



**City of Milpitas  
Initial Study Checklist  
Housing Element Update and  
Amendments to the Seismic and Safety, and  
Open Space and Environmental Conservation Elements Project**

The proposed Housing Element Update and Amendments to the Seismic and Safety, and Open Space and Environmental Conservation Elements Project is a project under the California Environmental Quality Act (CEQA). This Initial Study was prepared by PlaceWorks for the City of Milpitas (City), Planning & Neighborhood Services Department. This Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.), CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations).

- 1. Title:** Housing Element Update and Amendments to the Seismic and Safety, and Open Space and Environmental Conservation Elements Project
- 2. Lead Agency Name and Address:** City of Milpitas  
Planning & Neighborhood Services Department  
455 East Calaveras Boulevard  
Milpitas, CA 95035
- 3. Contact Person and Phone Number:** Felix J. Reliford, Principal Housing Planner  
(408) 586-3071
- 4. Location:** Milpitas, CA
- 5. Sponsor's Name and Address:** City of Milpitas  
Planning & Neighborhood Services Department  
455 East Calaveras Boulevard  
Milpitas, CA 95035
- 6. General Plan Land Use Designations:** Residential and Mixed-Use
- 7. Zoning:**  
Residential: Single-Family Residential (R1), One- and Two-Family Residential (R2), Multi-Family High Density Residential (R3), Multi-Family Very High Density Residential (R4), and Urban Residential (R5)  
Mixed-Use: Mixed Use (MXD), High Density Mixed Use (MXD2), and Very High Density Mixed Use (MXD3)
- 8. Location, Setting, Project Description:** See page 5 of this Initial Study

**9. Other Required Approvals:**

The Housing Element Update and Amendments to the Seismic and Safety, and Open Space and Environmental Conservation Elements Project will be adopted by the City of Milpitas, without oversight or permitting by other agencies.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

The environmental factors checked below would be potentially affected by the proposed Project, involving at least one impact that is a Potentially Significant Impact, as indicated by the checklist on the following pages.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics               | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Cultural Resources               | <input type="checkbox"/> Geology & Soils                    |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials    | <input type="checkbox"/> Hydrology & Water Quality          |
| <input type="checkbox"/> Land Use                 | <input type="checkbox"/> Mineral Resources                | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population & Housing     | <input type="checkbox"/> Public Services                  | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic   | <input type="checkbox"/> Utilities & Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |

**Determination:**

On the basis of this initial evaluation:

- 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 City. 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 (EIR) will be prepared.
- 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, nothing further is required.

\_\_\_\_\_  
Signature

Felix J. Reliford  
Printed Name

\_\_\_\_\_  
Date

Principal Housing Planner  
Title

This Initial Study evaluates the proposed Housing Element Update and subsequent amendments to the Seismic and Safety Element and Open Space and Conservation Element, herein referred to as “proposed Project.”

## LOCATION AND SETTING

The City of Milpitas (City) is situated on the eastern shore of the San Francisco Bay, in Santa Clara County, just south of Alameda County. The City encompasses about 13.64 square miles of land, and borders Fremont on the north, San Jose on the south and west, and unincorporated county to the east. See Figure 1 for map location.

## EXISTING CONDITIONS

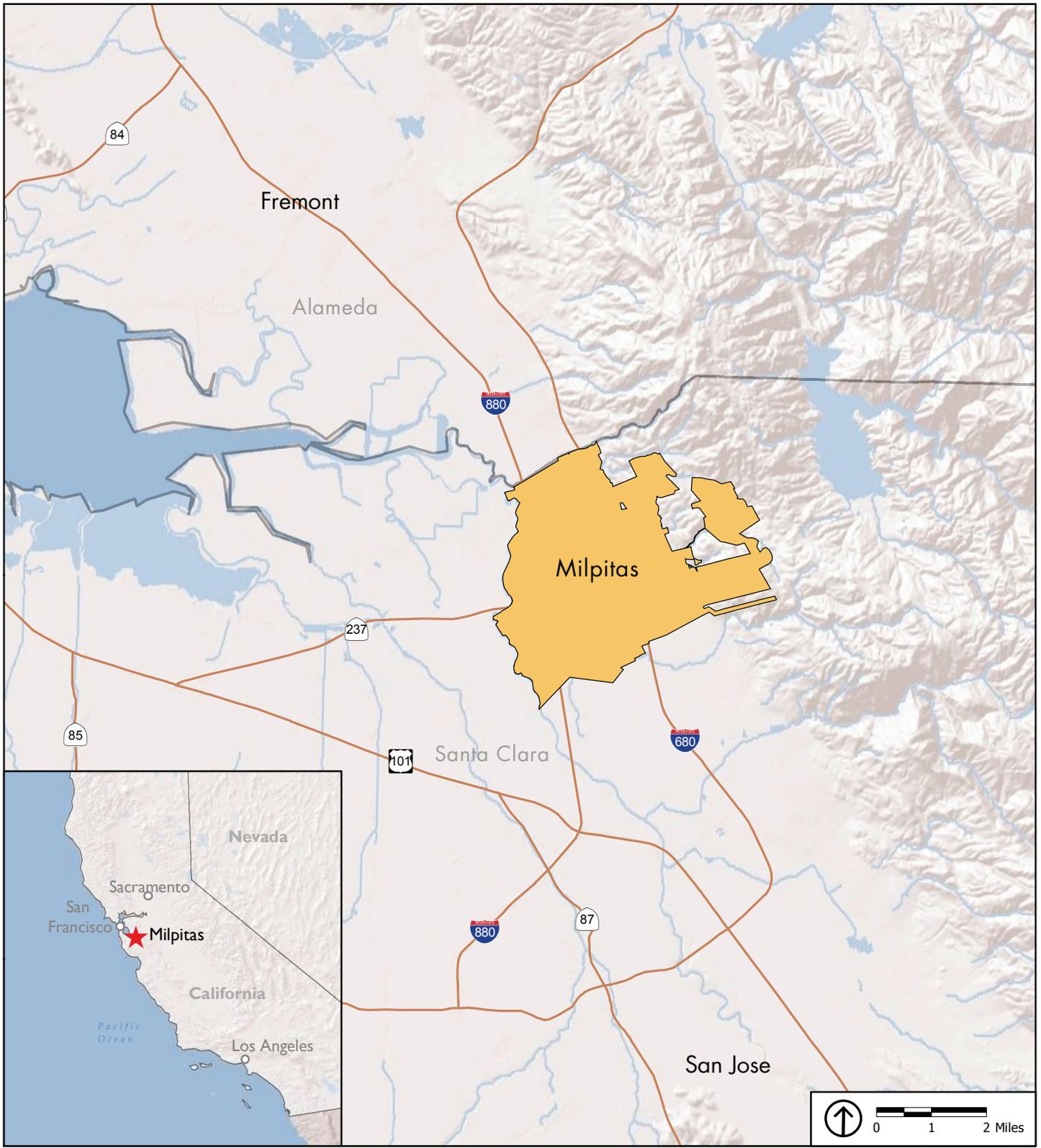
The proposed Project includes an update to the current Housing Element and amendments to the Seismic and Safety Element, and the Open Space and Environmental Conservation Element.

### **Housing Element**

The Housing Element is one of seven State-mandated elements of the City’s General Plan. Housing Element law requires local jurisdictions to plan for and allow the construction of a share of the region’s projected housing needs. This share is called the Regional Housing Needs Allocation (RHNA). State law mandates that each jurisdiction provide sufficient land to accommodate a variety of housing opportunities for all economic segments of the community, so as to meet or exceed the RHNA. The Association of Bay Area Governments (ABAG), as the regional planning agency, calculates the RHNA for individual jurisdictions within Santa Clara County, including Milpitas.

The City’s General Plan was adopted in 1994 and since then minor amendments have occurred. The most recent update was made in 2008 to include the revisions to the adopted 2002 Midtown Specific Plan and the 2008 Transit Area Specific Plan. The Midtown Specific Plan anticipates the development of approximately 3,000 or more new housing units and the Transit Area Specific Plan anticipates development of approximately 6,400 to 9,360 new housing units. As of April 2013, approximately 2,300 new housing units have been constructed or approved for construction under the Midtown Specific Plan and 3,698 under the Transit Area Specific Plan. As envisioned in these Specific Plans, most new housing in Milpitas will be multi-family housing in transit-oriented development areas.

During the 2007-2014 Housing Element Cycle, a total of 6,434 housing units were built or permitted in Milpitas, far exceeding the City’s total RHNA of 2,487 units for this period. Under the 2007-2014 Housing Element Cycle, the City was required to demonstrate that it could accommodate up to 1,110 housing units for lower income (very low income and low income) households. The City did not meet the lower income RHNA requirement for the 2007-2014 Housing Element Cycle by 813 housing units. The City was also required to demonstrate that it could accommodate up to 441 housing units for moderate income households. This requirement was also not met, leaving a remaining RHNA balance of 267 moderate income households. However, the City was required to demonstrate it could accommodate up to 936 above moderate income households. Accordingly, the City exceeded this RHNA requirement by 5,027 units.



Source: The Planning Center | DC&E, 2013; ESRI 2010; FHA 2002.

-  Milpitas City Limits
-  Highway

FIGURE 1  
REGION AND LOCATION MAP

### **Seismic and Safety Element**

The Seismic and Safety Element includes goals, policies and programs to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes, landslides, and other hazards. The safety element identifies hazards and hazard abatement provisions to guide local decisions related to zoning, subdivisions, and entitlement permits.

In October 2007, Assembly Bill 162 (AB 162) was signed into law. AB 162 strengthens flood protection in California by requiring jurisdictions, upon the next revision of the mandatory Housing Element, on or after January 1, 2009, to update flood related information in its General Plan.

### **Open Space and Environmental Conservation Element**

The Open Space and Environmental Conservation Element includes goals, policies and programs to assure the conservation, development and use of natural resources including water, forests, soils, rivers, fisheries, wildlife, minerals and other natural resources. This element also assures the continued availability of land for the managed production of resources (such as food and fiber), to protect the enjoyment of scenic beauty and ensure provision of recreation, to identify and preserve lands whose indiscriminate development could compromise public health and safety, and to preserve natural resources.

State law also requires that an Open Space Element contain an action program consisting of specific programs to implement the open space plan. Milpitas' open space action plan is the sum total of the open space and conservation policies in this Element of the General Plan and the open space proposals depicted on the General Plan Land Use Diagram.

## **PROJECT DESCRIPTION**

The prior Milpitas Housing Element certified by the State Housing and Community Development Department (HCD) in 2010, covered the period between 2007 and 2014 and is the basis for the current Housing Element update. However, all sections in the 2010 Housing Element have been reviewed and updated to reflect changes to State Law, City housing policies and programs, and local demographic and real estate market conditions.

The proposed Housing Element update, which supports the goals and policies of the City's General Plan, provides policies and implementing programs under which new housing development would be allowed. The proposed Seismic and Safety Element amendment would ensure flooding hazards to residential development would be minimized to the maximum extent feasible. The proposed amendment to the Open Space and Conservation Element would ensure consistency between the Seismic and Safety Element and the Open Space Conservation Element.

The following describes the three key components of the proposed Project:

### **Housing Element Update (2015-2023)**

The proposed Project updates the City's current Housing Element (2007-2014) in compliance with Government Code Section 65580 et seq. The policies and housing programs that are intended to guide the City's housing efforts through the 2015-2023 RHNA planning period have been updated as part of the proposed Project, and the following are the goals in the Housing Element, which the policies and programs help to implement:

- **Goal A: Provide Adequate Sites.** Maintain adequate sites to accommodate the City’s share of the regional housing need, including sites that are appropriate for the development of housing affordable to very low-, low-, moderate- and above moderate-income households.
- **Goal B: Maintain and Preserve Housing Resources.** Preserve and enhance Concord’s residential neighborhoods and improve the quality of life for all residents.
- **Goal C: Facilitate New Housing Production.** Promote new housing development and remove public infrastructure constraints to new housing development.
- **Goal D: Support Housing Diversity and Affordability.** Support the development of a diverse range of housing types, including rental and ownership units, housing affordable to all economic segments of the community, and housing for individuals with special housing needs.
- **Goal E: Eliminate Housing Discrimination.** Ensure equal housing opportunity for all households and equal access to the City’s housing resources.
- **Goal F: Promote Energy Conservation.** Promote energy efficiency in residential development in Milpitas, including reduction of energy use through better design and construction in individual homes and energy-efficient urban design.

