List of Attachments for Public Hearing No. 1

Ordinance No. 38.822 Zoning Code Amendment Relating to Supportive and Transitional Housing and Manufactured Homes

Conduct a Public Hearing and Introduce Ordinance No. 38.822 to Amend the Zoning Code to Include Provisions Relating to Supportive and Transitional Housing and Manufactured Homes and Approve Addendum to Negative Declaration

(Staff Contact: Felix Reliford, 408-586-3071)

Attachments:

1A – Ordinance No. 38.822

1B – Addendum to the Negative Declaration

1C – Initial Study Negative Declaration

PLEASE NOTE:

1A

This copy of Ordinance No. 38.822 is a “redlined” version for your convenience. Text additions are designated by an underline and text deletions are designated with a strikethrough.

REGULAR

NUMBER: **38.822**

TITLE: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING CHAPTER 10 OF TITLE XI OF THE MILPITAS MUNICIPAL CODE PERMITTING TRANSITIONAL AND SUPPORTIVE HOUSING IN MIXED USE ZONING DISTRICT AND MANUFACTURED HOMES IN RESIDENTIAL ZONING DISTRICT**

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, upon motion by_____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, Title XI, Chapter 10, Section 4 entitled "Residential Zones and Standards" of the Milpitas Zoning Code sets forth the permitted, conditionally permitted, and prohibited uses in the Residential Zoning District; and

WHEREAS, California Government Code Section 65852.3 requires that manufactured housing be allowed on lots zoned for conventional single family dwellings; and

WHEREAS, Table XI-10-4.02-1 entitled "Residential Zone Uses" of the Milpitas Zoning Code currently permits single family dwellings in R1 and R2 Zoning Districts, but permits manufactured housing only in R1 Zoning District; and

WHEREAS, Title XI, Chapter 10, Section 6 entitled "Mixed Use Zones and Standards" of the Milpitas Municipal Code sets forth the permitted, conditionally permitted, and prohibited uses in the Mixed Use Zoning District; and

WHEREAS, California Government Code Section 65583 requires transitional and supportive housing in all zoning districts that permit or conditionally permit residential uses; and

WHEREAS, Table XI-10-6.02-1 entitled "Mixed Use Zone Uses" currently permits multi-family housing in MXD, MXD2 and MXD3 Zoning Districts and does not permit transitional or supportive housing; and

WHEREAS, on February 25, 2015, the Planning Commission conducted a duly noticed public meeting and recommended the City Council adopt the 2015-2023 General Plan Housing Element Amendment; and

WHEREAS, the 2015-2023 Housing Element includes programs (Programs D.4.3 and D.5.3) which require that changes to the Milpitas Zoning Code be adopted in accordance with State law as described above. The changes will allow opportunities for transitional and supportive housing in the Mixed Use Zoning District in compliance with the provisions of California Government Code Section 65583(a)(5) and allow manufactured homes in the R-2 Zoning District in compliance with California Government Code Section 65852.3.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

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

SECTION 2. FINDINGS

Zoning Text Amendment (Section XI-10-57.02(G)(3)) - The City Council makes the following findings based on the evidence in the public record in support of Zoning Text Amendment No. ZA15-0015:

1. *The proposed amendment is consistent with the General Plan.*

The General Plan land use designation for both the MXD and R2 zoning district allow for residential uses. The proposed zone amendments clarify additional residential uses that are allowed in the zone districts in accordance with State law. Allowing supportive/transitional housing and manufactured housing in the MXD and R2 zone districts, respectively, is consistent with the Residential General Plan land use designation.

2. *The proposed amendment will not adversely affect the public health, safety and welfare of the residents of Milpitas.*

The proposed zoning amendment is required under State law and will result in a more efficient use of land. The land use regulations will not affect the range of uses permitted or conditionally permitted. Residential uses are already allowed in both MXD and R2 zone districts and will continue to be allowed. Therefore, the general well-being of Milpitas residents will be maintained since the changes will still facilitate a broad range of land uses, but will encourage more a more diverse mix of housing opportunities for the City and residents.

SECTION 3. AMENDMENT OF MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 10

Table XI-10-4.02-1 entitled "Residential Zone Uses" of the Milpitas Municipal Code is amended to read as follows:

Table XI-10-4.02-1
Residential Zone Uses

Use	R1	R2	R3	R4	R5
1. Commercial					
Commercial services[1,2]	NP	NP	C	C	C
2. Professional Offices and related uses					
Offices[1,2]	NP	NP	C	C	C
3. Public/Quasi-Public and Institutional Uses					
Child care center	C	C	C	C	P
Nursing home[3]	NP	C	C	C	C
Park, playground or community center (non-profit)	C	C	C	C	C
Parking lots	C	C	C	C	C
Public service structure	C	C	C	C	C
School (not trade or vocational)	C	C	C	C	C
Social hall, lodge, fraternal organization, club and religious assembly (non-profit)	C	C	C	C	C
4. Residential Uses					
Condominiums and condo conversions	NP	SFR: C Duplex: C	C	C	C
Duplex (Two dwellings)	NP	P	NP	NP	NP
Group dwelling	NP	NP	NP	C	C
Guest house	C	NP	NP	NP	NP
Manufactured home[4]	P	P	NP	NP	NP
Multi-family dwellings (Three or more units)	NP	NP	P	P	P
Planned unit development[5]	P	P	P	P	P
Second residential dwelling unit[6]	P	SFR: P Duplex: NP	NP	NP	NP
Single family dwelling	P	P	NP	NP	NP
Single-room occupancy residences[7]	NP	NP	C	C	C
Transitional and supportive housing	P[8]	P[8]	P[9]	P[9]	P[9]
5. Restaurants					
Restaurants[1,2]	NP	NP	C	P/C	P/C

Deleted: N

6. Unclassified Uses					
Agriculture[10]	P	P	P	NP	NP
Boarding house (three or more persons)	NP	C	C	C	C
Golf course[11]	C	C	C	NP	NP
Live work units[12]	NP	NP	C	C	C
Model home complex[13]	P	P	P	P	P

[1] Refer to Subsection XI-10-4.03(A), Residential Zone Special Uses, of this Chapter, for standards.
[2] Refer to Subsection XI-10-4.03(B), Residential Zone Special Uses, of this Chapter, for standards.
[3] Licensed nursing home serving more than six persons, except when used primarily for contagious sickness, mental or drug alcohol addict cases.
[4] Refer to Subsection XI-10-13.07, Manufactured Homes, of this Chapter, for standards.
[5] Refer to Subsection XI-10-54.07, Planned Unit Developments, of this Title, for standards.
[6] In conjunction with an existing legal single-family dwelling. Refer to Subsection XI-10-13.08, Second Family Unit, of this Chapter, for standards.
[7] Refer to XI-10-13.13, Special Uses, Single Room Occupancy Residences, of this Chapter
[8] Permitted only in single family dwellings
[9] Permitted only in multi-family dwellings
[10] Except for the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.
[11] Except for driving tee or range, miniature course and similar uses operated for commercial purposes.
[12] Allowed commercial uses to be specified through the Conditional Use Permit process.
[13] Refer to Subsection XI-10-13.11(E), Model Home Complexes and Sales Offices, of this Chapter for temporary tract offices.

Table XI-10-6.02- entitled “Mixed Use Zone Uses” of the Milpitas Municipal Code is amended to read as follows:

Table XI-10-6.02-1
Mixed Use Zone Uses

Use	MXD	MXD2		MXD3
		Ground Level (Facing Retail street)	Upper Floor	
1. Commercial Uses				
Alcohol beverage sales	C	C	C	C
Commercial services[1]	MCS	MCS	MCS	MCS
Grocery stores (supermarkets)	C	C	C	C
Pawnshops[2]	C	C	C	C
Pet shops	C	NP	NP	NP
Retail stores, general merchandise[3]	MCS	MCS	MCS	MCS
Tanning salons	P	P	P	P
Thrift shops (used merchandise)				
Retail	P	P	P	P
With collections	C	C	C	C
2. Entertainment and Recreation				
Commercial athletic facilities	P	P	P	P
Motion picture theater (see 6 below)				
Recreation or entertainment facility	C	C	C	C
3. Health and Veterinarian Uses				
Animal grooming (no boarding)	P	P	NP	P
Hospitals or sanitariums[4]	C	C	C	C

Massage establishment	C	C	C	C
Medical or dental offices and clinics	P	NP	P	P
Medical support laboratories	P	P	P	P
Optician and optometrist shop	P	P	P	P
Pharmacy or drug store	P	P	P	P
Veterinarian clinic	P	P	P	P
4. Lodging				
Bed and breakfast	P	P	NP	NP
Boarding houses (3 or more persons)	C	C	C	C
Group dwellings	C	C	C	C
Hotels	C	P	P	P
Motels	C	C	C	C
5. Professional Offices, Financial Institutions and Related Uses[4]				
Financial institutions (banks, savings and loans, etc.)	MCS	NP	MCS	P
Offices[3]	MCS	NP	MCS	P
6. Public/Quasi Public and Assembly Uses				
Child care				
Child care center	C	P	C	P
Day care school	C	C	C	
Large family child care home	P	P	C	P
Small family child care home	P	P	P	P
Instruction				
Group[13]	P	NP	NP	NP
Private	P	P	P	P
Park, playground or community center[5]	O	O	O	O
Places of assembly[4]	C	C	C	C
Public utilities	C	C	C	C
Schools, private (elementary, middle and high)[4]	C	C	C	C
Theaters (Indoor)	C	C	C	C
Trade and vocational schools[4]	C	C	C	C
Transportation facilities[2]	C	C	C	C
7. Residential Uses				
Multi-family housing[7]	P	NP	P	P
Transitional and Supportive Housing[7]	P	NP	P	P
8. Restaurants or Food Service				
Bar or nightclub	C	C	C	C
Brewery/Eateries[10]	MCS	MCS	NP	MCS
Catering establishments	C	C	C	C

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Restaurants[2]	P/C	P/C	NP	P/C
With dancing and entertainment	C	C	C	C
With ancillary on-premise beer & wine with no separate bar	P	P	P	P
9. Unclassified Uses				
Artisan Studios & Live-work units, woodworking or glassworking, plumbing or metalworking and sign shops[2]	MCS	MCS	MCS	MCS
Lobbies and entries for upper floor uses	P	P	NP	P
Model home complex[11]	P	P	P	P
Mixed use developments[12]	P	P	P	P
Planned Unit Development[13]	P	P	P	P
Temporary seasonal sales[14]	P	P	P	P
10. Vehicle-Related Repair, Sales and Services				
Auto sales and rental[15]	C	C	C	C
Auto broker (wholesale, no vehicles on site)[2]	MCS	MCS	MCS	MCS
Vehicle service uses[16]	C	NP	NP	C

