

**LIST OF ATTACHMENTS FOR AGENDA ITEM NO. 1:
HOLD A PUBLIC HEARING TO CONSIDER ADOPTING A
RESOLUTION CERTIFYING THE FINAL
ENVIRONMENTAL IMPACT REPORT FOR THE 2009
WATER AND SEWER MASTER PLAN UPDATES AND
ADOPTING THE STATEMENT OF OVERRIDING
CONSIDERATIONS, AND THE MITIGATION MONITORING
AND REPORTING PROGRAM, AND TO CONSIDER
ADOPTING A RESOLUTION APPROVING THE 2009
WATER AND SEWER MASTER PLAN UPDATES**

- A. Resolution Certifying EIR**
- B. Resolution Approving Water and Sewer Master Plan Updates**
- C. Sewer Master Plan Update**
- D. Water Master Plan Update**
- E. Draft EIR**
- F. Final EIR**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE 2009 WATER AND SEWER MASTER PLAN UPDATES AND ADOPTING RELATED FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City proposes to approve and implement the Water and Sewer Master Plan Updates (2009), which define the potable water, recycled water, and sanitary sewer system improvements necessary to accommodate the City's projected build-out based on the City's General Plan, Midtown and Transit Area Specific Plans, and miscellaneous land use changes throughout the City ("Program"); and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), the City determined that an Environmental Impact Report would be required for the Program ("Water and Sewer Master Plan Update EIR") and circulated a Notice of Preparation dated August 27, 2008 to public agencies and interested parties for consultation on the scope of the Water and Sewer Master Plan Update EIR; and

WHEREAS, based on the responses to the Notice of Preparation, the City prepared a draft of the Water and Sewer Master Plan Update EIR dated August 2008 (SCH No. 2008092082) which reflected the independent judgment of the City as to the potential environmental effects of the Program. The Draft Water and Sewer Master Plan Update EIR was circulated for a 45-day public review and comment period, from December 17, 2009 to February 1, 2010; and

WHEREAS, City staff reviewed all comments received on the Draft Water and Sewer Master Plan Update EIR during the public review period and prepared written responses providing the City's good faith, reasoned analysis on the issues raised by the comments. Revisions to the Water and Sewer Master Plan Update EIR were incorporated as appropriate. City staff reviewed all written responses to comments and all revisions to the Draft Water and Sewer Master Plan Update EIR and determined that none of the responses and/or revisions included significant new information requiring recirculation of the Draft Water and Sewer Master Plan Update EIR pursuant to CEQA Guidelines § 15088.5. The comment letters, written responses to comments, and revisions to the Draft Water and Sewer Master Plan Update EIR are contained in a separately bound Final Water and Sewer Master Plan Update EIR dated April 2010. The Draft Water and Sewer Master Plan Update EIR and the Final Water and Sewer Master Plan Update EIR together constitute the complete Environmental Impact Report for the Program pursuant to CEQA Guidelines §§ 15089 and 15132, reflect the City's independent judgment and analysis on the potential environmental impacts of the Program, and are collectively referred to herein as the "Water and Sewer Master Plan Update EIR"; and

WHEREAS, the Water and Sewer Master Plan Update EIR identifies the potential for significant effects on the environment from development of the Program, most but not all of which can be reduced to a less than significant level through implementation of mitigation measures; therefore, approval of the Program must include findings regarding mitigation measures and alternatives as set forth in Exhibit A; and

WHEREAS, some of the significant effects identified in the EIR cannot be lessened to a level of less than significant; therefore, approval of the Program must include a Statement of Overriding Considerations as set forth in Exhibit B; and

WHEREAS, the City has prepared a Mitigation Monitoring and Reporting Program to ensure monitoring and implementation of the mitigation measures set forth in Exhibit C; and

WHEREAS, on May 4, 2010, the City Council held a properly noticed public hearing to consider certification of the Water and Sewer Master Plan Update EIR and approval of the Program.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. The following findings are made and directions given:

- A. That the Water and Sewer Master Plan Update EIR has been completed in compliance with CEQA and the CEQA Guidelines.
- B. That the Water and Sewer Master Plan Update EIR was presented to the City Council, which reviewed and considered the information contained therein prior to approving the Program.
- C. That the Water and Sewer Master Plan Update EIR reflects the City's independent judgment and analysis of the potential for environmental effects of the Program.
- D. That the custodian of the documents and other materials which constitute the record of proceedings for the Program is the City of Milpitas Engineering Department located at City Hall, 455 East Calaveras Boulevard, Milpitas, California 95035.

3. The City Council adopts the Findings set forth in Exhibit A, the Statement of Overriding Considerations set forth in Exhibit B, and the Mitigation Monitoring and Reporting Program set forth in Exhibit C.

PASSED AND ADOPTED this ____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Robert Livengood, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

EXHIBIT A

MITIGATION FINDINGS AND FINDINGS CONCERNING ALTERNATIVES FOR THE PROGRAM

SECTION 1: MITIGATION FINDINGS PURSUANT TO CEQA GUIDELINES SECTION 15091

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Sections 15091 and 15163(e), the City Council hereby makes the following findings with respect to the potential for significant environmental impacts from the Program located within the City's limits ("Program") and means for mitigating those impacts. The impacts and mitigations included in the following findings are summarized rather than set forth in full. The Draft and Final EIR documents are incorporated herein by reference and should be consulted for a complete description of the impacts and mitigations.

Less than Significant Impact with Mitigation

Aesthetics Impact AES-1: Implementation of the Master Plan improvements could result in temporary and permanent changes to the visual character of the Study Area.

Mitigation Measure AES-1: (Screen Staging Areas and Restore Affected Construction Areas)

The City will require the construction contractor to site staging areas to minimize visual disturbance to surrounding residential and commercial parcels and confine construction-related activities to the designated ROW. Prior to and during use of construction staging areas for equipment, vehicle parking, and material storage, screening or vegetation will be installed as appropriate for the zoning at the site. To the extent feasible, all disturbed areas (e.g., roadway trenches and staging areas) will be returned to their preconstruction condition. All existing landscaping that is removed or damaged during construction will be replaced, along with irrigation hardware. These requirements will be reflected in contract documents.

To the extent feasible, the City will require the contractor for Project W-MP-5 to contain construction staging areas to the project site.

Findings: Construction activities would alter temporarily the visual character of portions of the City as due to the presence of heavy-duty equipment (e.g., excavators, cranes, trucks, pavers, loaders, etc.) and changes in terrain (i.e., presence of pits, trenches, and stockpiles of material and soils). With the implementation of Mitigation Measure AES-1, potential aesthetic impacts related to construction activities would be minimized to a less than significant level.

Aesthetics Impact AES-2: New Master Plan improvements could result in the degradation of the existing visual character of the Study Area through the installation of new sources of light and glare.

Mitigation Measure AES-2a: (Incorporate Design Elements to Integrate Proposed Above-Ground Surfaces to Their Surroundings)

The City will use design elements to enhance visual integration of above-ground facilities with their surroundings. These elements may include, but are not limited to, the following:

- painting (with earth-colored tones) of structural façades to blend with surrounding land uses,
- use of fencing or structural materials similar to those used by nearby land uses, and
- installation of berms and/or landscaping around the facility.

Mitigation Measure AES-2b: (Implement Lighting and Material to Reduce Light and Glare)

The City will reduce light and glare on surrounding land uses by shielding permanent exterior lighting, orienting all exterior lighting downward, or installing lights activated only by sensors. In order to minimize incidental light, the lights will be cutoff-type fixtures that cast low-angle illumination. All lights will provide natural color rendering and light qualities. In addition, the City will limit the use of highly reflective building materials and/or finishes in the design of its proposed above-ground structures.

Findings: Construction of the proposed 6.6 MG storage tank and pump station would result in minor alteration to the existing visual character of the Transit Area Specific Plan area through the placement of an additional large, permanent

structure. Mitigation Measures AES-2a and AES-2b would minimize potential aesthetic impacts resulting from these storage improvements to less than significant levels.

Air Quality Impact AQ-2: Construction of Master Plan improvements could expose sensitive receptors to substantial pollutant concentrations.

Mitigation Measure AQ-1: Mitigation Measure AQ-1: Implement Dust Control Measures.

The City shall require the construction contractor to implement BAAQMD's basic and enhanced dust control procedures for all construction projects, as applicable. This requirement shall be reflected in contract documents. Dust control measures include:

Basic Control Measures: The following basic control measures shall be implemented at all construction sites.

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

Enhanced Control Measures: The following enhanced control measures shall be implemented at construction sites greater than four acres in area.

- All basic control measures listed above.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Mitigation Measure AQ-2a: (Buffers for Pump Siting)

The City will locate all new pump stations powered by diesel fuel more than 200 feet away from sensitive receptors, if feasible. Electrically-powered pumps shall be used to power new pumps, to the extent practicable.

Mitigation Measure AQ-2b: (Project-Level DPM Screening for Engine Siting)

The City will require screening-level DPM assessments to be conducted for diesel-powered pump operations proposed within 500 feet of residences or other sensitive receptors. These analyses should include exact distances between the receptors and operations, as well as the actual DPM emissions for the engines proposed. If the analysis shows an annual average DPM concentration from project operations at residences within 500 feet of the DPM source to be greater than 0.024 ug/m³, the engine location shall be moved to a location where the annual average DPM concentration from individual project emissions is less than 0.024 ug/m³. The acceptable concentration of 0.024 ug/m³ was determined using the current OEHHA cancer potency factor and methodology for diesel exhaust (OEHHA 2003). If diesel exhaust concentrations at the affected receptor would be below 0.024 ug/m³, then the cancer health risk would be less than 9.9 cancers in a million population.

Findings: Long-term operational impacts, in the form of toxic air contaminants (TACs) from stationary sources, in conjunction with storage tank pumps could result in localized, potentially significant air quality impact. In addition, construction-related air quality impacts in the form of heavy-duty vehicle emissions and airborne dust could also be potentially significant to nearby sensitive receptors. With implementation of Mitigation Measures AQ-1, AQ-2a, and AQ-2b, air quality impacts resulting from TACs and DPM to sensitive receptors would be reduced to a less than significant level.

Air Quality Impact AQ-4: The Master Plan improvements would contribute to increases in the generation of GHG emissions, thereby contributing to global climate change.

Mitigation Measure AQ-4: (GHG Reduction Measures for Construction)

The City and/or Developer shall require its construction contractor to comply with the City's Clean Air Action Plan, once adopted. In conjunction with compliance with the City's Clean Air Action Plan, the City and/or Developer shall incorporate the following measures, to the extent they are applicable and feasible, into individual Master Plan Update improvements:

- a. incorporate the use of recycled or local-origin construction materials; and/or
- b. maximize recycling of construction/demolition waste materials.

Findings: The Master Plan Updates would consist of a series of infrastructure projects that individually contribute relatively small amounts of greenhouse gases (GHG), that when added to all other GHG-producing activities around the world, result in increases in these emissions cumulatively at a global scale. The body of evidence to date suggests that these collective emissions are contributing to changes in the global climate. In response, the California Air Resources Board is currently evaluating approaches to regulating GHGs from construction activities and is currently proposing mandatory, performance-based control measures, which are currently not included as part of the Master Plans. The prescribed mitigation measure focuses on reducing two indirect sources of construction-related emissions of GHGs. These reductions combined with State-mandated improvements in construction vehicle fleets would be expected to reduce construction-related GHG impacts to a less than significant level.

Vegetation and Wildlife Impact BIO-1: Construction of the Master Plan improvements could result in the potential disturbance or loss of special-status plant populations

Mitigation Measure BIO-1a: (Document Special-Status Plant Populations for Individual Improvements Constructed Outside Existing Roadway ROW)

Prior to design or construction of improvements outside of existing roadway ROW, the City will retain a qualified botanist to document the presence or absence of special-status plants on or near to the individual improvements before implementation. To document plant populations, the following steps will be undertaken: 1) review existing information to develop a list of special-status plants that could grow on the site; 2) coordinate with the appropriate agencies (CDFG and USFWS) to discuss botanical resource issues and determine the appropriate level of surveys necessary to document special-status plants; and 3) conduct a botanical survey of appropriate detail dependant on species richness, habitat type and quality, and the probability of special status species occurring in a particular habitat type. The botanical survey may include a habitat assessment, a species-focused survey, or a floristic protocol-level survey per CNPS Botanical Survey Guidelines (CNPS 2001).