California cities are required to provide a wide range of housing options for all income levels. ABAG, as a regional agency, develops a RHNA based on demographic projection to distribute the regional share of the statewide housing need at different income levels to the cities and counties within the Bay Area. Milpitas’ RHNA has been determined to be a total of 3,290 units, and Table 1 shows Milpitas’ allocation distributed among different income levels:

**Table 1 Milpitas’ Regional Housing Needs Allocation (RHNA)**

INCOME LEVEL	UNITS
Very Low	1,004
Low	570
Moderate	565
Above Moderate	1,151
<i>TOTAL</i>	<i>3,290</i>

Milpitas has the capacity to accommodate at least 8,920 new residential units during the current Housing Element planning period, significantly exceeding the City’s RHNA goals. The City’s potential residential sites for the 2015-2023 Housing Element Update cycle include:

- Sites with planned or proposed residential projects in the development pipeline (6,146 units);
- Vacant or underutilized sites zoned for high-density residential development (1,729 units); and
- Vacant or underutilized sites zoned for mixed-use development with high-density residential development potential (1,011 units);
- Vacant or underutilized sites zoned for low-density residential development (34 units).

Milpitas has experienced a considerable amount of residential development activity in recent years; this momentum is continuing at present, with a large number of units in the City’s development pipeline. There are 19 residential projects that are proposed, planned, or under construction in Milpitas, with a total of 6,146 units.

In addition to the substantial pipeline, Milpitas has sufficient sites zoned and available to accommodate at least 2,774 additional new residential units between 2015 and 2023. Based on the default densities (20 dwelling units per acre)<sup>1</sup> for Milpitas, these sites can accommodate at least 2,740 units affordable to very low-, low-, or moderate income households, exceeding the remaining RHNA need identified in Table 2. These sites are shown on Figure 2.

**Table 2 Summary of Potential Housing Sites, Milpitas, 2015-2023**

Site Number	Total Parcels	Acreage	Yield at Midpoint Density	Estimated Yield (a)
<b>High-Density Residential/Potential Affordable Housing Sites (b)</b>				
MFR-1	10	7.6	383	311
MFR-2	1	1.4	51	44
MRF-3	1	2.2	78	68
MFR-4	2	5.9	300	244
MFR-5	2	7.4	499	304
MFR-6	2	9.4	632	385
MFR-7	6	7.4	376	305
MFR-8	2	3.2	99	68
Total	26	44.6	2,419	1729
<b>Mixed-Use/Potential Affordable House Sites</b>				
MXD-1	5	2.1	48	40
MXD-2	5	1.9	44	37
MRF-3	1	1.3	31	25
MXD-4	1	0.7	16	13
MXD-5	2	2.8	65	54
MXD-6	2	1.1	25	21
MXD-7	1	9.5	580	353
MXD-8	1	2.5	155	95
MXD-9	2	2.1	98	80
MXD-10	3	4.5	209	170
MXD-11	1	1.0	47	38
MXD-12	2	2.3	106	86

<sup>1</sup> The default density is 20 units per acre for all cities in Santa Clara County with a population of fewer than 100,000 people ([http://www.hcd.ca.gov/hpd/housing\\_element2/SIA\\_zoning.php](http://www.hcd.ca.gov/hpd/housing_element2/SIA_zoning.php)).

**Table 2 Summary of Potential Housing Sites, Milpitas, 2015-2023**

Site Number	Total Parcels	Acreage	Yield at Midpoint Density	Estimated Yield (a)
Total	26	31.9	1,426	1,011
<b>Total Potential Affordable Housing Sites</b>				
	52	76.6	3,844	2,740
<b>Low-Density Residential/Above-Moderate Income (d)</b>				
SFR-1	1	4.9	N/A	34

Notes:

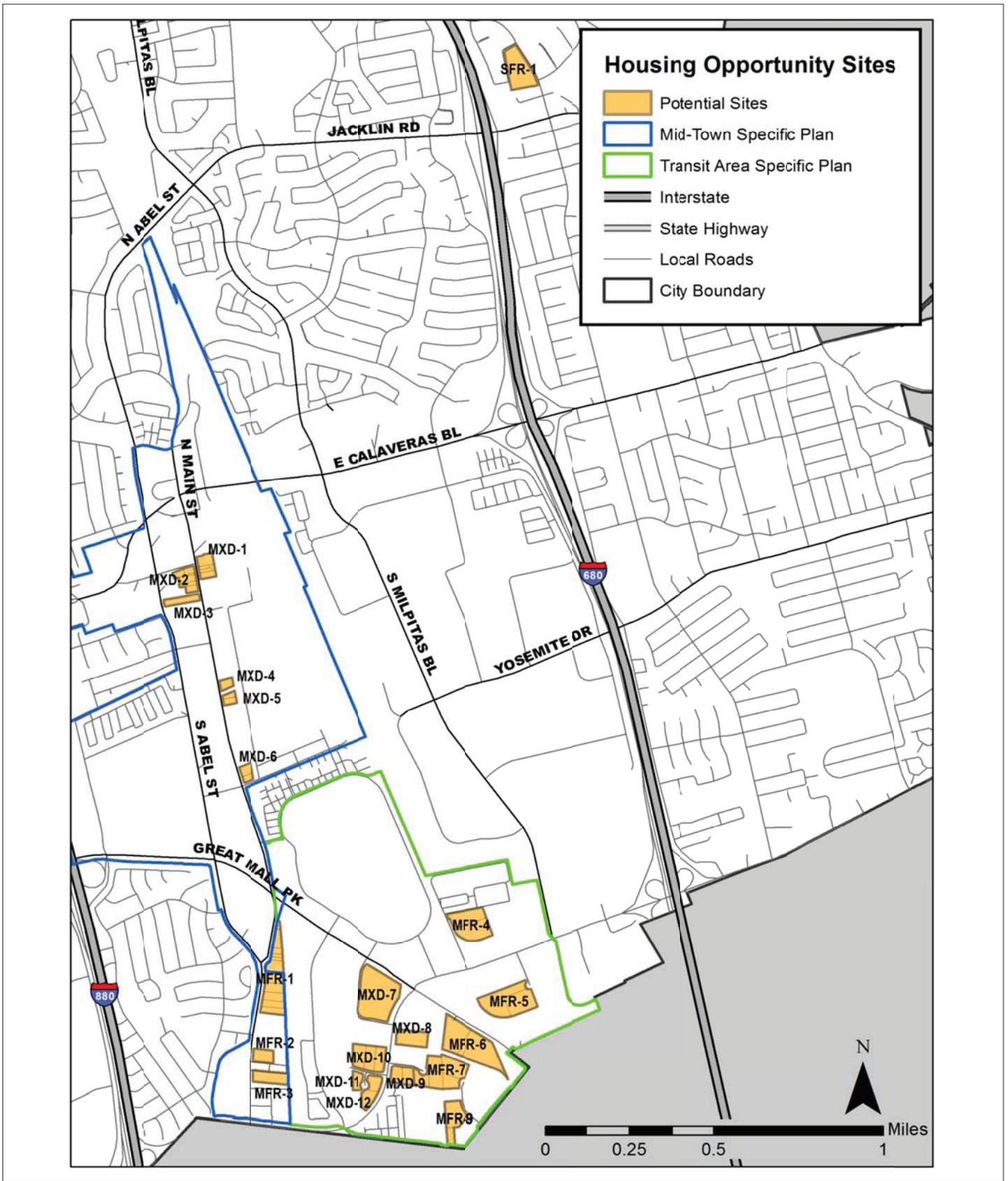
(a) The estimated yield for high-density residential and mixed-use sites uses the minimum density allowed by the zoning ordinance to provide a conservative estimate of the number of units that can be accommodated on each of the opportunity sites.

(b) High-density residential sites are defined as sites zoned for residential use at densities equal to or higher than the "default densities" for Milpitas (20 units/acre) and are therefore capable of accommodating housing affordable to very low-, low-, and moderate-income households.

(c) All mixed-use sites shown are zoned at densities equal to or higher than the "default densities" for Milpitas (20 units/acre) and are therefore capable of accommodating housing affordable to very low-, low-, and moderate-income households.

(d) Low-density residential sites are defined as sites zoned for residential use at densities lower than the "default densities" for Milpitas (20 units/acre) and are therefore presumed to be sites for units serving above moderate-income households.

Source: Table 4.3 Draft Housing Element, BAE, 2014.



Source: Draft Housing Element, August 2014.

FIGURE 2  
 HOUSING OPPORTUNITY SITES

## **Seismic and Safety Element Amendment**

The Seismic and Safety Element Amendment includes an update to required information related to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), dam inundation zones, and City goals and policies to comply with State law (specifically AB 162 and California Government Code 65302). It also includes the adoption of Santa Clara County's multi-jurisdictional Local Hazard Mitigation Plan and the City of Milpitas' Local Hazard Mitigation Plan Annex to ensure that appropriate emergency measures are implemented when natural disasters occur.

## **Open Space and Environmental Conservation Element Amendment**

The Open Space and Environmental Conservation Element Amendment include updates to the Water Quality and Conservation Section. Specifically, a map of rivers, creeks, streams, and riparian habitat as per AB 162 has been added.

## **POTENTIAL PHYSICAL CHANGES**

Altogether, the proposed Project does not include actions that could directly or indirectly result in substantial physical changes to the environment. The potential future housing permitted under the proposed Project would not increase development potential, but rather would enable the City of Milpitas to meet its housing needs, including the facilitation of future development to meet the needs of at-risk populations by providing housing types designed for these groups, and ensure hazards from flooding are reduced to the maximum extent feasible.

Environmental factors, such as topography, soils, landslides and seismic hazards, and noise, as well as the lack of infrastructure, such as roads, water, and sewer lines, are potential constraints to housing development in the city. However, most of the housing sites identified by the City are not affected by such constraints. The General Plan has taken these factors into account in establishing policies and land use designations for residential and mixed use development. Where development is planned, any site constraints that remain can be mitigated through appropriate design and environmental planning.

The potential future housing that could occur under the proposed Project would not increase development potential in Milpitas. Instead, the Housing Element identifies sites that can accommodate housing under existing zoning and land use regulations at development intensities that have already been analyzed and approved in the EIRs prepared for the General Plan, the Midtown Specific Plan and the Transit Area Specific Plan projects. The City can accommodate the 2014-2022 RHNA without the need for redesignation or rezoning of new housing sites.

The Housing Element is a policy-level regulatory document that establishes goals and policies that guide development. It does not include any site-specific designs or proposals nor does it grant any entitlements for development; therefore, the proposed Project does not directly result in development in and of itself. When specific implementing programs and development projects are identified, the program and/or development applications for such individual projects, as required, would be submitted separately to the City for review. All such development is required to be analyzed for conformance with the General Plan, Zoning Code, and other applicable federal, State, and local requirements; comply with the applicable requirements of CEQA; and obtain all necessary clearances and permits.

## ENVIRONMENTAL CHECKLIST

### I. AESTHETICS

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>DISCUSSION:</b>				
<p>a) Potential future development permitted under the proposed Project would have the potential to affect scenic vistas and/or scenic corridors if new or intensified development blocked views of areas that provide or contribute to such vistas. Potential effects could include blocking views of a scenic vista/corridor from specific publically accessible vantage points or the alteration of the overall scenic vista/corridor itself. Such alterations could be positive or negative, depending on the characteristics of individual future developments and the subjective perception of observers.</p> <p>Scenic corridors are considered public views as seen along a linear transportation route and scenic vistas are views of a specific scenic feature. Scenic vistas are generally interpreted as long range views, while scenic corridors are comprised of short-, middle-, and long-range views. The Milpitas General Plan, in Chapter 4.7, Scenic Resources and Routes, designates scenic routes, corridors, connectors, and a variety of other scenic resources (e.g. foothills and the tree-lined Coyote Creek corridor).</p> <p>Potential future development permitted under the proposed Project would allow for housing within the City's Residential and Mixed Use Zoning designations. Potential future residential facilities permitted under the proposed Project would be subject to the general development standards for that particular zone as set forth in City Municipal Code Sections (i.e. XI-10-4.04 [Residential], XI-10-6.04 [Mixed-Use]). The general development standards as well as the following General Plan policies identified in Chapter 4.7, Scenic Resources and Routes, address the preservation of scenic vistas and corridors in the city.</p> <p><b>Policy 4.g-I-1</b> Limit uses in Scenic Corridors to those uses allowed by right and conditionally in the R-1 Single-Family Residence and Park and Open Space Zoning Districts. Commercial development can only be allowed when its design will not result in a loss of any scenic potential.</p> <p><b>Policy 4.g-I-3</b> Development in the Scenic Corridor shall not exceed 17 feet in height. The 17-foot height limit may be waived by the City Council when the following two criteria are met: (1) taller buildings are allowed through the underlying zoning district or a PUD [planned unit development] process; and (2) development that exceeds the 17-foot height limit does not significantly obstruct views of the Hillside based on the following guidelines:</p>				