[1] Refer to Subsection XI-10-6.02-1(B), Performance standards for certain uses, of this Chapter, for standards.
[2] Refer to Subsection XI-10-6.02-1, Special Uses, of this Chapter, for standards.
[3] Refer to Subsection XI-10-6.02-1(B) Performance standards for certain uses, of this Chapter.
[4] Refer to Subsection XI-10-6.02-2, Quasi-Public Uses, of this Chapter, for standards.
[5] For parks, playgrounds or community center owned and operated by a government agency or a nonprofit community organization.
[6] Refer to XI-10-13.14, Special Uses, Emergency Shelters, of this Chapter
[7] Ground level residential is prohibited in the Ground Level Commercial Area as shown on the Midtown Specific Plan Land Use Map, Figure 3.1.
[8] Refer to XI-10-13.13, Special Uses, Single Room Occupancy Residences, of this Chapter
[9] Uses serving upper-floor residential uses, such as common gathering space, lobby, and resident services, may be allowed as ground floor uses where residential uses would otherwise not be permitted.
[10] Reserved
[11] Refer to Subsection XI-10-13.11(E), Model Home Complexes and Sales Offices, of this Chapter for temporary tract offices.
[12] Which include only permitted uses.
[13] Refer to Section XI-10-54.07, Planned Unit Developments, of this Chapter, for standards.
[14] Refer to Section XI-10-13.11(D), Temporary Seasonal Sales, of this Chapter.
[15] New and used auto, recreational vehicle and boat sales, excluding commercial vehicles, trucks, buses, vans, and farm equipment, with accessory repairs and services, only allowed if fully enclosed within a building. Bicycle and auto rental agency, excluding commercial vehicles, trucks, buses, vans, boats and RV rentals, only if fully enclosed within a building.
[16] Refer to Subsection XI-10-6.02-2, Special Uses, of this Chapter, for standards. Service stations shall follow the "General development policy: Gasoline service stations, and automotive service centers" adopted by the City Council on December 19, 1995.

SECTION 4. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 5. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

1B

PLACEWORKS

MEMORANDUM

DATE February 27, 2015

TO Felix Reliford

City of Milpitas

FROM Terri McCracken

SUBJECT Addendum to the City of Milpitas approved Zoning Ordinance Amendments: Housing Element Implementation Project Initial Study and Negative Declaration

This addendum to the *Zoning Ordinance Amendments: Housing Element Implementation Project Initial Study and Negative Declaration* approved in January 2014[1] has been prepared consistent with CEQA Guidelines Section 15164(b). As described below, consistent with CEQA Guidelines Section 15162, the additional Zoning Ordinance Amendments would not involve new significant information or environmental effects and no substantial changes are required to the 2014 approved Initial Study and Negative Declaration.

The proposed Project analyzed in the approved 2014 Initial Study would allow for special needs housing including emergency shelters, transitional and supportive housing, single room occupancy units, and reasonable accommodations consistent with the City's 2010 General Plan Housing Element.[2] Specifically, Housing Element Policy G-2 stated that the City will modify its Zoning Ordinance to ensure that there are opportunities for special needs housing.

The additional amendments to the Zoning Ordinance included in the Draft Housing Element Update also support the goals and policies of the City's General Plan Housing Element by allowing transitional and supportive housing in the MXD (mixed-use) Zoning District and manufactured housing in all districts where residential development is allowed. These types of housing are defined as follows:

- Transitional housing refers to buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the

[1] A Negative Declaration (State Clearinghouse Number 2013092044) was prepared and circulated to the appropriate state and local agencies in September 2013. The City did not receive any substantial comments and concluded that no additional environmental assessment was required.

[2] A Negative Declaration (State Clearinghouse Number 2009052014) was prepared and circulated to the appropriate state and local agencies in May 2009. The City did not receive any comments and concluded that no additional environmental assessment was required.

assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months (pursuant to Health and Safety Code).

- Supportive housing is housing with no limit on length of stay that is occupied by the target population as defined in Section 11302 of Title 42 of the United States Code, and that is linked to onsite or offsite services that assist the resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (pursuant to Health and Safety Code).
- Manufactured housing refers to prefabricated housing assembled in factories and transported to sites of use.

The proposed amendments do not include actions that could directly or indirectly result in substantial physical changes to the environment. The proposed Zoning Ordinance amendments would enable future development to meet the needs of at-risk populations by providing housing types designed for these groups. No projects have been identified or are proposed as part of the amendments. When specific implementing projects are identified, the development applications for such individual projects, as required, would be submitted separately to the City for review, and would be subject, if necessary, to separate, site-specific CEQA analysis.

The potential future development permitted under the proposed Project that would allow for special needs housing would be restricted to the existing built environment in areas were residential and transient uses are currently permitted. The proposed Zoning Amendments would not increase development potential (i.e. not additional housing units, population or new automobile trips). The potential future development would be subject to the oversight and review processes and standards that are envisioned by the General Plan and to comply with the enumerated development standards in the City's Municipal Code within the City's Residential and Mixed Use Zones as set forth in City Municipal Code Sections (i.e. XI-10-4.04 [Residential] and XI-10-6.04 [Mixed-Use]) as well as other applicable federal, State, and local regulations as described in Sections I through XIII under the subheading "Environmental Checklist" of the Zoning Ordinance Amendments: Housing Element Implementation Project Initial Study dated September 23, 2013.

City of Milpitas
Initial Study Checklist
Zoning Ordinance Amendments:
Housing Element Implementation Project

The proposed Zoning Ordinance Amendments: Housing Element Implementation is a project under the California Environmental Quality Act (CEQA). This Initial Study was prepared by The Planning Center | DC&E for the City of Milpitas (City), Planning & Neighborhood Services Department. This Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.), CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations).

1.	**Title:**	Zoning Ordinance Amendments: Housing Element Implementation
2.	**Lead Agency Name and Address:**	City of Milpitas Planning & Neighborhood Services Department 455 East Calaveras Boulevard Milpitas, CA 95035
3.	**Contact Person and Phone Number:**	Felix J. Reliford, Principal Housing Planner (408) 586-3071
4.	**Location:**	Milpitas, CA
5.	**Sponsor's Name and Address:**	City of Milpitas Planning & Neighborhood Services Department 455 East Calaveras Boulevard Milpitas, CA 95035
6.	**General Plan Land Use Designations:**	Residential, Mixed-Use and Commercial Land Uses
7.	**Zoning:**	Residential: Single-Family Residential (R1), One- and Two-Family Residential (R2), Multi-Family High Density Residential (R3), Multi-Family Very High Density Residential (R4), and Urban Residential (R5) Commercial: Highway Services (HS) Mixed-Use: Mixed Use (MXD), High Density Mixed Use (MXD2), and Very High Density Mixed Use (MXD3)
8.	**Location, Setting, Project Description:**	See page 3 of this Initial Study
9.	**Other Required Approvals:**	The Zoning Ordinance Amendments will be adopted by the City of Milpitas, without oversight or permitting by other agencies.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

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

Determination:

On the basis of this initial evaluation:

XX❒ I find that the proposed Project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

❒ I find that, although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the City. A MITIGATED NEGATIVE DECLARATION will be prepared.

❒ I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) will be prepared.

❒ I find that the proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

❒ I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Signature	Date
Felix J. Reliford	Principal Housing Planner
Printed Name	Title

LOCATION AND SETTING

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

EXISTING CONDITIONS

The Zoning Ordinance of the City of Milpitas is found in Chapter 10 (Zoning) of Title XI (Zoning, Planning, and Annexation) of the Milpitas Municipal Code. The Zoning Ordinance establishes various districts within the boundaries of the city and restrictions for erecting, constructing, altering, or maintaining certain buildings, identifying certain trades or occupations, and makes certain uses of lands. The Zoning Ordinance includes performance standards that set forth the height and bulk limits of buildings, the open spaces limits that shall be required about buildings and other appropriate regulations to be enforced in each districts. The following sections of the Zoning Ordinance would be amended under the proposed Project:

- Section 2, Definitions, of the Zoning Ordinance, provides definitions of terms and phrases used in this Zoning Ordinance that are technical or specialized, or that may not reflect common usage.
- Section 4, Residential Zones and Standards, establishes land use regulations and development standards for residential zones in the city. Residential districts include Single-Family Residential (R1), One- and Two-Family Residential (R2), Multi-Family High Density Residential (R3), Multi-Family Very High Density Residential (R4), and Urban Residential (R5) Zone.
- Section 5, Commercial Zones and Standards, establishes land use regulations and development standards for commercial zones in the city. Commercial zones that would be affected by the proposed Project include the Highway Services (HS) designation.
- Section 6, Mixed Use Zones and Standards, establishes land use regulations and development standards for mixed-use zones in the city. Mixed Use Zones include Mixed Use (MXD), High Density Mixed Use (MXD2), and Very High Density Mixed Use (MXD3).
- Section 13, Special Uses, of the Zoning Ordinance identifies and regulates certain activities and uses that have special impacts upon the community, giving rise to a need for special review procedures or standards in order to ensure the maintenance of the public health, safety and welfare in accordance with the goals, objectives, policies, and implementation programs of the General Plan.
- Section 62 is a reserved section. Under the proposed Project, this section would be amended to provide the procedures for requesting Reasonable Accommodation. The proposed amendments are described below.

PROJECT DESCRIPTION

This Initial Study evaluates the proposed Zoning Ordinance Amendments: Housing Element Implementation Project, herein referred to as "proposed Project." The proposed Project would allow for special needs housing including emergency shelters, transitional and supportive housing, single room occupancy units, and reasonable accommodations consistent with the City's 2010 General Plan Housing Element.[1] Specifically, Housing Element Policy G-2 states that the City will modify its Zoning Ordinance to ensure that there are opportunities for special needs housing.

[1] A Negative Declaration (State Clearinghouse Number 2009052014) was prepared and circulated to the appropriate state and local agencies in May 2009. The City did not receive any comments and concluded that no additional environmental assessment is required. *City of Milpitas 2010 Housing Element,* page ii.

Figure 1 Regional and Location Map

The discussion below provides a brief description of the proposed amendments to the Zoning Ordinance sections listed above.

SECTION 2, DEFINITIONS

Section XI-10-2.03 has been amended to include the following definitions:

Emergency Shelters

Emergency shelter refers to housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay (pursuant to Health and Safety Code).

Single Room Occupancy

Single room occupancy (SRO) residence is a multi-tenant building consisting of single room dwelling units that are the primary residence of its occupants, containing either individual or shared kitchen and bathroom facilities. These units are small, and provide a valuable source of affordable housing for individuals and can serve as an entry point into the housing market for formerly homeless people.