Special-status plant populations identified during the field surveys will be mapped and documented. The City shall implement Mitigation Measure BIO-2 to avoid or minimize significant impacts on identified special-status plants.

Mitigation Measure BIO-1b: (Avoid or Minimize Impacts on Special-Status Plants by Protecting Special-Status Plant Populations)

If construction of the individual improvements has the potential to result in direct loss or indirect disturbance to special-status plants, the City will protect special-status plants by installing environmentally sensitive area fencing (orange construction barrier fencing) around special-status plant populations. The environmentally sensitive area fencing will be installed at least 20 feet from the edge of the population. The location of the fencing will be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications will contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within the fenced environmentally sensitive area.

Findings: Much of the City is developed with urbanized land uses with only small pockets of habitat remaining. Nevertheless, given the scope of the Program and potential to encounter these remaining habitats during construction, the implementation of the mitigation program identified in Mitigation Measures BIO-1a and BIO-1b would reduce any potential for impacts to special status plant populations, including from construction of the storage tank, to a less than significant level.

Vegetation and Wildlife Impact BIO-2: Construction of the Master Plan improvements could result in potential disturbance or loss of special-status wildlife species and their associated habitats.

Mitigation Measure BIO-2a: (Document Special-Status Wildlife Species and Their Habitats for Individual Improvements Constructed Outside Existing Roadway ROW)

Prior to construction of the storage tank and pump station on undisturbed lands, the City will document special status wildlife species and their habitats. The City will retain a qualified wildlife biologist to document the presence or absence of special-status wildlife before implementation. To document special-status wildlife, the wildlife biologist will 1) review existing information to confirm the list of special-status wildlife species that could occur in the project area; 2) coordinate with the appropriate agencies (CDFG or USFWS) to discuss wildlife resource issues in the region and determine the appropriate level of surveys necessary to document special-status wildlife and their habitats; and 3) conduct a field survey of an appropriate detail dependant on species richness, habitat type and quality, and the probability of special status species occurring in a particular habitat type. The wildlife biologist shall consider the CDFG Staff Report on Burrowing Owl Mitigation (CDFG 1995), which includes survey guidelines for burrowing owl. Special-status wildlife or suitable habitat identified during the field surveys will be mapped and documented. At any point during implementation of this mitigation measure, the City may choose to redesign or modify the program element(s) to avoid direct and indirect impacts on special-status wildlife, and will not need to complete the remaining steps identified in this measure.

Mitigation Measure BIO-2b: (Avoid and Minimize Impacts to Special-Status Wildlife Species During Construction)

The City shall attempt to avoid and minimize direct and indirect effects on special-status wildlife. The City will require the construction contractor to protect special-status wildlife and their habitats near the project site by installing environmentally sensitive area fencing around habitat features, such as seasonal wetlands, burrows, and nest trees. The environmentally sensitive area fencing or staking will be installed at a minimum distance from the edge of the resource as determined through coordination with state and federal agency biologists (CDFG and USFWS). The wildlife biologist shall consider the CDFG Staff Report on Burrowing Owl Mitigation (CDFG 1995), which includes measures for minimizing impacts to burrowing owl. The location of the fencing will be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications will contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within the fenced environmentally sensitive area.

Mitigation Measure BIO-2c: (Coordinate with Resource Agencies and Develop Appropriate Compensation Plans for Potentially Impacted State- and Federally Listed Wildlife Species)

In the event that, despite implementation of Mitigation Measure BIO-2b, construction activities would result in significant impacts on state- or federally listed wildlife species, the City will develop a compensation plan in coordination with the appropriate resource agency (CDFG or USFWS), and/or follow their established compensation guidelines. Compensation guidelines have been identified for several special-status wildlife species, including burrowing owl (CDFG 1995). The amount of compensation will vary depending on the amount of habitat loss or degree of habitat disturbance anticipated. The compensation plan would involve identifying an agency-approved mitigation bank or site (on- or off-site); re-creating (burrows) or preserving habitat for special status wildlife species; monitoring the mitigation site; or funding the management of the mitigation site.

Findings: Urbanized land uses cover much of the City with only small pockets of habitat remaining. Given the scope of the Program and potential to encounter these remaining habitats during construction, the implementation of the mitigation program identified in Mitigation Measures BIO-2a, BIO-2b, and BIO-2c would reduce any potential for impacts to special status plant populations, including from construction of the storage tank, to a less than significant level.

Vegetation and Wildlife Impact BIO-3: Construction of the Master Plan improvements carries the potential to introduce or spread noxious weeds.

Mitigation Measure BIO-3a: (Avoid the Dispersal of Noxious Weeds into Uninfested Areas)

To avoid the introduction or spread of noxious weeds into uninfested areas, the City will incorporate the following measures into construction project plans and specifications:

- Use certified, weed-free, imported erosion-control materials (or rice straw in upland areas).
- Coordinate with the County Agricultural Commissioner and land management agencies to ensure that the appropriate best management practices (BMPs) are implemented.
- Educate construction supervisors and managers about weed identification and the importance of controlling and preventing the spread of noxious weeds.
- Clean equipment at designated wash stations after leaving noxious weed infestation areas.

The noxious weed avoidance measures will be reflected in contract documents and implemented by the construction contractor.

Findings: The implementation of Mitigation Measure BIO-3a would reduce the potential for the spread of noxious weeds during construction to less than significant level.

Vegetation and Wildlife Impact BIO-4: Implementation of the Master Plan improvements could result in the loss or disturbance of waters of the United States or State and associated riparian habitats.

Mitigation Measure BIO-4a: (If Necessary, Prepare a Wetland Delineation and Obtain Clean Water Act Permits)

Prior to construction of individual Master Plan improvements located adjacent to a creek or drainage channel, the City shall determine if a wetland delineation report is necessary. If determined, the City shall prepare and submit for approval a formal wetland delineation report for verification through the USACE. The City shall obtain a Section 404 permit for impacts to jurisdictional wetlands from the USACE and/or a Section 401 permit from the RWQCB and shall comply with all conditions of permits received. In association with either or both permits, compensatory mitigation for impacts to jurisdictional wetlands may be required.

Mitigation Measure BIO-4b: (Compensate for the Loss of Wetlands or Riparian Habitat)

If wetlands or riparian habitat is removed as part of the Master Plan Updates, the City will compensate for the loss of riparian vegetation to ensure no net loss of habitat functions and values. Compensation ratios will be based on site-specific information and determined through coordination with state and federal agencies (including CDFG, USFWS, USACE, and NOAA Fisheries). Compensation will be provided at a minimum 1:1 ratio (1 acre restored or created for every 1 acre removed) and may be a combination of on-site restoration/creation, off-site restoration, and mitigation credits. The City will develop and implement a restoration and monitoring plan that describes how wetlands or riparian habitat will be enhanced or re-created and monitored over a minimum period of time, as determined by the appropriate state and federal agencies.

Mitigation Measure BIO-4c: (Return Master Plan Improvement Sites to Pre-Construction Conditions)

For open trench construction crossings across minor ditches and drainage channels (less than 15 feet in width), the following measures shall be implemented:

- Implement compliance measures, described in Section 3.8, Hydrology and Water Quality for Impact HWQ-1a, to reduce indirect impacts to wetlands and other waters during open trench construction;
- Conduct trenching and construction activities across drainages during low-flow (e.g. <1 to 2 cfs) or dry periods as feasible;
- If working in active channels, install cofferdam upstream and downstream of stream crossing to separate construction area from flowing waterway;
- Place sediment curtains upstream and downstream of the construction zone to prevent sediment disturbed during trenching activities from being transported and deposited outside of the construction zone;
- Locate spoil sites such that they do not drain directly into the drainages and/or seasonal wetlands;
- Store equipment and materials away from the drainages and wetland areas. No debris will be deposited within 250 feet of the drainages and wetland areas;
- Prepare and implement a revegetation plan to restore vegetation in all temporarily disturbed wetlands and other waters using native species seed mixes and container plant material that are appropriate for existing hydrological conditions. All disturbed drainages will be restored to pre-construction conditions.

Findings: The Program would involve improvements that would cross one or more waterways that traverse the Program area. The mitigation program provided through the implementation of Mitigation Measure BIO-4a, BIO-4b, and BIO-4c would minimize the potential for impacts to wetlands, water of the U. S., and riparian vegetation to less than significant level.

Cultural Resources Impact CR-2: Construction of the Master Plan improvements could result in potential impacts to undocumented archeological and paleontological resources or human remains.

Mitigation Measure CR-2: (Stop Work in Case of Accidental Discovery of Buried Archeological or Paleontological Resources)

If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, human bone, or fossils, are inadvertently discovered during ground-disturbing activities, the program contractors will stop work within 100 feet of

the find until a qualified archaeologist and/or paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City and other appropriate agencies.

If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, the program contractors will conduct no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- the coroner of the county has been informed and has determined that no investigation of the cause of death is required; and
- if the remains are of Native American origin,
 - o the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
 - o the Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission. The above provisions will be included in contract documents.

For improvements that occur within State ROWs and where an archaeological site is identified during the initial archaeological survey, the City shall have a qualified, professional archaeologist prepare a cultural resources study that complies with the requirements of Caltran's Environmental Handbook, Volume 2 and shall include the following:

- An effects evaluation of potential project-level impacts to the archaeological site;
- A mitigation plan per CEQA Guidelines 15126.4(b)(3); and
- Evidence of Native American consultation pursuant to PRC 5097.

Avoidance shall be the preferred method of mitigating potential impacts, where feasible. If the City can demonstrate that avoidance is not feasible, the City shall have a qualified, professional archaeologist prepare a Data Recovery Plan.

Findings: The mitigation program identified in Mitigation Measure CR-2 would minimize the potential for archeological or paleontological impacts resulting from construction of Master Plan improvements. This impact would be reduced to less than significant level.

Geology and Soils Impact GS-1: The Master Plan Update improvements could be subjected to hazards associated with earthquakes and the secondary effects of ground motion.

Mitigation Measure GS-1a: (Prepare Geotechnical Report(s) for Individual Water and Sewer Master Plan Improvement Projects)

The City or Developer shall require that facility design for all Water and Sewer Master Plan facilities comply with the site-specific design recommendations as provided by a licensed geotechnical or civil engineer. These recommendations will be based on the anticipated PGA for each project-improvement identified in the Water and Sewer Master Plans. In instances where conflicting PGA values are obtained, the City will apply the greater of the two values to ensure maximum structural integrity. Design recommendations provided in the geotechnical report will demonstrate compliance with applicable 2007CBC requirements.

Mitigation Measure GS-1b: (Incorporate Pipeline Failure Contingency Measures)

The City or Developer shall require that isolation valves or similar devices be incorporated into all pipeline facilities to prevent significant losses of potable water and/or untreated-wastewater in event of pipeline rupture. The specifications of the isolation valves will conform to the UBC, AWWA, and City standards.

Findings: Pipelines, above-ground facilities, and associated facilities constructed in conjunction with the Program could be subjected to significant ground motion associated with at least one major earthquake throughout their operational life. The implementation of Mitigation Measures GS-1a and GS-1b would minimize the potential impacts from local seismic hazards to a less than significant level.

Geology and Soils Impact GS-4: Construction of the Master Plan improvements could encounter expansive and/or corrosive soil materials, thereby subjecting new facilities to risks of structural failure.

Mitigation Measure GS-4: (Install Corrosion Protection Measures)

As appropriate, the City shall install a cathodic protection system for all underground metallic fittings, appurtenances, and piping to protect these facilities from corrosion. The cathodic protection system shall be designed consistent with City standards.

Findings: Corrosive soil materials could lead to pipe corrosion, potentially resulting in pipe failure and localized surface flooding of water or wastewater, and/or localized settlement of surface soils in the location of the failure. Mitigation Measure GS4, would reduce soil-related hazards to a less than significant level.

Public Health and Hazard Impact HAZ-1: Construction of the Master Plan improvements could result in significant hazards to the public or environment through the accidents involving the release of hazardous materials and/or substances.

