposed pipeline would traverse residential and commercial areas, and may require temporary roadway closures (generally no greater than one day in duration). Given the short-term nature of construction and because impacts would move as work progresses (rather than one area being shut down for an extensive period), construction-related traffic impacts are not expected to be substantial. However, to ensure appropriate traffic controls are implemented and impacts are less than significant, preparation and implementation of a Traffic Management Plan would be necessary. The Traffic Management and Construction Staging Plan would require the City and its construction contractor to address and mitigate impacts associated with the temporary closures of traffic lanes, parking lanes, or other public ROW. Implementation of **Mitigation Measure TRA-1** would ensure construction-related traffic impacts are reduced to a less-than-significant level.

Mitigation Measure TRA-1: Develop and Implement Construction Staging and Traffic Management Plan

Prior to construction or the issuance of applicable permits, the contractor shall submit a Traffic Management and Construction Staging Plan to the City of Milpitas for review and approval. The contractor shall work with the City of Milpitas to ensure that the City concurs with the provisions and requirements of the Traffic Management and Construction Staging Plan. This plan shall:

- Show the impact of various construction stages, including proposed lane closures, detours, staging areas, and routes of construction vehicles.
- Describe traffic control measures that will be implemented to manage traffic and reduce potential traffic impacts in accordance with stipulations of the most recent version of the California Manual of Uniform Traffic Control Devices (CMUTCD). Traffic control measures may include, but are not limited to, flag persons, warning signs, lights, barricades and cones to provide safe passage of vehicular (including cars and buses), bicycle and pedestrian traffic, and access by emergency responders.
- Demonstrate the location of transit stops and transit and bicycle routes that would be temporarily impacted by construction activities, and shall recommend places to temporarily relocate transit stops and transit and bicycle routes, if necessary.
- Require written notification of the timing, location, and duration of construction activities, and the location of lane closures or detours (if any) to all emergency service providers (fire, police, and ambulance) prior to road closure. Emergency service vehicles shall be given priority for access.

Operation

Operation and maintenance of the proposed project would involve regular inspections of the pipelines, pump stations, and storage tank. Existing City operations and maintenance staff would conduct the maintenance activities, which would require one to two additional trips per week for the proposed facilities. The additional trips would be negligible and have a less than significant impact on overall traffic in the area.

- c) There are no airports within the City of Milpitas. The nearest airports are the Norman Y. Mineta San Jose International Airport and the Reid-Hillview Airport, located approximately 5 and 7 miles, respectively, from the proposed project. The proposed project would not affect air traffic patterns, and would be located sufficiently far from an airport or airstrip to avoid creating a substantial air traffic safety risk. There would be no impact.
- d) The proposed project would not create or substantially increase a traffic hazard due to a design feature. The proposed project would temporarily change the configuration of intersections and roadways within the proposed project area, in particular when lane closures would be required during pipeline installation within the roadways. Construction along any one segment of roadway would occur at a rate of approximately 150 feet per day, thereby limiting lane closures to the affected segment. Because lane closures could increase conflicts between vehicles, bicyclists, and pedestrians, potential impacts are considered significant and would require mitigation. With the implementation of the Traffic Management and Construction Staging Plan (**Mitigation Measure TRA-1**), such hazards caused by the changed configurations would be reduced to a less-than-significant level.

As described in *Chapter 2, Project Description*, upon completion of construction activities, disturbed areas would be restored to pre-construction conditions and roadways would be repaved.

All intersections and roadways would be restored to pre-construction conditions and impacts associated with increased hazards would be less than significant.

- e) Lane closures and other potential traffic impacts caused by construction activities associated with the proposed project would have potential to impede emergency response to those areas, or to areas accessed via those routes. Station Number 2 is the only fire station located less than one half mile from the proposed project. No proposed project components would be constructed along the roadways that border Station Number 2, which would not be directly affected by the proposed project's construction activities. Implementation of **Mitigation Measure TRA-1**, which requires development and implementation of a Traffic Management and Construction Staging Plan, would include specific traffic control measures to address emergency access routes and notify emergency service providers of road closures and detours.

With implementation of this mitigation measure, potential impacts to emergency access during construction would be reduced to less-than-significant levels. Upon completion of construction activities, all intersections and roadways would be restored to pre-construction conditions, and no impact to emergency access would occur during project operation.

