

## *Appendix A*

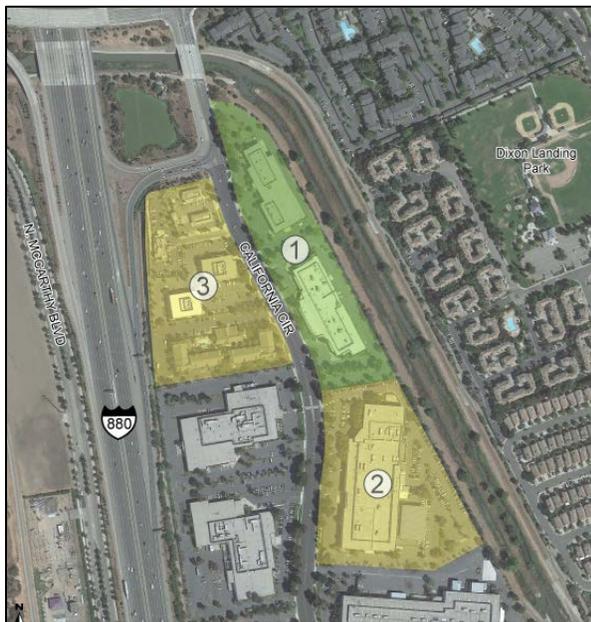
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# SECTION 1 PROJECT DESCRIPTION

## 1.1 INTRODUCTION

There are two components to the proposed project: 1) redevelopment of two existing industrial sites with housing and 2) General Plan Amendments on eight parcels. Table 1 below outlines the specific proposals for each parcel.

<b>APN No.</b>	<b>Existing GP Designation</b>	<b>Proposed GP Designation</b>	<b>Existing Zoning</b>	<b>Proposed Zoning</b>	<b>Development Proposed</b>
022-37-011	Industrial Park	Single-Family Moderate Density	Industrial Park	R1-2.5 Single Family Residential	84 dwelling units
022-37-012	Industrial Park	Single-Family Moderate Density	Industrial Park	R1-2.5 Single Family Residential	
022-37-019	Industrial Park	Single-Family Moderate Density	Industrial Park	R1-2.5 Single Family Residential	None
022-37-040	Industrial Park	General Commercial	Industrial Park	General Commercial	None
022-37-045	Industrial Park	General Commercial	Industrial Park	General Commercial	None
022-37-046	Industrial Park	General Commercial	Industrial Park	General Commercial	None
022-37-047	Industrial Park	General Commercial	Industrial Park	General Commercial	None
022-37-049	Industrial Park	General Commercial	Industrial Park	General Commercial	None



For the purposes of this analysis, the parcels proposed to be redeveloped (APNs 022-37-011 and -012) will be collectively referred to as Lot 1. The other parcel proposed to be residentially designated (APN 022-37-019) will be referred to as Lot 2. The parcels proposed to be commercially designated will be collectively referred to as Lot 3 (APNs 022-37-040, -045, -046, -047, and -049). All eight parcels combined will be referred to as the “project site”. The Lots are shown on the adjacent figure.

## 1.2 PROJECT LOCATION

The approximately 29.2-acre project site is located just south of Dixon Landing Road, on either side

of California Circle. Lot 1 is a 10.7-acre site on the east of California Circle between the roadway and Penitencia Creek. Lot 2 is a 10.2-acre parcel immediately south of Lot 1. Lot 3 is an 8.3-acre site to the west of Lot 1, on the west side of California Circle between the roadway and I-880.

### **1.3 PROPOSED DEVELOPMENT PROJECT**

Lot 1 is currently developed with two vacant one-story industrial buildings totally 106,657 square feet. Surface parking lots surround both buildings. The site will be re-designated *Single-Family Moderate Density* and rezoned to the *R1-2.5 Single Family Residential* zoning district, allowing six to 15 DU/AC. As proposed, the project would demolish the existing buildings and hardscape and construct 84 three-story single-family detached houses. The houses would range in size from approximately 2,280 to 2,340 square feet and would have a maximum height of 39 feet. (See Figure A1)

The project would include private yards for each residence as well as three small parks within the site. Park A would be approximately 0.05-acres (2,365 square feet) and would be located at the northern end of the site. Park A is intended as passive open space. Park B would be approximately 0.13-acres (6,817 square feet) and would be located in the middle of the site, adjacent to the levee. Park B would include a barbeque area and lawn. Park C would be approximately 0.13-acres (5,754 square feet) and would be located at the southern end of the site, in direct line of site with the proposed pedestrian bridge (discussed below). Park C would consist primarily of a tot lot. The total public open space on Lot 1, including parks and landscaped areas, would be 0.9 acres and would be open to the general public.

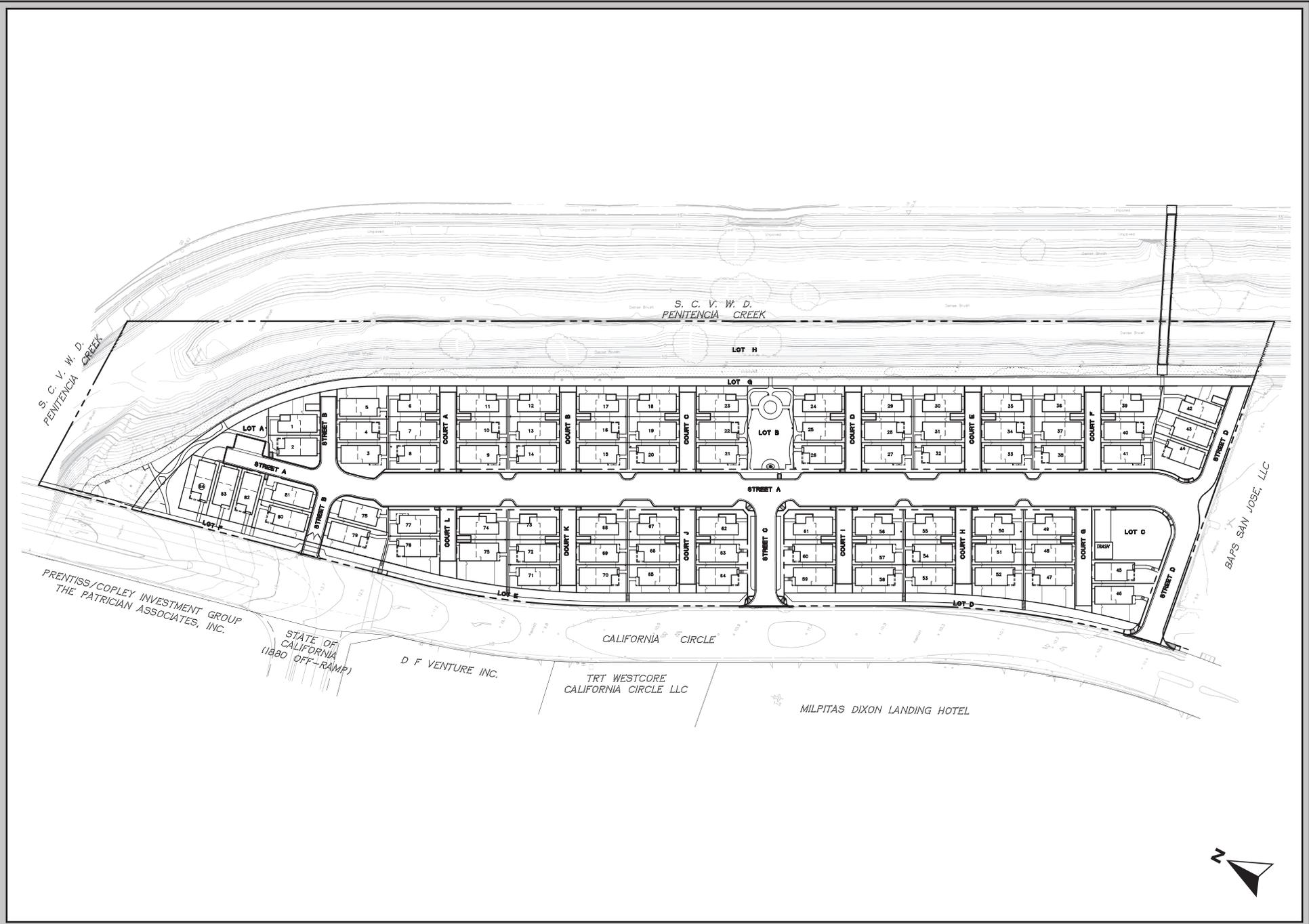
Lot 1 will be accessed by three driveways along California Circle. The northernmost driveway is for emergency vehicle access only and will not be accessible to residents and guest. The central and southern driveways will be the primary access points for Lot 1. Parking for residents will be provided within two-car garages attached to each unit for a total of 168 resident parking spaces. A total of 72 guest parking spaces will also be provided. The main drive aisle will provide 44 parallel parking spaces for guests and each court will have one to two guest spaces (24 spaces). An additional four guest spaces will be provided in a small parking area adjacent to Park A. There is currently no street parking allowed on California Circle. This will not change as a result of the proposed residential development.

The elevation of Lot 1 would be raised one to six feet above the current grade to remove the site from the flood zone and bring the site level with the adjacent levee.

#### **1.3.1 Pedestrian Bridge**

The project proposes to install a 10-foot wide clear span bridge over Penitencia Creek. As proposed, the bridge will be constructed off-site and the fully constructed bridge will be installed with a crane. The bridge will be located south of Lot 1, in alignment with Aspenridge Drive on the east side of the creek. The pedestrian bridge will require a joint use agreement between the City of Milpitas and the Santa Clara Valley Water District. The City will be responsible for perpetual maintenance of the bridge.

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SITE PLAN

FIGURE A1

The bridge will be anchored flush on the levee trails and will have only shallow footings into the top of the levee. The bridge will not have any footings, cantilevers, or other supports within the creek or between the banks. Trail improvements are also proposed between the area north of 1600 California Circle and the bridge. Final design of the bridge will be determined in conjunction with the Santa Clara Valley Water District (SCVWD) and will be based, in part, on the SCVWD levee improvements scheduled for 2014. Based on the planned trail and levee improvements, it is anticipated that the bridge would be installed in 2015.