Mitigation Measure HAZ-1: (Develop and Implement a Spill Prevention, Control, and Countermeasure Program for Construction Activities)

The City's or Developer's construction contractor will develop and implement a Spill Prevention, Control, and Countermeasure Program (SPCCP) to minimize the potential for and effects from spills of hazardous, toxic, or petroleum substances during construction activities. The SPCCP will be prepared consistent with the requirements of the City's NPDES Permit and Hazardous Materials program before any construction activities begin.

If a spill of petroleum products is reportable (per 40 CFR 110), the contractor's superintendent will notify the City and take action to contact the appropriate safety and cleanup crews to implement the SPCCP. A written description of reportable releases must be submitted to the San Francisco Bay RWQCB. The program contractor will select and implement measures to control contamination, with a performance standard that surface and/or groundwater quality must be returned to baseline conditions. These measures will be subject to review by the City.

The City will review the SPCCP before onset of construction activities as required. The City will routinely inspect the construction area to verify that the measures specified in the SPCCP are properly implemented and maintained. The City will notify its contractors immediately if there is a noncompliance issue and will require compliance.

Findings: The Program could result in potentially significant impacts resulting from release of hazardous materials during construction activities. Mitigation Measure HAZ-1 would reduce potential hazardous material impacts to a less than significant level.

Public Health and Hazards Impact HAZ-2: Construction of the Master Plan improvements could expose workers and the public to hazards associated with the accidental discovery of undocumented soil and/or groundwater contamination.

Mitigation Measure HAZ-2a: (Conduct Phase 1 Site Assessment(s) for Master Plan Improvements that Deviate from Existing Roadway ROW)

Prior to construction, the City may conduct a Phase 1 Environmental Site Assessment according to ASTM protocol for portions of individual Master Plan improvements that deviate from existing roadway ROW, as warranted. If any hazardous materials or waste sites are identified during the Phase 1, the City shall implement Mitigation Measure HAZ-2b.

Mitigation Measures HAZ-2b: (Develop Remediation Plan(s), As Necessary)

If determined necessary, to mitigate for potential hazards resulting from disturbance of existing contaminated areas, the extent of contamination from hazardous materials sites within or adjacent to individual Master Plan improvements shall be delineated during final design. Disturbance to contaminated areas during individual project construction shall be avoided, or any work done within contaminated areas shall be undertaken in compliance with standards approved by the DTSC or the County DEH to ensure that hazardous materials will not be released as a result of the ground disturbance.

Additionally, if unidentified contaminated soil and/or groundwater are encountered, or if suspected contamination is encountered during any construction activities, work shall be halted in the area of potential exposure, and the type and extent of contamination shall be identified. A qualified professional, in consultation with appropriate regulatory agencies, will then develop and implement a plan to remediate the contamination and properly dispose of the contaminated material. The plan will include protocols necessary to ensure that contaminant-removal activities minimize the potential for air quality or health risk impacts to adjacent receptors along with proper disposal requirements. The plan will also include response procedures in the event of an accident during contaminant removal and notification requirements for the City's Fire Department OES, DTSC RWQCB, and Santa Clara County Hazardous Materials Response Team, as necessary.

Findings: The Program could result in potentially significant impacts resulting from exposure to contaminated soil and water during construction activities. Through the implementation of the mitigation program prescribed in Mitigation Measure HAZ-1, HAZ-2a, and HAZ-2b, potential contamination exposure impacts resulting from the Program would be reduced to less than significant levels.

Hydrology and Water Quality Impact HWQ-1: Runoff generated by Master Plan construction could exceed water quality standards due to erosion, sedimentation, and potential for release of hazardous materials.

Mitigation Measure HWQ-1a: (Implement NPDES Permit Measures, including Development and Implementation of a SWPPP)

Prior to the onset of construction activities on sites of one acre or more, the City's or Developer's contractor shall obtain coverage under the NPDES General Construction Permit. The City will be responsible for ensuring that construction activities comply with the conditions in the 2009 Amended General Construction Permit through the preparation of a SWPPP or, if determined appropriate, a Rainfall Erosivity Waiver. Individual improvement projects eligible for a Rainfall Erosivity Waiver must demonstrate that the rainfall erosivity factor will be less than five throughout the duration of construction. Improvement projects qualifying for the Rainfall Erosivity Waiver will be required to implement minimum BMPs consistent with City standards.

All other Master Plan improvement projects will require the preparation of a SWPPP. At minimum, the SWPPP shall be prepared by a Qualified SWPPP Practitioner (QSP), identify site-appropriate soil stabilization and sediment control BMPs, and include a monitoring component that is consistent with the individual project's Risk Level or LUP Type. Based on the types of activities anticipated over the duration of the implementation of the Master Plan updates, SWPPPs for individual improvement projects shall include BMPs that cover the following:

- ensure implementation of good site management (i.e., "housekeeping") measures for construction materials that could potentially be a threat to water quality if discharged. Special consideration shall be given to vehicle storage and maintenance, landscaping, waste management, and construction materials or equipment that are not designed to be outdoors and exposed to environmental conditions;
- provide effective soil cover for inactive construction areas that could contribute sediment to waterways;
- enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways;
- establish and maintain effective perimeter controls, as needed, to sufficiently control sediment discharges from the site. This will be done by using a combination of one or more of the following: berms, silt fencing, straw bales or wattles, plastic sheeting or geofabric, silt/sediment traps and catch basins, sand bag dikes, temporary vegetation or other groundcover, or other control measures consistent with City standards;
- ensure that no earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water;
- ensure that dewatering activities shall be conducted according to the provisions of the SWPPP. No dewatered materials shall be placed in local water bodies or in storm drains leading to such bodies without implementation of proper construction water quality control measures;
- effectively manage all run-on, all runoff within the site and all runoff that discharges off the site using BMPs consistent with City standards; and
- appropriate post-construction BMPs shall be implemented to ensure that grass or other vegetative cover will be established on non-paved portions of the construction site(s) as soon as possible after disturbance. These BMPs should follow applicable water quality control measures found within "Start at the Source-Design Guidance Manual for Stormwater Quality Protection" prepared by the Bay Area Stormwater Management Agencies Association.

As required by the Amendment General Construction Permit, in situations where the improvements will occur across several properties, the City will be responsible for obtaining coverage under the General Permit. The City shall ensure that a QSP prepares each SWPPP specific to the individual improvements included in the Master Plan Updates as determined necessary by the City. The City shall review and approve the BMPs proposed in the SWPPP to ensure consistency with the City's standards and specifications.

The City will ensure that the SWPPP and NOI are filed with the San Francisco Bay RWQCB prior to the start of construction. A QSP with the City or its agent will perform routine inspections of the construction area to verify that the BMPs specified in the SWPPP are properly implemented and maintained. The City or its agent will notify the project contractor(s) if there is a noncompliance issue and will require immediate corrective action.

Mitigation Measure HWQ-1b: (Implement Provisions for Dewatering and Hydrostatic Test Water)

Before discharging any substance that could reach surface waters, the City's or Developer's construction contractor shall develop a plan for the disposal of dewatering or hydrostatic testing discharges in accordance with the requirements of the City, SWRCB, and San Francisco Bay RWQCB. Depending on the volume and characteristics of the discharge, coverage under the SWRCB's General Construction Permit or the RWQCB's Municipal Regional Stormwater Permit (R2-2009-0074), may be appropriate. As part of the plan, the contractor will design and implement measures that are effective in minimizing water quality impacts to receiving waters. A range of potential BMPs is provided in Appendix E of the EIR. Final selection of water quality control measures will be subject to review by the City of Milpitas.

Mitigation Measure HWQ-1c: (Use Trenchless Technology)

Where conveyance pipelines cross water bodies, the City will require its construction contractor to use trenchless technology (microtunneling or jack-and-bore), where feasible. Frac-out plans as described in Mitigation Measure HWQ-1d shall be implemented as necessary.

Mitigation Measure HWQ-1d: (Develop and Implement a Frac-Out Contingency Plan for HDD and Jack and Bore Activities)

For tunneling activities that use drilling lubricants (e.g., construction of pipelines using jack-and-bore methods), the City's or Developer's construction contractor will prepare and implement a Frac-Out Contingency Plan. The purpose of the plan will be to minimize the potential for a frac-out associated with tunneling activities, provide for the timely detection of frac-outs, and ensure an organized, timely, and "minimum-impact" response in the event of a frac-out and release of drilling lubricant (i.e., bentonite). Preparation and implementation of a Frac-Out Contingency Plan will be reflected in contract documents.

Mitigation Measure HWQ-1e: (Dry-Season Construction)

Where Mitigation Measure HWQ-1c is not feasible, and flows in the water body (or area) are seasonal, construction shall be conducted during the dry season. The program site will be restored prior to the onset of the rainy season to minimize the potential for erosion. This proposed mitigation is subject to additional conditions as a result of negotiations of the required permits from USACE, CDFG, and the San Francisco Bay RWQCB.

Findings: The Program could result in potentially significant water quality impacts due to construction-related erosion, sedimentation, and release of hazardous materials. Through the implementation of the mitigation program prescribed in Mitigation Measures HWQ-1a through 1e, potential water quality impacts resulting from the Program would be reduced to less than significant levels.

Hydrology and Water Quality Impact HWQ-2: Process discharge water generated during the operation of conveyance pipelines and storage tank facilities could impact surface waters.

Mitigation Measure HWQ-2: (Implement BMPs for Operational Discharges)

For operational discharges, the City will select and implement appropriate BMPs to minimize water quality impacts to receiving waters. Appendix E of this EIR contains a range of acceptable BMPs for operational discharges from both potable water and sewer collection facilities.

Findings: The Program could result in potentially significant water quality impacts due to process discharge water associated with facility maintenance. With the implementation of Mitigation Measure HWQ-2 potential water quality impacts resulting from the discharge of operational process water would be reduced to a less than significant level.

Hydrology and Water Quality Impact HWQ-3: The Master Plan Updates could generate increased surface runoff and associated impacts to water quality, drainage facilities, and groundwater recharge.

Mitigation Measure HWQ-3: (Design Drainage Facilities for the Storage Tank and Pump Station In Accordance with City Standards)

The City shall design the proposed storage tank and associated facilities in accordance with City design standards and the City's NPDES permit for drainage to maintain runoff during peak conditions to pre-construction discharge levels.

Findings: Above-ground improvements associated with the Program could result in potentially significant water quality impacts due to increased impervious surfaces and surface runoff. With the implementation of Mitigation Measure HWQ-3, potential water quality and drainage impacts due to increased surface runoff would be reduced to less than significant levels.

Land Use Planning Impact LU-1: The Master Plan improvements could result in disruptions or division of an established community during construction activities.

Mitigation Measure LU-1: (Public Outreach and Advance Construction Noticing)

The City or Developer, in cooperation with its construction contractor, shall provide a phone number and community contact for inquiries about the Master Plan Update construction schedule throughout the construction period. This information will be posted in a local newspaper and at City Hall and will be updated on a monthly basis for individual projects.

The City or Developer shall also require its construction contractor to provide a minimum 2-week advance notice of the construction activities schedule to the affected community members within 100 feet of construction areas (e.g., residences, property owners, business owners, and public facility operators), including the posting of signs. These conditions shall be included in contract documents.

Findings: The Program could result in potentially significant land use impacts resulting from construction of water and sewer conveyance and storage facilities. Following the application of Mitigation Measure LU-1, these impacts would be less than significant.

Noise Impact NOI-1: Construction of the Master Plan improvements could result in noise levels in excess of established standards during construction.

Mitigation Measure NOI-1a: (Comply with Noise Abatement Ordinance)

The City or Developer will require all construction contractors to comply with the City's Noise Abatement Ordinance. Construction shall not be allowed in all zoning districts between 7 PM and 7 AM. Exemptions to these working hours will require the approval of the City engineer and are allowed per Section V-213-3.03(c) of the City's Municipal Code.

Mitigation Measure NOI-1b: (Employ Noise-Reducing Construction Practices)

The City or Developer will require its construction contractor to identify and employ noise-reducing construction practices. This provision will be reflected in contract documents. Measures that may be used to limit noise include, but are not limited to:

- locating equipment as far a practical from noise sensitive uses,
- using mufflers on all standard equipment,
- selecting haul routes that affect the fewest number of people,
- using noise-reducing enclosures around noise-generating equipment,
- constructing barriers between noise sources and noise-sensitive land uses or taking advantage of existing barrier features (terrain, structures) to block sound transmission, and
- enclosing equipment.