- f) The proposed project involves construction and operation of recycled water infrastructure that would not conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities. As described above, construction could disrupt traffic, bicycles, and pedestrians, however impacts would be temporary. Implementation of **Mitigation Measure TRA-1** would include provisions for detours to be provided for the alternative modes of travel, reducing impacts to a less-than-significant level. Roadways would be restored to match the surrounding road type once construction is complete.

The pipeline would be located primarily within roadways and below grade. The storage tank, pump stations, and appurtenant facilities would be located within City property or within roadways. The proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. There is no impact from project operations and no mitigation is required.

3.17 Utilities and Service Systems

	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
Would the Project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Environmental Setting

The City owns, operates, and maintains a potable water distribution system. The City purchases treated potable water from two wholesalers: SFPUC and SCVWD. Approximately two-thirds of the City's potable water is from SFPUC with the remaining one-third from SCVWD (City of Milpitas 2011). SFPUC water is the source of supply to residents and businesses. SCVWD water primarily serves commercial and industrial areas west of Highway 880 and south of Calaveras Boulevard west of I-680 (City of Milpitas 2011).

As described in *Chapter 2, Project Description*, the City purchases recycled water from the SBWR program (through a contract with the City of San Jose) for irrigating public and private areas such as

parks, medians, and industrial uses to supplement potable water use. The City maintains and operates approximately 22.4 miles of recycled water lines and helps to comply with recycled water permit requirements within the City boundaries. Recycled water comprises about 7 percent of the City's water supply (City of Milpitas 2011).

The City owns and maintains its sanitary sewer collection system, however it does not treat wastewater. The wastewater, consisting primarily of industrial and sanitary discharge, is pumped through a force main to the Santa Clara/San Jose Water Pollution Control Plant (WPCP) for treatment to be either discharged into the San Francisco Bay, or turned into recycled water and redistributed (City of Milpitas 2011). The wastewater treatment is provided by agreement with the cities of San Jose and Santa Clara and its terms include paying a capital share and operating cost share based on discharge volumes to the WPCP.

Solid waste and recycling pickup and disposal is provided by Republic Services. The solid waste is disposed of at the Newby Island Landfill and recycling facility which is located west of I-880 on Dixon Landing Road. This facility processes recycled materials, operates a construction and demolition material processing facility, and a landfill that accepts industrial wastes, grit, screenings, wastewater treatment sludge, contaminated soils, clean soils, and municipal solid waste (Republic Services 2016).

Impacts

a, b, c) The proposed project would provide recycled water for landscape irrigation purposes east of I-680. Use of recycled water would comply with SWRCB's adopted General WDRs for Landscape Irrigation Uses of Municipal Recycled Water (Recycled Water General Permit) (Order No. 2009-0006-DWQ). Compliance with WDRs set forth in the Recycled Water General Permit would ensure the reasonable protection of surface water and groundwater within the project area (refer to *Section 3.9 Hydrology and Water Quality*). With implementation of the required WDRs, the proposed project would not exceed wastewater treatment requirements of the SWRCB. Impacts to surface water or groundwater quality would be less than significant.

The project itself entails expansion of existing recycled water facilities to offset the use of potable and raw water use. The environmental effects of the proposed facilities are evaluated throughout this document; collectively, this analysis demonstrates that construction of new recycled water pipelines, pump stations, and storage tank would not significantly impact the environment so long as identified mitigation measures are implemented. The proposed project would not require or result in the construction of new water or wastewater treatment facilities beyond those being analyzed within this environmental document. Impacts are considered less than significant.

As discussed in *Section 3.13 Population and Housing*, the proposed project would increase total deliveries of recycled water east of I-680 in the City. Given that the proposed project is designed to serve non-potable demands such as irrigation with currently available recycled water, and the proposed project itself includes expansion of infrastructure to meet those demands, it is not anticipated that there would be inadequate capacity to serve the demands of the project area. Impacts are considered less than significant, and no mitigation is required.