Supportive Housing

Supportive housing is housing with no limit on length of stay that is occupied by the target population as defined in Section 11302 of Title 42 of the United States Code, and that is linked to onsite or offsite services that assist the resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (pursuant to Health and Safety Code).

Transitional Housing

Transitional housing refers to buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months (pursuant to Health and Safety Code).

SECTION 4, RESIDENTIAL ZONES AND STANDARDS

The uses identified in Table XI-10-4.02-1, Residential Zone Uses, below, shall be the primary uses allowed to occur on a property. All uses except for those noted shall be conducted entirely within enclosed structures. The primary uses identified in Table XI-10-4.02-1 shall be permitted or conditionally permitted, as indicated:

P	Where the symbol "P" appears, the use shall be permitted.
P/C	Where the symbol "P/C" appears the use may be permitted if certain criteria is met or otherwise a Conditional Use Permit shall be required, in accordance with Section XI-10-57.04, Conditional Use Permits, of this chapter.
C	Where the symbol "C" appears, the use shall be permitted subject to the issuance of a Conditional Use Permit, in accordance with Section XI-10-57.04, Conditional Use Permits, of this chapter.
O	Where the symbol "O" appears, the use is subject to an alternative review process described in a subsequent footnote.

Proposed amendments to this section are shown as underline as follows in Table IX-10-4.02-1:

Table XI-10-4.02-1 Residential Zone Uses

Use	R1	R2	R3	R4	R5
4. Residential Uses					
Condominiums and condo conversions	NP	SFR: C Duplex: C	C	C	C
Duplex (two dwellings)	NP	P	NP	NP	NP
Group dwelling	NP	NP	NP	C	C
Guest house	C	NP	NP	NP	NP
Manufactured home[4]	P	NP	NP	NP	NP
Multi-family dwellings (three or more units)	NP	NP	P	P	P
Planned unit development[5]	P	P	P	P	P
Second residential dwelling unit[6]	P	SFR: P Duplex: NP	NP	NP	NP
Single-family dwelling	P	P	NP	NP	NP
Single-room occupancy residences[7]	NP	NP	P/C	P/C	P/C
Transitional and supportive housing	P[8]	P[8]	P[9]	P[9]	P[9]

[7] Refer to XI-10-13.13, Special Uses, Single Room Occupancy Residences, of this chapter.
[8] Permitted only in single-family dwellings.
[9] Permitted only in multi-family dwellings.

SECTION 5, COMMERCIAL ZONES AND STANDARDS

Proposed amendments to Section 5 include additions shown as underline to the following tables:

The uses identified below in Table XI-10-5.02-1, Commercial Zone Uses, below, shall be the primary uses allowed to occur on a property. All uses except for those noted shall be conducted within enclosed structures. The primary uses identified in Table 5.02-1 shall be permitted or conditionally permitted, as indicated:

P	Where the symbol "P" appears, the use shall be permitted.
MCS	Where the symbol "MCS" appears the use shall be permitted subject to the issuance of a Minor Conditional Use Permit by staff, in accordance with Subsection 57.04, Conditional Use Permits and Minor Conditional Use Permits, of this chapter.
P/C	Where the symbol "P/C" appears the use may be permitted if certain criteria is met or otherwise a Conditional Use Permit shall be required, in accordance with Section XI-10-57.04, Conditional Use Permits, of this chapter.

C	Where the symbol "C" appears, the use shall be permitted subject to the issuance of a Conditional Use Permit, in accordance with Subsection 57.04, Conditional Use Permits and Minor Conditional Use Permits, of this Chapter.
MC	Where the symbol "MC" appears, the use shall be permitted subject to the issuance of a Minor Conditional Use Permit, in accordance with Subsection 57.04, Conditional Use Permits and Minor Conditional Use Permits, of this chapter.
O	Where the symbol "O" appears, the use is subject to an alternative review process described in a subsequent footnote.

Table XI-10-5.02-1 Commercial Zone Uses

Use	CO	C1	C2	HS	TC
9. Residential Uses					
Caretaker (in conjunction with contractor's yard or mini-storage complex)	NP	NP	C	C	NP
Emergency shelters[8]	NP	NP	NP	P/C	NP
Residential dwellings (between 1 and 40 d.u. per gross acre)	NP	NP	NP	NP	C
Single-room occupancy residences[9]	NP	NP	NP	P/C	NP

[8] Refer to XI-10-13.14, Special Uses, Emergency Shelters, of this chapter.
[9] Refer to XI-10-13.13, Special Uses, Single Room Occupancy Residences, of this chapter.

SECTION 6, MIXED USE ZONES AND STANDARDS

Amendments to Section 6 include additions shown as underline to the following tables:

The uses identified in Table 6.02-1, Mixed Use Zone Uses, shall be the primary uses allowed to occur on a property. All uses except for those noted shall be conducted within enclosed structures. The primary uses identified in Table 6.02-1 shall be permitted or conditionally permitted, as indicated:

P	Where the symbol "P" appears, the use shall be permitted.
MCS	Where the symbol "MCS" appears, the use shall be permitted subject to the issuance of a Minor Conditional Use Permit by staff, in accordance with Section 57.04, Conditional Use Permits and Minor Conditional Use Permits, of this chapter.
P/C	Where the symbol "P/C" appears the use may be permitted if certain criteria is met or otherwise a Conditional Use Permit shall be required, in accordance with Section XI-10-57.04, Conditional Use Permits, of this chapter.
C	Where the symbol "C" appears, the use shall be permitted subject to the issuance of a Conditional Use Permit, in accordance with Section 57.04, Conditional Use Permits and Minor Conditional Use Permits, of this chapter.

MC	Where the symbol "MC" appears, the use shall be permitted subject to the issuance of a Minor Conditional Use Permit, in accordance with Section 57.04, Conditional Use Permits and Minor Conditional Use Permits, of this chapter.
O	Where the symbol "O" appears, the use is subject to an alternative review process described in a subsequent footnote.

Table XI-10-6.02-1 Mixed Use Zone Uses

Use	MXD	MXD2		MXD3
		Ground Level (Facing Retail Street)	Upper Floor	
7. Residential Uses				
Multi-family housing[7]	P	NP	P	P
Single-room occupancy residences[8]	P/C	NP[9]	P/C	P/C
Transitional and supportive housing	P	NP[9]	P	P

[6] Refer to XI-10-13.14, Special Uses, Emergency Shelters, of this Chapter.
[7] Ground level residential is prohibited in the Ground Level Commercial Area as shown on the Midtown Specific Plan Land Use Map, Figure 3.1.
[8] Refer to XI-10-13.13, Special Uses, Single Room Occupancy Residences, of this Chapter.
[9] Uses serving upper-floor residential uses, such as common gathering space, lobby, and resident services, may be allowed as ground floor uses where residential uses would otherwise not be permitted.

SECTION 13, SPECIAL USES

Section 13 has been amended to include Section XI-10-13.13, Single Room Occupancy Residences and Section XI-10-13.14, Emergency Shelters as follows:

XI-10-13.13 – Single Room Occupancy Residences

A. Purpose and Intent. The purpose of this Section is to provide for multi-tenant housing that is affordable to low-income individuals. Single Room Occupancy (SRO) residences house one to two persons in individual rooms, typically sharing bathrooms and/or kitchens. Units may, but are not required to, include full or partial kitchens and bathrooms.

B. Applicability. Standards for SRO residences contained in this section apply to all SRO residences where permitted by this Chapter.

C. Minimum Performance Standards.

1. An SRO shall be located:

   a. At least ¼-mile away from schools, parks, day care centers, adult businesses and concentrations of two or more bars and/or liquor stores.

b. Within ½-mile of fixed rail or buses with 30-minute minimum headways.

c. At least 1,000 feet from other SROs.

2. SRO units shall:

a. Be a minimum of 150 square feet without individual kitchen or bathroom facilities, or a minimum of 300 square feet with full kitchen and bathroom facilities.

b. Contain a closet and storage area.

3. An SRO facility shall meet the following standards:

a. If an individual full bath is not provided in each room, common bath facilities shall be provided that adequately serve the residents of the SRO.

b. If an individual full kitchen is not provided in each room, common kitchen facilities shall be provided that adequately serve the residents of the SRO.

c. Laundry facilities shall be provided in a separate room at the ratio of one washer, dryer and laundry tub with hot and cold running water for every 20 units, with at least one washer, dryer and laundry tub per floor.

d. A minimum of 200 square feet of interior useable common space shall be provided, excluding janitorial storage, laundry facilities and hallways.

e. A management plan shall be submitted to City staff for review and approval. A facility with 10 or more units shall provide on-site management.

XI-10-13.14 – Emergency Shelters

A. Purpose and Intent. The purpose of this section is to comply with State Government Code Section 65583(a)(4), which requires that emergency shelters be permitted by-right in at least one zone with sufficient capacity to accommodate the local need for emergency shelter.

B. Applicability. Standards for Emergency Shelters contained in this section apply to all Emergency Shelters where permitted by this Chapter.

C. Minimum Performance Standards.

1. The number of beds shall be limited to 30.

2. Parking requirements shall be either one space per 300 square feet of habitable floor area, or sufficient to serve the parking demand determined in a study prepared by the applicant and approved by the Planning Division.

3. The size of outdoor waiting areas shall be sufficient to accommodate the expected number of clients without infringing upon the public right-of-way.

4. Onsite management shall be provided during the hours that the emergency shelter is in operation.

5. An emergency shelter shall be located at least 300 feet from other emergency shelters.

6. The length of stay at any emergency shelter shall not exceed 90 days, unless the management plan provides for longer residency by those enrolled and regularly participating in a training or rehabilitation program.

7. Exterior lighting of the property shall be designed to provide a minimum maintained horizontal illumination of at least one foot-candle of light on parking surfaces and walkways that serve the facility.

8. Security shall be provided during the hours that the emergency shelter is in operation.

SECTION 62, REASONABLE ACCOMMODATIONS

Under the proposed Project, Chapter XI-10-62, Reasonable Accommodation, will be added as follows:

XI-10-62 – Reasonable Accommodation

XI-10-62.01 Purpose
XI-10-62.02 Applicability
XI-10-62.03 Review Authority
XI-10-62.04 Application Submittal and Review
XI-10-62.05 Criteria for Decision
XI-10-62.06 Conditions of Approval
XI-10-62.07 Post-Decision Procedures

XI-10-62.01 – Purpose

This chapter establishes a procedure for requesting Reasonable Accommodation for persons with disabilities seeking equal access to housing. A Reasonable Accommodation is typically an adjustment to physical design standards to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

XI-10-62.02 – Applicability

A. Eligible Applicants. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any entity, when the application of the Zoning Ordinance or other land use regulations, policy, or practice acts as a barrier to fair housing opportunities.