### **1.3.2 Green Building Measures**

In addition to exceeding Title 24 requirements by 15 percent, the project will include the following green building measures to reduce on-site energy usage:

- Diversion of 50 percent of all construction and demolition waste.
- Landscaping will be comprised of 75 percent native species, will be drought tolerant, will not include invasive species listed by Cal-ICP, and will not require shearing.
- Irrigation systems will be high-efficiency (low-flow drip, bubblers, or sprinklers, and weather-based controllers).
- Plumbing will include high efficiency showerheads, bathroom faucets, kitchen and utility faucets, and toilets.
- HVAC system will be in compliance with the CALGreen code.
- Advanced mechanical ventilation.

With the inclusion of these measures, the project will exceed the requirements of the City's Green Building Ordinance.

## **1.4 PROPOSED CHANGES TO LAND USE DESIGNATIONS**

As noted above, the project also proposes to change the General Plan and Zoning land use designations on an additional six parcels. Lot 2 is a 10.15 acre site currently designated *Industrial Park* and developed with one 222,156 square foot industrial building.<sup>1</sup> The project proposed to amend the General Plan designation to *Single-Family Moderate Density* and the zoning to *R1-2.5 Single Family Residential*. The new land use designations would allow development of six to 15 dwelling units per acre (DU/AC). Based on the City's development assumptions for this site, the analysis assumes a maximum build out of 152 dwelling units. There is no current proposal to redevelop Lot 2.

Lot 3 is comprised of five lots totaling 8.32 acres. All five parcels are currently designated *Industrial Park* and zoned *Industrial Park* and developed with a gas station, a hotel, a Starbucks, and two office buildings. The existing development on Lot 3 is commercial and the proposed General Plan and Zoning changes will make the land use designations consistent with the existing businesses on-site.

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<sup>1</sup> The size of the existing building on Lot 2 was estimated based on the allowable floor area ratio on the site

The project proposes to amend the General Plan and Zoning designations to *General Commercial*. The new land use designation would allow development up to a floor area ratio (FAR) of 0.50. Based on the City's development assumptions for this site, the analysis assumes a maximum build out of 181,210 square feet which is equivalent to the existing development on the site. There is no current proposal to redevelop Lot 3, and the proposed land use changes and rezoning are proposed to reflect current site conditions and land uses.

## **SECTION 2 ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS**

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This section describes the existing environmental conditions on and near the project site, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370). Measures that are proposed by the applicant that will further reduce or avoid already less than significant impacts are categorized as “Avoidance Measures.”

### **2.1 AESTHETICS**

#### **2.1.1 Setting**

##### **2.1.1.1 Project Site**

The 29.2-acre project site is comprised of eight non-contiguous parcels (APNs 22-037-011, -012, -019, -040, -045, -046, -047, -049) located on the east and west sides of California Circle, just south of Dixon Landing Road in the City of Milpitas. The project site is relatively flat and is located in a mixed use area of industrial, commercial, and residential land uses.

##### ***Lot 1***

Lot 1 is comprised of two parcels totaling 10.7 acres. The site is currently developed with two vacant one-story industrial buildings totally 106,657 square feet. The buildings are generally rectangular structures constructed of concrete and glass with flat roofs. The primary architectural feature on the northern building is the main entrance which has a stepped glass and metal portico. (Photo 1) The primary architectural feature on the southern building is also the two main entrances, which are framed in mirrored glass. (Photo 2)

Both buildings are surrounded by surface parking lots which currently have restricted access by way of chains across the driveways to the site. Mature landscaping is located throughout the site and is well maintained.

##### ***Lot 2***

Lot 2 is comprised of a single parcel totaling 10.2 acres. The site is currently developed with a one-story, 222,156 square feet industrial building that is occupied by a church and office for Bay Area Rapid Transit (BART). Similar to the Lot 1 buildings, the building is generally a rectangular structure constructed of concrete and glass with a flat roof. As with the other buildings, the primary



**PHOTO 1:** View of the northern industrial building on Lot 1, looking east from California Circle.



**PHOTO 2:** View of the southern industrial building on Lot 1, looking east from California Circle.

PHOTOS 1 AND 2



**PHOTO 3:** View of the industrial building on Lot 2, looking east from California Circle.



**PHOTO 4:** View of the industrial building on Lot 2, looking east from California Circle.

PHOTOS 3 AND 4



**PHOTO 5:** View of the gas station on Lot 3, looking north from the office building parking lot.



**PHOTO 6:** View of one of the office buildings on Lot 3, looking south from the gas station on Lot 3.



**PHOTO 7:** View of the hotel on Lot 3, looking south from the hotel parking lot.



**PHOTO 8:** View of the Starbucks on Lot 3, looking west from the office building parking lot.

PHOTOS 7 AND 8



**PHOTO 9:** View of Penitencia Creek, looking south from the levee.



**PHOTO 10:** View of Penitencia Creek, looking north from the levee.

PHOTOS 9 AND 10



**PHOTO 11:** View of the creek trail and adjacent apartment complex, looking south from the levee.



**PHOTO 12:** View of Lot 1, looking west from the eastern levee of Penitencia Creek.

PHOTOS 11 AND 12



**PHOTO 13:** View of the apartment complex adjacent to Penitencia Creek, looking north from within the complex.



**PHOTO 14:** View of the townhouse complex adjacent to Penitencia Creek, looking west from Jurgens Drive.



**PHOTO 15:** View of the single-family neighborhood adjacent to Penitencia Creek, looking south from Jurgens Drive.



**PHOTO 16:** View of an industrial building south of the project site, looking east on California Circle.

architectural feature is the building entrances which are highlighted by horizontal lines of black glass. The building is surrounded by a surface parking lot and mature landscaping. (Photos 3 and 4)

**Lot 3**

Lot 3 is comprised of five parcels totaling 8.3 acres. The site is currently development with multiple commercial businesses including a gas station, a Starbucks, two two-story office buildings, and a three-story hotel. The businesses are a mix of architectural styles and vary from one to three stories. The buildings are well maintained and are surrounded by mature landscaping. (Photos 5-8)

**2.1.1.2 Surrounding Land Uses**

Development in the project area is a mix of commercial, industrial, residential, and recreational land uses. The building heights vary by land use from one to three stories. The project site is bound by Dixon Landing Road off-ramp from Interstate 880 (I-880) and a percolation pond to the north, Penitencia Creek to the north and east, one-story industrial buildings to the south, and I-880 to the west. Newby Island Landfill is located on the west side of I-880, less than 800 feet from the westernmost boundary of the project site.

Penitencia Creek is a wide creek channel with levees on both sides and riparian and wetland vegetation throughout. (Photos 9 and 10) The eastern levee has a trail that is accessible from the adjacent neighborhood. (Photo 11) Lots 1 and 2 are visible from the eastern creek trail and from the upper floors of the residences. (Photo 12) The neighborhood is comprised of multi-family residences (apartments and townhouses) and single-family residences. (Photos 13-15) Dixon Landing Park, a very well maintained 11-acre park (with three tennis courts, six barbeques, 10 picnic tables, a basketball hoop, and play equipment) located within the neighborhood.

The industrial buildings to the south of the project site are one-story buildings surrounded by surface parking lots similar to the buildings on the project site. (Photo 16)

**2.1.2 Environmental Checklist and Discussion of Impacts**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
3. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
4. Create a new source of substantial light or glare which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

### 2.1.2.1 Aesthetic Impacts

Implementation of the proposed development project would result in the demolition of two large one-story commercial buildings on Lot 1 and construction of 84 three-story single-family residences. The existing commercial buildings are currently vacant with chained off driveways. While the buildings and landscaping are being maintained, the southern building appears rundown as a result of missing letters on the old business sign on the building.

The proposed residences on Lot 1 and future residential development on Lot 2 will change the visual character of the immediate area. The project proposes to raise the elevation of Lot 1 by one to six feet to make it level with the top of the levee. This will make physical improvements on Lot 1 more visible from the nearby residential neighborhood.

From the creek trail and nearby residential neighborhood, the visual change resulting from residential development on Lots 1 and 2 would be beneficial as it would be more consistent with the existing neighborhood. Possible future commercial development on Lot 3 would be comparable in size to the existing commercial buildings and, as a result, redevelopment of Lot 3 would not significantly alter the visual character of the project area.

The project area is a mix of architectural styles with no particular design aesthetic being dominant. Because there is no predominant architectural style in the project area, the proposed housing design on Lot 1 would be compatible with the mixed visual character of the area. In addition, development of the site would be subject to architectural review by City staff. Future development on Lots 2 and 3 under the proposed General Plan Amendments would also be subject to architectural review by City staff.

In the City of Milpitas General Plan, the hilltops, hillsides, and ridgelines within Ed Levin Park are identified as scenic resources. These designated areas are far to the east, but still visible from the project site. There are no designated scenic resources west of Interstate 680. The hillside panorama that forms the backdrop of the urbanized valley floor is very wide and high. The proposed residences will not block the view of the hilltops and ridgelines from land uses on the west side of California Circle or from public viewpoints along California Circle. Therefore, the proposed development on Lot 1 will have a less than significant impact on designated scenic vistas. Future residential development on Lot 2 would be comparable to the proposed development on Lot 1 and would have a

less than significant impact on designated scenic vistas. Possible future commercial development on Lot 3 would be comparable in size to the existing commercial buildings and, as a result, redevelopment of the site would not block views of the hillsides to any greater degree than the existing buildings. **(Less Than Significant Impact)**

### ***Visual Intrusion – Lot 1***

Visual intrusion addresses the general concern that windows or balconies from taller buildings will provide visual access to neighboring yards and windows of private residences. The existing buildings on the project site are single-story commercial buildings with no windows that face to the residential neighborhood. The new three-story residences would have windows on all four sides of the structures.