During construction, the City would implement the requirements set forth within the Construction General Permit (refer to *Section 3.9 Hydrology and Water Quality*) to reduce stormwater runoff. Through compliance with the Construction General Permit, construction of the proposed project is not anticipated to generate surface runoff in quantities that would require construction of new off-site storm drains or expansion of existing off-site storm drains. The majority of the project area is already paved and developed, and would be restored to pre-construction conditions after construction is complete. With the exception of the pump stations and proposed storage tank (if constructed above grade) and associated electrical control facilities and radio tower, the proposed pipelines would be located underground. No new on- or off-site storm drains or expansion of existing on- or off-site storm drains would be required for these project components.

The proposed storage tank and pump stations would require additional on-site drainage facilities. As described in *Section 3.9 Hydrology and Water Quality*, the proposed storage tank would not increase the amount of impervious surface area at the site, and therefore would not result in increased stormwater runoff. The storage tank and pump stations would be constructed in compliance with the San Francisco Bay MS4 Permit and would implement the required low impact development (LID) techniques to address stormwater runoff through source control, site design, and stormwater treatment measures. Thus, impacts are expected to be less than significant.

- d) The proposed project is a recycled water system expansion project. No potable water supplies would be delivered to customers as part of the proposed project. The provision of recycled water would offset existing potable and raw water usage. As such, the proposed project would not require new or expanded entitlements and no impact would occur.
- e) The proposed project would not increase the concentration of wastewater produced by the SBWR, but could decrease the quantity of wastewater discharged into the Bay by the WPCP. Reducing the WPCP discharges to the Bay would be consistent with the City of San Jose's action plan for the WPCP to reduce the volume of wastewater discharged into the Bay. Wastewater from the City would continue to be pumped to the WPCP for treatment and either discharged into the Bay or turned into recycled water and redistributed in the recycled water system. The WPCP can generate excess recycled water beyond that which is being used (City of Milpitas 2011). Thus there would be sufficient capacity to serve the proposed project area's demand for recycled water. Impacts are expected to be less than significant.
- f, g) The main contributor of solid waste generated by the proposed project would be from construction activities. The solid waste (soil) generated by the excavation and trenching for the pipelines would be hauled off-site and disposed of in accordance with solid waste disposal regulations. Approximately 33,600 cubic yards of excavated soil and roadway (asphalt and concrete) material would be generated for construction of all segments. As described in *Section 2.7 Construction Methods* of *Chapter 2, Project Description*, approximately 70 cubic yards of spoil would be generated from excavation activities per day. The construction spoil would likely be hauled to Newby Island for recycling and disposal. This landfill has a capacity of 57.5 million cubic yards, a remaining capacity of 21.2 million cubic yards, and can accept 4,000 tons of throughput per day (CalRecycle 2016). The rate of daily disposal from the proposed project would not exceed the permitted daily acceptance levels at Newby Island. The landfill would have sufficient permitted capacity to accommodate the proposed project's solid waste disposal needs.

Solid waste would be disposed of in accordance with all applicable federal, state, and local statutes and regulations. Once constructed, operation and maintenance activities would generate minimal solid waste. For this reason, implementation of the Proposed Project would not exceed permitted capacity at local landfills. The impact would be less than significant and no mitigation is required.

3.18 Mandatory Findings of Significance

	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the Project have impacts that are individually limited, but cumulative considerable? (“Cumulative considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

Impacts

- a) The potential biological impacts of the proposed project are discussed in *Section 3.4 Biological Resources*. The potential impacts to cultural resources from the proposed project are addressed in *Section 3.5 Cultural Resources*. As described in these sections, the proposed project could potentially impact special status species including the California red-legged frog, Alameda whipsnake, California tiger salamander, western burrowing owl, foothill yellow-legged frog, and roosting pallid bats, special status plant species, nesting birds, protected trees, and previously undiscovered cultural resources. With implementation of the mitigation measures identified in this document, the proposed project would not have the potential to adversely affect the environmental resources in the vicinity of the proposed project area. Thus, the proposed project would not degrade the quality of the environment, or affect any habitat, wildlife population or plant community, and would not eliminate important examples of California’s history or prehistory. Implementation of mitigation measures included herein would reduce the potential biological and cultural resources impacts to less-than-significant levels.
- b) The CEQA Guidelines defines cumulative impacts as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or increase in environmental impacts. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the proposed project when added to other closely related past, present, and reasonably foreseeable probable future projects.

Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time” (Guidelines, Section 15355(a)(b)).

A number of projects in the City are pending or approved, with all of them located west of I-680. The majority are outside of the proposed project’s vicinity and consist of development of hotels, office space, and residential units. The pending projects in the vicinity of the proposed project (within 1 mile) include the following (City of Milpitas 2016b):

- Hanson Self Storage: This project would construct a new self storage facility at 1100 Cadillac Court.
- Public Storage Remodel: Public Storage proposes to remodel an existing facility to provide 1.2 million square feet of floor area at 1600 Watson Court.
- 450 Montague: Lennar proposes the development of 489 dwelling units on 10.5 acres near Montague Expressway and Great Mall Parkway.
- Centre Pointe Mixed Use: Integral Communities proposes the development of 362 dwelling units, 55,400 square feet of commercial space, and 241 townhouse units on 15.68 acres at 1463 Centre Pointe Drive.

Cumulative projects would result in a variety of construction-related impacts, including increase in dust, noise, traffic, potential for erosion and hazardous material contamination, and degradation of nearby waterways. The geographical context of these environmental resource issues is localized, but would expand to the region if appropriate mitigation measures are not implemented to contain site-specific impacts (*e.g.*, localized erosion could cause downstream water quality degradation). The cumulative projects would not overlap geographically with the proposed project. However, it is possible that cumulative projects, without mitigation measures, would result in significant, cumulative impacts to the environment.

As described in *Sections 3.1 – 3.17* of this document, implementation of the proposed project could potentially result in significant impacts; however those impacts would be reduced to less-than-significant levels with implementation of mitigation measures. The implementation of mitigation measures identified throughout this report would ensure that the proposed project’s contribution to cumulative impacts would not be cumulatively considerable. The proposed project’s contribution to construction-related cumulative impacts would be further reduced by the short-term duration of the proposed construction activities. Thus, implementation of the proposed project in combination with other past, current or reasonably foreseeable projects within the proposed project vicinity is not expected to result in cumulatively considerable impacts. None of the environmental impacts identified in this document are significant, and the proposed project would not cause any incremental impacts to become substantial. Therefore, the proposed project would not contribute to cumulatively considerable impacts.

Operation of the proposed project would not result in any long-term effects, and as such it would not contribute to any cumulative impacts that are common for development projects. As such, no cumulative impacts would occur.

- c) As discussed in *Sections 3.1 – 3.17*, construction activities associated with the proposed project have the potential to result in impacts on aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, noise, recreation, and transportation and traffic that could affect human beings. However, with implementation of mitigation measures in the individual resource sections, all potentially significant project-related impacts would be less than significant.

Chapter 4 Federal Cross-Cutting Environmental Regulations Evaluation

This section describes the status of compliance with relevant federal laws, executive orders, and policies, and the consultation that has occurred to date or will occur in the near future. The topics are based in part on the SWRCB's Clean Water State Revolving Fund Program Federal Cross-cutting Environmental Regulations Evaluation Form for Environmental Review and Federal Coordination.

4.1 Federal Endangered Species Act

Section 7 of the Federal Endangered Species Act (FESA) requires federal agencies, in consultation with the Secretary of the Interior, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species. Under Section 7, a project that could result in incidental take of a listed threatened or endangered species must consult with the USFWS to obtain a Biological Opinion (BO). If the BO finds that the project could jeopardize the existence of a listed species ("jeopardy opinion"), the agency cannot authorize the project until it is modified to obtain a "nonjeopardy" opinion. *Section 3.4 Biological Resources* describes the 11 sensitive species that have the potential to occur in the area, three of which are federally listed: California red-legged frog (federally threatened), California tiger salamander (3 populations federally threatened), and Alameda whipsnake (federally threatened). No impacts are anticipated to occur for any of these sensitive wildlife species because there is limited habitat available within the potential area of impact. Where there is a potential for sensitive species to occur within the project area, **Mitigation Measure BIO-1** through **Mitigation Measure BIO-6** would reduce potential impacts to a less-than-significant level. Thus, the proposed project would not jeopardize any listed species and the lead agency would be in compliance with the FESA.