B. Definition. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.

C. Eligible Request. A request for Reasonable Accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

XI-10-62.03 – Review Authority

A. The Planning Division shall take action on all Reasonable Accommodation applications.

B. The Planning Division may choose to refer any Reasonable Accommodation application to the Planning Commission for review and final decision.

XI-10-62.04 – Application Submittal and Review

An application for Reasonable Accommodation shall be filed and processed in the same manner as required for a Minor Site Development permit, as described in Sections 10-57 (Applications) and 10-64 (Development Review Process).

XI-10-62.05 – Criteria for Decision

The Planning Division shall make a written decision and either approve, approve with modifications, or deny a request for Reasonable Accommodation based on consideration of all of the following factors:

A. Whether the housing which is the subject of the request will be used by an individual defined as disabled under the Americans with Disabilities Act;

B. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Americans with Disabilities Act;

C. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;

D. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;

E. Potential impacts on surrounding uses;

F. Physical attributes of the property and structures; and

G. Other Reasonable Accommodations that may provide an equivalent level of benefit.

XI-10-62.06 – Conditions of Approval

In approving a request for Reasonable Accommodation, the Planning Division may impose conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the criteria required by Section 10-62.05 (Criteria for Decision).

XI-10-62.07 – Post-Decision Procedures

The procedures and requirements relating to notices of decision, effective dates, permit expiration, permit revocation, and changed plans shall apply to Reasonable Accommodations as provided in Section 64 (Development Review Process).

This section of the Zoning Ordinance complies with requirements of the Americans with Disability Act (ADA).

POTENTIAL PHYSICAL CHANGES

The proposed amendments to the Zoning Ordinance support the goals and policies of the City's General Plan Housing Element. The proposed amendments relate to identifying Zoning districts within the city to accommodate emergency shelters, transitional and supportive housing, and single-room occupancy units. The amendments related to reasonable accommodations include procedural guidance for potential applicants. The proposed amendments do not include actions that could directly or indirectly result in substantial physical changes to the environment.

The proposed Zoning Ordinance amendments would enable future development to meet the needs of at-risk populations by providing housing types designed for these groups. No projects have been identified or are proposed as part of the amendments. When specific implementing projects are identified, the development applications for such individual projects, as required, would be submitted separately to the City for review, and would be subject, if necessary, to separate, site-specific CEQA analysis.

ENVIRONMENTAL CHECKLIST

I. AESTHETICS

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	❒	❒	■	❒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a State scenic highway?	❒	❒	❒	■
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	❒	❒	■	❒
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	❒	❒	■	❒

DISCUSSION:

a) Potential future development permitted under the proposed Project would have the potential to affect scenic vistas and/or scenic corridors if new or intensified development blocked views of areas that provide or contribute to such vistas. Potential effects could include blocking views of a scenic vista/corridor from specific publically accessible vantage points or the alteration of the overall scenic vista/corridor itself. Such alterations could be positive or negative, depending on the characteristics of individual future developments and the subjective perception of observers.

Scenic corridors are considered public views as seen along a linear transportation route and scenic vistas are views of a specific scenic feature. Scenic vistas are generally interpreted as long range views, while scenic corridors are comprised of short-, middle-, and long-range views. The Milpitas General Plan, in Chapter 4.7, Scenic Resources and Routes, designates scenic routes, corridors, connectors, and a variety of other scenic resources (e.g. foothills and the tree-lined Coyote Creek corridor).

Potential future development permitted under the proposed Project would allow for special needs housing within the City's Residential, Commercial and Mixed Use Zoning designations and some minor modifications to residential housing as required by the Americans with Disabilities Act. Potential future residential facilities permitted under the proposed Project would be subject to the general development standards for that particular zone as set forth in City Municipal Code Sections (i.e. XI-10-4.04 [Residential], XI-10-5.03 [Commercial], XI-10-6.04 [Mixed-Use]). The general development standards as well as the following General Plan policies identified in Chapter 4.7, Scenic Resources and Routes, address the preservation of scenic vistas and corridors in the city.

Policy 4.g-I-1 Limit uses in Scenic Corridors to those uses allowed by right and conditionally in the R-1 Single-Family Residence and Park and Open Space Zoning Districts. Commercial development can only be allowed when its design will not result in a loss of any scenic potential.

Policy 4.g-I-3 Development in the Scenic Corridor shall not exceed 17 feet in height. The 17-foot height limit may be waived by the City Council when the following two criteria are met: (1) taller buildings are allowed through the underlying zoning district or a PUD process; and (2) development that exceeds the 17-foot height limit does not significantly obstruct views of the Hillside based on the following guide-

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

lines:

- The development will not significantly obstruct scenic features including but not limited to ridgelines, stands of trees or other vegetation, geologic formations, historic, or scenic structures.
- The development is sited to avoid destruction of any distinctive physical characteristics with significant scenic value.
- The development will avoid architectural features such as unusually long blank walls, unbroken roof lines, and excessively steep roof pitches which would detract from the scenic characteristics of the site.
- The scale of the project is consistent with the scale of existing development in the immediate vicinity and within the Scenic Corridor.
- The bulk of the building(s) will not dominate views of the corridor.
- Building materials and colors will blend in and complement the rural "natural" hillside setting (i.e., earth tones, stucco, clay, stone, wood, etc.).

Policy 4.g-I-4 Require all development within or abutting Scenic Corridors to be oriented away from the Corridors, with limited driveway access.

Policy 4.g-I-5 New development within the Scenic Corridor will be subject to site and architectural review ("S" zone Approval) by the Planning Commission. The review will include:

- reviewing architectural design and site planning of all development;
- requiring development that adjoins natural environments to use materials that help to blend buildings into the surroundings; and
- requiring parking, storage, and other such areas to be screened-off from view by using trees and shrubs.

Policy 4.g-I-6 Provide view turnouts, rest areas and picnic facilities at appropriate locations along Scenic Corridors.

As discussed above, potential future development permitted under the proposed Project would involve special needs housing that would be subject to the general development standards within the City's Municipal Code. Accordingly, the proposed Project would not be expected to significantly alter scenic viewsheds in Residential, Commercial and Mixed Use zones and overall impacts to scenic corridors and vistas within the city would be less than significant. Implementation of the listed General Plan policies would further ensure that impacts on scenic vistas would be *less than significant*.

b) The City of Milpitas is not adjacent to a designated State scenic highway and therefore *no impact* would occur.[2]

[2] California Department of Transportation website, Officially Designated State Scenic Highways, http://www.dot.ca.gov/hq/LandArch/scenic_highways/, accessed August 30, 2013.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) As discussed in Section I.a above, potential special needs housing permitted as a result of the proposed Project would be restricted to the existing built environment in areas were residential and transient uses are currently permitted and would be required to comply with enumerated development standards set forth in the City's Municipal Code to ensure compatibility with adjoining land uses. Additionally, implementation of the General Plan policies listed in Section I.a would protect the existing visual character or quality of the city and its surroundings. Accordingly, future development permitted under the proposed Project would result in a *less-than-significant* impact to visual character.				
d) Substantial light and glare comes mainly from commercial areas, safety lighting, traffic on major arterials and the freeway, and street lights. Future potential development permitted under the proposed Project does not include any land use changes that would re-designate areas from residential to commercial. Light pollution in most of the city is restricted primarily to street lighting along major arterials streets and to night-time illumination of commercial buildings, shopping centers, and industrial buildings. Potential special needs housing permitted under the proposed Project would occur in already largely built-out areas where street and site lighting currently exist. The proposed Project includes minimum performance standards that dictate the design of exterior lighting for Emergency Shelters to provide a minimum maintained horizontal illumination of at least one foot-candle of light on parking surfaces and walkways that serve the facility. Implementation of this performance standard would limit adverse impacts on surrounding development with regards to Emergency Shelters. Similar to the discussions in Sections I.a and I.c above, potential future development permitted under the proposed Project would be required to comply with enumerated general development standards set forth in the City's Municipal Code to ensure compatibility with adjoining land uses. These factors contribute to a *less-than-significant* impact with respect to light and glare.				

II. AGRICULTURE AND FORESTRY RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	❒	❒	❒	■
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	❒	❒	❒	■

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timber-land zoned Timberland Production (as defined by Government Code Section 51104(g))?	❒	❒	❒	■
d) Result in the loss of forest land or conversion of forest land to non-forest use?	❒	❒	❒	■
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or of conversion of forest land to non-forest use?	❒	❒	❒	■

DISCUSSION:

a) Maps pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency categorize land within the city as primarily Urban and Built-Up Land.[3] There are no agricultural lands identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within the Zoning districts affected by the proposed Project, potential future development permitted as a result of the proposed Project would only occur within existing Residential, Commercial, and Mixed Use zoning designations. Therefore, there would be *no impact*.

b) The California Land Conservation (Williamson) Act 2010 Status Report identifies land in Santa Clara County that is currently under Williamson Act contract.[4] However, as discussed in response to Section II.a, there is no agricultural land within the affected zoning districts, and, therefore, implementation of the proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. Consequently, there would be *no impact*.

c) According to 2003 mapping data from the California Department of Forestry and Fire Protection, the city does not contain any woodland or forest land cover;[5] thus, the city does not contain land zoned for Timberland Production and *no impact* would occur.

d) For the reasons provided in response to Sections II.a through II.c, there would be *no impact* in relation to the conversion of farmland to non-agricultural use or forest land to non-forest use.

e) See Sections II.b, II.c, and II.d above.

[3] California Resources Agency, Farmland Mapping and Monitoring Program. Santa Clara County Important Farmland 2010, ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/regional/2010/bay_area_fmmp2010.pdf. accessed on August 29, 2013.

[4] California Department of Conservation, 2010, California Land Conservation (Williamson) Act 2010 Status Report, page 23, http://www.conservation.ca.gov/dlrp/lca/stats_reports/Documents/2010%20Williamson-%20Act%20Status %20Report.pdf, accessed on August 30, 2013.

[5] California Department of Forestry and Fire Protection Fire and Resource Assessment Program, Land Cover map, http://frap.cdf.ca.gov/webdata/maps/statewide/fvegwhr13_map.pdf accessed on August 29, 2013.