In urban built-out environments properties are in close proximity to one another and complete privacy is not typical. The proposed residences would be located more than 250 feet from the nearest residences. While the residences on the project site will have views into the residential neighborhood on the east side of Penitencia Creek, at that distance of over 250 feet, the existing neighborhood would not be subject to visual intrusion from the proposed residences. **(Less Than Significant Impact)**

### ***Visual Intrusion – Lots 2 and 3***

Future residential development on Lot 2 would be comparable to the proposed development on Lot 1 and would have the same interface with the existing neighborhood on the east side of Penitencia Creek. **(Less Than Significant Impact)**

Lot 3 is located more than 570 feet from the nearest residences on the east side of Penitencia Creek. While the existing commercial buildings range from one to three stories, they are located too far from the existing residential neighborhood to create a visual intrusion impact. Possible future commercial development on Lot 3 would be comparable in size to the existing commercial buildings and, as a result, the existing neighborhood would not be subject to visual intrusion from future commercial development. **(Less Than Significant Impact)**

### ***Light and Glare***

The proposed residential project on Lot 1 would include outdoor security lighting on the site, along walkways, interior roads, and around the buildings. The outside lighting would be comparable in brightness to the ambient lighting in the surrounding area. The project will undergo architectural and site design review by Planning staff prior to issuance of building permits to ensure that the project would not adversely affect the visual quality of the area or create a substantial new source of light or glare for residences to the east of Penitencia Creek. Typical design requirements include directional and/or shielded lights to minimize the brightness and or glare of the lights on light sensitive uses including the creek and nearby residences. Future development on Lots 2 and 3 resulting from the proposed General Plan Amendments would also go through City review to ensure that lighting would

not adversely affect the visual quality of the area or create a substantial new source of light or glare for the creek, nearby residences, or for cars traveling on I-880. **(Less Than Significant Impact)**

### *Shade and Shadow*

In an urban environment, virtually all land uses are subject to shading from adjacent properties to some extent. During the summer, shading may even be desirable. Shade and shadow impacts can occur when a building or other structure substantially reduces natural sunlight on public or private open spaces.

The project sites are surrounded by commercial/office development, roadways, and Penitencia Creek. None of these land uses would be impacted by increased shading from the proposed development on Lot 1 or possible future development on Lots 2 and 3 under the proposed General Plan Amendments. **(No Impact)**

### **2.1.3**            **Conclusion**

The project would have a less than significant impact on the visual character of the project area. The project would not create significant additional sources of light or glare, would not result in significant shade or shadow impacts, and it would not impact any scenic resources. The project would not result in any significant visual impacts. **(Less Than Significant Impact)**

## 2.2 AGRICULTURAL AND FOREST RESOURCES

### 2.2.1 Setting

The Santa Clara County Important Farmland 2010 Map designates the project site as *Urban and Built-Up Land* which is defined as land occupied by structures with a building density of at least one unit to a 1.5 acre parcel, or approximately six structures to a ten-acre parcel. Common examples include residential, industrial, institutional facilities, cemeteries, sanitary landfills, etc. The project site is surrounded by urban and built-up land. There is no designated farmland adjacent to the site.<sup>2</sup> The site is not subject to a Williamson Act contract.

There is no forest land uses located on or adjacent to the project site.

### 2.2.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
4. Result in a loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

<sup>2</sup> California Department of Conservation. *Santa Clara County Important Farmland Map*. <<ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/sc110.pdf>> Accessed March 22, 2013

### **2.2.2.1 Impacts from the Proposed Project**

Implementation of the proposed residential project on Lot 1 will result in the construction of 84 houses on a site currently developed with commercial buildings and associated infrastructure. The project will also result in a change to the General Plan land use designation on eight parcels. These parcels are currently developed with commercial/industrial land uses.

The project will not convert *Prime Farmland*, *Unique Farmland*, or *Farmland of Statewide Importance* to a non-agricultural use. The project will not conflict with existing zoning for agricultural use or a Williamson Act contract. The proposed development will not interfere with agricultural operations or facilitate unplanned conversion of farmland elsewhere in the Milpitas area to non-agricultural uses. The project site is not a forest resource, nor are there forest lands in the vicinity. For these reasons, the project will not result in a significant impact to agricultural or forest resources. **(No Impact)**

### **2.2.3 Conclusion**

The project will not result in impacts to agricultural or forest resources. **(No Impact)**

## 2.3 AIR QUALITY

### 2.3.1 Setting

The project site is currently developed with three industrial buildings, two office buildings, a hotel, a gas station, and a Starbucks. Existing air emissions are generated by employee, customer, and delivery trips to and from Lots 2 and 3. Lot 1 is currently vacant and does not generate air emissions. The project site is approximately 1,975 feet from Newby Island Landfill and 2,635 feet from the San José/Santa Clara Water Pollution Control Plant. Other odor sources in and around the City of Milpitas include the Los Esteros substation (located approximately 1.6 miles southwest of the project site), the Zanker Road Landfill (located approximately 2.25 miles southwest of the project site), the former Cargill Salt Pond (located approximately 2.25 miles southwest of the project site), and the City's Main Sewer Pump Station (located approximately 2.8 miles south of the project site).

### 2.3.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
6. Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,4,5
7. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,4,5
8. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,4,5
9. Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,4,5
10. Create objectionable odors affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,6

### 2.3.3 Conclusion

Based on the potential to increase local and regional air pollutants due to changes in daily vehicle trips associated with the project site and the increase in square footage on-site, the proposed project could result in a significant impact to air quality. Additionally, the project would locate sensitive receptors (residences) downwind of a documented odor source, the Newby Island Landfill. The analysis of air quality impacts is presented in more detail in the EIR. No further analysis will be provided in this Initial Study.

## 2.4 BIOLOGICAL RESOURCES

### 2.4.1 Setting

The project site is currently developed with three industrial buildings, two office buildings, a hotel, a gas station, and a Starbucks. Existing biological resources on-site are limited to landscaping, however, Lot 1 and Lot 2 are adjacent to Penitencia Creek, which is habitat for a number of plant and wildlife species.

### 2.4.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
11. 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 Wildlife or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,7
12. 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 Wildlife or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,7
13. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,7
14. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,7
15. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,8

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project: 16. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,7

**2.4.3 Conclusion**

Based on the potential of the proposed development project and future development projects under the proposed General Plan Amendments to impact vegetation and wildlife in the immediate project area (in particular along Penitencia Creek), the proposed project could result in a significant impact to biological resources. The analysis of biology impact is presented in the EIR. No further analysis will be provided in this Initial Study.

## 2.5 CULTURAL RESOURCES

The following information is based, in part, on an archaeological literature review prepared by *Holman & Associates* in January 2013. The report is on file at the Milpitas Planning Department.

### 2.5.1 Existing Setting

The City of Milpitas was once part of the territory occupied by the Tamyen tribelet of the Ohlone Indians (originally referred to as Costanoan). Two notable Native American village sites lie within the City limits, a shellmound dating to the 18<sup>th</sup> century is located near Elmwood Rehabilitation Center and the Alviso Adobe is located near the corner of Calaveras Boulevard and Piedmont Road.

During the historic period, in 1769, the City of Milpitas was included in the route of the Gaspar de Portola expedition. The area was also a stopover point on the immigrant trail between Sutter's Fort and San José during the 1800s.

Although there are no existing conditions or immediate evidence that would suggest the presence of subsurface historic or prehistoric resources, the project site is located in a culturally sensitive area due to known prehistoric and historic occupation of Milpitas and the site's close proximity to Penitencia Creek. Native American settlements are commonly associated with the abundant food supply in the Santa Clara Valley and they often established settlements near local waterways. Penitencia Creek forms a portion of the northern and eastern boundary of the project site, which increases the likelihood that subsurface artifacts may be located on the project site. Human remains and former villages have been found along former meanders of Penitencia Creek a mile or more to the southeast of the project site.

An archeological literature review was completed at the Northwest Information Center at Sonoma State University to determine if any known resources are located on the project site. There are no recorded historic or prehistoric sites on the project site or within a quarter mile of the project site. Various surveys of the project site have been completed over the last 30 years as part of specific development projects and/or as part of large scale archaeological overviews. No archaeological materials have been found on the ground surface or during subsequent development projects.

#### ***Historic Buildings***

The first structures built in Milpitas were adobe houses located along the foothills east of the City and along both sides of Calaveras Road between Main Street and the foothills. During the mid- to late-1800's many of the structures built were wood frame farmhouses and service buildings such as blacksmiths, hotels, and general stores.

Milpitas changed little until 1953 when the Ford Motor Plant was built at the south end of the City. Within the next 20 years, most all of the older buildings in the City center were demolished but the two corridors along the eastern foothills and the western highway remained fairly intact.

Currently, there are 13 sites officially designated as Cultural Resources and six sites have been identified as prime candidates for preservation. None of the designated sites or candidate sites are located on or adjacent to the project site. The existing buildings on Lot 1 were constructed in 1996 (north building) and in 1986 (south building). The existing buildings on Lots 2 and 3 were construction after the mid-1980s. None of the buildings on the project site are considered historic.

**2.5.2 Environmental Checklist and Discussion of Impacts**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
17. Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,9
18. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,9
19. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,9
20. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,9

**2.5.2.1 Subsurface Resources**

***Prehistoric and Historic Resources***

While the project site is located near a local waterway and Milpitas was known to be occupied during the prehistoric and historic eras, previous studies and development on the project site and the project area have failed to generate reports of any archaeological finds. As a result, the archaeological review concluded that demolition of the existing buildings on Lot 1 and construction of 84 single-family residences would have no impact on historic or prehistoric subsurface resources. Similarly, future redevelopment of Lots 2 and 3 under the proposed General Plan Amendments would have no impact on subsurface resources. As a result, no archaeological monitoring or pre-construction testing is required. **(No Impact)**

In the unlikely event, however, that subsurface artifacts are uncovered during grading activities, the following measures will be implemented:

- In the event that prehistoric or historic resources are encountered during excavation and/or grading, all activity within a 50-foot radius of the find will be stopped, the Director of Planning and Neighborhood Services will be notified, and a qualified archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any

significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning and Neighborhood Services.

- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

### ***Paleontological Resources***

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Geologic units of Holocene age are generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils. These sediments have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources. These recent sediments, however, may overlie older Pleistocene sediments with high potential to contain paleontological resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Excavation on-site will not exceed 10 feet in depth and it is improbable that paleontological resources will be discovered on-site due to the distance of the site from the Bay and because no paleontological resources have been discovered in this area of Milpitas. **(No Impact)**

#### **2.5.2.2 Historic Buildings**

There are no historic structures on or immediately adjacent to the project site. Therefore, implementation of the proposed project will have no impact on any designated historic structures. **(No Impact)**

#### **2.5.3 Conclusion**

The proposed project will have no impact on cultural resources. **(No Impact)**

## **2.6 GEOLOGY AND SOILS**

### **2.6.1 Setting**

The following discussion is based in part on a Preliminary Geotechnical Engineering Investigation by *Cornerstone Earth Group*, in December 2012. The report is attached as Appendix G.

#### **2.6.1.1 Geology and Soils**

The project site is located at the northern end of the Santa Clara Valley, a relatively flat alluvial plain, bounded by the Santa Cruz Mountains to the southwest and west, the Diablo Mountain Range to the east, and San Francisco Bay to the north.