4.2 National Historic Preservation Act (NHPA), Section 106

The purpose of the NHPA is to protect, preserve, rehabilitate, or restore significant historical, archeological, and cultural resources. Section 106 requires Federal agencies to take into account effects on historic properties. Section 106 review involves a step-by-step procedure described in detail in the implementing regulations (36 CFR Part 800). As described in *Section 3.5 Cultural Resources*, a cultural resource assessment for the proposed project was conducted. The analysis includes a Section 106 evaluation for the proposed project and can be submitted as part of the consultation process with the State Historic Preservation Officer (SHPO). Concurrence by SHPO would ensure compliance with the NHPA.

No cultural resources were identified within the project site during this study. Therefore, no impacts to historical resources under CEQA and no effects to historic properties under the NHPA for the proposed project are expected. However, based on the high level of prehistoric sites located adjacent to and surrounding the project APE, the APE is sensitive for buried archaeological resources. Based on this sensitivity, archaeological and Native American monitoring for all ground-disturbance activities, as described in **Mitigation Measure CUL-1** and **CUL-2**, would be implemented to reduce any potential impacts to less than significant.

4.3 Clean Air Act

U.S. Congress adopted general conformity requirements as part of the Clean Air Act (CAA) Amendments in 1990 and the USEPA implemented those requirements in 1993 (Sec. 176 of the CAA (42 U.S.C. § 7506) and 40 CFR Part 93, Subpart B). General conformity requires that all federal actions "conform" with the State Implementation Plan as approved or promulgated by USEPA. The purpose of the general conformity program is to ensure that actions taken by the federal government do not undermine state or local efforts to achieve and maintain the national ambient air quality standards. Before a federal action is

taken, it must be evaluated for conformity with the State Implementation Plan. All “reasonably foreseeable” emissions predicted to result from the action are taken into consideration. These include direct and indirect emissions, and must be identified as to location and quantity. If it is found that the action would create emissions above de minimis threshold levels specified in USEPA regulations (40 CFR § 93.153(b)), or if the activity is considered “regionally significant” because its emissions exceed 10 percent of an area’s total emissions, the action cannot proceed unless mitigation measures are specified that would bring the proposed project into conformance. As described in *Section 3.3 Air Quality*, the project area lies within the San Francisco Bay Area Air Basin. The results of the air quality modeling showed that pollutant emissions would not exceed Federal General Conformity significance thresholds (**Appendix A**). Accordingly, the lead agency would be in compliance with the CAA.

4.4 Coastal Zone Management Act

The Coastal Zone Management Act (CZMA), passed by Congress in 1972 and managed by the National Oceanic and Atmospheric Administration’s (NOAA) Office of Ocean and Coastal Resource Management, is designed to balance completing land and water issues in coastal zones. It also aims to “preserve, protect, develop, and where possible, to restore or enhance the resources of the nation’s coastal zone.” Within California, the CZMA is administered by the Bay Conservation and Development Commission, the California Coastal Conservancy, and the California Coastal Commission. No portion of the proposed project is within the coastal zone, as the project area is located nearly 30 miles from the Pacific Coast and almost 3 miles from the margins of San Francisco Bay. Therefore, the Coastal Zone Management Act does not apply to the proposed project.

4.5 Farmland Protection Policy Act

The Farmland Protection Policy Act (FPPA) requires a federal agency to consider the effects of its actions and programs on the nation’s farmlands. The FPPA is intended to minimize the impact of federal programs with respect to the conversion of farmland to nonagricultural uses. It assures that, to the extent possible, federal programs are administered to be compatible with state, local, and private programs and policies to protect farmland. As described in *Section 3.2 Agriculture and Forestry Resources*, the proposed project would be located primarily within Urban and Built-Up Land, with small portions designated as Grazing Land and would not occur within any designated important farmlands. As such, the lead agency would be in compliance with the FPPA.

4.6 Executive Order (EO) 11988 – Floodplain Management

EO 11988 requires federal agencies to recognize the values of floodplains and to consider the public benefits from restoring and preserving floodplains. As described in *Section 3.9 Hydrology and Water Quality*, a portion of Segment 1 and a portion of Segment 2 of the proposed project lie within the 100-year floodplain as designated by the FEMA. Although there are project facilities that would be within the floodplain, these are underground pipelines that would be buried and would not increase flood hazards or interfere with floodplain management. As such, the lead agency would be in compliance with this EO.