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<ul style="list-style-type: none"> <li>▪ The development will not significantly obstruct scenic features including but not limited to ridge-lines, stands of trees or other vegetation, geologic formations, historic, or scenic structures.</li> <li>▪ The development is sited to avoid destruction of any distinctive physical characteristics with significant scenic value.</li> <li>▪ The development will avoid architectural features such as unusually long blank walls, unbroken roof lines, and excessively steep roof pitches which would detract from the scenic characteristics of the site.</li> <li>▪ The scale of the project is consistent with the scale of existing development in the immediate vicinity and within the Scenic Corridor.</li> <li>▪ The bulk of the building(s) will not dominate views of the corridor.</li> <li>▪ Building materials and colors will blend in and complement the rural “natural” hillside setting (i.e. earth tones, stucco, clay, stone, wood, etc.).</li> </ul> <p><b>Policy 4.g-I-4</b> Require all development within or abutting Scenic Corridors to be oriented away from the Corridors, with limited driveway access.</p> <p><b>Policy 4.g-I-5</b> New development within the Scenic Corridor will be subject to site and architectural review (“S” zone Approval) by the Planning Commission. The review will include:</p> <ul style="list-style-type: none"> <li>▪ reviewing architectural design and site planning of all development;</li> <li>▪ requiring development that adjoins natural environments to use materials that help to blend buildings into the surroundings; and</li> <li>▪ requiring parking, storage, and other such areas to be screened-off from view by using trees and shrubs.</li> </ul> <p><b>Policy 4.g-I-6</b> Provide view turnouts, rest areas and picnic facilities at appropriate locations along Scenic Corridors.</p> <p>As discussed above, potential future development permitted under the proposed Project would involve housing that would be subject to the general development standards within the City’s Municipal Code. Accordingly, the proposed Project would not be expected to significantly alter scenic viewsheds in Residential and Mixed Use zones and overall impacts to scenic corridors and vistas within the city would be less than significant. Implementation of the listed General Plan policies would further ensure that impacts on scenic vistas would be <i>less than significant</i>.</p> <p>b) The City of Milpitas is not adjacent to a designated State scenic highway and therefore <i>no impact</i> would occur.<sup>2</sup></p>				

<sup>2</sup> California Department of Transportation website, Officially Designated State Scenic Highways, [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/scenic_highways/), accessed October 6, 2014.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) As discussed in Section I.a above, potential housing permitted as a result of the proposed Project would be restricted to the existing built environment in areas where residential uses are currently permitted and would be required to comply with enumerated development standards set forth in the City's Municipal Code to ensure compatibility with adjoining land uses. Additionally, implementation of the General Plan policies listed in Section I.a would protect the existing visual character or quality of the city and its surroundings. Accordingly, future development permitted under the proposed Project would result in a <i>less-than-significant</i> impact to visual character.				
d) Substantial light and glare comes mainly from commercial areas, safety lighting, traffic on major arterials and the freeway, and street lights. Future potential development permitted under the proposed Project does not include any land use changes that would re-designate areas from residential to commercial. Light pollution in most of the city is restricted primarily to street lighting along major arterials streets and to night-time illumination of commercial buildings, shopping centers, and industrial buildings. Potential housing permitted under the proposed Project would occur in already largely built-out areas where street and site lighting currently exist. Similar to the discussions in Sections I.a and I.c above, potential future development permitted under the proposed Project would be required to comply with enumerated general development standards set forth in the City's Municipal Code to ensure compatibility with adjoining land uses. These factors contribute to a <i>less-than-significant</i> impact with respect to light and glare.				

## II. AGRICULTURE AND FORESTRY RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 Resources Code Section 12220(g)), timberland (as defined by Public Resources 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"/>

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 of conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>DISCUSSION:</b>				
<p>a) Maps pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency categorize land within the city as primarily Urban and Built-Up Land.<sup>3</sup> There are no agricultural lands identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within the Zoning districts affected by the proposed Project. Potential future development permitted as a result of the proposed Project would only occur within existing Residential and Mixed Use zoning designations. Therefore, there would be <i>no impact</i>.</p> <p>b) The California Land Conservation (Williamson) Act 2010 Status Report identifies land in Santa Clara County that is currently under Williamson Act contract.<sup>4</sup> However, as discussed in response to Section II.a, there is no agricultural land within the affected zoning districts, and, therefore, implementation of the proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. Consequently, there would be <i>no impact</i>.</p> <p>c) According to 2003 mapping data from the California Department of Forestry and Fire Protection, the city does not contain any woodland or forest land cover;<sup>5</sup> thus, the city does not contain land zoned for Timberland Production and <i>no impact</i> would occur.</p> <p>d) For the reasons provided in response to Sections II.a through II.c, there would be <i>no impact</i> in relation to the conversion of farmland to non-agricultural use or forest land to non-forest use.</p> <p>e) See Sections II.b, II.c, and II.d above.</p>				

### III. AIR QUALITY

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>3</sup> California Resources Agency, Farmland Mapping and Monitoring Program. Santa Clara County Important Farmland 2010, . [ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/regional/2010/bay\\_area\\_fmmp2010.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/regional/2010/bay_area_fmmp2010.pdf). accessed October 6, 2014.

<sup>4</sup> California Department of Conservation, 2010, California Land Conservation (Williamson) Act 2010 Status Report, page 23, [http://www.conservation.ca.gov/dlrp/lca/stats\\_reports/Documents/2010%20Williamson-%20Act%20Status%20Report.pdf](http://www.conservation.ca.gov/dlrp/lca/stats_reports/Documents/2010%20Williamson-%20Act%20Status%20Report.pdf), accessed October 6, 2014.

<sup>5</sup> California Department of Forestry and Fire Protection Fire and Resource Assessment Program, Land Cover map, [http://frap.cdf.ca.gov/webdata/maps/statewide/fvegwhr13\\_map.pdf](http://frap.cdf.ca.gov/webdata/maps/statewide/fvegwhr13_map.pdf) accessed October 6, 2014.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>DISCUSSION:</b></p> <p>The City of Milpitas is within the San Francisco Bay Area Air Basin (SFBAAB) which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The SFBAAB is a nonattainment area for ozone (O<sub>3</sub>) and fine inhalable particulate matter (PM<sub>2.5</sub>) under the state and federal ambient air quality standards (AAQS) and coarse inhalable particulate matter (PM<sub>10</sub>) under the state AAQS. The air basin is in attainment for carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), and sulfur dioxide (SO<sub>2</sub>).<sup>6</sup></p> <p>a) An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a nonattainment area. The main purpose of an air quality plan is to bring the area into compliance with the requirements of federal and state air quality standards. A consistency determination plays an important role in local agency project review by linking local planning and individual projects to the BAAQMD 2010 Bay Area Clean Air Plan.<sup>7</sup> Projects are consistent with BAAQMD's 2010 Bay Area Clean Air Plan if they are consistent with the existing land use plans used to forecast emissions. In general, zoning changes, specific plans, general plan amendments and similar land use plan changes that do not increase dwelling unit density, vehicle trips, or increase vehicle miles traveled (VMT) are deemed to be consistent with the BAAQMD 2010 Bay Area Clean Air Plan.</p> <p>The proposed Project presents housing goals during the 2015-2023 planning period as well as policies and programs to support these goals that would enable the City to meet its 2014-2022 RHNA. Because the housing assessment in the RHNA is determined by the ABAG, the proposed Project would accommodate increases in population based on ABAG's demographic projections. The Project would be consistent with the Bay Area 2010 Clean Air Plan because it is based on demographic projections for the City, which form the basis of the regional emissions inventories for the SFBAAB. Therefore, the proposed Project would not conflict with BAAQMD's 2010 Clean Air Plan and there would be <i>no impact</i>.</p> <p>b) Development facilitated by the Housing Element program has the potential to result in criteria air pollu-</p>				

<sup>6</sup> California Air Resources Board. 2014a, June. Area Designations: Activities and Maps. <http://www.arb.ca.gov/desig/adm/adm.htm>.

<sup>7</sup> Bay Area Air Quality Management District (BAAQMD), 2012. Bay Area 2010 Clean Air Plan. <http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans/Clean-Air-Plans.aspx>.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>tant emissions during construction and operational phases.</p> <p><b>Construction Impacts</b>  Air pollution emissions associated with the Project could occur over the short-term for demolition, site preparation, and construction activities. Air quality impacts may occur during the site preparation and construction activities of individual projects as anticipated under the 2007-2014 Housing Element. Major sources of emissions during this phase include exhaust emissions generated during demolition of an existing structure, site preparation, and subsequent structure erection, and fugitive dust generated as a result of soil disturbances. The proposed Project would result in changes at the policy level and does not include specific development proposals.</p> <p>The proposed Project would result in changes at the policy level and does not include specific development proposals. The Housing Element establishes programs for facilitating housing development pursuant to adopted land use plans. Thus, the proposed Project would not directly result in any construction-related criteria air pollutant emissions. Potential future development under the proposed Project would be required to comply with BAAQMD standards including the Basic Construction Measures for reducing dust and exhaust from construction. Therefore, construction-related impacts to any air quality standard due to the proposed Project would result in a <i>less-than-significant</i> impact.</p> <p><b>Operational Impacts</b>  Development facilitated by the Housing Element program has the potential to result in criteria air pollutant emissions due to new vehicle trips, use of equipment, and natural gas generation from the long-term operation of the potential additional units. The proposed Project does not include specific development proposals and would result in overall consistency between the City’s General Plan land use designations and zoning and its Housing Element. Thus, the proposed Project would not directly result in any criteria air pollutant emissions. However, any future developments would be subject to review on a project-by-project basis. Therefore, operational phase-related impacts due to the proposed Project would result in a <i>less-than-significant</i> impact.</p> <p>c) The SFBAAB is a nonattainment area for O<sub>3</sub>, PM<sub>2.5</sub>, and PM<sub>10</sub>.<sup>8</sup> New development would generate pollutant emissions due to new vehicle trips, use of equipment, and off-site power and natural gas generation. Future projects would be subject to CEQA review and would determine whether emissions would be in excess of State or federal AAQS. Additionally, any new development would be required to comply with BAAQMD regulations to mitigate or prevent the generation of criteria pollutant emissions. The proposed Project would result in changes at the policy level and does not include specific development proposals. Thus, the proposed Project would not directly result in any criteria air pollutant emissions. Therefore, impacts to air quality from implementation of the proposed Project would be <i>less than significant</i>.</p> <p>d) <b>Localized Construction Emissions</b>  Sensitive receptors in the vicinity of the housing opportunity sites could be affected by demolition and construction. The potential construction of additional housing units could lead to fugitive emissions and toxic air contaminants (TACs) affecting adjacent sensitive land uses. The proposed Project would result</p>				

<sup>8</sup> Bay Area Air Quality Management District (BAAQMD), 2013. Air Quality Standards and Attainment Status. April, [http://hank.baaqmd.gov/pln/air\\_quality/ambient\\_air\\_quality.htm](http://hank.baaqmd.gov/pln/air_quality/ambient_air_quality.htm). Access January 2014.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>in changes at the policy level and does not include specific development proposals. Thus, the proposed Project would not directly result in any construction-related criteria air pollutant emissions. Air quality analyses would be completed on a site-specific basis to determine whether emissions from proposed development would expose sensitive receptors to substantial pollutant concentrations during construction. The impacts of localized construction emissions due to the proposed Project would result in a <i>less-than-significant</i> impact.</p> <p><b>Carbon Monoxide Hotspots</b> With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology, the SFBAAB is in attainment of the California and National AAQS, and carbon monoxide (CO) concentrations in the SFBAAB have steadily declined. Because CO Concentrations have improved, intersection volumes during the peak hour in the SFBAAB would not typically reach the level required to result in a CO hotspot.<sup>9</sup> <i>No impact</i> would occur.</p> <p><b>Community Risk and Hazards</b> TAC sources within the City of Milpitas include stationary sources permitted by BAAQMD, railroads, roadways with more than 10,000 annual average daily traffic (AADT), and highways or freeways. Stationary sources in Milpitas were identified using BAAQMD’s Stationary Source Screening Analysis Tool. There are approximately 164 potential stationary sources in the city. Of these sources, approximately 23 are gas stations, 11 are emergency diesel generators, 11 are auto body repair and refinishing facilities, six are dry cleaners, and 113 are miscellaneous sources (e.g. industrial uses, technology companies, printing shops, etc.).</p> <p>The Southern Pacific Railroad and high-volume roadways with over 10,000 vehicles per day were also identified. High volume roadways were identified within 1,000 feet of the sites including Interstate 680, Interstate 880, California State Route 237, Montague Expressway, South Abel Street, East Calaveras Boulevard, Great Mall Parkway, Jacklin Road, and East Capitol Avenue. The proposed Project would result in changes at the policy level and does not include specific development proposals. Potential future development under the proposed Project would be required to comply with the latest State Office of Environmental Health Hazard Assessment (OEHHA) and BAAQMD guidance including preparing more refined analysis or site-specific health risk assessment (HRA) for new sensitive sources that are sited within 1,000 feet of major sources of TACs. Accordingly, impacts would be <i>less than significant</i>.</p> <p>e) Land uses that are sources of objectionable odors that may affect substantial numbers of people include wastewater treatment facilities, landfills, refineries, chemical manufacturing facilities, feed lots, and dairies. The proposed Project would not directly create objectionable odors and would not result in an impact. It is unlikely that any future residential development proposed would create objectionable odors. In addition, BAAQMD controls emissions of odorous substances through implementation of BAAQMD Regulation 7, Odorous Substances, which places general limitations on odorous substances and specific emission limitations on certain odorous compounds. Therefore, implementation of the proposed Project would not create odors and <i>no impact</i> would occur.</p>				

<sup>9</sup> Bay Area Air Quality Management District (BAAQMD), 2010 (Revised 2011). California Environmental Quality Act Air Quality Guidelines.