Borings were taken on Lot 1 to a depth of approximately 50 feet to determine the composition and characteristics of the soils on the site. The asphalt on Lot 1 is underlain by undocumented fill ranging in depth from four to 9.5 feet below the ground surface (bgs). The fill material is stiff clay with sand and varying gravel content. Native alluvial soils consisting of interbedded layers of clay, silt, and sand are found beneath the fill layer to a depth of 50 feet. Stiff fat to lean clay is found at 12 to 25 feet bgs. Loose to dense silty, clayey and poorly graded sands are found below the clay layer. The lower layer is generally stiff lean clay interbedded with thin layers of silty and clayey sand to the maximum depth of the borings.

Expansive soils shrink and swell with changes in moisture content which can damage foundation systems not designed to withstand soil movements. The undocumented fill on Lot 1 has moderate to high expansion potential. The underlying native soils have moderate expansion potential.

Due to the proximity of Lots 2 and 3 to Lot 1, it is reasonable to assume that the native soils are of similar composition on all three sites. The depth of fill material on Lots 2 and 3 is not currently known.

There are no unique geologic features on the project site. Lots 1 and 2 are adjacent to Penitencia Creek, an unsupported creek bank with levees on both sides. Due to the flat topography of the project site, as well as the levees adjacent to Lots 1 and 2, the potential for erosion or landslide on or adjacent to the project site is low.

#### ***Groundwater***

In Milpitas, groundwater is typically found at shallow depths (less than 25 feet). Soil borings encountered groundwater at a depth of seven to 11 feet bgs. Historically, groundwater has been measured in the immediate area at levels as high as five feet.

#### **2.6.1.2 Seismicity**

The San Francisco Bay Area is classified as Zone 4 for seismic activity, the most seismically active region in the United States. Strong ground shaking can be expected on-site during moderate to

severe earthquakes in the general region. Significant earthquakes that occur in the Bay Area are generally associated with crustal movement along well defined active fault zones of the San Andreas Fault System, which regionally trends in a northwesterly direction.

The project site is not located within a designated Alquist-Priolo Earthquake Fault Zone<sup>3</sup> or in a Santa Clara County Fault Hazard Zone<sup>4</sup> and no active faults have been mapped on-site. Therefore, the risk of fault rupture at the site is low. Faults in the region are, however, capable of generating earthquakes of magnitude 7.0 or higher and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Active faults near the project site are shown in Table 2.

<b>Fault</b>	<b>Distance from Site</b>
Hayward	1.5 miles
Calaveras	5.9 miles
Monte-Vista Shannon	13 miles
San Andreas	15.0 miles

### **2.6.1.3 Liquefaction and Lateral Spreading**

#### ***Liquefaction***

Liquefaction is the result of seismic activity and is characterized as the transformation of loose, water-saturated soils from a solid state to a liquid state during ground shaking. There are many variables that contribute to liquefaction, including the age of the soil, soil type, soil cohesion, soil density, and depth to ground water. The proposed project site is located within a State designated liquefaction hazard zone, as well as a Santa Clara County Liquefaction Hazard Zone.<sup>5</sup>

The geotechnical investigation found liquefaction hazards at the site to be probable. On the northern half of Lot 1, liquefiable layers could cause differential settlement of one to 1.5 inches. On the southern half of the site, differential settlement would be much more severe with at 3.5 to eight inches.

#### ***Lateral Spreading***

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as the steep bank of a stream channel.

Penitencia Creek is located adjacent to Lots 1 and 2. There is historical documentation of lateral spreading in the site vicinity during the 1906 San Andreas earthquake, although no liquefaction was

<sup>3</sup> California Department of Conservation Website. [http://www.quake.ca.gov/gmaps/ap/ap\\_maps.htm](http://www.quake.ca.gov/gmaps/ap/ap_maps.htm) Accessed January 14, 2013.

<sup>4</sup> Santa Clara County Website. <http://www.sccgov.org/portal/site/planning/agencychp?path=%2Fv7%2FPlanning%2C%20Office%20of%20%28DEP%29%2FMaps%20%26%20GIS%2FGeologic%20Hazards%20Zones%28Maps%20%26%20Data%29%2FFault%20Rupture%20Hazard%20Zones#Single> Accessed January 14, 2013.

<sup>5</sup> Santa Clara County. *Liquefaction Hazard Zones*. [http://www.sccgov.org/sites/planning/Maps%20-%20GIS/Geologic%20Hazards%20Zones\(Maps%20-%20Data\)/Liquefaction%20Hazard%20Zones/Pages/County-Liquefaction-Hazard-Zones.aspx](http://www.sccgov.org/sites/planning/Maps%20-%20GIS/Geologic%20Hazards%20Zones(Maps%20-%20Data)/Liquefaction%20Hazard%20Zones/Pages/County-Liquefaction-Hazard-Zones.aspx) Accessed January 14, 2013.

documented along the creek segment adjacent to the project site. Based on the findings of the geotechnical investigation, it was determined that lateral spreading could occur on Lots 1 and 2 during a seismic event.

Due to the distance of Lot 3 from the creek, it is less likely that lateral spreading will occur on Lot 3.

## 2.6.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
21. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
a. Rupture of a known earthquake fault, as described 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? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,10
b. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,10
c. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,10
d. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,10
22. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,10
23. Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,10
24. Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,10
25. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

### 2.6.2.1 Geological Impacts

The project site and surrounding areas are flat and would not be exposed to landslide or erosion related hazards. The project site has a moderate to high potential for liquefaction and lateral

spreading during large seismic events. The proposed residential project on Lot 1 and future development on Lots 2 and 3 under the proposed General Plan Amendments would be designed and constructed in accordance with standard engineering safety techniques and in conformance with design-specific geotechnical reports prepared for each individual development proposal to reduce soil impacts to a less than significant level. **(Less Than Significant Impact)**

The project shall be designed and constructed in accordance with the 2010 California Building Code which contains the regulations that govern the construction of structures in California. These regulations are meant to prevent damage to structures in the event of an earthquake. **(Less Than Significant Impact)**

The residential project on Lot 1 does not propose any below grade structures. Because the project proposes to raise the level of Lot 1 to be equal to the top of the levee, trenching for utilities and grading for foundations will not interfere with the shallow groundwater aquifer. **(Less Than Significant Impact)**

#### **2.6.2.2 Construction Impacts**

The majority of the project site is flat and developed and very little soil is currently exposed. Ground disturbance would be required for demolition of the existing buildings and surface parking lots, grading, and construction of the proposed residential project on Lot 1 and future projects on Lots 2 and 3. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation until construction is complete.

The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The City will require the proposed residential project and any future projects under the proposed General Plan Amendments to comply with all applicable regulatory programs pertaining to construction related erosion. Because the proposed project and all future projects will be required to comply with all applicable regulations, implementation of the proposed project would have a less than significant construction related soil erosion impact. **(Less Than Significant Impact)**

#### **2.6.3 Conclusion**

With implementation of recommendations in the design-specific geotechnical report prepared for Lot 1 and conformance to the 2010 California Building Code, the proposed residential project would not expose people or property to significant impacts associated with geologic or seismic conditions. **(Less Than Significant Impact)**

Future development on Lots 2 and 3 under the proposed General Plan Amendments will be required to implement the recommendations of design-specific geotechnical reports and to conform to the California Building Code. Therefore, future development on Lots 2 and 3 will not expose people or property to significant impacts associated with geologic or seismic conditions. **(Less Than Significant Impact)**

**2.7 GREENHOUSE GAS EMISSIONS**

**2.7.1 Existing Setting**

The project site is currently developed with three industrial buildings, two office buildings, a hotel, a gas station, and a Starbucks. Existing greenhouse gas emissions are generated by employee, customer, and delivery trips to and from Lots 2 and 3 and operation of the buildings on these lots. Lot 1 is currently vacant and does not generate greenhouse gas emissions.

**2.7.2 Environmental Checklist and Discussion of Impacts**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
26. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,11
27. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,11

**2.7.3 Conclusion**

Based on the potential to increase greenhouse gas emissions due to changes in daily traffic trips associated with the project site and increased energy usage on-site, the proposed project could result in a significant greenhouse gas emissions impact. The analysis of greenhouse gas emissions impacts is presented in the EIR. No further analysis will be provided in this Initial Study.

## **2.8 HAZARDS AND HAZARDOUS MATERIALS**

The following discussion is based in part on a Phase I Environmental Site Assessment (ESA) prepared for the site by *Cornerstone Earth Group* in November 2011. A copy of this report is provided in Appendix H of this document.

### **2.8.1 Existing Setting**

The project site is located in an area of Milpitas that is primarily developed with industrial and commercial land uses on the west side of Penitencia Creek and residential land uses on the east side of the creek. The site itself is developed with three industrial buildings, two commercial office buildings, a gas station, a hotel, and a Starbucks. All the structures are surrounded by surface parking lots.

Based on available data for the project area, groundwater is found on-site at a depth of seven to 11 feet bgs. Historically, groundwater has been measured in the immediate area at levels as high as five feet. It is estimated that groundwater flows in the northwest direction.

#### **2.8.1.1 Site History**

A land use history of the site has been compiled based on aerial photographs, topographic maps, building records, City directories, and other site records. Based on a review of these sources, the project site was vacant until a golf course was constructed in the late 1950s. The current Penitencia Creek channel was also constructed at this time. The environmental site assessment did not document any agricultural activity on the project site prior to construction of the golf course.

The golf course was removed by 1982 and the site remained vacant until the current land uses began being constructed in the mid-1980s. California Circle was constructed in the early 1980s, presumably once the golf course was removed. The southern building on Lot 1 was constructed in 1986 and the northern building was constructed in 1996. There are no specific construction dates for the buildings on Lots 2 and 3, but they would have been constructed after completion of California Circle. Therefore, the remaining buildings were constructed after the mid 1980's.

The building on the southern portion of Lot 1 has been vacant since 2007. The building on the northern portion of Lot 1 was vacated sometime after 2006. The buildings on Lots 2 and 3 are currently occupied.

#### **2.8.1.2 On-Site Sources of Contamination**

##### ***Agricultural Use***

As noted above, the project site does not appear to have been used for agricultural purposes. Therefore, contaminants associated with agricultural operations would not be present on-site.

### ***Asbestos and Lead Based Paint***

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Non-friable ACMs are materials that contain a binder or hardening agent that does not allow the asbestos particles to become airborne easily. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl asbestos floor tiles, and transite siding made with cement. Non-friable ACMs can pose the same hazard as friable asbestos during remodeling, repairs, or other construction activities that would damage the material. Use of friable asbestos products was banned in 1978.