Mitigation Measure NOI-1c: (Disseminate Essential Information to Residences and Implement a Complaint/Response Tracking Program)

The City or Developer shall require the construction contractor to notify all residents and businesses within 500 feet of construction areas of the construction schedule in writing a minimum of two weeks prior to ground-breaking. The construction contractor will designate a Noise Complaint Coordinator who will be responsible for responding to complaints regarding construction noise. The Coordinator will determine the cause of the complaint and will ensure that

reasonable measures are implemented to correct the problem. A contact telephone number for the Noise Complaint Coordinator will be conspicuously posted on construction site fences or barriers, where possible, and will be included in the written notification of the construction schedule sent to nearby residents. This provision will be reflected in contract documents.

Findings: With implementation of Mitigation Measures NOI-1a, NOI-1b, and NOI-1c, the potential exposure of sensitive receptors to noise levels in excess of established standards would be substantially reduced. However, given that multiple Master Plan construction activities could occur within 100 feet of multiple sensitive receptors, the prescribed mitigation would not reduce the level of impact to a less than significant level to receptors within 100 feet of construction.

Noise Impact NOI-3: Operation of the Master Plan improvements could create a substantial permanent increase in ambient noise levels.

Mitigation Measures NOI-3: (Implement Noise Minimization Measures during Operation)

The City shall design the proposed storage tank pump station to ensure that operational noise levels at the property line does not exceed the City standards. The City shall implement the following noise minimization measures to the extent they are feasible.

- Shielding and other specified measures as deemed appropriate and effective by the design engineer will be incorporated into the design in order to comply with performance standards.
- Project equipment shall be outfitted and maintained with noise-reduction devices such as equipment closures, fan silencers, mufflers, acoustical louvers, noise barriers, acoustical panels, etc., to minimize operational noise.
- Particularly noisy equipment shall, to the extent feasible, be located a minimum of 200 feet from nearby sensitive receptors.
- The orientation of acoustical exits shall always be facing away from nearby sensitive receptors.
- Buildings and landscaping shall be incorporated, where possible, to absorb and/or redirect noise away from nearby sensitive receptors.

Findings: New pumping facilities could generate potentially significant, long-term noise impacts. With implementation of Mitigation Measure NOI-3, potential long-term increases in ambient noise levels are reduce to a less than significant level.

Traffic and Transportation Impact TR-1: The Master Plan improvements could result in short-term increases in traffic volumes, thereby contributing to decreases in roadway and intersection LOS.

Mitigation Measure TR-1: (Prepare and Implement a Traffic Control Plan)

The City will arrange for a licensed traffic engineer to prepare a Traffic Control Plan for roadways and intersections affected by the Master Plan Update improvements. The Traffic Control Plan will comply with the requirements of the agencies (e.g., City of Milpitas, City of San Jose, Caltrans, Santa Clara County Department of Roads and Airports, Santa Clara VTA, and/or Santa Clara County Department of Parks and Recreation) with jurisdiction over project construction. The Traffic Control Plan will include, but not be limited to, the following elements:

- Provide street layout showing location of construction activity and surrounding streets to be used as detour routes, including “special signage.” Post advance warning of construction activities within affected roadways to allow motorists to select alternative routes.
- Restrict delivery of construction materials to non-peak travel periods (9:00am – 3:00pm) as appropriate. Weekend and night work shifts will be allowed in non-residential areas only.
- Maintain the maximum travel-lane capacity during non-construction periods and provide flagger-control at construction sites to manage traffic control and flows.
- Limit the construction work zone in each block to a width that, at a minimum, maintains alternate one-way traffic flow past the construction zone.
- Maintain access for driveways and private roads, except for brief periods of construction, in which case property owners will be notified.
- Require temporary steel-plate trench crossings, as needed, to maintain reasonable access to homes, businesses, and streets. When required by the applicable encroachment permit, maintain the existing lane configuration during nonworking hours by covering the trench or jack pit with steel plates or by using temporary backfill.
- Require appropriate warning signage and safety lighting for construction zones.

- Access for emergency vehicles shall be maintained at all times. Police, fire, and emergency services shall be notified of the timing, location, and duration of construction activities that could hinder and/or delay emergency access through the construction period.
- Coordinate with VTA to plan, as needed, for the temporary relocation of bus stops and/or detour of transit routes on affected pipeline alignments.
- Identify detours, where available, for bicyclists and pedestrians in areas potentially affected by project construction. As an option, the City shall also consider allowing bikes and pedestrians to traverse a portion of the construction area to minimize significant increases in travel distances or time as a result of a detour.
- Provide adequate off-street parking locations for workers' vehicles and construction equipment in those areas where on-street parking availability is insufficient.
- Provide written notification to appropriate contractors regarding appropriate routes to and from construction sites and weight and speed limits for local roads used to access construction sites. Submit a copy of all such written notifications to the City.
- Repair or restore the roadway ROW to its original condition or better upon completion of the work.

Findings: Despite implementation of the recommended mitigation measure, Program-related construction could still impede traffic flows and further degrade LOS at three key intersections: Montague Expressway / S. Milpitas Boulevard; Great Mall Parkway-E. Capitol Avenue / Montague Expressway; and Montague Expressway / McCandless Drive-Trade Zone Boulevard.

Utilities and Service Systems Impact USS-1: Implementation of the Master Plan Updates would carry the potential for cross-contamination of potable water pipelines.

Mitigation Measure USS-1: (Design Recycled Water Pipelines to Prevent Cross-Contamination)

The City or Developer shall require the engineering and/or construction contractors to implement the following measures to avoid the potential for cross-contamination of potable water with recycled water.

These measures shall be included in all contract documents.

- Incorporate applicable backflow prevention devices, as outlined in CCR Titles 22 and 17, South Bay Water Recycling Guidelines, and City Supplemental Guidelines, into pipeline design.
- Incorporate applicable minimum pipeline separation standards for potable and non-potable water pipelines, as outlined in CCR Title 22, Section 64572(a), into pipeline design.
- Use purple pipes (or purple tape) for all above or below ground recycled water pipelines, as outlined in Health and Safety Code, Section 116815(a).
- Inspect all recycled water sites for possible cross-connections with the potable water system, in accordance with CCR Title 22, Section 60316(a).

Findings: Impacts related to provision of adequate water supply and prevention of cross-contamination for the Program would be potentially significant. With the implementation of Mitigation Measure USS-1, potential impacts associated with cross-contamination would be mitigated to less than significant.

Utilities and Service Systems Impact USS-3: Master Plan Update construction could result in temporary, planned, and/or accidental disruption to existing utility services.

Mitigation Measure USS-3: (Identify and Relocate Existing Utilities, Where Necessary)

The City's or Developer's construction contractor shall identify all underground utilities in the areas of proposed excavations for Master Plan Update improvements. Prior to beginning construction, USA shall be conducted to identify underground utilities. Temporary disruption of service may be required to allow for construction. No service on such lines would be disrupted until prior approval is received from the construction manager and the service provider (e.g., PG&E, AT&T, Comcast). Where possible, design and specifications for Master Plan Update projects shall avoid existing utilities. In instances where utilities cannot be avoided, the City's contractor will relocate existing utilities either before, or during, project construction. These conditions shall be included in contract documents.

Findings: Disruptions to major utility lines during construction of the Program would be considered a potentially significant impact. With the implementation of Mitigation Measure USS-3, potential impacts associated with utility disruption would be mitigated to a less than significant level.

Significant and Unavoidable Impacts

Noise

Noise Impact NOI-1: Construction of the Master Plan improvements could result in noise levels in excess of established standards during construction.

Findings: With implementation of Mitigation Measures NOI-1a, NOI-1b, and NOI-1c, the potential exposure of sensitive receptors to noise levels in excess of established standards would be substantially reduced. However, given that multiple Master Plan construction activities could occur within 100 feet of multiple sensitive receptors, the prescribed mitigation would not reduce the level of impact to a less than significant level. For this reason, construction-related noise effects could be significant and unavoidable.

Traffic

Traffic and Transportation Impact TR-1: The Master Plan improvements could result in short-term increases in traffic volumes, thereby contributing to decreases in roadway and intersection LOS.

Findings: Coupled with reasonably-foreseeable traffic associated with the TASP, Program-related construction impacts would impede traffic flows and lead to short-term traffic delays. Construction-related traffic associated with the Program would result in a temporary and intermittent lessening of the capacities at three key intersections that operate LOS F: Montague Expressway / S. Milpitas Boulevard; Great Mall Parkway-E. Capitol Avenue / Montague Expressway; and Montague Expressway / McCandless Drive-Trade Zone Boulevard. Although the identified mitigation would reduce impacts related to road delays, the reductions are not expected to reduce the corresponding level of significant and the impact is significant and unavoidable.

SECTION 2: FINDINGS CONCERNING ALTERNATIVES

CEQA requires that an EIR identify alternatives to a project as proposed. CEQA Guidelines §15126.6(a) specifies that the EIR identify alternatives which “would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen many of the significant environmental effects of the project.” Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. In addition, consistent with CEQA § 21002, a project should not be approved if feasible alternatives would substantially lessen the project’s significant effects. CEQA requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines [Section 15126.6(a)] specify that an EIR identify alternatives which “would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” **Chapter 4, Alternatives**, of the EIR provides a description of the City’s alternatives screening process, alternatives considered to the Master Plan Updates, but not carried forward for further evaluation, and an evaluation of the No Project Alternative.

No Project Alternative

The No Project Alternative would preclude the construction of the 2009 Water and Sewer Master Plan improvements as described in Chapter 2, Project Description of the EIR. Under the No Project Alternative, the physical area within the Master Plan Study Area would not be disturbed and would likely remain the same until the City’s existing water and sewer facilities need to be replaced, rehabilitated, and/or upgraded. This process would likely be done on a project-by-project basis and in more of a piecemeal fashion. In the near-term, no additional regulatory agency approvals would be required under this alternative. In the longer term, projected deficiencies within the City’s sewer and water systems could require that the City implement of individual improvement projects to maintain compliance with state and federal standards.

The primary difference between Master Plan Updates described in Chapter 2, Project Description and the No Project Alternative is the avoidance of construction-related effects under the No Project Alternative. More specifically, near-term construction-related effects avoided by the No Project Alternative including those related to temporary increases in noise, disruptions to traffic and circulation, water quality impacts, and the potential for the disruption of previously undiscovered cultural resources and/or undocumented hazardous material sites.

Conclusion: The No Project Alternative would avoid many of the potential environmental effects associated with construction of the Master Plan improvements. However, under the No Project Alternative, the City would be unable to

meet projected water and sewer service demands from existing and planned development within the City. Further, the No Project Alternative would conflict with the City's General Plan, Implementing Policies 2.d-I-1 and 2.d-I-2, which requires the City to coordinate capital improvements for municipal infrastructure with the location and timing of growth and periodically update the City's Water and Sewer Master Plans. As a result, the No Project Alternative does not meet the City's stated goals and objectives and would conflict with policy directions contained in the City's General Plan, as amended through 2008.

No other feasible alternatives have been identified as being capable of achieving the identified goals and objectives and, more importantly, reducing or avoiding significant environmental impacts of the Master Plan Updates. In all instances, such alternatives would result in similar and/or more significant environmental effects. Without the implementation of the Master Plan Update improvements, as would occur under the No Project Alternative, the City would risk longer term environmental effects in the form of increased sanitary sewer overflows and associated adverse impacts to water quality and biological resources. Based on these considerations, the Master Plan Updates are considered environmentally superior from a long-term perspective when compared to No Project Alternative.

EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS

General

Pursuant to CEQA Guidelines § 15093, the City Council of the City of Milpitas makes this Statement of Overriding Considerations for those impacts identified in the Program as significant and unavoidable.

The City Council has carefully considered each impact in reaching its decision to approve the “Program.” Although the City Council believes that many of the unavoidable environmental effects identified in the EIR will be substantially lessened by mitigation measures and regulations incorporated into the Program, the Council recognizes that implementation of the Program carries with it unavoidable adverse environmental effects.

The City Council specifically finds that to the extent that the identified adverse or potentially adverse impacts of the Program have not been mitigated to acceptable levels, there are specific economic, legal, social, technological, environmental, land use, and other considerations that support approval of the Program.