III. AIR QUALITY

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	❒	❒	❒	■
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	❒	❒	❒	■
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project area is in non-attainment under applicable federal or State ambient air quality standards (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	❒	❒	■	❒
d) Expose sensitive receptors to substantial pollutant concentrations?	❒	❒	❒	■
e) Create objectionable odors affecting a substantial number of people?	❒	❒	■	❒

DISCUSSION:

The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency for the San Francisco Bay Area Air Basin (SFBAAB), which comprises all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara Counties; the southern portion of Sonoma County; and the southwestern portion of Solano County. Accordingly, the City is subject to the rules and regulations imposed by the BAAQMD, as well as the California ambient air quality standards adopted by the California Air Resources Board (CARB) and national ambient air quality standards adopted by the United States Environmental Protection Agency (U.S. EPA).

a), b), d)

Potential future development permitted under the proposed Project could potentially have significant impacts on air quality through additional automobile trips associated with an additional housing units. However, the BAAQMD does not require project specific analysis for projects proposing less than 520 apartments/condominiums or resulting in less than 2,000 vehicle trips per day. If a project does not exceed either of these thresholds, it is typically assumed to have a less than significant impact on air quality. While no projects have been identified or are proposed as part of the Zoning Ordinance Amendments, the proposed Project would not result in any potential future development that would meet or exceed the current BAAQMD standards for air quality impacts.

Residential development in proximity to Interstates 680 and 880, State Route 237-Calaveras Boulevard, Montague Expressway, The Santa Clara Valley Transportation Authority (VTA) Light Rail line, the Union Pacific Railroad tracks could expose sensitive receptors to human health risks associated with toxic air contaminants (TACs). Concentrations of TACs such as diesel particulate matter are much higher near railroads traveled by locomotives and heavily traveled highways and intersections, and prolonged exposure can cause health risks such as cancer, birth defects, and neurological damage. Potential future development permitted under the proposed Project would not increase development potential, but rather would allow for special needs housing in Residential, Commercial and Mixed Use Zoning Districts where residential and transient uses are currently permitted. The HS Zoning District is located in several parts of the City and in some cases is near major thoroughfares. While no projects have been identified or are

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

proposed as part of the Zoning Ordinance Amendments, potential future development permitted under the proposed Project, as necessary, would be subject to separate environmental review as required under CEQA.

Given the proposed Project would not exceed BAAQMD standards of significance for air quality impacts and compliance with mandatory regulation (i.e. CEQA), potential future development permitted under the proposed Project will have *no impact* with respect to air quality.

c) The Bay Area 2010 Clean Air Plan is the current control strategy to reduce ozone, particulate matter (PM), air toxins, and greenhouse gases (GHGs) for the City of Milpitas. The 2010 Clean Air Plan was based on the Association of Bay Area Governments' (ABAG) population and employment projections for the San Francisco Bay area, including growth that would be accommodated under the City's General Plan. The Bay Area Air Quality Management District (BAAQMD) monitors air quality at several locations in the San Francisco Bay Air Basin. Historically, problematic criteria pollutants in urbanized areas include ozone, particulate matter, and carbon monoxide. Combustion of fuels and motor vehicle emissions are a major source of each of these three criteria pollutants. Milpitas is within the San Francisco Bay Area Air Ozone non-attainment area as delineated by the U.S. Environmental Protection Agency (U.S. EPA).

As discussed in Section III.a above, potential future development permitted under the proposed Project would not increase development potential (no new automobile trips or additional housing units), but rather would allow for new types of special needs housing where residential and transient housing is currently permitted and accounted for in the General Plan. Therefore, no increase of criteria air pollutants would occur as a result of potential future development permitted under the proposed Project and impacts would be *less than significant*.

e) Odors are also an important element of local air quality conditions. Specific activities allowed within each land use category can raise concerns related to odors on the part of nearby neighbors. Major sources of odors include restaurants and wastewater treatment plants. While sources that generate objectionable odors must comply with air quality regulations, the public's sensitivity to locally produced odors often exceeds regulatory thresholds.

The special needs housing that would be permitted under the proposed Project is not considered a major source of odor and would not create objectionable odors to surrounding sensitive land uses. Furthermore, Section XI-10-6.02, Mixed Use Regulations, and Section XI-10-5.04, Commercial Zone Special Development Standards, of the City's Municipal Code, provides regulations to prevent objectionable odors to sensitive receptors (i.e. residential housing). Compliance with these existing standards would result in *less-than-significant* odor impacts.

IV. BIOLOGICAL RESOURCES

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

DISCUSSION:

a) Special status plants include those listed as "Endangered," "Threatened," or "Candidate for Listing" by the California Department of Fish and Wildlife (CDFW); the U.S. Fish and Wildlife Service (USFWS), that are included in the California Rare Plant Rank, or that are considered special-status in local or regional plans, policies, or regulations. Special status animals include those listed as "Endangered," "Threatened," or "Candidate for Listing" by the CDFW or the USFWS, that are designated as "Watch List," "Species of Special Concern," or "Fully Protected" by the CDFW, or that are considered "Birds of Conservation Concern" by the USFWS. There are occurrences of plant and animal species with special-status within the city limits.[6]

Potential future development permitted under the proposed Project would not increase development

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

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

potential, but rather would allow for new types of residential housing in the City's Residential, Commercial and Mixed Use Zoning designations. Potential impacts from construction of special needs housing would most likely be related to the removal of trees and other vegetation in these habitats during the nesting season of the migratory birds found in Milpitas.

The following General Plan policies protect special-status species associated with potential future development.

Policy 4.b-I-2 Preserve remaining stands of trees.

Policy 4.b-I-4 Require a biological assessment of any project site where sensitive species are present, or where habitats that support known sensitive species are present.

Policy 4.d-P-4 Where consistent with other policies, preserve, create, or restore riparian corridors and wetlands. Where possible, set back development from these areas sufficiently to maximize habitat values.

Policy 4.b-I-5 Utilize sensitive species information acquired through biological assessments, project land use, planning and design.

Implementation of these General Plan policies as well as compliance with Municipal Code Chapters 2, Tree Maintenance and Protection, federal and State laws, including but not limited to, the Migratory Bird Treaty Act, Clean Water Act, Federal and California Endangered Species Acts, and California Native Plant Protection Act would ensure impacts to special-status species associated with potential future development would be *less than significant*.

b), c) As previously discussed the zoning designations affected through implementing the proposed Project include Residential, Commercial and Mixed Use zones. While there is riparian habitat (i.e. Coyote Creek, Calaveras Reservoir, Sandy Wool Lake) in the city limits and surrounding areas, as shown on the City's October 2012 Zoning Map and General Plan Land Use Map, these areas are not within the affected Zoning Districts under the proposed Project.

Furthermore, wetlands and other waters are protected under the federal Clean Water Act and the State's Porter-Cologne Water Quality Control Act are under the jurisdiction of the U.S. Army Corps of Engineers and the San Francisco Bay Regional Water Quality Control Board. Federal and State regulations require avoidance of impacts to the extent feasible, and compensation for unavoidable losses of jurisdictional wetlands and waters. Compliance with the General Plan policies described in Section IV.a above would ensure *no impact* would occur to riparian and wetland habitats as a result of potential future development under the proposed Project..

d) As discussed in Sections IV.b and IV.c, zoning districts affected by the proposed Project are not located on wildlife dispersal routes such as riparian corridors, and potential future development associated with special needs would not be expected to contribute to habitat fragmentation which would interfere with wildlife migration. Therefore, *no impact* to wildlife movement corridors would occur.

e) Chapter 2 of the City's Municipal Code is known as the "Tree Maintenance and Protection Ordi-

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

V. CULTURAL RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section15064.5?	❒	❒	❒	■
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	❒	❒	❒	■
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	❒	❒	❒	■
d) Disturb any human remains, including those interred outside of formal cemeteries?	❒	❒	❒	■

DISCUSSION:

a)-d) As described in the City's General Plan Open Space and Conservation Element, there are 15 sites officially designated and locally registered as Milpitas Cultural Resources. Cultural resources and historic districts are designated by the City Council on the advice of the Parks, Recreation, and Cultural Resources Commission. Procedures to identify and designate historical and cultural resources and to guide their preservation are outlined in the City's Municipal Code Chapter, Cultural Resources Preservation Program.[7] In addition, Cultural resources are protected by federal and State regulations and standards, including, but not limited to the National Historic Preservation Act, the California Public Resources Code, and CEQA. Given the largely built-out nature of Milpitas, the possibility is low that undiscovered archeological and unique paleontological resources or human remains may be found in the course of construction activities under the proposed Project. Any future development that would occur under the proposed Project would be required to comply with the City's Municipal Code and State and federal regulations. For example, future potential development carried out under the proposed Project would be

[7] City of Milpitas General Plan, Chapter 4, Open Space and Conservation Element, page 4-17.

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

VI. GEOLOGY AND SOILS

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides, mudslides or other similar hazards?	❒	❒	■	❒
b) Result in substantial soil erosion or the loss of topsoil?	❒	❒	■	❒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	❒	❒	■	❒
d) Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2010), creating substantial risks to life or property.	❒	❒	■	❒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?	❒	❒	❒	■

DISCUSSION:

a) i.-iv) As described in Chapter 5, Seismic and Safety Element of the City's General Plan and shown on General Plan Figure 5-2, Seismic and Geotechnical Evaluation Requirements, shows the state-defined Special Studies Zone for Milpitas that traverses the center of the city in a north-south direction. Portions of the Zoning Districts affected by the proposed Project (i.e. Residential, Commercial and Mixed Use). Figure 5-2 also identifies the requirements for undertaking studies prior to development in areas with potential geotechnical hazards such as liquefaction and landslides. Title II, Building Regulations of the Municipal Code, includes the standards for building in Milpitas. The City has formally adopted the 2010 Edition of the California Building Code, Volumes 1 and 2, California Building Standards Code, known as the California Code of Regulations, Title 24, Part 2, in Chapter 3, Building Code, Section II-3-1.01. Potential future development would be subject to these standards that would minimize the potential risk of ground

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

shaking, ground failure, liquefaction, landslides mudslides, or similar hazards posed to people or structures. In addition, the following General Plan policies would apply to future development in Milpitas:

Policy 5.a-I-1 Require all projects within the Alquist-Priolo Special Studies Zone to have geologic investigations performed to determine the locations of active fault traces before structures for human occupancy are built.

Policy 5.a-I-2 Require applications of all projects in the Hillside Area and the Special Studies Zone to be accompanied by geotechnical reports ensuring safety from seismic and geologic hazards.

Policy 5.a-I-3 Require projects to comply with the guidelines prescribed in the City's *Geotechnical Hazards Evaluation* manual.