In 1978, the Consumer Products Safety Commission banned paint and other surface coating materials containing lead. The existing buildings on-site were constructed after 1980. Because the existing buildings on the project site were constructed more than eight years after lead based paints and friable asbestos products were banned, it is unlikely that ACMs and/or lead based paints are present in the structures.

### ***Other On-Site Hazards***

As part of the Phase I ESA, a search of Federal, State, and local regulatory databases was completed to identify properties with documented environmental releases and/or those that use, store, or dispose of regulated chemicals. The project site was not identified in any of the databases reviewed.

A site reconnaissance of Lot 1 was completed in December 2011 to identify any environmental concerns present on this site. No indications of spills or hazardous materials conditions were noted on Lot 1. Sun Microsystems, one of the previous tenants on Lot 1, is documented as using small quantities (one to two gallons) of chemicals such as Freon, dichlorofluoromethane, and isopropanol from 1987 to 1988. No spills or other violations were reported related to the use and storage of these chemicals. During the site reconnaissance, several gallons of paint were observed in the southern building. No other hazardous materials are currently stored or used on-site.

It has been documented that Lot 1 has a substantial amount of undocumented fill. The depth of the fill material ranges from two to 9.5 feet with the thickest layers near the northern end of the lot. Soil samples were taken of the fill material to determine if it contained contaminants in concentrations inconsistent with residential development. Sampling results were compared with the corresponding California Human Health Screening Level (CHHSL)<sup>6</sup> values for residential land use. For chemicals which have no established CHHSL, such as petroleum hydrocarbons, environmental screening levels (ESLs) established by the Regional Water Quality Control Board (RWQCB) were used.

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<sup>6</sup> CHHSLs were developed by the Office of Environmental Health Hazard Assessment (OEHHA) on behalf of the California Environmental Protection Agency (CalEPA) to screen sites for potential human health concerns related to contaminated soil. A chemical found in concentrations below the corresponding CHHSL is assumed not to pose a risk to human health.

The samples did not detect any polychlorinated biphenyls (PCBs) or polynuclear aromatic hydrocarbons (PAHs) above the screening thresholds. Three of the 12 samples detected organochlorine pesticides DDE and DDT. The screening threshold for these contaminants is 1.6 ppm. DDE was detected at 0.025 parts per million (ppm) and DDT was detected at 0.0021 ppm, concentrations well below the screening threshold.

Asbestos was found in the fill material, but not above the screening thresholds and the environmental site assessment concluded that the fill material was safe for residential development.

### 2.8.1.3 Off-Site Sources of Contamination

The environmental site assessment documented one contaminated site within the project area. The 100-acre Doudell property, on the east side of Penitencia Creek in the existing residential neighborhood, was previously occupied by Diamond Tank Lines & Transportation, Inc (Diamond). Diamond operated drying ponds for drinking water treatment sludge and was licensed to haul liquid waste from the Santa Clara Valley Water District (SCVWD) treatment plant to the Doudell property. It was discovered in 1976 that between 1969 and 1974 the Doudell Trucking Company had buried 500 to 600 55-gallon drums of methyl ethyl ketone, cyclohexanone, and iron oxide on their property from magnetic tape manufacturing activities at Memorex Corporation. Remediation activities to remove the buried drums and contaminated soil was completed on the site under the direction of the RWQCB. The site was issued a case closure in 1995 and the most recent groundwater monitoring data did not identify any volatile organic compounds (VOCs) above laboratory reporting limits.

No other sources of soil or groundwater contamination were identified within the immediate project area.

### 2.8.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
28. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,12
29. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,12
30. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,12

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
31. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,12
32. 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, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
33. For a project within the vicinity of a private airstrip, will the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
34. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
35. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

### 2.8.2.1 On-Site Hazardous Materials Impacts

A discussed in Section 2.8.1.2, *On-Site Sources of Contamination*, there are no regulatory agency records or evidence of hazardous materials usage on the project site since it was developed approximately 27 years ago other than typical small quantities of paints and cleaning supplies. Soil sampling on-site did not find any soil contaminants above established screening thresholds for residential development. Furthermore, there is no evidence of historic agricultural operations on the project site and the soil sampling did not find significant concentrations of any contaminants associated with agricultural operations.

While the Phase I Environmental Site Assessment was prepared for Lot 1, it also addressed possible off-site sources of contamination that could impact Lot 1. Therefore, if any hazardous conditions were previously documented or currently existing on Lot 2 or 3, it would have been discovered in the Lot 1 Phase I report. No records or evidence of hazardous materials usage on Lots 2 and 3 were found.

As proposed, the existing ground surface of Lot 1 will be elevated between one to six feet to make the site level with the adjacent levee. Fill used to raise the level of the site will have to meet applicable regulatory standards and will effectively cap the existing soil on-site.

For these reasons, the project will not result in the exposure of construction workers or future site occupants to significant levels of hazardous materials based on the historic land uses of the site. **(Less Than Significant Impact)**

### *Asbestos*

Soil testing determined that asbestos is present in the soils on Lot 1. While the level of contamination is below the residential thresholds, the Occupational Health and Safety Administration (OSHA) has specific regulations regarding construction worker exposure to asbestos contaminated soil. OSHA requires worker notification, dust control, and personal air monitoring during earthwork activities in soil that contains any amount of asbestos if workers would be exposed to daily concentrations above the permissible exposure limit. Construction activities on Lot 1, as well as future construction on Lots 2 and 3 under the proposed General Plan Amendments will be required to comply with all applicable OSHA regulations regarding asbestos exposure for construction workers. **(Less Than Significant Impact)**

### *Future Operations*

Future development on the project site will likely include the use and storage on-site of cleaning supplies and maintenance chemicals in small quantities comparable to what is typical found in residences and retail/commercial businesses. No other hazardous materials will be used or stored on-site. The small quantities of cleaning supplies and maintenance chemicals that will be used on-site do not pose a risk to residents, on-site workers, or adjacent land uses. **(Less Than Significant Impact)**

## **2.8.2.2 Off-Site Hazards**

### *Soil and Groundwater Contamination*

Off-site soil and groundwater contamination does not pose a risk to the project site because of the sources distance from the project site, current “closed” regulatory status, and/or the direction of groundwater flow from the contamination site. **(No Impact)**

### *Airport Operations*

The project site is not located in proximity to any public airport or private airstrip and is not, therefore, located within an Airport Influence Area (AIA) which is a composite of the areas surrounding an airport that are affected by noise, height, and safety considerations. **(No Impact)**

### *Other Hazards*

The project is in a highly developed urban area and it is not adjacent to any wildland areas that would be susceptible to fire. The project will not interfere with any adopted emergency response plan or emergency evacuation plan. **(Less Than Significant Impact)**

### **2.8.3            Conclusion**

The project would not result in significant impacts related to hazardous materials. **(Less than Significant Impact)**

## 2.9 HYDROLOGY AND WATER QUALITY

The following is based upon a floodplain analysis prepared by *Schaaf & Wheeler* in December 2012. A copy of this report is provided in Appendix I of this document.

### 2.9.1 Setting

#### 2.9.1.1 Flooding

The project site is located within a 100-year flood hazard area. According to the Federal Emergency Management Agency (FEMA) flood insurance rate maps (Panel 06085C0058H), the project site is located in Zone AH which is an area with one percent annual chance of flood with average depths of one to three feet.<sup>7</sup>

#### 2.9.1.2 Dam Failure

Based on the Association of Bay Area Governments (ABAG) dam failure inundation hazard maps, large portions of the Santa Clara Valley are located in the Lexington Reservoir dam failure inundation hazard zone. The project site is, however, outside the inundation hazard zone.<sup>8</sup>

#### 2.9.1.3 Seiches, Tsunamis, and Mudflows

There are no landlocked bodies of water near the project site that will affect the site in the event of a seiche. There are no bodies of water near the project site that will affect the site in the event of a tsunami.<sup>9</sup> The project area is flat and there are no mountains near the site that will affect the site in the event of a mudflow.

#### 2.9.1.4 Projected Sea-Level Rise

One effect of global climate change is sea level rise. Various studies predict that sea level will rise by 12-18 inches by 2050, compared to 2000 levels, as a result of global climate change. Sea level rise is a concern given the proximity of Milpitas to San Francisco Bay and relatively low elevation at the project site (approximately 15 feet above current mean sea level). The project site may be affected by a projected sea level rise of up to 55 inches by the end of the century (i.e., by 2100)<sup>10</sup>,

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<sup>7</sup> Federal Emergency Management Agency. May 18, 2009.

<<http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=1>> Accessed April 3, 2013.

<sup>8</sup> Association of Bay Area Governments. *Dam Failure Inundation Hazard Map for NW San José/Milpitas/Santa Clara*. 1995. <<http://www.abag.ca.gov/cgi-bin/pickdamx.pl>> Accessed April 3, 2013

<sup>9</sup> Association of Bay Area Governments. *Tsunami Inundation Emergency Planning Map for the San Francisco Bay Region*. <<http://quake.abag.ca.gov/tsunamis>>. Accessed April 3, 2013

<sup>10</sup> San Francisco Bay Conservation and Development Commission. *Shoreline Areas Vulnerable to Sea Level Rise: South Bay*. Map. 2008 [http://www.bcdc.ca.gov/planning/climate\\_change/climate\\_change.shtml](http://www.bcdc.ca.gov/planning/climate_change/climate_change.shtml) Accessed April 13, 2013.

although other estimates indicate that a sea level rise as low as 19 inches could affect the site by this time.<sup>11</sup>

The increase in global mean sea level may have a range of impacts to developed areas of Milpitas and in tidally influenced reaches of streams and creeks. For instance, discharge pipes, both for storm and treated wastewaters, will operate differently under higher average tide cycles. Streams, creeks and rivers that flow to the Bay will also have higher water surface elevations for their respective downstream conditions, which may increase water levels throughout a system during extreme events. Rising sea levels may also affect the protection level for bay and riverine levee systems (such as Penitencia Creek).

In addition to sea level rise, global warming may affect other flood related factors such as storm surge, wave height and run-up, and rainfall intensity. Generally more intense but less frequent precipitation is predicted, with storm patterns shifting to earlier in the fall and winter months. More intense storms may cause increased storm surge and wave heights in the Bay, although how these conditions would impact this area of Milpitas is unknown since the relatively shallow marshes of the South Bay may dampen this potential impact.