Unavoidable Significant Adverse Impacts

The following unavoidable significant environmental impacts are associated with the proposed Program as identified in the EIR. The impacts cannot be mitigated to less than significant by changes or alterations to the Program.

Traffic and Transportation Impact TR-1: The Master Plan improvements could result in short-term increases in traffic volumes, thereby contributing to decreases in roadway and intersection LOS.

Noise Impact NOI-1: Construction of the Master Plan improvements could result in noise levels in excess of established standards during construction.

Overriding Considerations

The City Council has balanced the benefits of the Program to the City of Milpitas against the significant and potentially significant adverse impacts identified in the EIR that have not been eliminated or mitigated to a level of insignificance. To the extent that the Program would result in unavoidable significant impacts described in the EIR, the City Council hereby determines that such unavoidable impacts are outweighed by the benefits of the Program as further set forth below. The City Council, acting pursuant to CEQA Guidelines Section 15093, hereby determines that unavoidable impacts of the Program are outweighed by the need to update the City’s potable water, recycled water, and sanitary sewer collection systems. The City Council has considered the public record of proceedings on the proposed Program and has determined that approval of the Program would result in the completion of necessary infrastructure improvements to facilitate planned growth within the City.

Upon consideration of the public record of proceedings on the Program, the City Council hereby determines that substantial evidence is included in the record demonstrating the social, environmental, economic and other benefits that the City will derive from implementation of the Program. The City Council further determines that approval and implementation of the Program will result in the following substantial public benefits, any one of which independently outweighs the Program's unavoidable significant impacts.

Improvement of Water and Sewer Infrastructure Deficiencies. The Program identifies water and wastewater pipe and storage deficiencies caused by projected changes in water and wastewater demand, and provides for implementation of corrective projects to relieve these deficiencies.

Expansion of the Use of Recycled Water. The Program will facilitate and expand the use of recycled water for landscape irrigation and other approved uses. Such efforts will reduce the impact on precious potable water supplies.

Expansion of Business Activity. The Program will provide infrastructure certainty and encourage businesses to thrive and expand within the constraints of the planned potable and reclaimed water systems and wastewater collection system, thereby generating jobs and an expanded municipal tax base.

Prevention of Dangerous Wastewater Overflows. The Program identifies and will remove potential and model-projected hydraulic bottlenecks in the wastewater collection system, thereby reducing the chances of harmful sanitary sewer overflows that would threaten the environment and public health.

Strengthening of Employment Base. The Program provides a plan for future water and wastewater system construction, maintenance, repair and replacement work, thereby providing both short-term and long-term jobs and strengthening the City's existing general employment base.

Improvement of Fire Suppression Capabilities. The Program will maintain and update water supplies available for vital fire suppression activities within the City.

Community Development. The Program will facilitate development within the Transit Area Specific Plan area, which will create a strong sense of place for residents, workers, and visitors and continue to strengthen and improve the reputation of the City as a desirable place to live and work.

Considering all factors, the City Council finds that there are specific economic, legal, social, technological and other considerations associated with the Program that outweigh the Program's significant unavoidable effects which are therefore considered acceptable.

EXHIBIT C

City of Milpitas **Water and Sewer Master Plan Updates** **Mitigation Monitoring and Reporting Program**

This Mitigation Monitoring and Reporting Program (MMRP) for the City of Milpitas (City) Water and Sewer Master Plan Updates (Master Plan Updates) has been prepared pursuant to the California Environmental Quality Act (CEQA – Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., Title 14, Chapter 3, Sections 15074 and 15097). The mitigation measures included herein are considered conditions of approval for individual Master Plan improvements, as applicable. A master copy of this MMRP shall be kept on file with the Public Works Department and shall be available for viewing upon request.

The City intends to formally adopt the 2009 Master Plan Updates, which outline specific CIP improvements for the City's water and sanitary sewer systems based on modeled deficiencies in response to planned growth. As part of the master planning process, the City developed three new land use buildout scenarios. The City's preferred land use buildout scenario, Scenario 3, includes improvements necessary to accommodate several near- and long-term development projects currently in the planning process, buildout of the Transit Area Specific Plan (TASP), and modifications to the City's list of large water users (LWUs).

The potable water facility improvements recommended in the Water Master Plan Update are generally conveyance-related. Conveyance improvements include those necessary to correct low-pressures within the system, insufficient fire flow, and head loss, which results from friction and/or changes in elevation within the pipe network. In conjunction with the conveyance improvements recommended, the City expects that additional storage and pumping capacity will be required within the SCVWD zone.

Sanitary sewer conveyance improvements are generally aimed at removing existing or model-projected hydraulic restrictions within the City's existing collection system to prevent overflows. In this context, the conveyance improvements associated with the Sewer Master Plan Update are intended to remove bottlenecks (e.g. pipes too small to convey flow located between adequately sized pipes) within existing residential, commercial, and industrial areas.

This MMRP includes mitigation measures in Table C-1 Mitigation Monitoring and Reporting Program Matrix on the following pages that correspond with specific mitigation measures presented in the Final EIR for the Master Plan Updates. The matrix in Table C-1 lists each mitigation measure or series of mitigation measures by environmental topic. For each mitigation measure, the frequency of monitoring and the responsible monitoring entity is identified. Mitigation measures may be shown in submittals and may be checked only once, or they may require monitoring periodically during or after construction. Once a mitigation measure is complete, the responsible monitoring entity shall date and initial the corresponding cell, and provide comments regarding the mitigation measure's effectiveness.

If any mitigation measures are not being implemented, the City may pursue corrective action. Penalties that may be applied include, but are not limited to, the following: (1) a written notification and request for compliance; (2) withholding of permits; (3) administrative fines; (4) a stop-work order; (5) forfeiture of security bonds or other guarantees; (6) revocation of permits or other entitlements.

Implementation

Since the mitigation measures will be incorporated into the Master Plan Updates, implementation and monitoring of mitigation measures will occur at various stages of implementation of the Proposed Program, which may include, but are not limited to, the following:

- Implementation of development and design standards, guidelines, and programs for the individual Master Plan improvements, as applicable.
- Grading, site preparation; and construction of the Master Plan improvements.
- On-going operation of individual Master Plan improvements.
- On-site, day-to-day monitoring of construction activities.
- Reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures.

- Ensuring contractor knowledge of and compliance with all appropriate permit conditions and the MMRP.
- Verifying the accuracy and adequacy of contract wording.
- Having the authority to require correction of activities that violate permit conditions or mitigation measures. The inspector shall have the ability and authority to secure compliance with the MMRP through the City Manager, if necessary.
- Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project permit conditions or mitigation. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective actions in consultation with the construction representative and the City.
- Obtaining assistance as necessary from technical experts, such as archaeologists, botanists, and wildlife biologists in order to develop site- specific procedures for implementing the mitigation measures. Particularly for implementing the appropriate special-status species, marsh, or mature tree mitigation measures.
- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

Responsibility of implementation and monitoring of mitigation measures will typically reside with the City's Public Works Department staff as described in Table C-1.

Table C-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/ Initials
Aesthetics					
<p>Mitigation Measure AES-1: Screen Staging Areas and Restore Affected Construction Areas.</p> <p>The City will require the construction contractor to site staging areas to minimize visual disturbance to surrounding residential and commercial parcels and confine construction-related activities to the designated ROW. Prior to and during use of construction staging areas for equipment, vehicle parking, and material storage, screening or vegetation will be installed as appropriate for the zoning at the site. To the extent feasible, all disturbed areas (e.g., roadway trenches and staging areas) will be returned to their preconstruction condition. All existing landscaping that is removed or damaged during construction will be replaced, along with irrigation hardware. These requirements will be reflected in contract documents.</p> <p>To the extent feasible, the City will require the contractor for Project W-MP-5 to contain construction staging areas to the project site.</p>	City's contractor	City of Milpitas Department of Public Works	Requirements contained in contractor specifications	Prior to and during construction of individual Master Plan Improvements	
<p>Mitigation Measure AES-2a: Incorporate Design Elements to Integrate Proposed Above-Ground Surfaces to Their Surroundings.</p> <p>The City will use design elements to enhance visual integration of above-ground facilities with their surroundings. These elements may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • painting (with earth-colored tones) of structural façades to blend with surrounding land uses, • use of fencing or structural materials similar to those used by nearby land uses, and • installation of berms and/or landscaping around the facility. 	City of Milpitas Department of Public Works	City of Milpitas Planning Department and Public Works Department	Design elements contained in engineering plans for above-ground structures, as applicable	Prior to construction of above-ground improvements covered under the Master Plan Updates	

Table C-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>Mitigation Measure AES-2b: Implement Lighting and Material to Reduce Light and Glare. The City will reduce light and glare on surrounding land uses by shielding permanent exterior lighting, orienting all exterior lighting downward, or installing lights activated only by sensors. In order to minimize incidental light, the lights will be cutoff-type fixtures that cast low-angle illumination. All lights will provide natural color rendering and light qualities. In addition, the City will limit the use of highly reflective building materials and/or finishes in the design of its proposed above-ground structures.</p>	<p>City of Milpitas Department of Public Works</p>	<p>City of Milpitas Planning Division and Public Works Department</p>	<p>Design elements contained in engineering plans for above-ground structures, as applicable</p>	<p>Prior to construction of above-ground improvements covered under the Master Plan Updates</p>	
<p>Air Quality</p>					
<p>Mitigation Measure AQ-1: Mitigation Measure AQ-1: Implement Dust Control Measures. The City shall require the construction contractor to implement BAAQMD's basic and enhanced dust control procedures for all construction projects, as applicable. This requirement shall be reflected in contract documents. Dust control measures include: Basic Control Measures: The following basic control measures shall be implemented at all construction sites.</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. • Pave and apply water three times daily or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. 	<p>City's contractor</p>	<p>City of Milpitas Department of Public Works, City Inspectors, and BAAQMD</p>	<p>Inclusion of mitigation requirements in contract documents Verification of implementation of dust control measures</p>	<p>Prior to and during construction</p>	

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Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>Enhanced Control Measures: The following enhanced control measures shall be implemented at construction sites greater than four acres in area.</p> <ul style="list-style-type: none"> • All basic control measures listed above. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more). • Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.). • Limit traffic speeds on unpaved roads to 15 miles per hour. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as quickly as possible. 	City's contractor	City of Milpitas Department of Public Works, City Inspectors, and BAAQMD	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification of implementation of dust control measures</p>	Prior to and during construction	
<p>Mitigation Measure AQ-2a: Buffers for Pump Siting. The City will locate all new pump stations powered by diesel fuel more than 200 feet away from sensitive receptors, if feasible. Electrically-powered pumps shall be used to power new pumps, to the extent practicable.</p>	City of Milpitas Department of Public Works	City of Milpitas Planning Division, Public Works Department, and BAAQMD	Setback and design requirements contained in engineering plans, as applicable	Prior to construction of applicable improvements covered under the Master Plan Updates	
<p>Mitigation Measure AQ-2b: Project-Level DPM Screening for Engine Siting. The City will require screening-level DPM assessments to be conducted for diesel-powered pump operations proposed within 500 feet of residences or other sensitive receptors. These analyses should include exact distances between the receptors and operations, as well as the actual DPM emissions for the engines proposed. If the analysis shows an annual average DPM concentration from project operations at residences within 500 feet of the DPM source to be greater than 0.024 ug/m3, the engine location shall be moved to a location where the annual average DPM concentration from individual project emissions is less than 0.024 ug/m3. The acceptable concentration of 0.024 ug/m3 was determined using the current OEHHA cancer potency factor and methodology for diesel exhaust (OEHHA 2003). If diesel exhaust concentrations at the affected receptor would be below 0.024 ug/m3, then the cancer health risk would be less than 9.9 cancers in a million population.</p>	City of Milpitas Department of Public Works	City of Milpitas Planning Division, Public Works Department, and BAAQMD	Completion of Project-level DPM Screening for diesel-powered pumping facilities, where proposed	Prior to construction of applicable improvements covered under the Master Plan Updates	