Compliance with existing federal, State, and local regulations and the policies listed above would ensure that the impacts associated with seismic hazards are minimized to the maximum extent practicable. Consequently, overall, associated seismic hazards impacts would be *less than significant*.

b) Substantial soil erosion or loss of topsoil during construction could undermine structures and minor slopes, and this could be a concern future development in the City. However, compliance with existing regulatory requirements, such as implementation of erosion control measures as specified in Municipal Code Title II, Chapter 13, Section II-13-10, Erosion Control, includes requirements for control of erosion and sedimentation during grading and construction. Compliance with this Section would reduce impacts from erosion and the loss of topsoil. Therefore, through adherence to existing regulatory requirements impacts associated with substantial erosion and loss of topsoil during potential future development under the proposed Project would be *less than significant*.

c), d) Unstable geologic units and expansive soils are known to be present within city and mapped in General Plan Figure 5-1, Geotechnical Hazards, of the Seismic and Safety Element. This map shows that portions of the Zoning Districts affected by the proposed Project are identified as having unstable soils. However, compliance with General Plan Policy 5.a-I-3, which requires projects to comply with the guidelines prescribed in the City's Geotechnical Hazards Evaluation manual, would reduce the potential impacts to future development from an unstable geologic unit or soil to a *less-than-significant* level.

e) Potential future development under the proposed Project will only affect zones in the existing built environment in areas were residential and transient uses are currently permitted. Connection to the sewer system is available in these areas; therefore, *no impact* regarding the capacity of the soil in the area to accommodate septic tanks or alternate wastewater disposal systems would occur.

VII. GREENHOUSE GAS EMISSIONS

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	❒	❒	■	❒
b) Conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHGs?	❒	❒	■	❒

DISCUSSION:

a), b) In 2006, California adopted Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006. AB 32 established a statewide GHG emissions reduction goal to reduce statewide GHG emissions levels to 1990 levels by 2020. AB 32 established a legislative short-term (2020) mandate for state agencies in order to set the State on a path toward achieving the long-term GHG reduction goal of Executive Order S-03-05 to stabilize carbon dioxide (CO_2) emissions by 2050. The City of Milpitas adopted a qualified *Climate Action Plan* (CAP) – A Qualified Greenhouse Gas Reduction Strategy to ensure consistency with statewide efforts to reduce GHG emissions under AB 32 on May 7, 2013.

The Zoning Ordinance is a regulatory document that establishes various districts within the boundaries of the city and restrictions for erecting, constructing, altering, or maintaining certain buildings, identifying certain trades or occupations, and makes certain uses of lands. The Zoning Ordinance includes performance standards that set forth the height and bulk limits of buildings, the open spaces limits that shall be required about buildings and other appropriate regulations to be enforced in each districts. The Zoning Ordinance does not directly result in development in and of itself. Before any development can occur in the city, all such development is required to be analyzed for conformance with the General Plan, Zoning Ordinance, and other applicable local and State requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits.

Future development in Milpitas could contribute to global climate change through direct and indirect emissions of GHG from transportation sources, energy (natural gas and purchased energy), water/wastewater use, waste generation, and other off-road equipment (e.g. landscape equipment, construction activities). Potential future development under the proposed Project would not increase development potential in Milpitas beyond what was considered in the General Plan and the 2010 Housing Element. Consequently, implementation of the proposed Project would result in a *less-than-significant* impact related to contributing to GHG emissions that could have a significant effect on the environment and conflicting with an applicable plan adopted for the purpose of reducing GHG emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS

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

DISCUSSION:

a) State-level agencies, in conjunction with the U.S. Environmental Protection Agency (U.S. EPA) and Occupational Safety and Health Administration (OSHA) regulate removal, abatement, and transport procedures for asbestos-containing materials. Asbestos-containing materials ("ACM") are materials that contain asbestos, a naturally-occurring fibrous mineral that has been mined for its useful thermal properties and tensile strength. Releases of asbestos from industrial, demolition, or construction activities are prohibited by these regulations and medical evaluation and monitoring is required for employees performing activities that could expose them to asbestos. Additionally, the regulations include warnings that must be heeded and practices that must be followed to reduce the risk for asbestos emissions and exposure. Finally, federal, State, and local agencies must be notified prior to the onset of demolition or construction activities with the potential to release asbestos.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Lead-based paint ("LBP"), which can result in lead poisoning when consumed or inhaled, was widely used in the past to coat and decorate buildings. Lead poisoning can cause anemia and damage to the brain and nervous system, particularly in children. Like ACM, LBP generally does not pose a health risk to building occupants when left undisturbed; however, deterioration, damage, or disturbance will result in hazardous exposure. In 1978, the use of LBP was federally banned by the Consumer Product Safety Commission. Therefore, only buildings built before 1978 are presumed to contain LBP, as well as buildings built shortly thereafter, as the phase-out of LBP was gradual.

The U.S. EPA prohibited the use of Polychlorinated Biphenyls (PCBs) in the majority new electrical equipment starting in 1979, and initiated a phase-out for much of the existing PCB-containing equipment. The inclusion of PCBs in electrical equipment and the handling of those PCBs are regulated by the provisions of the Toxic Substances Control Act, 15 U.S.C. Section 2601 et seq. (TSCA). Relevant regulations include labeling and periodic inspection requirements for certain types of PCB-containing equipment and outline highly specific safety procedures for their disposal. The State of California likewise regulates PCB-laden electrical equipment and materials contaminated above a certain threshold as hazardous waste; these regulations require that such materials be treated, transported, and disposed accordingly. At lower concentrations for non-liquids, regional water quality control boards may exercise discretion over the classification of such wastes.
The California Division of Occupational Safety and Health's (Cal OSHA) Lead in Construction Standard is contained in Title 8, Section 1532.1 of the California Code of Regulations. The regulations address all of the following areas: permissible exposure limits (PELs); exposure assessment; compliance methods; respiratory protection; protective clothing and equipment; housekeeping; medical surveillance; medical removal protection (MRP); employee information, training, and certification; signage; record keeping; monitoring; and agency notification.

In the event of a hazardous material emergency several agencies are responsible for timely response, depending on the extent, and type of the incident. The Santa Clara County Hazardous Materials Response Team is composed of representatives of the Santa Clara County Fire Department, California Department of Forestry, and member cities and responds to large-scale, emergency hazardous material incidents within the city. The Milpitas Fire Department is responsible for non-emergency hazardous materials reports within the city. If and when these non-emergency incidents become a threat to groundwater supplies, the Regional Water Quality Control Board takes control of the case. The Milpitas Fire Department also monitors above ground and underground storage tanks and combustible and flammable liquids for leaks and spills.

Potentially hazardous building materials (i.e. ACM, lead-based paint, PCBs, mercury) may be encountered during the demolition of existing structures. The removal of these materials (if present) by contractors licensed to remove and handle these materials in accordance with existing federal, State, and local regulations would insure that risks associates with the transport, storage, use, and disposal of such materials would be *less than significant*.

Common cleaning substances, building maintenance products, paints and solvents, and similar items would likely be stored, and used, at the future residential developments that could occur under the proposed Project. These potentially hazardous materials, however, would not be of a type or occur in sufficient quantities to pose a significant hazard to public health and safety or the environment. Consequently, associated impacts from implementation of the Plan Components would be *less than significant*.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

b) As described in Section VIII.a above, the storage and use of common cleaning substances, building maintenance products, paints and solvents in the potential development planned for under the proposed Project could likely occur; however, these potentially hazardous substances would not be of a type or occur in sufficient quantities on-site to pose a significant hazard to public health and safety or the environment. Consequently, overall, associated hazardous materials impacts would be *less than significant*.

c) While the majority of schools in Milpitas are within ¼-mile of a zone affected by the proposed Project, the changes merely allow for new residential uses in Residential, Commercial, and Mixed Use zones. As such there would be no increase in the risk of hazardous emissions as discussed above in Sections VIII.a and VIII.b above. As a result impacts to schools would be a *less than significant*.

d) There are no Department of Toxic Substance Control sites within the city included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.[8] Therefore, *no impact* would result.

e), f) The nearest public use airport to the city is the Norman Y. Mineta San José International Airport, located in San José, California approximately 2 miles southwest of the city. The Comprehensive Land Use Plan for this airport indicates that portions of the city fall within the noise restriction area, height restriction area, and safety restriction areas of the Airport Influence Area.[9] The two closest private air facilities to Milpitas are the Flea Port Heliport the City of San Jose and McCandless Towers Heliport in the City of Santa Clara. However, neither of these facilities is considered in close proximity to the city. Nonetheless, potential future development under the proposed Project would involve special needs housing within the existing built environment in areas where residential and transient uses are currently permitted and would not negatively affect operation of an airport trough resulting height, light interference, or land use incompatibility. Therefore, *no impact* would occur.

g) The City participates in the ABAG Local Hazards Plan and adopted the 2005 City of Milpitas Emergency Plan.[10] The City maintains the Emergency Plan to deal with natural or man-made disasters. The objectives of the Emergency Plan are to prepare for and facilitate coordinated and effective responses to emergencies within the city and to provide assistance to other jurisdictions as needed. The Emergency Plan specifies actions for the coordination of operations, management and resources, and responsibilities of the different departments and governmental agencies during emergency events. Evacuation routes are to be determined as appropriate depending on the nature of the emergency.[11] Future potential development associated with the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The type of anticipated development associated with special needs housing would primarily be restricted to the existing built environment in areas where residential and transient uses are currently permitted; therefore, it would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Consequently, *no impact* would occur.

[8] Department of Toxic Substances Control, http://www.envirostor.dtsc.ca.gov/public, accessed September 4, 2013.

[9] Comprehensive Land Use Plan, Santa Clara County, Norman Y. Mineta San José International Airport, adopted May 25, 2011.

[10] City of Milpitas http://www.abag.ca.gov/bayarea/eqmaps/mitigation/Milpitas-Annex.pdf accessed September 4, 2013.

[11] City of Milpitas General Plan, Chapter 5, Seismic and Safety Element, pages 5-12 and 5-13.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
h) The California Department of Forestry and Fire Hazard Protection (CAL FIRE) is responsible for the identification of very high fire hazard severity zones and transmission of these maps to local government agencies. According to maps prepared by CAL FIRE's, the entire city is categorized as a Non-Very High Fire Hazard Severity Zone under both Local Responsibility Area and State or Federal Responsibility Area.[12] Additionally, as discussed in Section VIII.g above, potential future development under the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The type of special needs housing associated with the proposed Project would occur within the highly urbanized areas of Milpitas and would not be surrounded by woodlands or vegetation that would provide fuel load for wildfires. Because the city is not designated as having high, very high, or extreme fire threat, as determined by CAL FIRE's Wildlife Urban Interface Fire Threat data, and any potential future development would be constructed pursuant to the standards set forth in Chapter 3, Building Code, Section II-3-1.01 for the City's Municipal Code, the California Fire Code and the Milpitas Fire Department Code, impacts would be *less than significant*.				