4.7 Federal Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and Executive Order 13168

The Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act prohibit the take of migratory birds (or any part, nest, or eggs of any such bird) and the take and commerce of eagles. EO 13168 requires that any project with federal involvement address impacts of federal actions on migratory birds. As described in *Section 3.4 Biological Resources*, the proposed project would have less than significant impact on nesting birds with implementation of **Mitigation Measure BIO-7** if construction cannot be avoided during nesting season. Thus, the lead agency would be in compliance with this EO.

4.8 Executive Order 11990 – Protection of Wetlands

Under EO 11990, federal agencies must avoid affecting wetlands unless it is determined that no practicable alternative is available. As described in *Section 3.4 Biological Resources*, the project area does not support federally protected wetlands as defined by CWA Section 404 and therefore no impacts are anticipated. Berryessa Creek is considered a jurisdictional feature and two drainages would be crossed at Los Coches Street and Ames Avenue. Horsetail and other potentially hydrophytic vegetation were observed along the channel. Berryessa Creek drains directly into San Francisco Bay and is subject to the jurisdiction of the San Francisco RWQCB and U.S. Army Corps of Engineers. Due to the trenchless construction methods used at the locations crossing Berryessa Creek, BMPs required under the SWPPP, and implementation of **Mitigation Measures BIO-1** and **HYD-1**, there would be no fill of jurisdictional wetlands or waters of the U.S. impacts are considered less than significant. Thus, the lead agency would be in compliance with EO 11990.

4.9 Wild and Scenic Rivers Act

The Wild and Scenic Rivers Act was passed in 1968 to preserve and protect designated rivers for their natural, cultural, and recreational value. There are no designated Wild and Scenic Rivers within the project area, nor will any designated rivers be adversely affected by the proposed project. As a result, the Wild and Scenic Rivers Act does not apply to the proposed project.

4.10 Safe Drinking Water Act – Source Water Protection

Section 1424(e) of the Safe Drinking Water Act established the USEPA's Sole Source Aquifer Program. This program protects communities from groundwater contamination from federally-funded projects. Within USEPA's Region 9, which includes California, there are nine sole source aquifers. None of these sole source aquifers are located within the project area. Therefore, the Sole Source Aquifer Program does not apply to the proposed project, and the lead agency would be in compliance with Section 1424(e) of the Safe Drinking Water Act.

4.11 Executive Order on Trails for America in the 21st Century

The EO on Trails for America requires federal agencies to protect, connect, promote, and assist trails of all types throughout the United States. The proposed project would not result in any impacts on trails. Thus, no adverse effects on trails would occur and the lead agency would be in compliance with this EO.

4.12 Executive Order 13007 – Indian Sacred Sites

Sacred sites are defined in Executive Order 13007 (May 24, 1996) as "any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site." The proposed project would not be located on or impact any Federal lands and therefore would not affect any Indian sacred sites under this EO.

4.13 Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) of 1976 as amended (16 U.S.C. § 1801 et seq.), is the primary act governing federal management of fisheries in federal waters, from the 3-nautical-mile state territorial sea limit to the outer limit of the U.S. Exclusive Economic Zone. It establishes exclusive U.S. management authority over all fishing within the Exclusive Economic Zone, all anadromous fish throughout their migratory range except when in a foreign nation's waters, and all fish on the continental shelf. The Act also requires federal agencies to consult with NMFS

on actions that could damage Essential Fish Habitat (EFH), as defined in the 1996 Sustainable Fisheries Act (Public Law 104-297). The proposed project would not be located in or impact any U.S. Federal waters regulated under the Magnuson-Stevens Act. EFH includes those habitats that support the different life stages of each managed species. A single species may use many different habitats throughout its life to support breeding, spawning, nursery, feeding, and protection functions. EFH can consist of both the water column and the underlying surface (e.g., streambed) of a particular area. The project area is located primarily within existing roadways. Trenchless construction methods would be used at the Berryessa Creek crossings to minimize impacts. As described in *Section 3.4 Biological Resources*, the project is not expected to have adverse effect on resident or migratory fish, wildlife species, or fish habitat in the project area.