**IV. BIOLOGICAL RESOURCES**

<b>Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 type="checkbox"/>	<input checked="" 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, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
<b>DISCUSSION:</b>				
a) Special status plants include those listed as “Endangered,” “Threatened,” or “Candidate for Listing” by the California Department of Fish and Wildlife (CDFW); the U.S. Fish and Wildlife Service (USFWS), that are included in the California Rare Plant Rank, or that are considered special-status in local or regional plans, policies, or regulations. Special status animals include those listed as “Endangered,” “Threatened,” or “Candidate for Listing” by the CDFW or the USFWS, that are designated as “Watch List,” “Species of Special Concern,” or “Fully Protected” by the CDFW, or that are considered “Birds of Conservation Concern” by the USFWS. There are occurrences of plant and animal species with special-status within the city limits. <sup>10</sup>				

<sup>10</sup> Milpitas General Plan, Chapter 4, Open Space and Environmental Conservation Element, Table 4-3 Species with Special Status and Table 4-4 Special California Department of Fish and Games Designation, Table 4-5 Inventory of Rare and Endangered Vascular Plants for Milpitas and Calaveras Reservoir Quads, page 4-8 and 4-9.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Potential future development permitted under the proposed Project would not increase development potential, but rather would allow for residential housing in the City’s Residential and Mixed Use Zoning designations. Potential impacts from construction of housing would most likely be related to the removal of trees and other vegetation in these habitats during the nesting season of the migratory birds found in Milpitas.</p> <p>The following General Plan policies protect special-status species associated with potential future development.</p> <p><b>Policy 4.b-I-2</b> Preserve remaining stands of trees.</p> <p><b>Policy 4.b-I-4</b> Require a biological assessment of any project site where sensitive species are present, or where habitats that support known sensitive species are present.</p> <p><b>Policy 4.d-P-4</b> Where consistent with other policies, preserve, create, or restore riparian corridors and wetlands. Where possible, set back development from these areas sufficiently to maximize habitat values.</p> <p><b>Policy 4.b-I-5</b> Utilize sensitive species information acquired through biological assessments, project land use, planning and design.</p> <p>Implementation of these General Plan policies as well as compliance with Municipal Code Chapters 2, Tree Maintenance and Protection, federal and State laws, including but not limited to, the Migratory Bird Treaty Act, Clean Water Act, Federal and California Endangered Species Acts, and California Native Plant Protection Act would ensure impacts to special-status species associated with potential future development would be <i>less than significant</i>.</p> <p>b), c) As previously discussed the zoning designations affected through implementing the proposed Project include Residential and Mixed Use zones. While there is riparian habitat (i.e. Coyote Creek, Calaveras Reservoir, Sandy Wool Lake) in the city limits and surrounding areas, as shown on the City’s October 2012 Zoning Map and General Plan Land Use Map, these areas are not within the affected Zoning Districts under the proposed Project.</p> <p>Furthermore, wetlands and other waters protected under the federal Clean Water Act and the State’s Porter-Cologne Water Quality Control Act are under the jurisdiction of the US Army Corps of Engineers and the San Francisco Bay Regional Water Quality Control Board. Federal and State regulations require avoidance of impacts to the extent feasible, and compensation for unavoidable losses of jurisdictional wetlands and waters. Compliance with the General Plan policies described in Section IV.a above would ensure <i>no impact</i> would occur to riparian and wetland habitats as a result of potential future development under the proposed Project..</p> <p>c) As discussed in Sections IV.b and IV.c, zoning districts affected by the proposed Project are not located on wildlife dispersal routes such as riparian corridors, and potential future development associated with special needs would not be expected to contribute to habitat fragmentation which would interfere</p>				

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
with wildlife migration. Therefore, <i>no impact</i> to wildlife movement corridors would occur.				
d) Chapter 2 of the City’s Municipal Code is known as the “Tree Maintenance and Protection Ordinance of the City of Milpitas” to preserve, when feasible, all trees and plantings on City property, and all protected plantings of significant size, age, and/or benefit to the community at large. If potential future development under the proposed Project were to impact an approved tree, it would be required to comply with the City’s Tree Maintenance and Protection Ordinance before any tree could be removed. Tree removal permits would be secured before any qualifying tree removal action occurred. Potential future housing development permitted under the proposed Project would have to comply with this City ordinance. With adherence to the General Plan policies described in Section IV.a and this ordinance, no conflicts are anticipated, and impacts would be considered <i>less than significant</i> .				
e) There are no habitat conservation plans or natural community conservation plans within the city limits, therefore implementation of the proposed Project will not conflict with any. Consequently, there would be <i>no impact</i> .				

#### V. CULTURAL RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>DISCUSSION:</b>				
a)-d) As described in the City’s General Plan Open Space and Conservation Element, there are 15 sites officially designated and locally registered as Milpitas Cultural Resources. Cultural resources and historic districts are designated by the City Council on the advice of the Parks, Recreation, and Cultural Resources Commission. Procedures to identify and designate historical and cultural resources and to guide their preservation are outlined in the City’s Municipal Code Chapter, Cultural Resources Preservation Program. <sup>11</sup> In addition, Cultural resources are protected by federal and State regulations and standards, including, but not limited to the National Historic Preservation Act, the California Public Resources Code, and CEQA. Given the largely built-out nature of Milpitas, the possibility is low that undiscovered archaeological and unique paleontological resources or human remains may be found in the course of construction activities under the proposed Project. Any future development that would occur under the				

<sup>11</sup> City of Milpitas General Plan, Chapter 4, Open Space and Conservation Element, page 4-17.

proposed Project would be required to comply with the City’s Municipal Code and State and federal regulations. For example, future potential development carried out under the proposed Project would be obligated to cease construction or other activities, and report any discovery of potentially significant resources in compliance with State law (Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code). Compliance with the City’s Municipal Code as well as federal and State laws, would ensure *no impact* would occur to cultural resources associated with potential future development under the proposed Project.

**VI. GEOLOGY AND SOILS**

<b>Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: <ul style="list-style-type: none"> <li>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?</li> <li>ii) Strong seismic ground shaking?</li> <li>iii) Seismic-related ground failure, including liquefaction?</li> <li>iv) Landslides, mudslides or other similar hazards?</li> </ul>	<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) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2010), creating substantial risks to life or property.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water 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"/>
<b>DISCUSSION:</b>				
a) i.-iv) As described in Chapter 5, Seismic and Safety Element of the City’s General Plan and shown on General Plan Figure 5-2, Seismic and Geotechnical Evaluation Requirements, shows the state-defined Special Studies Zone for Milpitas that traverses the center of the city in a north-south direction. Portions of the Zoning Districts affected by the proposed Project (i.e. Residential and Mixed Use). Figure 5-2 also identifies the requirements for undertaking studies prior to development in areas with potential geotechnical hazards such as liquefaction and landslides. Title II, Building Regulations of the Municipal Code, includes the standards for building in Milpitas. The City has formally adopted the 2010 Edition of the Cali-				

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>ifornia Building Code, Volumes 1 and 2, California Building Standards Code, known as the California Code of Regulations, Title 24, Part 2, in Chapter 3, Building Code, Section II-3-1.01. Potential future development would be subject to these standards that would minimize the potential risk of ground shaking, ground failure, liquefaction, landslides mudslides, or similar hazards posed to people or structures. In addition, the following General Plan policies would apply to future development in Milpitas:</p> <p><b>Policy 5.a-I-1</b> Require all projects within the Alquist-Priolo Special Studies Zone to have geologic investigations performed to determine the locations of active fault traces before structures for human occupancy are built.</p> <p><b>Policy 5.a-I-2</b> Require applications of all projects in the Hillside Area and the Special Studies Zone to be accompanied by geotechnical reports ensuring safety from seismic and geologic hazards.</p> <p><b>Policy 5.a-I-3</b> Require projects to comply with the guidelines prescribed in the City's <i>Geotechnical Hazards Evaluation</i> manual.</p> <p>Compliance with existing federal, State, and local regulations and the policies listed above would ensure that the impacts associated with seismic hazards are minimized to the maximum extent practicable. Consequently, overall, associated seismic hazards impacts would be <i>less than significant</i>.</p> <p>b) Substantial soil erosion or loss of topsoil during construction could undermine structures and minor slopes, and this could be a concern future development in the city. However, compliance with existing regulatory requirements, such as implementation of erosion control measures as specified in Municipal Code Title II, Chapter 13, Section II-13-10, Erosion Control, includes requirements for control of erosion and sedimentation during grading and construction. Compliance with this Section would reduce impacts from erosion and the loss of topsoil. Therefore, through adherence to existing regulatory requirements impacts associated with substantial erosion and loss of topsoil during potential future development under the proposed Project would be <i>less than significant</i>.</p> <p>c), d) Unstable geologic units and expansive soils are known to be present within city and mapped in General Plan Figure 5-1, Geotechnical Hazards, of the Seismic and Safety Element. This map shows that no portions of the Zoning Districts affected by the proposed Project are identified as having unstable soils. If unstable soils were identified in the future, compliance with General Plan Policy 5.a-I-3, which requires projects to comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual, would reduce the potential impacts to future development from an unstable geologic unit or soil to a <i>less-than-significant</i> level.</p> <p>e) Potential future development under the proposed Project will only affect zones in the existing urbanized environment in areas were residential uses are currently permitted. Connection to the sewer system is available in these areas; therefore, <i>no impact</i> regarding the capacity of the soil in the area to accommodate septic tanks or alternate wastewater disposal systems would occur.</p>				

**VII. GREENHOUSE GAS EMISSIONS**

<b>Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Generate greenhouse gas (GHG) 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 of an agency adopted for the purpose of reducing GHGs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>DISCUSSION:</b></p> <p>a) The proposed Project would result in changes at the policy level and does not include specific development proposals. Implementation of the proposed Project would result in consistency between the City’s Housing Element and General Plan land use and zoning designations. The Housing Element establishes programs for facilitating housing development pursuant to adopted land use plans. Development facilitated by the Housing Element program has the potential to result in GHG emissions due to new vehicle trips, use of stationary equipment, natural gas use, and indirect emissions from use of electricity, water demand and wastewater treatment, and solid waste disposal. Any future developments would be subject to measures within City’s Climate Action Plan in addition to statewide measures to reduce GHG emissions. GHG emissions due to the proposed Project would be <i>less than significant</i>.</p> <p>b) The City of Milpitas has adopted a Climate Action Plan which identifies strategies to reduce energy, water use, and other measures that also reduce GHG emissions. Other applicable plans adopted for the purpose of reducing GHG emissions include CARB’s Scoping Plan and the Metropolitan Transportation Commission’s (MTC’s) and ABAG’s Plan Bay Area. A consistency analysis with these plans is presented below.</p> <p><b>CARB Scoping Plan</b></p> <p>In accordance with AB 32, CARB developed the Scoping Plan to outline the state’s strategy to achieve 1990 level emissions by year 2020. To estimate the reductions necessary, CARB projected statewide 2020 Business as Usual (BAU) GHG emissions and identified that the state as a whole would be required to reduce GHG emissions by 28.5 percent from year 2020 business as usual (BAU) to achieve the targets of AB 32.<sup>12</sup> Since the release of the 2008 Scoping Plan, CARB has updated the 2020 GHG BAU forecast to reflect GHG emissions in light of the economic downturn and measures not previously considered in the 2008 Scoping Plan baseline inventory. The revised BAU 2020 forecast shows that the state would have to reduce GHG emissions by 21.6 percent from BAU without “Pavley” and the 33 percent Renewable Portfolio Strategy (RPS), or 15.7 percent from the adjusted baseline (i.e. with Pavley – regulations that reduce GHG emissions in new passenger vehicles – and 33 percent RPS).<sup>13</sup></p> <p>Since adoption of the 2008 Scoping Plan, State agencies have adopted programs identified in the plan, and the legislature has passed additional legislation to achieve the GHG reduction targets. Statewide strategies to reduce GHG emissions include the Low Carbon Fuel Standard, California Appliance Energy Efficiency regulations, California Building Standards (i.e. CALGreen and the 2013 Building and Energy Efficiency Standards), 33 percent RPS, and changes in the corporate average fuel economy standards (e.g.</p>				

<sup>12</sup> California Air Resources Board (CARB). 2008, October. Climate Change Proposed Scoping Plan, a Framework for Change.