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<p>Mitigation Measure AQ-4: GHG Reduction Measures for Construction.</p> <p>The City and/or Developer shall require its construction contractor to comply with the City’s Clean Air Action Plan, once adopted. In conjunction with compliance with the City’s Clean Air Action Plan, the City and/or Developer shall incorporate the following measures, to the extent they are applicable and feasible, into individual Master Plan Update improvements:</p> <ul style="list-style-type: none"> a. incorporate the use of recycled or local-origin construction materials; and/or b. maximize recycling of construction/demolition waste materials. 	<p>City’s contractor</p>	<p>City of Milpitas Department of Public Works and BAAQMD</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification of implementation of GHG reduction measures</p>	<p>Prior to and during construction</p>	
<p>Biological Resources</p>					
<p>Mitigation Measure BIO-1a: Document Special-Status Plant Populations for Individual Improvements Constructed Outside Existing Roadway ROW.</p> <p>Prior to design or construction of improvements outside of existing roadway ROW, the City will retain a qualified botanist to document the presence or absence of special-status plants on or near to the individual improvements before implementation. To document plant populations, the following steps will be undertaken: 1) review existing information to develop a list of special-status plants that could grow on the site; 2) coordinate with the appropriate agencies (CDFG and USFWS) to discuss botanical resource issues and determine the appropriate level of surveys necessary to document special-status plants; and 3) conduct a botanical survey of appropriate detail dependant on species richness, habitat type and quality, and the probability of special status species occurring in a particular habitat type. The botanical survey may include a habitat assessment, a species-focused survey, or a floristic protocol-level survey per CNPS Botanical Survey Guidelines (CNPS 2001).</p> <p>Special-status plant populations identified during the field surveys will be mapped and documented. The City shall implement Mitigation Measure BIO-2 to avoid or minimize significant impacts on identified special-status plants.</p>	<p>City’s designated biologist</p>	<p>City of Milpitas Department of Public Works, USFWS, and CDFG</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Documentation providing evidence of completed survey.</p> <p>Coordination with CDFG ort USFWS regarding additional avoidance measures if special status plants are observed.</p>	<p>Prior to construction</p>	

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Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>Mitigation Measure BIO-1b: Avoid or Minimize Impacts on Special-Status Plants by Protecting Special-Status Plant Populations. If construction of the individual improvements has the potential to result in direct loss or indirect disturbance to special-status plants, the City will protect special-status plants by installing environmentally sensitive area fencing (orange construction barrier fencing) around special-status plant populations. The environmentally sensitive area fencing will be installed at least 20 feet from the edge of the population. The location of the fencing will be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications will contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within the fenced environmentally sensitive area.</p>	<p>City's contractor in cooperation with the City's designated biologist</p>	<p>City of Milpitas Department of Public Works, USFWS, and CDFG</p>	<p>Inclusion of mitigation requirements in contract documents Documentation providing evidence of the fence's installation prior to construction</p>	<p>Prior to construction</p>	
<p>Mitigation Measure BIO-2a: Document Special-Status Wildlife Species and Their Habitats for Individual Improvements Constructed Outside Existing Roadway ROW. Prior to construction of the storage tank and pump station on undisturbed lands, the City will document special status wildlife species and their habitats. The City will retain a qualified wildlife biologist to document the presence or absence of special-status wildlife before implementation. To document special-status wildlife, the wildlife biologist will 1) review existing information to confirm the list of special-status wildlife species that could occur in the project area; 2) coordinate with the appropriate agencies (CDFG or USFWS) to discuss wildlife resource issues in the region and determine the appropriate level of surveys necessary to document special-status wildlife and their habitats; and 3) conduct a field survey of an appropriate detail dependant on species richness, habitat type and quality, and the probability of special status species occurring in a particular habitat type. The wildlife biologist shall consider the CDFG Staff Report on Burrowing Owl Mitigation (CDFG 1995), which includes survey guidelines for burrowing owl. Special-status wildlife or suitable habitat identified during the field surveys will be mapped and</p>	<p>City's designated biologist</p>	<p>City of Milpitas Department of Public Works, USFWS, and CDFG</p>	<p>Inclusion of mitigation requirements in contract documents Documentation providing evidence of completed survey. Coordination with CDFG or USFWS regarding additional avoidance measures if special status wildlife are observed.</p>	<p>Prior to construction</p>	

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<p>documented. At any point during implementation of this mitigation measure, the City may choose to redesign or modify the program element(s) to avoid direct and indirect impacts on special-status wildlife, and will not need to complete the remaining steps identified in this measure.</p>					
<p>Mitigation Measure BIO-2b: Avoid and Minimize Impacts to Special-Status Wildlife Species During Construction. The City shall attempt to avoid and minimize direct and indirect effects on special-status wildlife. The City will require the construction contractor to protect special-status wildlife and their habitats near the project site by installing environmentally sensitive area fencing around habitat features, such as seasonal wetlands, burrows, and nest trees. The environmentally sensitive area fencing or staking will be installed at a minimum distance from the edge of the resource as determined through coordination with state and federal agency biologists (CDFG and USFWS). The wildlife biologist shall consider the CDFG Staff Report on Burrowing Owl Mitigation (CDFG 1995), which includes measures for minimizing impacts to burrowing owl. The location of the fencing will be marked in the field with stakes and flagging and shown on the construction drawings. The construction specifications will contain clear language that prohibits construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities within the fenced environmentally sensitive area.</p>	<p>City's contractor and designated biologist</p>	<p>City of Milpitas Department of Public Works, USFWS, and CDFG</p>	<p>Inclusion of mitigation requirements in contract documents Coordination with CDFG or USFWS regarding additional avoidance or compensation measures if special status wildlife are observed.</p>	<p>Prior to construction</p>	
<p>Mitigation Measure BIO-2c: Coordinate with Resource Agencies and Develop Appropriate Compensation Plans for Potentially Impacted State- and Federally Listed Wildlife Species. In the event that, despite implementation of Mitigation Measure BIO-2b, construction activities would result in significant impacts on state- or federally listed wildlife species, the City will develop a compensation plan in coordination with the appropriate resource agency (CDFG or USFWS), and/or follow their established compensation guidelines. Compensation guidelines have been identified for several special-status wildlife species, including burrowing owl (CDFG 1995). The amount of compensation will vary depending on the amount of habitat loss or degree of habitat disturbance anticipated. The compensation</p>	<p>City of Milpitas Department of Public Works and City's designated biologist</p>	<p>City of Milpitas Department of Public Works, USFWS, and CDFG</p>	<p>Inclusion of mitigation requirements in contract documents Coordination with CDFG or USFWS regarding additional avoidance or compensation measures if special status wildlife are observed.</p>	<p>Prior to and during construction</p>	

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Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/ Initials
<p>plan would involve identifying an agency-approved mitigation bank or site (on- or off-site); re-creating (burrows) or preserving habitat for special status wildlife species; monitoring the mitigation site; or funding the management of the mitigation site.</p>					
<p>Mitigation Measure BIO-3a: Avoid the Dispersal of Noxious Weeds into Uninfested Areas.</p> <p>To avoid the introduction or spread of noxious weeds into uninfested areas, the City will incorporate the following measures into construction project plans and specifications:</p> <ul style="list-style-type: none"> • Use certified, weed-free, imported erosion-control materials (or rice straw in upland areas). • Coordinate with the County Agricultural Commissioner and land management agencies to ensure that the appropriate best management practices (BMPs) are implemented. • Educate construction supervisors and managers about weed identification and the importance of controlling and preventing the spread of noxious weeds. • Clean equipment at designated wash stations after leaving noxious weed infestation areas. <p>The noxious weed avoidance measures will be reflected in contract documents and implemented by the construction contractor.</p>	<p>City's contractor and designated biologist</p>	<p>City of Milpitas Department of Public Works, USFWS, and CDFG</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Coordination with CDFG or USFWS regarding additional avoidance measures if special status wildlife are observed.</p>	<p>Prior to and during construction</p>	
<p>Mitigation Measure BIO-4a: If Necessary, Prepare a Wetland Delineation and Obtain Clean Water Act Permits.</p> <p>Prior to construction of individual Master Plan improvements located adjacent to a creek or drainage channel, the City shall determine if a wetland delineation report is necessary. If determined, the City shall prepare and submit for approval a formal wetland delineation report for verification through the USACE. The City shall obtain a Section 404 permit for impacts to jurisdictional wetlands from the USACE and/or a Section 401 permit from the RWQCB and shall comply with all conditions of permits received. In association with either or both permits, compensatory mitigation for impacts to jurisdictional wetlands may be required.</p>	<p>City of Milpitas Department of Public Works and City's designated biologist</p>	<p>City of Milpitas Department of Public Works, USACE, CDFG, SCVWD, and RWQCB</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Submission of Permit Applications to USACE, RWQCB, and if necessary, CDFG or SCVWD</p>	<p>Prior to construction</p>	
<p>Mitigation Measure BIO-4b: Compensate for the Loss of Wetlands or Riparian Habitat.</p> <p>If wetlands or riparian habitat is removed as part of the Master</p>	<p>City of Milpitas Department of Public Works and City's</p>	<p>City of Milpitas Department of Public</p>	<p>Inclusion of mitigation requirements in contract</p>	<p>Prior to construction</p>	

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Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>Plan Updates, the City will compensate for the loss of riparian vegetation to ensure no net loss of habitat functions and values. Compensation ratios will be based on site-specific information and determined through coordination with state and federal agencies (including CDFG, USFWS, USACE, and NOAA Fisheries). Compensation will be provided at a minimum 1:1 ratio (1 acre restored or created for every 1 acre removed) and may be a combination of on-site restoration/creation, off-site restoration, and mitigation credits. The City will develop and implement a restoration and monitoring plan that describes how wetlands or riparian habitat will be enhanced or re-created and monitored over a minimum period of time, as determined by the appropriate state and federal agencies.</p>	<p>designated biologist</p>	<p>Works, USACE, USFWS, NOAA Fisheries, RWQCB, SCVWD, and CDFG</p>	<p>documents Submittal of mitigation plan to USACE, CDFG, SCVWD, and/or RWCQB</p>		
<p>Mitigation Measure BIO-4c: Return Master Plan Improvement Sites to Pre-Construction Conditions. For open trench construction crossings across minor ditches and drainage channels (less than 15 feet in width), the following measures shall be implemented:</p> <ul style="list-style-type: none"> • Implement compliance measures, described in Section 3.8, Hydrology and Water Quality for Impact HWQ-1a, to reduce indirect impacts to wetlands and other waters during open trench construction; • Conduct trenching and construction activities across drainages during low-flow (e.g. <1 to 2 cfs) or dry periods as feasible; • If working in active channels, install cofferdam upstream and downstream of stream crossing to separate construction area from flowing waterway; • Place sediment curtains upstream and downstream of the construction zone to prevent sediment disturbed during trenching activities from being transported and deposited outside of the construction zone; • Locate spoil sites such that they do not drain directly into the drainages and/or seasonal wetlands; • Store equipment and materials away from the drainages and wetland areas. No debris will be deposited within 250 feet of the drainages and wetland areas; • Prepare and implement a revegetation plan to restore 	<p>City's contractor</p>	<p>City of Milpitas Department of Public Works, CDFG, and RWQCB</p>	<p>Inclusion of mitigation requirements in contract documents Preparation and approval of a formal revegetation plan, if necessary.</p>	<p>Prior to the finish of construction</p>	

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Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>vegetation in all temporarily disturbed wetlands and other waters using native species seed mixes and container plant material that are appropriate for existing hydrological conditions. All disturbed drainages will be restored to pre-construction conditions.</p>					
Cultural Resources					
<p>Mitigation Measure CR-2: Stop Work in Case of Accidental Discovery of Buried Archeological or Paleontological Resources.</p> <p>If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, human bone, or fossils, are inadvertently discovered during ground-disturbing activities, the program contractors will stop work within 100 feet of the find until a qualified archaeologist and/or paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City and other appropriate agencies.</p> <p>If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Pub. Res. Code Sec. 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, the program contractors will conduct no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <ul style="list-style-type: none"> • the coroner of the county has been informed and has determined that no investigation of the cause of death is required; and • if the remains are of Native American origin, <ul style="list-style-type: none"> o the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or o the Native American Heritage Commission was unable 	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works, SHPO, and Native American Heritage Commission</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification of compliance by Native American Heritage Commission, SHPO, and City, if resource discovery is documented</p>	<p>Prior to and during construction</p>	