#### **2.9.1.5 Storm Drainage System**

The City of Milpitas owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into Penitencia Creek. Penitencia Creek flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site due to the levees. Currently, 83 percent of Lot 1 is covered with impervious surfaces.

#### **2.9.1.6 Groundwater**

The geotechnical report prepared for the project site determined that groundwater beneath the project site is at a depth of approximately seven to 11 feet bgs.

#### **2.9.1.7 Water Quality**

As stated above, stormwater from the project site drains into Penitencia Creek. The water quality of Penitencia Creek is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes. Based on data from the Environmental Protection Agency (EPA)<sup>12</sup>, Penitencia Creek is not currently listed on the California 303(d) list<sup>13</sup> or the Total Maximum Daily Load (TMDL) high priority schedule.<sup>14</sup>

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<sup>11</sup> U.S. Geological Survey. *Visualizing California Climate Change Impacts – Sea Level*. Map. <http://cal-adapt.org/sealevel/> Accessed April 3, 2013.

<sup>12</sup> U.S. Environmental Protection Agency. *California 303(d) Listed Waters*. [http://ofmpub.epa.gov/tmdl\\_waters10/attains\\_waterbody.control?p\\_list\\_id=CAR2053002119990218112824&p\\_stat\\_e=CA&p\\_cycle=2010](http://ofmpub.epa.gov/tmdl_waters10/attains_waterbody.control?p_list_id=CAR2053002119990218112824&p_stat_e=CA&p_cycle=2010) Accessed April 3, 2013.

## ***Nonpoint Source Pollution Program***

The Federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards, which for the Milpitas area is the San Francisco Regional Water Quality Control Board (RWQCB).

### **Statewide Construction General Permit**

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared prior to commencement of construction.

### **Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement**

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 77 Bay Area municipalities, including the City of Milpitas. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 sf are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the MRP require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities. The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) assists co-permittees, such as the City of Milpitas, to implement the provisions of the Municipal NPDES Permit.

## **Hydromodification**

In addition to water quality controls, the Municipal Regional Stormwater NPDES permit requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such

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<sup>13</sup> The Clean Water Act, section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies.

<sup>14</sup> A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards.

hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchments areas that are greater than or equal to 65 percent impervious (per the Santa Clara Permittees Hydromodification Management Applicability Map).

Based on the SCVUPPP Watershed Map for the City of Milpitas, the project site is within a subwatershed that drains into a hardened channel and/or tidal area. As a result, the project is not required to comply with the NPDES hydromodification requirements.<sup>15</sup>

**2.9.2 Environmental Checklist and Discussion of Impacts**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
36. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,15
37. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells will drop to a level which will not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
38. 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 will result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,15
39. 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 will result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,15

<sup>15</sup> Santa Clara Valley Urban Runoff Pollution Prevention Program web site. [http://www.scvurppp-w2k.com/hmp\\_maps.htm](http://www.scvurppp-w2k.com/hmp_maps.htm) Accessed April 3, 2013

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
40. Create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
41. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
42. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,13
43. Place within a 100-year flood hazard area structures which will impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,13
44. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,13,14
45. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,14

### 2.9.2.1 Flooding and Storm Drainage Impacts

Implementation of the proposed residential project on Lot 1 would result in the disturbance of approximately six acres of impervious surfaces (building foundations and other pavement) on the project site. The currently proposed project and all future projects under the General Plan Amendments will be required to comply with the Nonpoint Source Pollution Program and the SCVURPPP Program.

With implementation of the proposed residential project on Lot 1, the amount of impermeable surface area on the project site would decrease by approximately 19 percent. The existing and proposed pervious and impervious surfaces on Lot 1 are shown in Table 3 below:

<b>Site Surface</b>	<b>Existing/Pre-Construction (sf)</b>	<b>%</b>	<b>Project/Post-Construction (sf)</b>	<b>%</b>	<b>Difference (sf)</b>	<b>%</b>
<b>Impervious</b>						
Building Footprint	106,657	33	90,508	28	-16,149	-5

Parking/Driveways	149,002	46	98,472	30	-50,530	-16
Sidewalks/Patios/Paths	13,270	4	20,000	6	+6,730	+2
<i>Subtotal</i>	<i>268,929</i>	<i>83</i>	<i>208,980</i>	<i>64</i>	<i>-59,949</i>	<i>-19</i>
<b>Pervious</b>						
Landscaping	57,771	17	117,720	36	+59,949	+19
<b>TOTAL</b>	<b>326,700<sup>16</sup></b>	<b>100</b>	<b>465,814</b>	<b>100</b>		

Under existing conditions, approximately 268,929 square feet (83 percent) of Lot 1 is covered with impervious surfaces. Under project conditions, Lot 1 would be covered with approximately 209,980 square feet (64 percent) of impervious surfaces. Implementation of the proposed residential project on Lot 1 would result in a 19 percent reduction in impervious surfaces at the project site.

The existing storm drainage system has sufficient capacity to support the existing development on Lot 1. Since there is sufficient capacity to serve the existing development and the proposed residential project will reduce impermeable surfaces (thereby reducing the overall volume of runoff), implementation of the residential project on Lot 1 would not exceed the capacity of the storm drain system that serves the project site. **(Less Than Significant Impact)**

There are currently no specific development proposals for Lots 2 or 3. If Lot 2 is redeveloped with residential land uses, it is reasonable to assume that the amount of open space would increase, resulting in a decrease in impermeable surfaces as demonstrated by Lot 1. Therefore, since there is sufficient capacity to serve the existing development, with a reduction of impermeable surfaces on Lot 2, redevelopment of the site would not exceed the capacity of the storm drain system that serves the project site. If, however, the redevelopment of Lot 2 were to result in an increase in impermeable surfaces, the on-site stormwater treatment areas would need to be designed to retain stormwater to avoid exceeding the capacity of the existing system. **(Less Than Significant Impact)**

Possible future commercial development on Lot 3 would be comparable in building size and parking area to the existing commercial buildings and, as a result, redevelopment of Lot 3 would not result in a measurable change in the amount of stormwater runoff. Furthermore, any future development would be required to comply with the Municipal Regional Permit to reduce overall stormwater volumes exiting the site. **(Less Than Significant Impact)**

The entire project site is located within a 100-year flood hazard zone. As proposed, the ground surface of Lot 1 will be raised level with the top of the levee which will effectively remove Lot 1 from the floodplain. Based on the findings of the floodplain analysis, this increase in elevation will not affect the flood elevations in the area or upstream or redirect flood flows. Implementation of the proposed residential project will not result in people or structures being exposed to significant flood risks. **(Less Than Significant Impact)**

It is unknown if the elevation of Lot 2 would also be raised to accommodate future residential development under the proposed General Plan Amendment in the same manner proposed on Lot

<sup>16</sup> The total square footage noted in the table does not take into account the project area within the creek channel. This is only representative of the development area on Lot 1 which is 7.5 acres.

1. It is unlikely that the elevation of Lot 3 would be raised. Nevertheless, City policy requires that new buildings in a designated flood zone must have their lowest floor elevation (excluding garages) flood-proofed or raised a minimum of one foot above the base flood elevation. Future development on Lots 2 and 3 will have to comply with City policy and will not expose people or structures to significant flood risks. **(Less Than Significant Impact)**

### **2.9.2.2 Groundwater**

Lot 1 is currently 58 percent paved and does not contribute to recharging of the groundwater aquifers. Lots 2 and 3 are estimated to be 60 percent or more paved. The depth to groundwater at the project site is approximately seven to 11 feet bgs. Implementation of the proposed residential project or future projects under the proposed General Plan Amendments would not impede groundwater recharge or lessen groundwater supplies. **(Less Than Significant Impact)**

### **2.9.2.3 Water Quality**

#### ***Operational Impacts***

Implementation of the proposed residential project on Lot 1 would result in an overall decrease in impermeable surfaces over existing conditions. After redevelopment, the project site will contribute the same types of stormwater runoff pollutants as the current site conditions and as the surrounding development. Runoff from streets and parking areas often carries grease, oil, and trace amounts of heavy metals into natural drainages. Runoff from landscaping can carry pesticides, herbicides, and fertilizers. Although the amounts of these pollutants ultimately discharged into the waterways are unknown, over time they could accumulate and be substantial. Without specific development proposals, it is unknown if future development on Lots 2 and 3 would increase or decrease impermeable surfaces compared to existing conditions. As with Lot 1, redevelopment of Lots 2 and 3 would contribute the same types of stormwater runoff pollutants as the current site conditions and as the surrounding development.

The existing and proposed square footages of pervious and impervious surfaces for Lot 1 are shown on Table 3, above. The area of the project site to be modified is approximately 326,700 square feet<sup>17</sup>, of which approximately 83 percent is currently comprised of impervious surfaces. The proposed project will decrease impervious surfaces on-site by approximately 59,949 square feet. Most of the impervious surfaces will be buildings and drive aisles. The increase in cars parked on-site each day will increase the amount of oils, grease, metals, and debris on-site which will increase the potential amount of pollution flowing into the storm drainage system.

As the proposed residential project on Lot 1 will add or replace more than 10,000 square feet of impervious surfaces, it must conform to the requirements of the Municipal Regional Stormwater NPDES permit. Conformance measures are illustrated in the Conceptual Stormwater Control Plan on-file with the City of Milpitas and will be finalized in the final Stormwater Control Plan at the Development Permit stage of this project. Plans will be certified by engineers to ensure

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<sup>17</sup> One acre equals 43,560 square feet.

incorporation of appropriate and effective source control measures to meet Low Impact Development (LID) requirements to prevent discharge of pollutants, reduce impervious surfaces, retain a percentage of runoff on-site for percolation, and treatment control measures to remove pollutants from runoff entering the storm drainage system. In order to meet the City's requirements and the NPDES requirements, the project proposes that pathways, drive aisles, and rooftop runoff will drain into bio-retention areas located in front of the residences and then into landscaped bulb-outs in the main drive aisle.

The proposed treatment facilities will be numerically sized to have sufficient capacity to treat the stormwater runoff entering the storm drainage system. In addition, the project will be required to maintain all post-construction treatment control measures, as outlined below, throughout the life of the project.

The following measures, based on the RWQCB Best Management Practices (BMPs) and the City requirements, are included in the proposed residential project on Lot 1 and will be required as Conditions of Approval for future development on Lots 2 and 3 to ensure compliance with NPDES permit requirements for both construction and operations to reduce post-construction water quality impacts.