<sup>13</sup> California Air Resources Board (CARB). 2012. Status of Scoping Plan Recommended Measures.

[http://www.arb.ca.gov/cc/scopingplan/status\\_of\\_scoping\\_plan\\_measures.pdf](http://www.arb.ca.gov/cc/scopingplan/status_of_scoping_plan_measures.pdf)

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Pavley I and California Advanced Clean Cars [Pavley II]). The proposed Project would not obstruct implementation of the CARB Scoping Plan. Additionally, as discussed below, the City has adopted a Climate Action Plan that would support the statewide measures to reduce GHG emissions. Therefore, the impact is <i>less than significant</i>.</p> <p><b>MTC and ABAG Plan Bay Area</b></p> <p>Plan Bay Area is a regional growth management strategy that targets per capita GHG reduction from passenger vehicles and light duty trucks in the Bay Area region.<sup>14</sup> Plan Bay Area incorporates local land use projections and circulation networks in General Plans of cities and counties. The projected regional development pattern, including location of land uses and residential densities included in local General Plans, when integrated with the proposed regional transportation network identified in Plan Bay Area, would reduce per capita vehicular travel-related GHG emissions and achieve the subregional GHG reduction per capita targets for the ABAG region. The proposed Project would enable the City to meet its 2014-2022 RHNA. As the housing assessment in the RHNA is determined by ABAG, the proposed Project would accommodate increases in population based on ABAG’s demographic projections. The Project would be consistent with Plan Bay Area because it is based on demographic projections for the City that form the basis of the Plan Bay Area. Therefore, the impact would be <i>less than significant</i>.</p> <p><b>City of Milpitas Climate Action Plan</b></p> <p>The City of Milpitas adopted its Climate Action Plan (CAP) in May 2013.<sup>15</sup> It implements goals and measures that would assure compliance with the GHG reduction strategies identified by CARB in the 2008 Scoping Plan. The following measures and associated actions from the CAP are applicable to future residential development constructed in accordance with the Housing Element:</p> <ul style="list-style-type: none"> <li>▪ Measure 1.5 – Urban Cooling. Achieve urban cooling through voluntary and mandatory standards for new development and additions. <ul style="list-style-type: none"> <li>• Action E. Reduce heat gain from surface parking lots in new development for a minimum of 50 percent of the site’s hardscape. Develop standards to provide shade from the existing tree canopy or from appropriately selected new trees that complement site characteristics and maximize drought tolerance. Where feasible, use open-grid pavement systems (at least 50 percent pervious, which would also satisfy the stormwater Low Impact Development requirement.</li> </ul> </li> <li>▪ Measure 1.6 – Smart Grid Integration. Phase in requirements for the use of smart-grid integrated appliances and energy monitors in all new development by 2018, as such appliance become commercial available and economically feasible. <ul style="list-style-type: none"> <li>• Action A. Adopt new development standards to encourage the integration of smart-grid ap-</li> </ul> </li> </ul>				

<sup>14</sup> Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG). 2013, July 18. Plan Bay Area: Strategy for a Sustainable Region.

<sup>15</sup> City of Milpitas. 2013, May. City of Milpitas Climate Action Plan and Qualified Greenhouse Gas Reduction Strategy. [https://www.ci.milpitas.ca.gov/\\_pdfs/Climate\\_ActionPlan.pdf](https://www.ci.milpitas.ca.gov/_pdfs/Climate_ActionPlan.pdf).

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>pliances.</p> <ul style="list-style-type: none"> <li>▪ Measure 2.1 – Energy Efficiency in New Development. Encourage new development and remodels to exceed the minimum building standards for energy efficiency and continue implementation of the adopted Green Building Ordinance. <ul style="list-style-type: none"> <li>• Action A. Incentivize new development to exceed minimum building standards through permit fee reductions.</li> <li>• Action C. Continue to require new multi-family buildings to complete a LEED or Green Point Rated checklist [Milpitas Municipal Code (MMC) II-20-3.01(a)].</li> </ul> </li> <li>▪ Measure 3.1 – Renewable Energy in New Development. Adopt new standards to require renewable energy in new development and encourage renewable energy facilities through the discretionary process. <ul style="list-style-type: none"> <li>• Action B. Require all new single-family and multi-family residential development to comply with the Homebuyer Solar Option, either to provide prewiring for photovoltaic roof systems or to provide an in-lieu fee for off-site solar facilities, building on current standards of the Transit Area Specific Plan.</li> </ul> </li> <li>▪ Measure 5.1 – Increased Densities. <ul style="list-style-type: none"> <li>• Action A. Require new development to include two or more uses per building if located along identified corridors or in a specific plan area.</li> <li>• Action B. Ensure pedestrian accessibility for all new development.</li> <li>• Action C. When new streets are necessary, offset with a new pedestrian-only area.</li> </ul> </li> <li>▪ Measure 12.1 – Lawn and Garden Equipment. <ul style="list-style-type: none"> <li>• Action C. Require new buildings to provide accessible exterior electrical outlets to charge electric-powered lawn and garden equipment</li> </ul> </li> <li>▪ Measure 12.2 – Construction Best Management Practices. <ul style="list-style-type: none"> <li>• Action A. The City will encourage new development to comply with applicable BAAQMD best management practices that reduce GHGs, including use of alternative-fueled vehicles and equipment, use of local recycled materials, and recycling of construction or demolition materials</li> </ul> </li> </ul> <p>The following Policy and Implementation Programs in the Housing Element are consistent with the</p>				

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>City’s CAP, including Measure 2.1 Action C and Measure 5.1 Action A:</p> <p><b>Policy F.1</b> Promote energy efficiency in new and existing residential development.</p> <ul style="list-style-type: none"> <li>▪ Program F.1.2: The City will continue to promote use of passive solar devices and promote energy audits of existing homes.</li> <li>▪ Program F.1.3: Milpitas will continue to implement the City’s Green Building Ordinance.</li> <li>▪ Program F.1.4: The City will continue to encourage the incorporation of energy- and water-saving principles in the design and planning of new residential developments, including features such as solar orientation and the use of recycled water.</li> <li>▪ Program F.1.5: The City will continue to encourage mixed-use and transit-oriented development at transit nodes.</li> <li>▪ Program F.1.6: In accordance with the Green Building Policy Resolution adopted in February 2008, the City will continue to require that planning applications for new buildings include a completed LEED checklist.</li> </ul> <p>The City’s CAP includes a development checklist (Appendix C of the CAP) for new development to ensure projects are consistent with the measures and actions in the CAP. The development checklist includes a list of mandatory measures and recommended measures as follows:</p> <p><b>Required Measures</b></p> <ul style="list-style-type: none"> <li>▪ New developments shall reduce heat gain from surface parking lots in new development for a minimum of 50 percent of the site’s hardscape. Where feasible, new development shall use open-grid pavement systems (at least 50 percent pervious), which would also satisfy the stormwater Low Impact Development requirement.</li> <li>▪ New developments shall comply with the Homebuyer Solar Option, either to provide prewiring for photovoltaic roof systems or to provide an in-lieu fee for off-site solar facilities, building on current standards of the Transit Area Specific Plan.</li> <li>▪ New development shall ensure pedestrian accessibility.</li> <li>▪ When new streets are necessary, new development shall offset with a new pedestrian-only area.</li> <li>▪ New developments shall provide accessible exterior electrical outlets to charge electric-powered lawn and garden equipment.</li> </ul> <p><b>Recommended Measures</b></p> <ul style="list-style-type: none"> <li>▪ New development shall consider constructing residential units that exceed minimum building standards.</li> <li>▪ New development construction post-2018 shall consider integration of smart-grid appliances.</li> </ul>				

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<ul style="list-style-type: none"> <li>▪ New developments shall consider implementing applicable BAAQMD best management practices that reduce GHGs, including measures to encourage use of alternative-fueled vehicles and equipment, use of local recycled materials in building construction, and increasing recycling of construction or demolition materials to achieve a 75 percent diversion rate.</li> </ul> <p>Future residential development in accordance with the Housing Element would be required to complete the development checklist and include and implement GHG emissions reduction measures identified in the City of Milpitas CAP.</p> <p>Implementation of the proposed Project would not change land use designations and would not increase development potential in Milpitas beyond what was previously considered. Consequently, implementation of the proposed Project would result in a <i>less-than-significant</i> impact related to contributing to GHG emissions that could have a significant effect on the environment and conflicting with an applicable plan adopted for the purpose of reducing GHG emissions.</p>				

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>DISCUSSION:</b></p> <p>a) State-level agencies, in conjunction with the United States Environmental Protection Agency (USEPA) and Occupational Safety and Health Administration (OSHA) regulate removal, abatement, and transport procedures for asbestos-containing materials. Asbestos-containing materials (“ACM”) are materials that contain asbestos, a naturally-occurring fibrous mineral that has been mined for its useful thermal properties and tensile strength. Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations and medical evaluation and monitoring is required for employees performing activities that could expose them to asbestos. Additionally, the regulations include warnings that must be heeded and practices that must be followed to reduce the risk for asbestos emissions and exposure. Finally, federal, State, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos.</p> <p>Lead-based paint (“LBP”), which can result in lead poisoning when consumed or inhaled, was widely used in the past to coat and decorate buildings. Lead poisoning can cause anemia and damage to the brain and nervous system, particularly in children. Like ACM, LBP generally does not pose a health risk to building occupants when left undisturbed; however, deterioration, damage, or disturbance will result in hazardous exposure. In 1978, the use of LBP was federally banned by the Consumer Product Safety Commission. Therefore, only buildings built before 1978 are presumed to contain LBP, as well as buildings built shortly thereafter, as the phase-out of LBP was gradual.</p> <p>The USEPA prohibited the use of Polychlorinated Biphenyls (PCBs) in the majority new electrical equipment starting in 1979, and initiated a phase-out for much of the existing PCB-containing equipment. The inclusion of PCBs in electrical equipment and the handling of those PCBs are regulated by the provisions of the Toxic Substances Control Act, 15 USC Section 2601 et seq. (TSCA). Relevant regulations include labeling and periodic inspection requirements for certain types of PCB-containing equipment and outline highly specific safety procedures for their disposal. The State of California likewise regulates PCB-laden electrical equipment and materials contaminated above a certain threshold as hazardous waste; these regulations require that such materials be treated, transported, and disposed accordingly. At lower concentrations for non-liquids, regional water quality control boards may exercise discretion over the classification of such wastes.</p> <p>The California Division of Occupational Safety and Health’s (Cal OSHA) Lead in Construction Standard is contained in Title 8, Section 1532.1 of the California Code of Regulations. The regulations address all of the following areas: permissible exposure limits (PELs); exposure assessment; compliance methods; respiratory protection; protective clothing and equipment; housekeeping; medical surveillance; medical removal protection (MRP); employee information, training, and certification; signage; record keeping; monitoring; and agency notification.</p>				

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>In the event of a hazardous material emergency several agencies are responsible for timely response, depending on the extent, and type of the incident. The Santa Clara County Hazardous Materials Response Team is composed of representatives of the Santa Clara County Fire Department, California Department of Forestry, and member cities and responds to large-scale, emergency hazardous material incidents within the city. The Milpitas Fire Department is responsible for non-emergency hazardous materials reports within the city. If and when these non-emergency incidents become a threat to groundwater supplies, the Regional Water Quality Control Board takes control of the case. The Milpitas Fire Department also monitors above ground and underground storage tanks and combustible and flammable liquids for leaks and spills.</p> <p>Potentially hazardous building materials (i.e. ACM, lead-based paint, PCBs, mercury) may be encountered during the demolition of existing structures. The removal of these materials (if present) by contractors licensed to remove and handle these materials in accordance with existing federal, State, and local regulations would insure that risks associates with the transport, storage, use, and disposal of such materials would be <i>less than significant</i>.</p> <p>Common cleaning substances, building maintenance products, paints and solvents, and similar items would likely be stored, and used, at the future residential developments that could occur under the proposed Project. These potentially hazardous materials, however, would not be of a type or occur in sufficient quantities to pose a significant hazard to public health and safety or the environment. Consequently, associated impacts from implementation of the proposed Project would be <i>less than significant</i>.</p> <p>b) As described in Section VIII.a above, the storage and use of common cleaning substances, building maintenance products, paints and solvents in the potential development planned for under the proposed Project could likely occur; however, these potentially hazardous substances would not be of a type or occur in sufficient quantities on-site to pose a significant hazard to public health and safety or the environment. Consequently, overall, associated hazardous materials impacts would be <i>less than significant</i>.</p> <p>c) While the Marshall Pomeroy and Pearl Zanker Elementary Schools, Thomas Russell Middle School, and Milpitas High School are within ¼-mile of a zone affected by the proposed Project, the proposed Project merely allows for new residential uses in Residential and Mixed Use zones. As such there would be no increase in the risk of hazardous emissions as discussed above in Sections VIII.a and VIII.b above. As a result impacts to schools would be a <i>less than significant</i>.</p> <p>d) There are no Department of Toxic Substance Control sites within the city included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.<sup>16</sup> Therefore, <i>no impact</i> would result.</p> <p>e), f) The nearest public use airport to the city is the Norman Y. Mineta San José International Airport, located in San José, California approximately 2 miles southwest of the city. The Comprehensive Land Use</p>				