4.14 Environmental Justice

This section describes the existing socioeconomic resources in the proposed project area and the regulatory setting pertaining to environmental justice-related issues. This section also evaluates the potential for the proposed project to disproportionately affect minority or low-income groups.

The USEPA defines environmental justice as: “The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means no group of people, including racial, ethnic, or economic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of Federal, state, local, and tribal programs and policies.” (USEPA 2016).

Economic conditions in the proposed project area are generally better than national averages. According to 2010-2014 American Community Survey (ACS) estimates, the median household income (MHI) of the City of Milpitas from 2010-2014 was \$99,072. The unemployment rate of the City is 8.7%. (US Census Bureau 2016).

Minority and Low Income Communities

According to CEQA and USEPA guidelines, a minority population is present in a Study Area if the minority population of the affected area exceeds 50 percent, or if the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis.

USEPA guidelines recommend that analysis of low-income communities consider U.S. Census Bureau’s poverty level definitions, as well as applicable state and regional definitions of low-income and poverty communities. U.S. Census data define the poverty level based on income, household size, and number of minors. 2015 poverty levels range from \$11,367 (one person household) to \$52,747 (nine or more person household with one related minor). The most recent ACS data available indicates that 7.5% of the City of Milpitas as a whole is at or below the poverty level (U.S. Census Bureau 2016)

According to the U.S. Census Bureau, the median household income (MHI) for Santa Clara County was \$124,513 in 2014 (U.S. Census Bureau 2014). Communities with MHIs less than 80 percent of the California MHI are considered disadvantaged communities (DACs), according to the California Department of Water Resources (DWR) Integrated Regional Water Management Program. Detailed demographic information was analyzed using data from the U.S. Census Bureau’s American Community Survey (ACS), which provides estimates of demographics based on annual surveys. Data from ACS is available on a Census block group level, and this finer scale is more accurate for project analyses. The statewide 2014 MHI was \$61,489. A DAC would therefore be a community with an MHI of \$49,191 or less. DWR’s definition was used to define low income/disadvantaged communities for this analysis.

Minority Communities

A review of demographic data for the proposed project area produced as part of the 2010-2014 ACS, shows that the City of Milpitas has a predominately minority population, with only 20.1% of the population identifying as “White” only. Over 63% of the population of the City identifies as Asian, and just over 8% identifying as more than one race. Other minority groups were identified as comprising less than 5% of the total population. As shown in **Figure 4-1**, the proposed facilities are located within or adjacent to census tracts that contain greater than 50% minority populations. ACS mapping found that construction of all project components would occur within Census block groups whose minority population comprise more than 50% of the block group’s total population. Additional evaluation of ACS demographic data found that the larger area, beyond just the proposed project’s area of disturbance, was also composed of areas with a substantial (greater than 50%) minority population.

Low Income Communities

ACS mapping of median household incomes in the proposed project area shows limited presence of Census block groups with an MHI meeting the DAC threshold defined above. As shown in **Figure 4-1**, the only DAC area within the proposed project area is located in a block group bounded by East Calaveras Boulevard to the north, South Park Victoria Drive to the east, Yosemite Drive to the South, and I-680 to the west. Segment 1 is the only proposed project component that would be constructed within this DAC area.