- When the construction phase is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB and the City of Milpitas. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the project site.
- All post-construction Treatment Control Measures (TCMs) will be installed, operated, and maintained by qualified personnel. On-site inlets will be cleaned out at a minimum of once per year, prior to the wet season.
- The property owner/home owner's association will keep a maintenance and inspection schedule and record to ensure the TCMs continue to operate effectively for the life of the project. Copies of the schedule and record must be provided to the City upon request and must be made available for inspection on-site at all times.
- On the residential properties, the home owner's association will ensure through the CC&R's that the bio-retention/treatment areas are maintained as designed for the useful life of the project and preclude homeowners from landscaping or other improvements which might diminish the functionality of the system.

With implementation of the proposed Stormwater Control Plan, the residential project on Lot 1 will not violate any adopted water quality standards or waste discharge requirements. Runoff will be routed directly from the on-site treatment facilities to the storm drainage system and will not flow off-site. Future development on Lots 2 and 3 under the proposed General Plan Amendments will be required to implement Stormwater Control Plans consistent with applicable regulations including the Municipal Regional Permit. Installation and maintenance of the proposed stormwater treatment systems will result in a less than significant impact on water quality. **(Less Than Significant Impact)**

### *Construction Impacts*

Construction on all three lots will involve demolition, excavation and grading activities. These construction activities could degrade water quality in Penitencia Creek because the existing on-site storm drainage systems discharge directly into this waterway. Construction activities would generate dust, sediment, litter, oil, paint, and other pollutants that would temporarily contaminate runoff from the site.

As a condition of approval, the proposed residential project on Lot 1 and all future development on Lots 2 and 3 will be required to implement the following best management practices of the RWQCB during all phases of construction, consistent with the General Permit for Construction.

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
- A Storm Water Permit will be administered by the RWQCB. Prior to construction grading for the proposed land uses, the project proponent will file an NOI to comply with the General Permit and prepare a SWPPP which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB mitigation.
- The project proponent will submit a copy of the draft SWPPP to the City of Milpitas for review and approval prior to start of construction on the project site. The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.

- When construction is complete, a NOT for the General Permit for Construction will be filed with the RWQCB and the City of Milpitas. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction storm water management plan is in place as described in the SWPPP for the site.

### **2.9.3            Conclusion**

The project would not be subject to flooding or inundation by seiche, tsunami, or mudflow. Conformance with the General Permit for Construction and Municipal Regional Permit will result in a less than significant impact on stormwater quality. The project will not deplete the groundwater supply, significantly increase stormwater runoff, or expose people or structures to flood hazards.  
**(Less Than Significant Impact)**

**2.10 LAND USE**

**2.10.1 Setting**

The project site is currently developed with three industrial buildings, two office buildings, a hotel, a gas station, and a Starbucks.

**2.10.2 Environmental Checklist and Discussion of Impacts**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
46. Physically divide an established community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
47. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
48. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2

**2.10.3 Conclusion**

Based on the proposed changes in land use on the project site, the proposed residential project and General Plan Amendments could result in a significant land use compatibility impact. The analysis of land use impacts is presented in the EIR. No further analysis will be provided in this Initial Study.

## 2.11 MINERAL RESOURCES

### 2.11.1 Setting

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continued tectonic uplift and regression of the inland sea that had previously inundated this area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources in the low-lying areas. All known mineral resources are located in the foothills east of Highway 680.<sup>18</sup>

### 2.11.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
49. Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
50. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

#### 2.11.2.1 Impacts to Mineral Resources

The proposed project is within a developed urban area and it does not contain any known or designated mineral resources. Implementation of the project will not result in the loss of availability of any known resources. **(No Impact)**

### 2.11.3 Conclusion

The project will not result in impacts to known mineral resources. **(No Impact)**

<sup>18</sup> City of Milpitas General Plan. Figure 4-20.

## 2.12 NOISE

The following is based upon a Noise Assessment prepared by *Charles M. Salter Associates, Inc.* in May 2012. A copy of this report is provided in Appendix J of this document.

### 2.12.1 Existing Setting

#### 2.12.1.1 Background Information

Acceptable levels of noise vary from land use to land use. In any one location, the noise level will vary over time, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. State and Federal standards have been established as guidelines for determining the compatibility of a particular land use with its noise environment.

There are several methods of characterizing sound. The most common in California is the *A-weighted sound level* or *dba*.<sup>19</sup> This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called  $L_{eq}$ . The most common averaging period is hourly, but  $L_{eq}$  can describe any series of noise events of arbitrary duration.

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a conglomeration of noise from distant sources which create a relatively steady background noise in which no particular source is identifiable. To describe the time-varying character of environmental noise, the statistical noise descriptors,  $L_{01}$ ,  $L_{10}$ ,  $L_{50}$ , and  $L_{90}$ , are commonly used. They are the A-weighted noise levels equaled or exceeded during 1, 10, 50, and 90 percent of a stated time period.

Sound level meters can accurately measure environmental noise levels to within about plus or minus one *dba*. Since the sensitivity to noise increases during the evening hours, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Day/Night Average Sound Level*,  $L_{dn}$ , is the average A-weighted noise level during a 24-hour day, obtained after the addition of 10 *dB* to noise levels measured in the nighttime between 10:00 PM and 7:00 AM.

The most widespread and continual source of noise in Milpitas is transportation and transportation-related facilities. Freeways, local arterials, railroads, and Light Rail Transit are all major contributors to noise in Milpitas. The major noise source affecting the project site is traffic noise from I-880 and California Circle.

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<sup>19</sup> The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. All sound levels in this discussion are A-weighted, unless otherwise stated.

### 2.12.1.2 Regulatory Background – Noise

The State of California and the City of Milpitas have established guidelines, regulations, and policies designed to limit noise exposure at noise sensitive land uses. Appendix E of the State CEQA Guidelines, the State of California Building Code, and the City of Milpitas’s Noise Element of the General Plan present the following applicable criteria:

*State CEQA Guidelines.* The California Environmental Quality Act (CEQA) contains guidelines to evaluate the significance of effects resulting from a proposed project. These guidelines have been used in this IS as thresholds for establishing potentially significant noise impacts and are listed under *Thresholds of Significance*.

*California Building Code.* Title 24, Part 2, Chapter 12 of the 2010 California Building Code limits indoor noise from outdoor sources to Ldn 45 dBA for residences and the guest rooms of hotels. Projects exposed to an outdoor Ldn greater than 60 dBA require an acoustical analysis at the design phase that demonstrates that the proposed design will limit noise to meet the indoor standard. The California Green Building Standards Code also has performance based 1-hour Leq standards for non-residential projects.

*City of Milpitas General Plan.* Based on the City’s General Plan Noise Element, Table 4 shows the noise levels considered compatible with the specific land uses proposed by the project. Residential land uses are considered compatible with Ldn noise levels of up to 60 dBA and acceptable with design and insulation techniques in areas with Ldn noise levels of up to 70 dBA. Commercial land uses are considered compatible with Ldn noise levels of up to 70 dBA and acceptable with design and insulation techniques in areas with Ldn noise levels up to 78 dBA.

Land Use Category	50	55	60	65	70	75	80	85
Residential Low Density Single Family, Duplex, Mobile Homes								
Office Buildings, Business Commercial and Professional								
	Normally Acceptable							
	Conditionally Acceptable							
	Normally Unacceptable							
	Clearly Unacceptable							

Source: City of Milpitas General Plan, Noise Element

Policy 6-1-4 requires the use of mitigation measures to reduce sound levels in rear yards and common open space to “acceptable” levels when environmental noise levels exceed the “normally acceptable” level.

Policy 6-1-5 states that all new residential development (single-family and multi-family) and lodging facilities must have interior noise levels of 45 dB Ldn or less. Mechanical ventilation will be required where use of windows for ventilation will result in higher than 45 dB Ldn interior noise levels.

*City of Milpitas Municipal Code.* The Milpitas Municipal Code (Chapter 213) prohibits the generation of "disturbing noise" on residentially zoned properties during nighttime hours between 10:00 PM and 7:00 AM. Disturbing noise is defined as "...any sound or vibration cause by sound which occurs with such intensity, frequency or in such a manner as to disturb the peace and quiet of any person."