<sup>16</sup> Department of Toxic Substances Control, <http://www.envirostor.dtsc.ca.gov/public>, accessed October 15, 2014.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Plan for this airport indicates that portions of the city fall within the noise restriction area, height restriction area, and safety restriction areas of the Airport Influence Area.<sup>17</sup> The two closest private air facilities to Milpitas are the Flea Port Heliport the City of San Jose and McCandless Towers Heliport in the City of Santa Clara. However, neither of these facilities is considered in close proximity to the city. Nonetheless, potential future development under the proposed Project would involve housing within the existing built environment in areas where residential uses are currently permitted and would not negatively affect operation of an airport through resulting height, light interference, or land use incompatibility. Therefore, <i>no impact</i> would occur.</p> <p>g) The City participates in the ABAG Local Hazards Plan and adopted the 2005 City of Milpitas Emergency Plan.<sup>18</sup> The City maintains the Emergency Plan to deal with natural or man-made disasters. The objectives of the Emergency Plan are to prepare for and facilitate coordinated and effective responses to emergencies within the city and to provide assistance to other jurisdictions as needed. The Emergency Plan specifies actions for the coordination of operations, management and resources, and responsibilities of the different departments and governmental agencies during emergency events. Evacuation routes are to be determined as appropriate depending on the nature of the emergency.<sup>19</sup> Future potential development associated with the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The type of anticipated development associated with housing would primarily be restricted to the existing urbanized environment in areas where residential uses are currently permitted; therefore, it would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Consequently, <i>no impact</i> would occur.</p> <p>h) The California Department of Forestry and Fire Hazard Protection (CAL FIRE) is responsible for the identification of very high fire hazard severity zones and transmission of these maps to local government agencies. According to maps prepared by CAL FIRE's, the entire city is categorized as a Non-Very High Fire Hazard Severity Zone under both Local Responsibility Area and State or Federal Responsibility Area.<sup>20</sup> Additionally, as discussed in Section VIII.g above, potential future development under the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The type of housing associated with the proposed Project would occur within the highly urbanized areas of Milpitas and would not be surrounded by woodlands or vegetation that would provide fuel load for wildfires. Because the city is not designated as having high, very high, or extreme fire threat, as determined by CAL FIRE's Wildlife Urban Interface Fire Threat data, and any potential future development would be constructed pursuant to the standards set forth in Chapter 3, Building Code, Section II-3-1.01 for the City's Municipal Code, the California Fire Code and the Milpitas Fire Department Code, impacts would be <i>less than significant</i>.</p>				

<sup>17</sup> Comprehensive Land Use Plan, Santa Clara County, Norman Y. Mineta San José International Airport, adopted May 25, 2011.

<sup>18</sup> City of Milpitas <http://www.abag.ca.gov/bayarea/eqmaps/mitigation/Milpitas-Annex.pdf> accessed October 15, 2014.

<sup>19</sup> City of Milpitas General Plan, Chapter 5, Seismic and Safety Element, pages 5-12 and 5-13.

<sup>20</sup> Cal Fire [http://frap.cdf.ca.gov/webdata/maps/santa\\_clara/fhszl\\_map.43.pdf](http://frap.cdf.ca.gov/webdata/maps/santa_clara/fhszl_map.43.pdf) accessed October 15, 2014.

**IX. HYDROLOGY AND WATER QUALITY**

<b>Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 significant lowering of the local groundwater table level?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>DISCUSSION:</b>				
<p>a) The development of new and additional housing elements could result in impacts to water quality during construction with the clearing and grading of sites resulting in the release of sediments, oil and grease, and other chemicals to receiving water bodies. With post-construction increases in impervious surfaces, there is a greater potential for urban runoff from roadways, parking lots, rooftops, and landscaped areas to impact water quality. However, nearly all of the housing sites are in already built out areas of the city, including the Midtown Specific Plan and Transit Area Specific Plan areas. Therefore, new development will occur in areas already covered with impervious surfaces.</p> <p>During construction, new housing projects will be required to comply with the NPDES General Construction Permit (GCP) as well as prepare a Storm Water Pollution Prevention Plan (SWPPP) if one or</p>				

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>more acres of land will be disturbed. The GCP requires the incorporation of Best Management Practices (BMPs) to control sedimentation, erosion, and contaminated runoff during construction. In addition, all projects must submit an erosion control plan to the City of Milpitas prior to the issuance of grading permits, in accordance with the City’s Municipal Code.<sup>21</sup></p> <p>Water quality in stormwater runoff is regulated locally by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). Milpitas is one of thirteen cities and towns in the Santa Clara Valley, along with Santa Clara County and the Santa Clara Valley Water District, that formed the SCVURPPP to regulate, monitor, and improve Santa Clara Valley water quality and implement the National Pollutant Discharge Elimination System (NPDES) Municipal Regional Storm Water Permit (MRP) for the area. All new development projects that create or replace 10,000 square feet or more of impervious surface must incorporate site design, source control, and treatment measures to the maximum extent practicable. Also, the City of Milpitas requires new development or redevelopment projects to submit a Stormwater Management Plan and Stormwater Control Operation and Maintenance Plan, in accordance with the SCVURPPP C.3 Stormwater Handbook, and incorporate low impact development (LID) measures in accordance with Chapter 16 of the Municipal Code.<sup>22</sup></p> <p>Additionally, the following General Plan policies identified in Chapter 4, Open Space and Conservation Element protect water quality in Milpitas:</p> <p><b>Policy 4.d-P-1</b> Implement a comprehensive municipal stormwater pollution-prevention program in compliance with requirements of the Water Board’s stormwater NPDES permit.</p> <p><b>Policy 4.d-P-3</b> Work cooperatively with other cities, towns, and the Santa Clara Valley Water District to comply with regulations, reduce pollutants in runoff, and protect and enhance water resources in the Santa Clara Basin.</p> <p><b>Policy 4.d-P-4</b> Where consistent with other policies, preserve, create, or restore riparian corridors and wetlands. Where possible, set back development from these areas sufficiently to maximize habitat values.</p> <p><b>Policy 4.d-P-5</b> Where feasible, conform developments to natural landforms, avoid excessive grading and disturbance of vegetation and soils, retain native vegetation and significant trees, and maintain natural drainage patterns.</p> <p><b>Policy 4.d-P-6</b> Where possible, avoid new outfalls to natural or earthen channels.</p> <p><b>Policy 4.d-P-7</b> Applicable projects shall minimize directly connected impervious area by limiting the overall coverage of paving and roofs, directing runoff from impervious areas to adjacent pervious areas, and selecting permeable pavements and surface treatments.</p> <p><b>Policy 4.d-P-8</b> Applicable projects shall incorporate facilities (BMPs) to treat stormwater before discharge from the site. The facilities shall be sized to meet regulatory requirements.</p>				

<sup>21</sup> City of Milpitas, 2014. Municipal Code 11-13-10, *Erosion Control Plan*.

<sup>22</sup> City of Milpitas, 2014. Municipal Code, Chapter 16, *Stormwater and Urban Runoff Pollution Control*.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>Policy 4.d-P-9</b> Applicable projects shall control peak flows and duration of runoff where required to prevent accelerated erosion of downstream watercourses.</p> <p><b>Policy 4.d-P-12</b> Construction sites shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable. The design, scope and location of grading and related activities shall be designed to cause minimum disturbance to terrain and natural features. (Title II, Chapter 13 of the Municipal Code includes requirements for control of erosion and sedimentation during grading and construction.)</p> <p>Potential future development for the Housing Element Update would be subject to these oversight and review processes, policies envisioned by the General Plan, Municipal Code requirements, and State/federal regulations. Therefore, compliance with these existing regulations and requirements would result in <i>less than significant</i> water quality impacts. No water quality impacts are associated with the Seismic and Safety Element update or the Open Space and Environmental Conservation Element update.</p> <p>b) Potential future development under the proposed Project would have a significant environmental impact if it would result in a net deficit in aquifer volume or a lowering of the local groundwater table level. Housing sites could result in the construction of additional impervious surfaces and the diversion of groundwater to surface water. However, the housing opportunity sites are in areas that have already been developed with a high percentage of impervious surfaces.</p> <p>The new housing projects would need to implement site design measures, LID, and BMPs, including infiltration features, that will contribute to groundwater recharge and minimize stormwater runoff. Also, General Plan Policy 4.d-P-7 states that applicable projects shall minimize directly connected impervious areas by limiting the overall coverage of paving and roofs, directing runoff from impervious areas to adjacent pervious areas, and selecting permeable pavements and surface treatments.</p> <p>While buildout of the proposed Project could lead to an increased demand for water, which could lead to an increase in groundwater pumping, the proposed Project would not result in any additional development potential in the city beyond what was previously considered and no additional water demand would occur. Consequently, impacts to groundwater with implementation of the Housing Element Update would be <i>less than significant</i>. No impacts are associated with implementation of the Seismic and Safety Element Update or the Open Space and Environmental Conservation Element amendments.</p> <p>c), d) The proposed Project would result in a significant environmental impact if it would result in modifications to drainage patterns that could lead to substantial erosion, siltation, or flooding. Development of new housing could result in an increase in stormwater runoff, higher peak discharges to drainage channels, and the potential to cause erosion or sedimentation during construction. Increased runoff volumes and velocities could create nuisance flooding in areas without adequate drainage facilities. However, potential future development as a result of the proposed Project would occur within the built environment with an existing storm drain infrastructure and would not involve the direct modification of any watercourse.</p> <p>All new housing projects would be required, pursuant to the SCVURPPP and MRP, to implement construction phase BMPs, post-construction design measures that encourage infiltration in pervious areas, and post-construction source control measures to keep pollutants out of stormwater. In addition, post-construction treatment measures are required for projects that create or replace 10,000 square feet or</p>				

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>more of impervious surface.</p> <p>Post-construction stormwater quantity (flow peak, volume, and duration) controls are also required for projects in locations that create or replace one acre or more of impervious surface and may cause downstream erosion, as determined by the Hydromodification Management Plan (HMP) Applicability Map, City of Milpitas.<sup>23</sup> All of the housing sites are outside of areas requiring hydromodification, except for an undeveloped housing site north of Jacklin Road and east of Interstate 680. For this project, flow controls would be required so that post-project runoff does not exceed pre-project runoff rates and durations. Implementation of these provisions would minimize the amount of stormwater runoff from new housing projects associated with the Housing Element Update.</p> <p>During construction, housing project applicants would be subject to the NPDES construction permit requirements, including preparation of a SWPPP. In addition, the City’s Municipal Code (11-13-10 - <i>Erosion Control Plan</i>) sets requirements for erosion control during construction, including the prevention of sediment or damage to off-site properties. These control measures would further reduce the potential for substantial erosion or siltation and would ensure that generated runoff is protective of the beneficial uses of receiving waters. Once constructed, the requirements for new development or redevelopment would include source control measures and site design measures that address stormwater runoff and would reduce the potential for erosion or siltation.</p> <p>In addition, Provisions C.3 of the MRP require new development and redevelopment projects, meeting certain criteria, to implement stormwater treatment measures to contain site runoff, using specific numeric sizing criteria based on volume and flow rate. For hydromodification projects, post-project runoff shall not exceed estimated pre-project rates and durations where the increased stormwater discharge rates and durations would result in increased potential for erosion.<sup>24</sup></p> <p>Additionally, the General Plan policies identified in IX.a, as well as the following policy in Chapter 4 of the Open Space and Conservation Element would further minimize erosion, siltation, and flooding:</p> <p><b>Policy 4.d-P-9</b> Applicable projects shall control peak flows and duration of runoff where required to prevent accelerated erosion of downstream watercourses.</p> <p>With implementation of these erosion and sediment control measures and regulatory provisions to limit runoff for new development and redevelopment sites, the new housing that would be part of the Housing Element Update would not result in significant increases in erosion and sedimentation or contribute to on-site or off-site flooding. Therefore, implementation of the proposed Project would have a <i>less-than-significant</i> impact with respect to alterations in drainage patterns contributing to erosion, siltation, and/or flooding. There would be no impact associated with the Seismic and Safety Element update or the Open Space and Environmental Conservation Element update.</p>				

<sup>23</sup> Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), 2014. *HMP Applicability Map, City of Milpitas*. Accessed on October 3, 2014 at [http://www.scvurppp-w2k.com/HMP\\_app\\_maps/Milpitas\\_HMP\\_Map.pdf](http://www.scvurppp-w2k.com/HMP_app_maps/Milpitas_HMP_Map.pdf).