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Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.</p> <p>According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission. The above provisions will be included in contract documents.</p> <p>For improvements that occur within State ROWs and where an archaeological site is identified during the initial archaeological survey, the City shall have a qualified, professional archaeologist prepare a cultural resources study that complies with the requirements of Caltran's Environmental Handbook, Volume 2 and shall include the following:</p> <ul style="list-style-type: none"> - An effects evaluation of potential project-level impacts to the archaeological site; - A mitigation plan per CEQA Guidelines 15126.4(b)(3); and - Evidence of Native American consultation pursuant to PRC 5097. <p>Avoidance shall be the preferred method of mitigating potential impacts, where feasible. If the City can demonstrate that avoidance is not feasible, the City shall have a qualified, professional archaeologist prepare a Data Recovery Plan.</p>					
Geology and Soils					

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Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>Mitigation Measure GS-1a: Prepare Geotechnical Report(s) for Individual Water and Sewer Master Plan Improvement Projects.</p> <p>The City or Developer shall require that facility design for all Water and Sewer Master Plan facilities comply with the site-specific design recommendations as provided by a licensed geotechnical or civil engineer. These recommendations will be based on the anticipated PGA for each project-improvement identified in the Water and Sewer Master Plans. In instances where conflicting PGA values are obtained, the City will apply the greater of the two values to ensure maximum structural integrity. Design recommendations provided in the geotechnical report will demonstrate compliance with applicable 2007 CBC requirements.</p>	City of Milpitas Department of Public Works	City of Milpitas Department of Public Works	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification that recommendations from a project-specific geotechnical report are incorporated into the project's design</p>	Prior to construction of improvements covered under the Master Plan Updates	
<p>Mitigation Measure GS-1b: Incorporate Pipeline Failure Contingency Measures.</p> <p>The City or Developer shall require that isolation valves or similar devices be incorporated into all pipeline facilities to prevent significant losses of potable water and/or untreated-wastewater in event of pipeline rupture. The specifications of the isolation valves will conform to the UBC, AWWA, and City standards.</p>	City of Milpitas Department of Public Works	City of Milpitas Department of Public Works	Inclusion of mitigation requirements in contract documents	Prior to construction of improvements covered under the Master Plan Updates	
<p>Mitigation Measure GS-4: Install Corrosion Protection Measures.</p> <p>As appropriate, the City shall install a cathodic protection system for all underground metallic fittings, appurtenances, and piping to protect these facilities from corrosion. The cathodic protection system shall be designed consistent with City standards.</p>	City contractor or appointed designee	City of Milpitas Department of Public Works	Inclusion of mitigation requirements in contract documents	Prior to construction	
Public Health and Hazards					
<p>Mitigation Measure HAZ-1: Develop and Implement a Spill Prevention, Control, and Countermeasure Program for Construction Activities.</p> <p>The City's or Developer's construction contractor will develop and implement a Spill Prevention, Control, and Countermeasure Program (SPCCP) to minimize the potential for and effects from</p>	City contractor or appointed designee	City of Milpitas Department of Public Works, Santa Clara County Department Environmental Health, and City Fire	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification of completed final SPCCP</p>	Prior to and during construction	

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Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>spills of hazardous, toxic, or petroleum substances during construction activities. The SPCCP will be prepared consistent with the requirements of the City's NPDES Permit and Hazardous Materials program before any construction activities begin.</p> <p>If a spill of petroleum products is reportable (per 40 CFR 110), the contractor's superintendent will notify the City and take action to contact the appropriate safety and cleanup crews to implement the SPCCP. A written description of reportable releases must be submitted to the San Francisco Bay RWQCB. The program contractor will select and implement measures to control contamination, with a performance standard that surface and/or groundwater quality must be returned to baseline conditions. These measures will be subject to review by the City. The City will review the SPCCP before onset of construction activities as required. The City will routinely inspect the construction area to verify that the measures specified in the SPCCP are properly implemented and maintained. The City will notify its contractors immediately if there is a noncompliance issue and will require compliance</p>		Department			
<p>Mitigation Measure HAZ-2a: Conduct Phase 1 Site Assessment(s) for Master Plan Improvements that Deviate from Existing Roadway ROW.</p> <p>Prior to construction, the City may conduct a Phase 1 Environmental Site Assessment according to ASTM protocol for portions of individual Master Plan improvements that deviate from existing roadway ROW, as warranted. If any hazardous materials or waste sites are identified during the Phase 1, the City shall implement Mitigation Measure HAZ-2b.</p>	City of Milpitas Department of Public Works or appointed designee	City of Milpitas Department of Public Works, Santa Clara County Department Environmental Health, and RWQCB	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification of water quality sampling data if groundwater dewatering becomes necessary</p>	Prior to construction	
<p>Mitigation Measures HAZ-2b: Develop Remediation Plan(s), As Necessary.</p> <p>If determined necessary, to mitigate for potential hazards resulting from disturbance of existing contaminated areas, the extent of contamination from hazardous materials sites within or adjacent to individual Master Plan improvements shall be delineated during final design. Disturbance to contaminated areas during individual project construction shall be avoided, or any work done within contaminated areas shall be undertaken in</p>	City contractor or appointed designee	City of Milpitas Department of Public Works, Santa Clara County Department Environmental Health, RWQCB, and City Fire Department	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification and approval of remediation plan, where necessary</p>	Prior to and during construction	

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<p>compliance with standards approved by the DTSC or the County DEH to ensure that hazardous materials will not be released as a result of the ground disturbance.</p> <p>Additionally, if unidentified contaminated soil and/or groundwater are encountered, or if suspected contamination is encountered during any construction activities, work shall be halted in the area of potential exposure, and the type and extent of contamination shall be identified. A qualified professional, in consultation with appropriate regulatory agencies, will then develop and implement a plan to remediate the contamination and properly dispose of the contaminated material. The plan will include protocols necessary to ensure that contaminant-removal activities minimize the potential for air quality or health risk impacts to adjacent receptors along with proper disposal requirements. The plan will also include response procedures in the event of an accident during contaminant removal and notification requirements for the City's Fire Department OES, DTSC RWQCB, and Santa Clara County Hazardous Materials Response Team, as necessary.</p>					
Hydrology & Water Quality					
<p>Mitigation Measure HWQ-1a: Implement NPDES Permit Measures, including Development and Implementation of a SWPPP.</p> <p>Prior to the onset of construction activities on sites of one acre or more, the City's or Developer's contractor shall obtain coverage under the NPDES General Construction Permit. The City will be responsible for ensuring that construction activities comply with the conditions in the 2009 Amended General Construction Permit through the preparation of a SWPPP or, if determined appropriate, a Rainfall Erosivity Waiver. Individual improvement projects eligible for a Rainfall Erosivity Waiver must demonstrate that the rainfall erosivity factor will be less than five throughout the duration of construction. Improvement projects qualifying for the Rainfall Erosivity Waiver will be required to implement minimum BMPs consistent with City standards.</p> <p>All other Master Plan improvement projects will require the</p>	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works and RWQCB</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Preparation and approval of a QSP-prepared SWPPP, if applicable, or supporting documentation for the Rainfall Erosivity Waiver.</p> <p>If a waiver is pursued, preparation of an erosion control plan that follows City standards.</p>	<p>Prior to and during construction</p>	

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<p>preparation of a SWPPP. At minimum, the SWPPP shall be prepared by a Qualified SWPPP Practitioner (QSP), identify site-appropriate soil stabilization and sediment control BMPs, and include a monitoring component that is consistent with the individual project's Risk Level or LUP Type. Based on the types of activities anticipated over the duration of the implementation of the Master Plan updates, SWPPPs for individual improvement projects shall include BMPs that cover the following:</p> <ul style="list-style-type: none"> • ensure implementation of good site management (i.e., "housekeeping") measures for construction materials that could potentially be a threat to water quality if discharged. Special consideration shall be given to vehicle storage and maintenance, landscaping, waste management, and construction materials or equipment that are not designed to be outdoors and exposed to environmental conditions; • provide effective soil cover for inactive construction areas that could contribute sediment to waterways; • enclose and cover exposed stockpiles of dirt or other loose, granular construction materials that could contribute sediment to waterways; • establish and maintain effective perimeter controls, as needed, to sufficiently control sediment discharges from the site. This will be done by using a combination of one or more of the following: berms, silt fencing, straw bales or wattles, plastic sheeting or geofabric, silt/sediment traps and catch basins, sand bag dikes, temporary vegetation or other groundcover, or other control measures consistent with City standards; • ensure that no earth or organic material shall be deposited or placed where it may be directly carried into a stream, marsh, slough, lagoon, or body of standing water; • ensure that dewatering activities shall be conducted according to the provisions of the SWPPP. No dewatered materials shall be placed in local water bodies or in storm drains leading to such bodies without implementation of proper construction water quality control measures; • effectively manage all run-on, all runoff within the site and all runoff that discharges off the site using BMPs 					

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<p>consistent with City standards; and</p> <ul style="list-style-type: none"> appropriate post-construction BMPs shall be implemented to ensure that grass or other vegetative cover will be established on non-paved portions of the construction site(s) as soon as possible after disturbance. These BMPs should follow applicable water quality control measures found within "Start at the Source-Design Guidance Manual for Stormwater Quality Protection" prepared by the Bay Area Stormwater Management Agencies Association. <p>As required by the Amendment General Construction Permit, in situations where the improvements will occur across several properties, the City will be responsible for obtaining coverage under the General Permit. The City shall ensure that a QSP prepares each SWPPP specific to the individual improvements included in the Master Plan Updates as determined necessary by the City. The City shall review and approve the BMPs proposed in the SWPPP to ensure consistency with the City's standards and specifications.</p> <p>The City will ensure that the SWPPP and NOI are filed with the San Francisco Bay RWQCB prior to the start of construction. A QSP with the City or its agent will perform routine inspections of the construction area to verify that the BMPs specified in the SWPPP are properly implemented and maintained. The City or its agent will notify the project contractor(s) if there is a noncompliance issue and will require immediate corrective action.</p>					
<p>Mitigation Measure HWQ-1b: Implement Provisions for Dewatering and Hydrostatic Test Water. Before discharging any substance that could reach surface waters, the City's or Developer's construction contractor shall develop a plan for the disposal of dewatering or hydrostatic testing discharges in accordance with the requirements of the City, SWRCB, and San Francisco Bay RWQCB. Depending on the volume and characteristics of the discharge, coverage under the SWRCB's General Construction Permit or the RWQCB's Municipal Regional Stormwater Permit (R2-2009-0074), may be appropriate. As part of the plan, the contractor will design and implement measures that are effective in minimizing water quality impacts to receiving waters. A range of potential BMPs is</p>	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works and RWQCB</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Preparation and approval of a dewatering or hydrostatic test water plan, if applicable.</p>	<p>Prior to and during construction</p>	

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provided in Appendix E. Final selection of water quality control measures will be subject to review by the City of Milpitas.					
<p>Mitigation Measure HWQ-1c: Use Trenchless Technology. Where conveyance pipelines cross water bodies, the City will require its construction contractor to use trenchless technology (microtunneling or jack-and-bore), where feasible. Frac-out plans as described in Mitigation Measure HWQ-1d shall be implemented as necessary.</p>	City's contractor or appointed designee	City of Milpitas Department of Public Works, SCVWD, if applicable, CDFG, and RWQCB	Inclusion of mitigation requirements in contract documents, if applicable Verification of engineering plans prior to construction	Prior to construction	
<p>Mitigation Measure HWQ-1d: Develop and Implement a Frac-Out Contingency Plan for HDD and Jack and Bore Activities. For tunneling activities that use drilling lubricants (e.g., construction of pipelines using jack-and-bore methods), the City's or Developer's construction contractor will prepare and implement a Frac-Out Contingency Plan. The purpose of the plan will be to minimize the potential for a frac-out associated with tunneling activities, provide for the timely detection of frac-outs, and ensure an organized, timely, and "minimum-impact" response in the event of a frac-out and release of drilling lubricant (i.e., bentonite). Preparation and implementation of a Frac-Out Contingency Plan will be reflected in contract documents.</p>	City's contractor or appointed designee	City of Milpitas Department of Public Works, SCVWD, if applicable, CDFG, and RWQCB	Inclusion of mitigation requirements in contract documents, if applicable Verification of engineering plans prior to construction	Prior to construction	
<p>Mitigation Measure HWQ-1e: Dry-Season Construction Where Mitigation Measure HWQ-1c is not feasible, and flows in the water body (or area) are seasonal, construction shall be conducted during the dry season. The program site will be restored prior to the onset of the rainy season to minimize the potential for erosion. This proposed mitigation is subject to additional conditions as a result of negotiations of the required permits from USACE, CDFG, and the San Francisco Bay RWQCB.</p>	City's contractor or appointed designee	City of Milpitas Department of Public Works, and RWQCB	Inclusion of mitigation requirements in contract documents, if applicable	Prior to and during construction	
<p>Mitigation Measure HWQ-2: Implement BMPs for Operational Discharges. For operational discharges, the City will select and implement appropriate BMPs to minimize water quality impacts to receiving waters. Appendix E of this EIR contains a range of acceptable BMPs for operational discharges from both potable</p>	City of Milpitas Department of Public Works	City of Milpitas Department of Public Works and RWQCB	Verification of engineering plans prior to construction	Prior to operation	