IX. HYDROLOGY AND WATER QUALITY

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	❒	❒	■	❒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a significant lowering of the local groundwater table level?	❒	❒	■	❒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	❒	❒	■	❒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	❒	❒	■	❒
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm-water drainage systems?	❒	❒	■	❒

[12] Cal Fire http://frap.cdf.ca.gov/webdata/maps/santa_clara/fhszl_map.43.pdf accessed September 4, 2013.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Otherwise substantially degrade water quality?	❒	❒	■	❒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	❒	❒	■	❒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	❒	❒	■	❒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	❒	❒	■	❒
j) Inundation by seiche, tsunami, or mudflow?	❒	❒	■	❒

DISCUSSION:

a) The City collects and disposes its stormwater via a storm drainage network consisting of catch basins, conveyance piping, pump stations, and outfalls to creeks. The City has 123 miles of storm pipe, 3,000 catch basins, approximately 4 miles of drainage ditches and creeks, and stormwater pump stations. Stormwater collection efforts are guided by the Floodplain Management Plan, which is a compilation of different management sources, and is designed to be a flexible and growing instrument.[13]

Thirteen cities and towns in the Santa Clara Valley, Santa Clara County, and the Santa Clara Valley Water District, bound by a Memorandum of Agreement (MOA), formed the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) to regulate, monitor, and improve Santa Clara Valley water quality and implement the National Pollutant Discharge Elimination System (NPDES) Municipal Storm Water Permit for the area. The City of Milpitas is a member of SCVURPPP, which works with participating cities and towns and the San Francisco Regional Water Quality Control Board (SFRWQCB) on solutions for controlling runoff quality, in compliance with NPDES Municipal Storm Water Permit.[14]

Title XI, Chapter 16 of the City's Municipal Code provides regulations and give legal effect to certain requirements of the Waste Discharge Requirements and NPDES permit for the discharge of stormwater runoff from the City's municipal separate storm sewer (MS4), issued by the SFRWQCB to the City of Milpitas. Title II, Chapter 13 of the Municipal Code includes requirements for control of erosion and sedimentation during grading and construction Additionally, the following General Plan policies identified in Chapter 4, Open Space and Conservation Element protect water quality in Milpitas:

Policy 4.d-P-1 Implement a comprehensive municipal stormwater pollution-prevention program in compliance with requirements of the Water Board's stormwater NPDES permit.

Policy 4.d-P-3 Work cooperatively with other cities, towns, and the Santa Clara Valley Water District to comply with regulations, reduce pollutants in runoff, and protect and enhance water resources in the Santa Clara Basin.

Policy 4.d-P-4 Where consistent with other policies, preserve, create, or restore riparian corridors and wetlands. Where possible, set back development from these areas sufficiently to maximize habitat values.

[13] City of Milpitas General Plan, Chapter 2, Seismic and Safety Element, page 5-9 and 5-10.

[14] Santa Clara Valley Urban Runoff Pollution Prevention Program, About SCVURPPP, http://www.scvurppp-w2k.com/about_scvurppp.shtml, accessed on August 30, 2013.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Policy 4.d-P-5 Where feasible, conform developments to natural landforms, avoid excessive grading and disturbance of vegetation and soils, retain native vegetation and significant trees, and maintain natural drainage patterns.

Policy 4.d-P-6 Where possible, avoid new outfalls to natural or earthen channels.

Policy 4.d-P-7 Applicable projects shall minimize directly connected impervious area by limiting the overall coverage of paving and roofs, directing runoff from impervious areas to adjacent pervious areas, and selecting permeable pavements and surface treatments.

Policy 4.d-P-8 Applicable projects shall incorporate facilities (BMPs) to treat stormwater before discharge from the site. The facilities shall be sized to meet regulatory requirements.

Policy 4.d-P-9 Applicable projects shall control peak flows and duration of runoff where required to prevent accelerated erosion of downstream watercourses.

Policy 4.d-P-12 Construction sites shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable. The design, scope and location of grading and related activities shall be designed to cause minimum disturbance to terrain and natural features. (Title II, Chapter 13 of the Municipal Code includes requirements for control of erosion and sedimentation during grading and construction.)

Potential future development under the proposed Project would be subject to the oversight and review processes, and standards that are envisioned by the General Plan, established within the Municipal Code, and/or otherwise required by the State/federal regulations. Therefore, compliance with these existing regulations would result in *less than significant* water quality impacts.

b) Potential future development under the proposed Project would have a significant environmental impact if it would result in a net deficit in aquifer volume or a lowering of the local groundwater table level. As shown above in Section IX.a above, General Plan Policy 4.d-P-7 states that applicable projects shall minimize directly connected impervious areas by limiting the overall coverage of paving and roofs, directing runoff from impervious areas to adjacent pervious areas, and selecting permeable pavements and surface treatments. Other physical changes that could occur as a result of implementing the proposed Project would occur within the existing built environment in areas where residential and transient uses are currently permitted and would not interfere with groundwater recharge. The proposed Project would not result in any additional development potential in the city beyond what was considered in the 2010 Housing Element and no additional water demand would occur. Consequently, impacts would be *less than significant.*

c), d) The proposed Project would result in a significant environmental impact if it would require modifications to drainage patterns that could lead to substantial erosion of soils, siltation, or flooding. Such drainage pattern changes could be caused by grade changes, the exposure of soils for periods of time during which erosion could occur, or alterations to creekbeds. Potential future development as a result of the

[15] City of Milpitas General Plan, Chapter 2, Seismic and Safety Element, page 5-9 and 5-10.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

proposed Project would occur within the built environment and would not involve the direct modification of any watercourse. If unforeseen excessive grading or excavation were required, then pursuant to the State Water Quality Control Board (SWQCB) Construction General Permit, a Storm Water Pollution Prevention Plan (SWPPP) would be required to be prepared and implemented for the qualifying projects under the proposed Project, which would ensure that erosion, siltation, and flooding is prevented to the maximum extent practicable during construction. Overall, construction associated with potential future development permitted under the proposed Project would not result in substantial erosion, siltation, or flooding either on- or off-site, and associated impacts would be *less than significant*.

e) Physical changes that could occur as a result of implementing the proposed Project could increase impervious surfaces that could create of contribute to runoff water that would exceed the City's stormwater drainage systems. However, the type of anticipated development associated with special needs housing would primarily be restricted to the existing built environment in areas where residential and transient uses are currently permitted. Additionally, regulations in the General Plan including Policy 4.d-P-7 serve to minimize impermeable surfaces and decrease runoff. The combination of these two factors would ensure that impacts related to stormwater drainage runoff would be less than significant.

f) A principal source of water pollutants is stormwater runoff containing petrochemicals and heavy metals from parking lots and roadways. Given that the proposed Project would not create such surfaces or increase vehicular use of existing parking lots and roadways, implementation of the proposed Project would not contribute to these types of water pollutants. As discussed under Section IX.c and IX.d, where excessive construction related grading or excavation is required, pursuant to the SWQCB Construction General Permit, a SWPPP would be required to be prepared and implemented for the qualifying projects under the proposed Project, which would reduce polluted runoff to the maximum extent practicable during construction phases. Furthermore, implementation of the proposed Project would be subject to the oversight and review processes and standards that are envisioned by the General Plan. As such, compliance with these existing regulations would result in *less-than-significant* water quality impacts.

g), h) Milpitas is located within the East Zone of the Flood Control benefit Assessment District, the proceeds of which go to the Santa Clara Valley Water District to provide maintenance and an increased level of flood protection by accelerating construction projects throughout the County, some of which are in Milpitas. As shown on General Plan Figure 5-3, About half of the City's Planning Area Valley Floor lies within one of the Special Flood Hazard. Almost all land west of the Southern Pacific Railroad lies within the 100-year Flood Zone and all land west of Highway 680 is part of the 500-year Flood Zone. Zoning districts affected by implementing the proposed Project are within these identified flood zones.

The type of anticipated development associated with special needs housing would primarily be restricted to the existing built environment in areas were residential and transient uses are currently permitted. Criteria for protection from a 100-year flood hazard is provided in Title XI, Chapter 15, Floodplain Management Regulations, of the Municipal Code. The following General Plan policies protect housing within the 100-year Flood Zone and restrict the placement of structures which would impede or redirect flood flows:

Policy 5.b-I-1 Ensure that new construction or substantial improvements to any existing structure result in adequate protection from flood hazards. This includes ensuring that:

- New residential development within the 100-year Flood Zone locate the lowest floor, including

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

basement, above the base flood elevation; and

- New non-residential development locate the lowest floor, including basement, above the base flood elevation or incorporate flood-proofing and structural requirements as spelled out in the Municipal Code (Title XI Chapter 15).

Policy 5.b-I-2 Require all structures located within the 100-year Flood Zone to provide proof of flood insurance at the time of sale or transfer of title.

Policy 5.b-I-3 Ensure that encroachment into designated floodways does not result in any increase in flooding hazards.

Potential future development under the proposed Project would be required to comply with these existing regulations. Consequently, implementation of the proposed Project would result in *less-than-significant* impacts.

i) According to the State Office of Emergency Services for Santa Clara County, parts of the City along the Calaveras Road area east of I-680 could be inundated by failure of the 38-foot high Sandy Wool Lake Dam, located in Ed Levine Park. This is shown on Figure 5-3 of the City's General Plan in Chapter 5, Seismic and Safety Element. The area could be inundated in as soon as 15 minutes from the time of dam failure, affecting a population of about 4,900. The Office of Emergency Services maintains an evacuation plan in the unlikely event that a failure of the dam were to occur.[15] As discussed above in Section VIII.c, the City maintains an Emergency Plan to deal with natural or man-made disasters. Evacuation routes are to be determined as appropriate depending on the nature of the emergency. Compliance with the General Plan Policy 5.b-I-4 calls for the City to continue working with the Office of Emergency Services to update and maintain the Sandy Wool Lake Dam failure evacuation plan. General Plan policies and regulations identified in Section IX.g and IX.h above would ensure impacts from damn failure would be *less than significant*.

j) The city is not located close to a large body of water, tidal, or otherwise that could result in inundation by seiche or tsunami. The city is located approximately 30 miles east of the Pacific Ocean, approximately 5 miles south of San Francisco Bay, approximately 5 miles west of the Calaveras Reservoir, and 2 miles west of Sandy Wool Lake Dam, located in Ed Levine Park. Given its distance from these bodies of water, the city is not at risk of inundation in the event of tsunami or seiche and impacts would be *less than significant*.