<sup>24</sup> Santa Clara Valley Urban Runoff Pollution Prevention Program, 2014. Website: [http://www.scvurppp-w2k.com/nd\\_wp.shtml#](http://www.scvurppp-w2k.com/nd_wp.shtml#) other accessed on August 25, 2014.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>e) As discussed previously, an increase in impervious surface with new housing could result in an increase in stormwater runoff that could exceed the capacity of existing or planned stormwater drainage systems. However, nearly all of the housing sites are located in already built-out areas of the City that are connected to the existing storm drain system.</p> <p>The City collects and disposes its stormwater via a storm drainage network consisting of catch basins, conveyance piping, pump stations, and outfalls to creeks. The City has 123 miles of storm pipe, 3,000 catch basins, approximately 4 miles of drainage ditches and creeks, and stormwater pump stations. Stormwater collection efforts are guided by the Floodplain Management Plan, which is a compilation of different management sources, and is designed to be a flexible and growing instrument.<sup>25</sup> The City of Milpitas is responsible for improvements to the storm drain system, as described in the <i>Storm Drain Master Plan</i> (July 2013). The SCVWD is responsible for improvements to the creeks and channels within the City, with the exception of Wrigley-Ford Creek, which is under the jurisdiction of the City.</p> <p>One housing site (SFR-1 on Figure 4.2 of the Housing Element) is in an area subject to hydromodification requirements. To meet these requirements, post-project stormwater runoff rates must be less than or equal to pre-project values. All other new housing projects would be required to provide hydrologic and hydraulic calculations comparing existing and post-development conditions in the SWMP. The site design and hydrology calculations would be subject to City review to verify that any increased project flows could be accommodated by the existing drainage system. In addition, there are C.3 provisions of the MRP that require the implementation of on-site stormwater treatment measures to contain site runoff, using specific numeric sizing criteria based on volume and flow rates.</p> <p>Additionally, Policy 4.d-P-7 in the General Plan serves to minimize impermeable surfaces and decrease runoff and Policy 4.d-P-9 states that projects shall control peak flows and duration of runoff to prevent erosion of downstream watercourses.</p> <p>Development associated with the Housing Element Update would not require significant expansions of the existing stormwater drainage infrastructure, because the majority of the housing sites involve redevelopment of already developed properties that have an existing storm drainage system. With implementation of the regulatory requirements for new development and redevelopment projects, storm drain impacts would be <i>less than significant</i>. No impact is associated with the Seismic and Safety and Open Space and Environmental Conservation Element Updates.</p> <p>f) Pollutants commonly associated with construction sites that can impact stormwater are sediments, nutrients, trace metals, pesticides, oil, grease, fuels, and miscellaneous construction wastes. Pollutants generated from the operational phase of the project may include sediment, nutrients, organic compounds, trash and debris, oxygen-demanding substances, bacteria and viruses, oil and grease, and pesticides/herbicides.</p> <p>As required by City and SCVURPPP storm water management guidelines, Best Management Practices (BMPs) will be implemented across the project site during both construction and operation of the proposed Project. These BMPs will control and prevent the release of sediment, debris, and other pollutants into the storm drain system. Implementation of BMPs during construction will be in accordance with the</p>				

<sup>25</sup> City of Milpitas General Plan, Chapter 2, Seismic and Safety Element, page 5-9 and 5-10.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>provisions of the SWPPP, which will minimize the release of sediment, soil, and other pollutants. Operational BMPs will be required to meet the C.3 provisions of the MRP and the applicant will be required to submit a SWMP and Stormwater Control Operation and Maintenance Plan. These requirements include the incorporation of site design, source control, and treatment control measures to treat and control runoff before it enters the storm drain system. With implementation of these BMPs in accordance with City and SCVURPPP requirements, the potential impact on water quality will be <i>less than significant</i>.</p> <p>g), h) The City of Milpitas is a participant in the National Flood Insurance Program (NFIP). The NFIP provides property owners and renters with federally backed flood insurance, reduces flood damage through a mandatory local floodplain management ordinance, and identifies and maps flood hazards. The NFIP requires the City to maintain a floodplain management ordinance based upon current FEMA Flood Insurance Rate Maps (FIRMs). The City meets this requirement through the implementation of Floodplain Management Regulations specified in Section XI of the Milpitas Municipal Code. These maps identify Special Flood Hazard Areas (SFHAs) or areas subject to inundation from a 100-year storm. The areas within the City include the following FIRM map designations:</p> <ul style="list-style-type: none"> <li>▪ Zone A – Areas subject to inundation by the 1% annual (100-year) flood event. Because no detailed hydraulic analyses have been performed, no Base Flood Elevations (BFEs) or flood depths are shown.</li> <li>▪ Zone AE – Areas subject to inundation by the 1% annual (100-year) flood event. BFEs are shown within these zones.</li> <li>▪ Zone AH – Areas subject to inundation by a 1% chance of shallow flooding (usually areas of ponding) with average depths ranging from one to three feet. BFEs derived from detailed hydraulic analyses are shown in this zone.</li> <li>▪ Zone AO – Areas subject to inundation by a 1% chance of shallow flooding (usually sheet flow) with average depths ranging from one to three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.</li> </ul> <p>As shown on General Plan Figure 5-4, approximately 50 percent of the city between Interstate 880 and Interstate 680 is within the 100-year floodplain and the remainder of the land in this area lies within the 500-year Flood Zone. For the housing sites within the Transit Area Specific Plan, 11 of the 14 sites lie partially or entirely within the 100-year floodplain. Sites MFR-2 through MFR-4 are outside of the 100-year floodplain. The housing sites within the Midtown Specific Plan area are outside of the 100-year floodplain, with the exception of MXD-6, and the housing site north of Jacklin Road and east of I-680 (SFR-1) is outside of the 100-year floodplain.</p> <p>If housing will be constructed within the 100-year floodplain, the provisions of the City’s Municipal Code (Section XI-15 - Floodplain Management Regulations) require the developer to submit a permit application showing the development plans, in particular the measures that will be taken to prevent flood hazards or elevate buildings out of the floodplain.</p> <p>All new residential construction must have the lowest floor built to at least one foot above the Base</p>				

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Flood Elevation (BFE), or in the case of areas within Zone AO, at least one foot above the depth number listed on the Flood Insurance Rate Map (FIRM), or three feet above the highest adjacent grade if no depth number is shown. For non-residential construction, the lowest floor elevation can be at BFE but the structure needs to be floodproofed and designed for buoyancy.</p> <p>All new residential construction with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Within Zone AH or AO, improvements shall be constructed so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures. Further details of these provisions can be found in the following sections of the City of Milpitas Municipal Code:</p> <ul style="list-style-type: none"> <li>▪ Standards of Construction (Section XI-15-5.1) – Specify requirements for anchoring, construction materials and methods, and elevation and floodproofing</li> <li>▪ Standards for Utilities (Section XI-15-5.2) – Specify requirements for new and replacement water supply and sanitary sewage systems, and on-site waste disposal systems</li> <li>▪ Standards for Subdivisions (Section XI-15-5.3) – Specify the elevation of the proposed structure(s) and pad(s) and provide adequate drainage to reduce exposure to flood hazards</li> <li>▪ Floodways (Section XI-15-5.6) – Specify requirements and constraints for encroachments and other flood hazard reduction provisions.</li> </ul> <p>Any permit application for new construction within a FEMA-designated 100-year flood hazard will be reviewed by the City Manager, who is appointed as the Floodplain Administrator to enforce Section XI-15 of the Milpitas Municipal Code. The administrator will determine if all requirements specified in Section XI-15 have been satisfied and either grant or deny the permit.</p> <p>The following General Plan policies also apply to housing within the 100-year Flood Zone and restrict the placement of structures which would impede or redirect flood flows:</p> <p><b>Policy 5.b-I-1</b> Ensure that new construction or substantial improvements to any existing structure result in adequate protection from flood hazards. This includes ensuring that:</p> <ul style="list-style-type: none"> <li>▪ New residential development within the 100-year Flood Zone locate the lowest floor, including basement, above the base flood elevation; and</li> <li>▪ New non-residential development locate the lowest floor, including basement, above the base flood elevation or incorporate flood-proofing and structural requirements as spelled out in the Municipal Code (Title XI Chapter 15).</li> </ul> <p><b>Policy 5.b-I-2</b> Require all structures located within the 100-year Flood Zone to provide proof of flood insurance at the time of sale or transfer of title.</p>				

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>Policy 5.b-I-3</b> Ensure that encroachment into designated floodways does not result in any increase in flooding hazards.</p> <p>New housing sites would be required to comply with these requirements. Consequently, implementation of the Housing Element Update would result in <i>less-than-significant</i> impacts.</p> <p>The Seismic and Safety Element has also been revised and updated in accordance with State law (Assembly Bill 162 and California Government Code 65302) in conjunction with the revision of the Housing Element. It includes information regarding flood hazards, maps of flood zones based on the most recent FEMA FIRMS, historical data on flooding, and current and future flood control projects. In addition, the Open Space and Environmental Conservation Element has been revised to include a map providing rivers, creeks, streams, and flood corridors that may accommodate floodwater. There is no impact associated with these revisions in terms of flooding potential.</p> <p>i) Dam failure is the uncontrolled release of impounded water from behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, or sabotage can all cause a dam to fail. Dam failure can result in downstream flooding that can affect property and life. However, there is no historical record of dam failure in Santa Clara County or the City of Milpitas. In addition, there is minimal risk in the Bay Area for dam failure due to safety protocols established by the State Division of Safety of Dams (DSOD), according to Appendix C <i>Natural Hazard Risk Assessment</i> of the ABAG <i>Regional Hazard Mitigation Plan</i> (2010). Three dams have inundation zones within the City of Milpitas: 1) Anderson Dam, 2) Coyote Dam, and 3) Sandy Wool Lake Dam. The inundation zones are shown on Figure 5-5 of the City’s General Plan, Chapter 5, Seismic and Safety Element.</p> <p>According to maps compiled by the Association of Bay Area Governments (ABAG) and the California Office of Emergency Services (OES),<sup>26</sup> the housing sites within the Midtown Specific Plan and the housing sites west of Main Street in the Transit Area Specific Plan would be within the dam inundation zone of Anderson Dam. The housing site east of I-680 and north of Jacklin Road (SFR-1) is not within a dam inundation zone.</p> <p>Anderson Dam and Coyote Dam operate in tandem with controlled releases to minimize the potential for downstream flooding along Coyote Creek. Anderson Dam was built in 1950 by Santa Clara Valley Water District (SCVWD) for water supply and is constructed of earth and rock. In 2011, a seismic study of Anderson Dam indicated that the foundation and base of the dam could weaken due to liquefaction from a 7.25 magnitude earthquake along the Calaveras Fault, which is located about 2 kilometers from the dam. As a result, the DSOD has established operating restrictions, reducing the amount of allowable storage to 68 percent of capacity. The dam is scheduled for seismic retrofit and the reservoir will be drained in 2015; completion of the retrofit is scheduled for 2018.</p> <p>The latest dam inundation maps prepared by SCVWD in 2009 indicate that the arrival time of a flood wave into the City of Milpitas would be about 5 hours, 15 minutes for the inflow design flood (IDF) and</p>				

<sup>26</sup> Association of Bay Area Governments, 2014. *Dam Inundation Hazard Map for Milpitas*. Website [www.abag.ca.gov/cgi-bin/pickdamx.pl](http://www.abag.ca.gov/cgi-bin/pickdamx.pl) (accessed October 4, 2014).