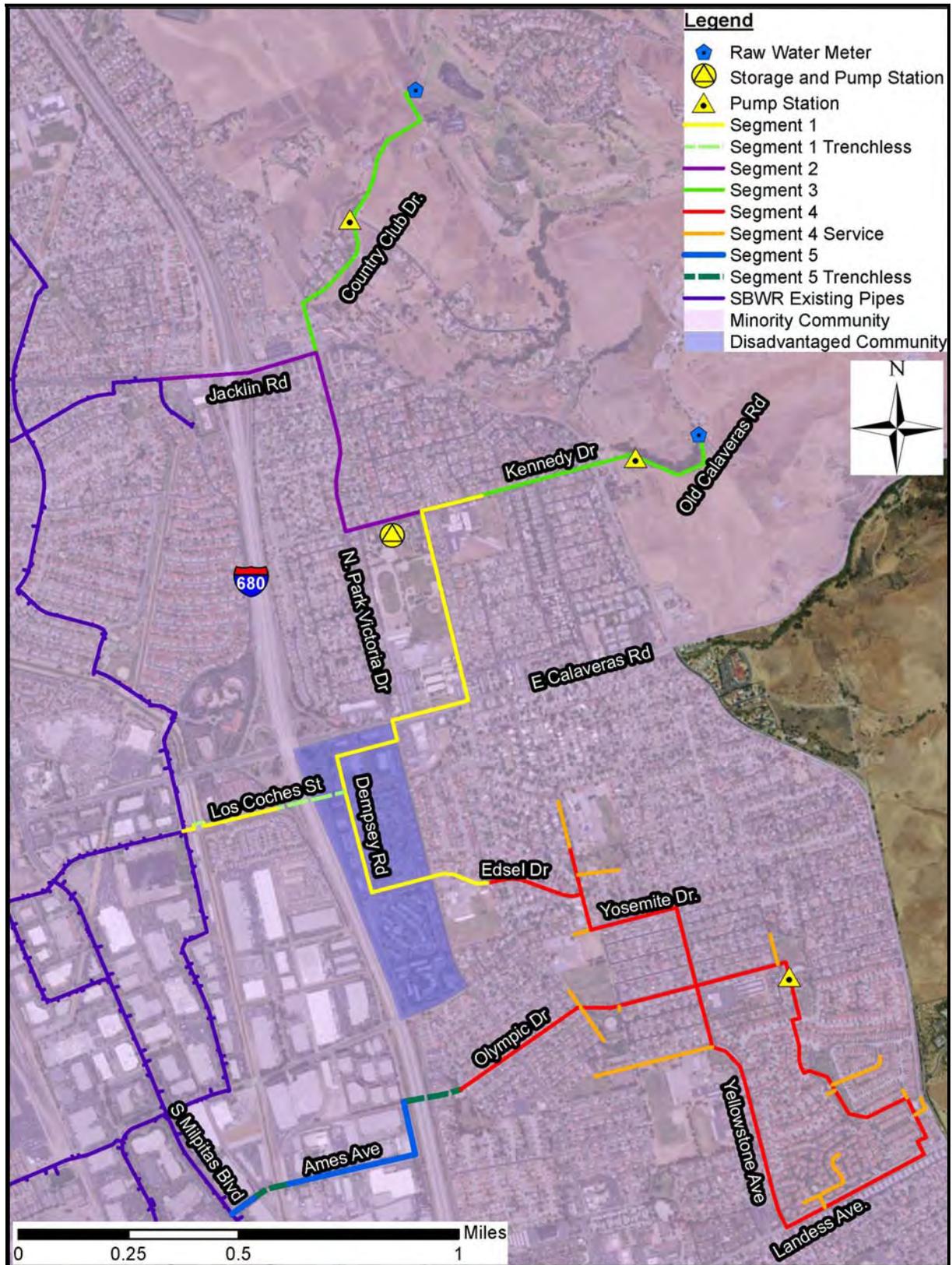
Conclusion

For the purposes of this analysis, an impact related to environmental justice would be significant if the proposed project would cause impacts to minority or low-income populations that are disproportionately high and adverse, either directly, indirectly, or cumulatively.

The placement of the proposed facilities are strategic, intentionally located to provide recycled water to existing and future landscape irrigation customers, including schools, parks, and residential areas. Thus, although the construction of pipelines has the potential for short-term effects, the provision of recycled water to existing and future users would have the long-term benefit of providing a reliable water supply to maintain turf and landscaping in the project area.

Although construction would generate impacts (e.g., dust, traffic, and noise), such activities would be intermittent and temporary, and would cease upon completion of work activities. Where potential impacts could occur, mitigation measures have been identified to reduce such effects to less-than-significant levels. In addition, construction-related effects would be similar regardless of their locations within or outside census tracts that contain minority/low-income communities. With the exception of a portion of Segment 1, the proposed project would be constructed within areas whose populations are relatively similar in regards to income level and presence of minority populations. Potential impacts from construction of the proposed project pipelines would be realized consistently along all portions of the alignments, including Segment 1. The proposed project would therefore not result in any disproportionately high impacts on minority or low income communities. Thus, no adverse environmental justice impacts would occur.

Figure 4-1: Environmental Justice Communities



Source: RMC 2016

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