X. LAND USE AND PLANNING

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	❒	❒	❒	■

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	❒	❒	■	❒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	❒	❒	❒	■

DISCUSSION:

a) Implementation of the proposed Project would not involve any structures, land use designations or other features (i.e. freeways, railroad tracks) that would physically divide an established community. The type of anticipated development associated with special needs housing would primarily be restricted to the existing built environment in areas were residential and transient uses are currently permitted. Therefore *no impact* would result.

b) As previously described in the Project Description above, the purpose of the proposed Project is to amend Chapter 10 (Zoning) of Title XI (Zoning, Planning, and Annexation) of the Milpitas Municipal Code to allow for special needs housing including emergency shelters, transitional and supportive housing, single room occupancy units and reasonable accommodations consistent with the City's 2010 General Plan Housing Element. Therefore, impacts regarding conflicts with applicable plans, policies, or regulations would be *less than significant*.

c) As discussed above in Section IV.f above, there are no habitat conservation plans or natural community conservation plans within the city limits, therefore implementation of the proposed Project will not conflict with any. Consequently, there would be *no impact*.

XI. MINERAL RESOURCES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	❒	❒	❒	■
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	❒	❒	❒	■

DISCUSSION:

a), b) The Planning Area considered in the Milpitas General Plan includes four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources. However, these areas are located outside of the city limits. The proposed Project will only have the potential to affect areas that are incorporated into the city of Milpitas. Therefore, the proposed project will have no impact with respect to know mineral resources.

XII. NOISE

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	❒	❒	■	❒
b) Expose persons to or generate excessive ground-borne vibration or ground borne noise levels?	❒	❒	■	❒
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	❒	❒	■	❒
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	❒	❒	■	❒
e) If located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels?	❒	❒	■	❒
f) If within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels?	❒	❒	■	❒

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

DISCUSSION:

a)-f) The type of anticipated development associated with special needs housing would primarily be restricted to the existing built environment in areas where residential and transient uses are currently permitted. The 2010 Housing Element and its Mitigated Negative Declaration anticipated and directly stipulated the proposed amendments to the Zoning Ordinance. The provisions of the proposed Project would not contravene any aspects of the General Plan, including land use designations, noise limits, or other restrictions that address noise impacts. Though future potential development permitted under the proposed Project may potentially be noise-generating during construction phases, all potential future development pursued under the proposed Project would be subject to the oversight and review processes and standards that are envisioned by the General Plan, established within the City Municipal Code, and/or otherwise required by the state and federal regulations.

Title V (Public Health, Safety and Welfare), Chapter 213 (Noise Abatement) regulates excessive sound and vibration in residential areas of the City of Milpitas. Additionally, General Plan Chapter 6, Noise Element, includes policy statements to guide public and private planning to attain and maintain acceptable noise levels. For example, Policy 6-I-3 prohibits new construction where the exterior noise exposure is considered "clearly unacceptable" for the use proposed and Policy 6-I-5. All new residential development (single-family and multi-family) and lodging facilities must have interior noise levels of 45 decibels (dB) Day-Night Noise Level (DNL) or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB DNL interior noise levels. Compliance with these existing regulations would ensure that the proposed Project would neither cause new noise impacts nor exacerbate any existing ones. Accordingly, noise impacts associated with implementing the proposed Project would be *less than significant*.

XIII. POPULATION AND HOUSING

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	❒	❒	■	❒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	❒	❒	❒	■
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	❒	❒	❒	■

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

DISCUSSION:

a) The proposed Project would be considered to result in a substantial and unplanned level of growth if estimated buildout exceeded local and regional growth projections (e.g., by proposing new homes or businesses). Implementation of the proposed Project would not result in any additional housing beyond what was considered in the 2010 General Plan Housing Element and thus would not directly induce substantial population growth. The proposed Project makes minor modifications to the uses currently permitted in the existing Zoning Districts in the city to allow for Emergency Shelters, SRO, and Supportive and Transitional housing, where other similar transient land uses are currently permitted. Additionally, the proposed Project would not extend roads or other infrastructure, and thus would not indirectly induce substantial population growth. Thus, a *less-than-significant* impact would occur in relation to population growth.

b), c) Because the proposed Project only involves changes to the permitting of uses and in no way increases the restrictiveness of the Code, nothing in the Code would serve to displace housing or people. The proposed Zoning Ordinance Amendment prescribes standards, but doesn't mandate the exact use of the land. Therefore, market conditions and a variety of other factors will be the primary determinates of the increase or decrease in the number of housing units and residents in Milpitas. Consequently, impacts with respect to displacing housing units or residents would be *less than significant*.

XIV. PUBLIC SERVICES

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	❒	❒	❒	■
Police protection?	❒	❒	❒	■
Schools?	❒	❒	❒	■
Parks?	❒	❒	❒	■
Other public facilities	❒	❒	❒	■

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

DISCUSSION:

a) The primary purpose of a public services impact analysis is to examine the impacts associated with physical improvements to public service facilities required to maintain acceptable service ratios, response times or other performance objectives. Public service facilities need improvements (i.e. construction of new, renovation or expansion of existing) as demand for services increases. Increased demand is typically driven by increases in population. The proposed Project would have a significant environmental impact if it would exceed the ability of public service providers to adequately serve the residents of the city, thereby requiring construction of new facilities or modification of existing facilities. As discussed in Section XII, Population and Housing, above, the proposed Project would not directly or indirectly result in population growth. The proposed Project does not include the construction of any new public service facilities or expansion of existing facilities. The proposed Project will not increase development potential beyond what was considered in the 2010 General Plan Housing Element. Further, the provisions of the proposed Project would not contravene any aspects of the General Plan, including land use designations and allowed building intensities that could impact demand for City services. Implementation of the proposed Project would therefore neither cause new impacts in regard to provision of City services nor exacerbate any existing ones; thus, *no impact* would occur.

XV. RECREATION

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impac t
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	❒	❒	❒	■
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	❒	❒	❒	■

DISCUSSION:

a), b) Because implementation of the proposed Project would not directly or indirectly result in population growth as discussed in Section XII, Population and Housing, above, it also would not increase the use of existing parks or facilities. Additionally, implementation of the proposed Project does not include nor require the construction or expansion of recreational facilities. For these reasons, implementation of the proposed Project would have *no impact* on recreation.

XVI. TRANSPORTATION/TRAFFIC

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

DISCUSSION:

a), b) The proposed Project will have no effect on the circulation system of Milpitas as it will not increase development potential and would not directly or indirectly result in population growth. As such, implementation of the proposed Project would not conflict with any applicable plan, ordinance or policy which establishes measures of effectiveness for the performance of the circulation system. Potential future development permitted as a result of the proposed Project will allow for special needs housing in Residential, Commercial and Mixed-Use Zoning designations where residential and transient uses are currently permitted. Consequently, impacts would be *less than significant*.

c) The proposed Project does not include any strategy or measure that would directly or indirectly affect air traffic patterns. Therefore, *no impact* would result.

d) The proposed Project does not include any strategy that would promote the development of hazardous road design features or incompatible uses. Rather, the proposed Project will allow for special needs housing in Residential, Commercial and Mixed Use Zoning designations where residential and transient uses are currently permitted. Therefore, *no impact* would occur.

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

XVII. UTILITIES AND SERVICE SYSTEMS

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

DISCUSSION:

a)-c), e) The Milpitas Sanitary Sewer Collection System is owned and maintained by the City of Milpitas. Wastewater from the City of Milpitas is treated at the San Jose/Santa Clara Water Pollution Control Plant, located near Alviso. The City of Milpitas is contractually allowed a sanitary sewer flow of 14.25 mil-

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
lion gallons per day.[16] The proposed Project would allow for special needs housing in Residential, Commercial and Mixed Use Zoning designations where residential and transient uses are currently permitted and would not increase development potential beyond what was anticipated in the 2010 General Plan Housing Element. Therefore, construction and operation resulting from potential future development permitted under the proposed Project would have *less-than-significant* impacts with regard to the wastewater treatment requirements of the SFRWQCB and the capacity of the San Jose/Santa Clara Water Pollution Control Plant to serve the projected General Plan demand in addition to its existing commitments. Additionally, it would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.				
d) The proposed Project would allow for special needs housing in Residential, Commercial and Mixed Use Zoning designations where residential and transient uses are currently permitted and would not increase development potential beyond what was anticipated in the 2010 General Plan Housing Element. Given no additional demand to water supply would occur, impacts to water supply as a result of implementing the proposed Project would be *less than significant*.				
f), g) The City of Milpitas and Santa Clara County Integrated Waste Management Plans (IWMP) comply with state-mandated waste reduction goals specified in Public Resources Code (PRC) 40500 (Assembly Bill 939). PRC 40500 requires local agencies to implement source reduction, recycling, and composting activities to reduce solid waste generation by 25 percent by the year 1995, and by 50 percent by the year 2000. As a part of PRC 40500, each city and county is required to prepare a Source Reduction and Recycling Element (SRRE) and a Household Hazardous Waste Element (HHWE). Together, the SRRE and HHWE comprise the City's IWMP.[17] Newby Island landfill, located on Dixon Landing Road in San Jose serves the City. It is a Class III landfill, with an estimated lifespan of an additional 11 years (to 2021). However, the proposed Project would not increase development potential beyond what was anticipated in the 2010 General Plan Housing Element; accordingly, no additional demand on solid waste capacity would occur and impacts would be *less than significant*.				

[16] The City of Milpitas Waterstone EIR, http://www.ci.milpitas.ca.gov/_pdfs/plan_eir_WaterStone_draft_a.pdf. Accessed September 3, 2013.

[17] The City of Milpitas General Plan, Chapter 4Environmental Open Space and Conservation Element, page 4-21.

MANDATORY FINDINGS OF SIGNIFICANCE

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	❒	❒	■	❒
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	❒	❒	■	❒
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	❒	❒	■	❒

DISCUSSION:

a)-c) The 2010 Housing Element and its Mitigated Negative Declaration anticipated and directly stipulated the proposed amendments to the Zoning Ordinance. The provisions of the proposed Project would not contravene any aspects of the General Plan, including land use designations and allowed building intensities, that would lead to increased population or development, impacts to wildlife, cumulative effects, or other substantial adverse effects on human beings. All structures, programs, and projects pursued under the proposed Project would adhere to the vision established within the General Plan and all subsequent land use and zoning designations. Implementation of the proposed Project would therefore neither cause new impacts in regard to these issues nor would it exacerbate any existing impacts. Therefore, through mandatory regulatory compliance and consistency with General Plan policies, implementation of the proposed Project would have a *less-than-significant* impact with the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory, nor have impacts that are individually limited, but cumulatively considerable, nor does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.