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>6 hours, 48 minutes for the fair weather flood. Since the dam is currently operating at 68% of capacity, these dam inundation zones are conservative and overestimate the flooding impact in the unlikely event that a dam failure occurs. The delayed arrival time of a flood wave would allow sufficient time for evacuation of City residents, if needed.</p> <p>The State of California supervises all non-federal dams in California through the Dam Safety Program under the jurisdiction of DSOD. Engineers and engineering geologists review and approve plans and specifications for the design of dams and oversee their construction. In addition, the dams are inspected twice a year and continually monitored for seepage and settling. Dam owners are also required to maintain Emergency Action Plans (EAPs) that include procedures for damage assessment and emergency warnings.</p> <p>The City of Milpitas in conjunction with Santa Clara County addresses the possibility of dam failure in the Local Hazard Mitigation Plan, which also provides emergency response actions. The Milpitas Fire Department Office of Emergency Services (OES) and the SCVWD coordinate preparedness efforts to mitigate against, plan for, respond to, and recover from natural hazards, including the possibility of dam failure. In addition, the City maintains an Emergency Plan to deal with natural or man-made disasters. Evacuation routes are determined as appropriate, depending on the nature of the emergency. Therefore, implementation of the Housing Element Update would not expose people or structures to a significant risk of loss, injury, or death in the case of dam failure and impacts are considered to be <i>less than significant</i>.</p> <p>The Seismic and Safety Element was also updated in conjunction with the Housing Element to address dam inundation and provide the latest dam inundation maps. There is no impact associated with this revision.</p> <p>j) The housing sites are located in relatively flat areas of the City that are not in mapped areas of landslides or debris flows. Similarly, the housing sites are not located close to large bodies of water that could result in inundation by seiche or tsunami. Milpitas is located approximately 30 miles east of the Pacific Ocean, approximately 5 miles south of San Francisco Bay, approximately 5 miles west of the Calaveras Reservoir, and 2 miles west of Sandy Wool Lake Dam, located in Ed Levine Park. Given the distance from these bodies of water, the city is not at risk of inundation in the event of tsunami or seiche and impacts would be <i>less than significant</i>.</p>				

**X. LAND USE AND PLANNING**

<b>Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>DISCUSSION:</b>				
<p>a) Implementation of the proposed Project would not involve any structures, land use designations, or other features (i.e. freeways, railroad tracks) that would physically divide an established community. The type of anticipated development associated with the Housing Element would be restricted to the existing urbanized environment where residential uses are currently allowed. Future development that could occur under the Housing Element would be required to comply with the goals, policies, and programs under the General Plan, which establish goals to maintain and enhance the existing land use pattern, as well as identify areas that are appropriate for change. Further, since the adoption of the Housing Element alone would not result in the direct physical development, nor does it propose specific projects for development and therefore would not physically divide an established community, <i>no impact</i> would occur.</p> <p>b) As previously described, the Housing Element identifies sites currently zoned for residential uses. Although the adoption of the Housing Element alone would not result in direct physical impacts, implementation of the Housing Element would result in the construction of future residential units. However, as mentioned, the sites identified are currently designated for residential uses under the adopted General Plan and Zoning Code. These are the primary planning documents for the City of Milpitas. The proposed Project would enable the City of Milpitas to meet its housing needs required by State law and facilitate future development to meet the needs of at-risk populations by providing housing types designed for these groups consistent with the City's 2015-2023 General Plan Housing Element. Additionally, future potential development that could occur under the proposed Project does not include any land use or zoning changes that would re-designate land uses or zoning districts. Therefore, there would be no impacts regarding conflicts with applicable plans, policies, or regulations.</p> <p>c) As discussed above in Section IV.f above, there are no habitat conservation plans or natural community conservation plans within the city limits, therefore implementation of the proposed Project will not conflict with any. Consequently, there would be <i>no impact</i>.</p>				

**XI. MINERAL RESOURCES**

<b>Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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"/>
<b>DISCUSSION:</b>				
a), b) The Planning Area considered in the Milpitas General Plan includes four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources. However, these areas are located outside of the city limits. The proposed Project will only have the potential to affect areas that are incorporated into the City of Milpitas. Therefore, the proposed Project will have <i>no impact</i> with respect to known mineral resources.				

**XII. NOISE**

<b>Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose persons to or generate 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose persons to or generate excessive ground-borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in 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) Result in a substantial temporary or periodic 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"/>
e) If 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, expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) If within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>DISCUSSION:</b></p> <p>a)-f) The type of anticipated development associated with housing would primarily be restricted to the existing built environment in areas where residential uses are currently permitted. The provisions of the proposed Project would not contravene any aspects of the General Plan, including land use designations, noise limits, or other restrictions that address noise impacts. Though future potential development permitted under the proposed Project may potentially be noise-generating during construction phases, all potential future development pursued under the proposed Project would be subject to the oversight and review processes and standards that are envisioned by the General Plan, established within the City Municipal Code, and/or otherwise required by the state and federal regulations.</p> <p>Title V (Public Health, Safety and Welfare), Chapter 213 (Noise Abatement) regulates excessive sound and vibration in residential areas of the City of Milpitas. Additionally, General Plan Chapter 6, Noise Element, includes policy statements to guide public and private planning to attain and maintain acceptable noise levels. For example, Policy 6-I-3 prohibits new construction where the exterior noise exposure is considered “clearly unacceptable” for the use proposed and Policy 6-I-5. All new residential development (single-family and multi-family) and lodging facilities must have interior noise levels of 45 decibels (dB) Day-Night Noise Level (DNL) or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels. Compliance with these existing regulations would ensure that the proposed Project would neither cause new noise impacts nor exacerbate any existing ones. Accordingly, noise impacts associated with implementing the proposed Project would be <i>less than significant</i>.</p>				

**XIII. POPULATION AND HOUSING**

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>DISCUSSION:</b>				
<p>a) The proposed Project would be considered to result in a substantial and unplanned level of growth if estimated buildout exceeded local and regional growth projections (e.g. by proposing new homes or businesses). By definition, the Housing Element is intended to facilitate the production of housing in the city and remove impediments to housing construction. Implementation of the proposed Project would not result in any additional housing beyond what was previously considered and thus would not directly induce substantial population growth. Additionally, the proposed Project would not extend roads or other infrastructure, and thus would not indirectly induce substantial population growth. Thus, a <i>less-than-significant</i> impact would occur in relation to population growth.</p> <p>b), c) Because the proposed Project in no way increases the restrictiveness of the existing zoning on any of the proposed housing sites, nothing in the proposed Housing Element would serve to displace housing or people. The proposed Project prescribes standards, but does not mandate the exact use of the land. Therefore, market conditions and a variety of other factors will be the primary determinates of the increase or decrease in the number of housing units and residents in Milpitas. Consequently, impacts with respect to displacing housing units or residents would be <i>less than significant</i>.</p>				

**XIV. PUBLIC SERVICES**

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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:</p>				
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"/>

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>DISCUSSION:</b></p> <p>a) The primary purpose of a public services impact analysis is to examine the impacts associated with physical improvements to public service facilities required to maintain acceptable service ratios, response times or other performance objectives. Public service facilities need improvements (i.e. construction of new, renovation or expansion of existing) as demand for services increases. Increased demand is typically driven by increases in population. The proposed Project would have a significant environmental impact if it would exceed the ability of public service providers to adequately serve the residents of the city, thereby requiring construction of new facilities or modification of existing facilities. As discussed in Section XII, Population and Housing, above, the proposed Project would not directly or indirectly result in population growth. The proposed Project does not include the construction of any new public service facilities or expansion of existing facilities. The proposed Project will not increase development potential beyond what was previously considered. Further, the provisions of the proposed Project would not contravene any aspects of the General Plan, including land use designations and allowed building intensities that could impact demand for City services. Implementation of the proposed Project would therefore neither cause new impacts in regard to provision of City services nor exacerbate any existing ones; thus, <i>no impact</i> would occur.</p>				

**XV. RECREATION**

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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) 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"/>
<p><b>DISCUSSION:</b></p> <p>a), b) Because implementation of the proposed Project would not directly or indirectly result in population growth as discussed in Section XII, Population and Housing, above, it also would not increase the use of existing parks or facilities. Additionally, implementation of the proposed Project does not include nor require the construction or expansion of recreational facilities. For these reasons, implementation of the proposed Project would have <i>no impact</i> on recreation.</p>				

**XVI. TRANSPORTATION/TRAFFIC**

<b>Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>DISCUSSION:</b>				
a), b) The proposed Project will have no effect on the circulation system of Milpitas as it will not increase development potential and would not directly or indirectly result in population growth. As such, implementation of the proposed Project would not conflict with any applicable plan, ordinance or policy which establishes measures of effectiveness for the performance of the circulation system. Potential future development permitted as a result of the proposed Project will allow for housing in Residential and Mixed-Use Zoning designations where residential uses are currently permitted. Consequently, impacts would be <i>less than significant</i> .				
c) The proposed Project does not include any strategy or measure that would directly or indirectly affect air traffic patterns. Therefore, <i>no impact</i> would result.				
d) The proposed Project does not include any strategy that would promote the development of hazardous road design features or incompatible uses. Rather, the proposed Project will allow for housing in Residential and Mixed Use Zoning designations where residential uses are currently permitted. Therefore, <i>no impact</i> would occur.				

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) No part of the proposed Project would result in the development of uses or facilities that would degrade emergency access. Therefore, there would be <i>no impact</i> .				
f) The proposed Project will have no impact on policies, plans or programs regarding public transit, bicycle, or pedestrian facilities. While the proposed Project does include provisions that are dependent on the location of public transit stops, potential future development permitted as a result of the proposed Project will only be reactive to the location of bus stops and will have no effect on the placement of bus stops or any other aspect of the public transportation system. Therefore, <i>no impact</i> will occur.				

**XVII. UTILITIES AND SERVICE SYSTEMS**

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 stormwater 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>
<b>DISCUSSION:</b>				
a)-c), e) The Milpitas Sanitary Sewer Collection System is owned and maintained by the City of Milpitas. Wastewater from the City of Milpitas is treated at the San Jose/Santa Clara Water Pollution Control				

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Plant, located near Alviso. The City of Milpitas is contractually allowed a sanitary sewer flow of 14.25 million gallons per day.<sup>27</sup> The proposed Project would allow for housing in Residential and Mixed Use Zoning designations where residential uses are currently permitted and would not increase development potential beyond what was previously considered. Therefore, construction and operation resulting from potential future development permitted under the proposed Project would have <i>less-than-significant</i> impacts with regard to the wastewater treatment requirements of the SFRWQCB and the capacity of the San Jose/Santa Clara Water Pollution Control Plant to serve the projected General Plan demand in addition to its existing commitments. Additionally, it would not 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.</p> <p>d) The proposed Project would allow for housing in Residential and Mixed Use Zoning designations where residential uses are currently permitted and would not increase development potential beyond what was previously considered. Given no additional demand to water supply would occur, impacts to water supply as a result of implementing the proposed Project would be <i>less than significant</i>.</p> <p>f), g) The City of Milpitas and Santa Clara County Integrated Waste Management Plans (IWMP) comply with state-mandated waste reduction goals specified in Public Resources Code (PRC) 40500 (Assembly Bill 939). PRC 40500 requires local agencies to implement source reduction, recycling, and composting activities to reduce solid waste generation by 25 percent by the year 1995, and by 50 percent by the year 2000. As a part of PRC 40500, each city and county is required to prepare a Source Reduction and Recycling Element (SRRE) and a Household Hazardous Waste Element (HHWE). Together, the SRRE and HHWE comprise the City's IWMP.<sup>28</sup> Newby Island landfill, located on Dixon Landing Road in San Jose serves the City. It is a Class III landfill, with an estimated lifespan of an additional 11 years (to 2021). However, the proposed Project would not increase development potential beyond what was previously considered; accordingly, no additional demand on solid waste capacity would occur and impacts would be <i>less than significant</i>.</p>				

<sup>27</sup> The City of Milpitas Waterstone EIR, [http://www.ci.milpitas.ca.gov/\\_pdfs/plan\\_eir\\_WaterStone\\_draft\\_a.pdf](http://www.ci.milpitas.ca.gov/_pdfs/plan_eir_WaterStone_draft_a.pdf). Accessed October 15, 2014.

<sup>28</sup> The City of Milpitas General Plan, Chapter 4 Environmental Open Space and Conservation Element, page 4-21.

**MANDATORY FINDINGS OF SIGNIFICANCE**

<b>Would the Project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>DISCUSSION:</b></p> <p>a)-c) The provisions of the proposed Project would not contravene any aspects of the General Plan, including land use designations and allowed building intensities, which would lead to increased population or development, impacts to wildlife, cumulative effects, or other substantial adverse effects on human beings. All structures, programs, and projects pursued under the proposed Project would adhere to the vision established within the General Plan and all subsequent land use and zoning designations. Implementation of the proposed Project would therefore neither cause new impacts in regard to these issues nor would it exacerbate any existing impacts. Therefore, through mandatory regulatory compliance and consistency with General Plan policies, implementation of the proposed Project would have a <i>less-than-significant</i> impact with 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, nor have impacts that are individually limited, but cumulatively considerable, nor does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.</p>				