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water and sewer collection facilities.					
Planning and Land Use					
<p>Mitigation Measure LU-1: Public Outreach and Advance Construction Noticing.</p> <p>The City or Developer, in cooperation with its construction contractor, shall provide a phone number and community contact for inquiries about the Master Plan Update construction schedule throughout the construction period. This information will be posted in a local newspaper and at City Hall and will be updated on a monthly basis for individual projects.</p> <p>The City or Developer shall also require its construction contractor to provide a minimum 2-week advance notice of the construction activities schedule to the affected community members within 100 feet of construction areas (e.g., residences, property owners, business owners, and public facility operators), including the posting of signs. These conditions shall be included in contract documents.</p>	City's contractor or appointed designee	City of Milpitas Department of Public Works	<p>Inclusion of mitigation requirements in contract documents</p> <p>Verification of community contact information, 2-week construction noticing, and preparation of periodic updates</p>	Prior to construction of individual improvement projects	
Noise					
<p>Mitigation Measure NOI-1a: Comply with Noise Abatement Ordinance.</p> <p>The City or Developer will require all construction contractors to comply with the City's Noise Abatement Ordinance. Construction shall not be allowed in all zoning districts between 7 PM and 7 AM. Exemptions to these working hours will require the approval of the City engineer and are allowed per Section V-213-3.03(c) of the City's Municipal Code.</p>	City's contractor or appointed designee	City of Milpitas Department of Public Works and City Inspection, Planning, and Neighborhood Services Department	Inclusion of mitigation requirements in contract documents	During construction	

Table C-1 – MMRP Compliance Checklist

Mitigation Measure(s)	Responsibility for Compliance	Monitoring Responsibility	Compliance Methods or Standards	Timing	Check-Off Date/Initials
<p>Mitigation Measure NOI-1b: Employ Noise-Reducing Construction Practices. The City or Developer will require its construction contractor to identify and employ noise-reducing construction practices. This provision will be reflected in contract documents. Measures that may be used to limit noise include, but are not limited to:</p> <ul style="list-style-type: none"> • locating equipment as far a practical from noise sensitive uses, • using mufflers on all standard equipment, • selecting haul routes that affect the fewest number of people, • using noise-reducing enclosures around noise-generating equipment, • constructing barriers between noise sources and noise-sensitive land uses or taking advantage of existing barrier features (terrain, structures) to block sound transmission, and • enclosing equipment. 	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Selection and approval of staging arrears prior to construction</p>	<p>Prior to and during construction of individual improvements</p>	
<p>Mitigation Measure NOI-1c: Disseminate Essential Information to Residences and Implement a Complaint/Response Tracking Program. The City or Developer shall require the construction contractor to notify all residents and businesses within 500 feet of construction areas of the construction schedule in writing a minimum of two weeks prior to ground-breaking. The construction contractor will designate a Noise Complaint Coordinator who will be responsible for responding to complaints regarding construction noise. The Coordinator will determine the cause of the complaint and will ensure that reasonable measures are implemented to correct the problem. A contact telephone number for the Noise Complaint Coordinator will be conspicuously posted on construction site fences or barriers, where possible, and will be included in the written notification of the construction schedule sent to nearby residents. This provision will be reflected in contract documents.</p>	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Selection and approval of a noise compliant coordinator</p>	<p>Prior to and during construction of individual improvements</p>	

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<p>Mitigation Measures NOI-3: Implement Noise Minimization Measures during Operation.</p> <p>The City shall design the proposed storage tank pump station to ensure that operational noise levels at the property line does not exceed the City standards. The City shall implement the following noise minimization measures to the extent they are feasible.</p> <ul style="list-style-type: none"> Shielding and other specified measures as deemed appropriate and effective by the design engineer will be incorporated into the design in order to comply with performance standards. Project equipment shall be outfitted and maintained with noise-reduction devices such as equipment closures, fan silencers, mufflers, acoustical louvers, noise barriers, acoustical panels, etc., to minimize operational noise. Particularly noisy equipment shall, to the extent feasible, be located a minimum of 200 feet from nearby sensitive receptors. The orientation of acoustical exits shall always be facing away from nearby sensitive receptors. <p>Buildings and landscaping shall be incorporated, where possible, to absorb and/or redirect noise away from nearby sensitive receptors.</p>	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Inclusion of measures within project-specific engineering plans, as applicable</p>	<p>Prior to construction of applicable improvements</p>	
<p>Transportation</p>					
<p>Mitigation Measure TR-1: Prepare and Implement a Traffic Control Plan.</p> <p>The City will arrange for a licensed traffic engineer to prepare a Traffic Control Plan for roadways and intersections affected by the Master Plan Update improvements. The Traffic Control Plan will comply with the requirements of applicable agencies (e.g., City of Milpitas, City of San Jose, Caltrans, Santa Clara County Department of Roads and Airports, Santa Clara VTA, and/or Santa Clara County Department of Parks and Recreation) with jurisdiction over project construction. The Traffic Control Plan will include, but not be limited to, the following elements:</p> <ul style="list-style-type: none"> Provide street layout showing location of construction 	<p>City's contractor or appointed designee</p>	<p>City of Milpitas Department of Public Works, Planning Department, VTA, County Department of Roads and Airports, Caltrans, and County Parks and Recreation Department</p>	<p>Inclusion of mitigation requirements in contract documents</p> <p>Preparation and approval of the Traffic Control Plan</p> <p>Verification that traffic control plan includes necessary elements based on type of improvement</p>	<p>Prior to construction of individual improvements, as applicable</p>	

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<p>activity and surrounding streets to be used as detour routes, including "special signage." Post advance warning of construction activities within affected roadways to allow motorists to select alternative routes.</p> <ul style="list-style-type: none"> • Restrict delivery of construction materials to non-peak travel periods (9:00am – 3:00pm) as appropriate. Weekend and night work shifts will be allowed in non-residential areas only. • Maintain the maximum travel-lane capacity during non-construction periods and provide flagger-control at construction sites to manage traffic control and flows. • Limit the construction work zone in each block to a width that, at a minimum, maintains alternate one-way traffic flow past the construction zone. • Maintain access for driveways and private roads, except for brief periods of construction, in which case property owners will be notified. • Require temporary steel-plate trench crossings, as needed, to maintain reasonable access to homes, businesses, and streets. When required by the applicable encroachment permit, maintain the existing lane configuration during nonworking hours by covering the trench or jack pit with steel plates or by using temporary backfill. • Require appropriate warning signage and safety lighting for construction zones. • Access for emergency vehicles shall be maintained at all times. Police, fire, and emergency services shall be notified of the timing, location, and duration of construction activities that could hinder and/or delay emergency access through the construction period. • Coordinate with VTA to plan, as needed, for the temporary relocation of bus stops and/or detour of transit routes on affected pipeline alignments. • Identify detours, where available, for bicyclists and pedestrians in areas potentially affected by project construction. As an option, the City shall also consider allowing bikes and pedestrians to traverse a portion of the 					

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<p>construction area to minimize significant increases in travel distances or time as a result of a detour.</p> <ul style="list-style-type: none"> • Provide adequate off-street parking locations for workers' vehicles and construction equipment in those areas where on-street parking availability is insufficient. • Provide written notification to appropriate contractors regarding appropriate routes to and from construction sites and weight and speed limits for local roads used to access construction sites. Submit a copy of all such written notifications to the City. • Repair or restore the roadway ROW to its original condition or better upon completion of the work. 					
Utilities and Service Systems					
<p>Mitigation Measure USS-1: Design Recycled Water Pipelines to Prevent Cross-Contamination.</p> <p>The City or Developer shall require the engineering and/or construction contractors to implement the following measures to avoid the potential for cross-contamination of potable water with recycled water. These measures shall be included in all contract documents.</p> <ul style="list-style-type: none"> • Incorporate applicable backflow prevention devices, as outlined in CCR Titles 22 and 17, South Bay Water Recycling Guidelines, and City Supplemental Guidelines, into pipeline design. • Incorporate applicable minimum pipeline separation standards for potable and non-potable water pipelines, as outlined in CCR Title 22, Section 64572(a), into pipeline design. • Use purple pipes (or purple tape) for all above or below ground recycled water pipelines, as outlined in Health and Safety Code, Section 116815(a). <p>Inspect all recycled water sites for possible cross-connections with the potable water system, in accordance with CCR Title 22, Section 60316(a).</p>	<p>City of Milpitas Department of Public Works or appointed designee</p>	<p>City of Milpitas Department of Public Works, SFPUC, SCVWD, and CDPH</p>	<p>Verification that measures are included for all potable and recycled water improvements</p>	<p>Prior to construction</p>	
<p>Mitigation Measure USS-3: Identify and Relocate Existing Utilities, Where Necessary.</p> <p>The City's or Developer's construction contractor shall identify</p>	<p>City's contractor</p>	<p>City of Milpitas Department of Public</p>	<p>Inclusion of mitigation requirements in contract</p>	<p>Prior to construction of individual</p>	

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<p>all underground utilities in the areas of proposed excavations for Master Plan Update improvements. Prior to beginning construction, USA shall be conducted to identify underground utilities. Temporary disruption of service may be required to allow for construction. No service on such lines would be disrupted until prior approval is received from the construction manager and the service provider (e.g., PG&E, AT&T, Comcast). Where possible, design and specifications for Master Plan Update projects shall avoid existing utilities. In instances where utilities cannot be avoided, the City's contractor will relocate existing utilities either before, or during, project construction. These conditions shall be included in contract documents.</p>		<p>Works, SFPUC, PG&E, SCVWD, County Department of Roads and Airports, AT&T, Comcast, and VTA</p>	<p>documents</p>	<p>improvements</p>																							
<p>Acronyms:</p> <table border="0"> <tr> <td>BAAQMD</td> <td>Bay Area Air Quality Management District</td> </tr> <tr> <td>Caltrans</td> <td>California Department of Transportation</td> </tr> <tr> <td>CDFG</td> <td>California Department of Fish and Game</td> </tr> <tr> <td>PG&E</td> <td>Pacific Gas and Electric</td> </tr> <tr> <td>RWQCB</td> <td>Regional Water Quality Control Board</td> </tr> <tr> <td>SFPUC</td> <td>San Francisco Public Utilities Commission</td> </tr> <tr> <td>SCVWD</td> <td>Santa Clara Valley Water District</td> </tr> <tr> <td>SHPO</td> <td>State Historic Preservation Office</td> </tr> <tr> <td>USACE</td> <td>U.S. Army Corps of Engineers</td> </tr> <tr> <td>USFWS</td> <td>U.S. Fish and Wildlife Service</td> </tr> <tr> <td>VTA</td> <td>Valley Transportation Authority</td> </tr> </table>						BAAQMD	Bay Area Air Quality Management District	Caltrans	California Department of Transportation	CDFG	California Department of Fish and Game	PG&E	Pacific Gas and Electric	RWQCB	Regional Water Quality Control Board	SFPUC	San Francisco Public Utilities Commission	SCVWD	Santa Clara Valley Water District	SHPO	State Historic Preservation Office	USACE	U.S. Army Corps of Engineers	USFWS	U.S. Fish and Wildlife Service	VTA	Valley Transportation Authority
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