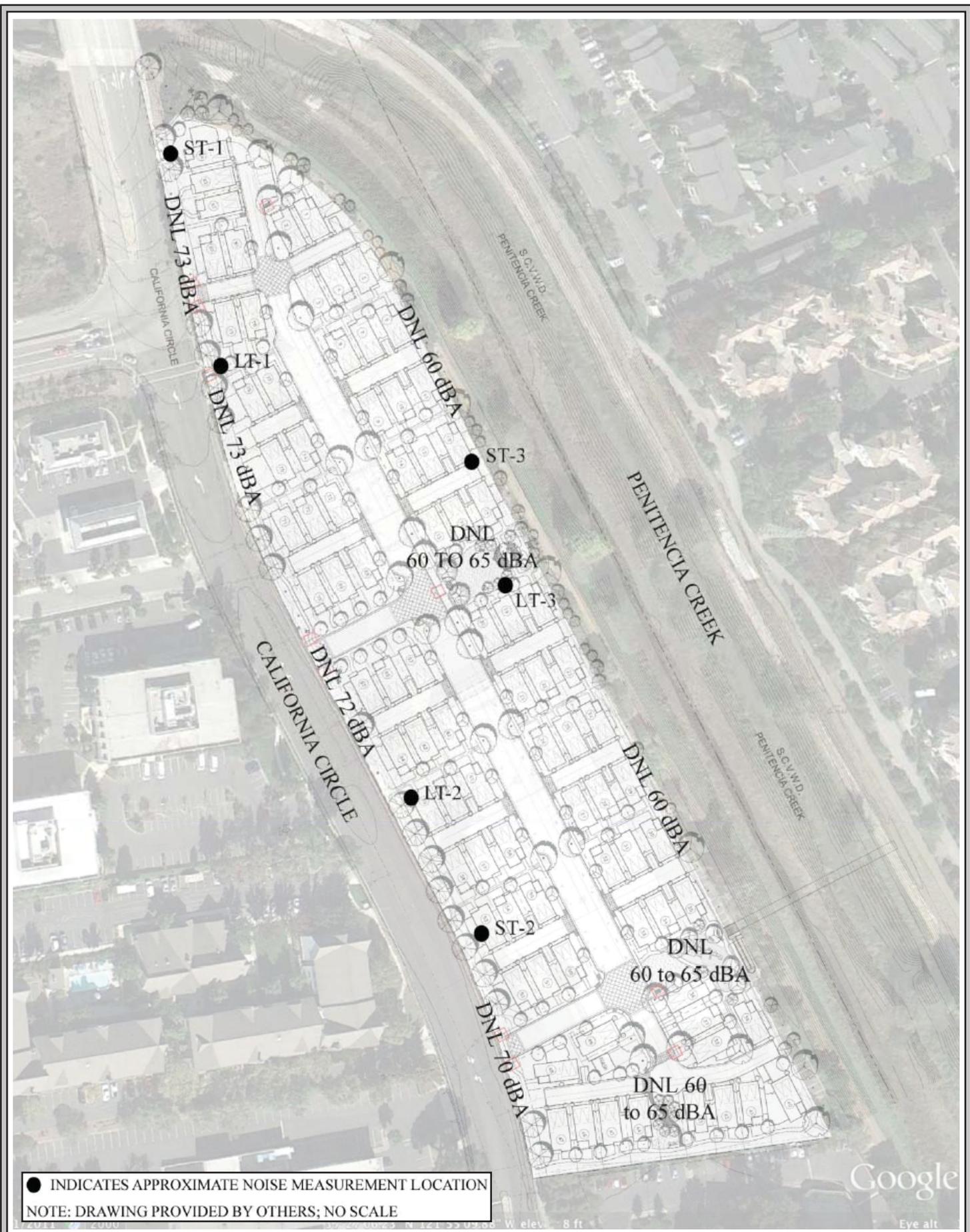
### 2.12.1.3 Existing Noise Environment

To quantify the existing noise environment on Lot 1, three long-term (LT) and three short-term (ST) noise measurements were taken on Lot 1. Table 5 gives a summary of the acoustical locations and measurements. Figure A2 shows the locations of the measurements. No specific noise measurements were taken on Lots 2 and 3 as no specific development is currently proposed. Ambient noise levels on Lots 2 and 3 have been inferred from the noise data gathered on Lot 1.

<b>TABLE 5</b>		
<b>Existing Noise Measurements – Lot 1</b>		
<b>Measurement</b>	<b>Location</b>	<b>Ldn (dBA)</b>
LT-1	Northwest area, approximately 60 ft from California Circle centerline	72
LT-2	Southwest area, approximately 295 ft from California Circle centerline	64
LT-3	East area, approximately 55 ft from California Circle centerline	70
ST-1	Northwest area, approximately 70 ft from California Circle centerline	72
ST-2	Southwest area, approximately 295 ft from California Circle (shielded by buildings)	59
ST-3	East area, approximately 60 ft from California Circle Centerline	67

### 2.12.1.4 Sensitive Receptors

The nearest noise sensitive receptors to the project site would be the residential neighborhood east of Lots 1 and 2, on the east side of Penitencia Creek (seen on the right side of the figure above). There are no other noise sensitive land uses adjacent or in proximity to the site.



NOISE MEASUREMENT LOCATIONS

FIGURE A2

**2.12.2 Environmental Checklist and Discussion of Impacts**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project result in:					
51. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,16
52. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
53. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,16
54. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,16
55. 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, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
56. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, or if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A three dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project generated noise level increases of three dBA  $L_{dn}$  or greater are considered significant where resulting exterior noise levels will exceed the normally acceptable noise level standard. Where noise levels will remain at or below the normally acceptable noise level standard with the project, a noise level increase of five dBA  $L_{dn}$  or greater is considered significant.

**2.12.2.1 Noise Impacts to the Project**

***Exterior Noise***

Vehicular traffic noise from I-880 and California Circle currently generates noise levels in excess of the City’s acceptable noise level standards for residential development. Traffic volumes are expected

to increase in the project area in the future due to planned growth, the proposed project will result in a decrease in traffic trips from the project site.

Based on estimated future traffic volumes, peak hour traffic volumes on the surrounding roadways are projected to increase by up to 44 percent by 2030. This increase in traffic equates to an approximately one dBA increase in ambient noise levels.

Existing noise levels in the project area fall within the “conditionally acceptable” to the “normally unacceptable” range for residential development. The existing noise levels are within the “conditionally acceptable” range for commercial uses. Estimated future noise levels would range from 60 to 73 dBA Ldn on Lots 1 and 2. Because Lot 3 is located closer to the primary noise sources (I-880) than Lots 1 and 2, ambient noise levels would be higher.

As proposed, the residential development on Lot 1 would include three small parks and private open space areas. Noise levels in the open space areas will fall within the “conditionally acceptable” range over most of Lot 1, but will fall within the “normally unacceptable” level range along the western boundary of the site. Based on the noise assessment, however, ambient noise levels at the proposed park locations would drop to 60-65 dBA after completion of the project because the areas would be shielded by the proposed houses. Open space areas for future residential development on Lot 2 under the proposed General Plan Amendment would experience exterior noise levels similar to Lot 1.

While ambient noise levels on Lot 3 would likely fall near the high end of the “conditionally acceptable” range, future development under the proposed General Plan Amendments would be similar to the existing land uses on Lot 3 which are compatible with the existing noise environment. Redevelopment of Lot 3 would be required to comply with applicable noise standards and future site users would not be exposed to noise levels in excess of City standards.

**Impact NOI-1** Exterior noise levels will exceed City of Milpitas noise standards for single-family residential development. **(Significant Impact)**

## **Mitigation and Avoidance Measures**

### General Plan Policies

The policies of the City of Milpitas General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Development under the proposed General Plan Amendments would be subject to existing General Plan policies, including those listed below.

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

Policy 6-I-4: Where actual or projected rear yard and exterior common open space noise exposure exceeds the “normally acceptable” levels for new single-family and multifamily residential projects, use mitigation measures to reduce sound levels in those areas to acceptable levels.

Policy 6-I-5: All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB 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.

### Project-Specific Mitigation Measures

The following measure would reduce exterior noise impacts to private residential open space on Lots 1 and 2 to a less than significant level:

**MM NOI-1.1** The residential project on Lot 1 shall construct six- to eight-foot tall noise barriers along the side yards nearest to, and with direct line-of-site to California Circle. The noise barrier heights shall be measured relative to the roadway elevation or yard elevation, whichever is higher. The barriers shall be solid. The final noise barrier design will be included in the Acoustical Analysis that will be prepared for the site as described in MM NOI-2.1 below. Installation of solid noise barriers will reduce noise at the identified residential properties to 65 dBA  $L_{dn}$  or less.

**MM NOI-1.2:** Future residential development on Lot 2 under the proposed General Plan Amendment must complete a site-specific acoustical analysis. If public and/or private open space areas are identified that will exceed the City’s normally acceptable noise limits, site-specific mitigation measures will be identified that would reduce the impact to a less than significant level. If the impact cannot be mitigated to less than significant, the site plan will need to be revised to ensure acceptable exterior noise levels for all open space areas.

### *Interior Noise*

Interior noise levels in the proposed houses on Lots 1 and 2 would be required to be maintained at or below 45 dBA. Exterior noise levels above 60 dBA could preclude achieving interior noise levels of 45 dBA or less. Interior noise levels would vary depending on the design of the buildings, construction materials, and construction methods. Standard construction provides approximately 15 dBA of noise reduction with windows partially open and 20 dBA of noise reduction with windows closed. Where exterior noise levels are in excess of 65 dBA, standard construction techniques alone will not reduce interior noise to an acceptable level.

Based on available data, it is estimated that future commercial occupants of Lot 3 will be exposed to exterior noise levels in excess of 70 dBA, which is inconsistent with the City’s “normally acceptable” noise level standard for commercial land uses. Standard construction techniques can attenuate exterior noise levels by 20 dB when windows are fixed. With fixed windows the indoor spaces will have an ambient noise level of approximately 50 to 55 dBA. While the exterior noise

levels will exceed the City's noise standard, acceptable interior noise levels can be achieved through standard building construction techniques.

**Impact NOI-2:** Implementation of the proposed project would expose future residents on Lots 1 and 2 to interior noise levels in excess of acceptable City and State standards. **(Significant Impact)**

## **Mitigation and Avoidance Measures**

### General Plan Policies

The policies of the City of Milpitas General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Development under the proposed General Plan Amendments would be subject to existing General Plan policies, including those listed below.

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

Policy 6-I-4: Where actual or projected rear yard and exterior common open space noise exposure exceeds the "normally acceptable" levels for new single-family and multifamily residential projects, use mitigation measures to reduce sound levels in those areas to acceptable levels.

Policy 6-I-5: All new residential development (single family and multifamily) and lodging facilities must have interior noise levels of 45 dB 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.

### Project-Specific Mitigation Measures

The following measures are included in the project to reduce significant long-term noise impacts:

**MM NOI 2-1:** A qualified acoustical consultant will review final site plans, building elevations, and floor plans prior to construction on Lots 1 and 2 to calculate expected interior noise levels as required by City policies and State noise regulations. Project-specific acoustical analyses are required by the California Building Code to confirm that the design results in interior noise levels of 45 dBA or lower. The specific determination of what noise insulation treatments (i.e., sound rated windows and doors, sound rated wall construction, acoustical caulking, protected ventilation openings, etc.) are necessary will be conducted on a unit by unit basis. Results of the analysis, including the description of the necessary noise control treatment, will be submitted to the City along with the building plans and approved prior to issuance of any building permits. All noise insulation treatments identified during review of the final site plans will be incorporated into the proposed project.

**MM NOI 2-2:** All houses will be equipped with forced-air mechanical ventilation so that windows can be kept closed at the discretion of the residents to reduce exposure from outside noise sources.

### **2.12.2.2 Noise Impacts from the Project**

#### ***Project Generated Traffic Noise Impacts***

Based upon the traffic study prepared by *Hexagon Transportation Consultants* (see Section 4.3 of the EIR, *Transportation and Circulation*), traffic trips will decrease substantially if all three lots are redeveloped consistent with the proposed General Plan Amendments and the City's development assumptions. As a result, traffic related noise levels would also decrease as a result of the project. Typically, in high noise environments, if the project would cause ambient noise levels to increase by more than three dBA at noise-sensitive receptors, the impact is considered significant. For a perceptible increase (three dBA) in ambient noise level, traffic trips need to double in the project area. Since proposed and future development under the proposed project will not cause an increase in noise levels in the project area of three decibels or more, it will have a less than significant long-term noise impact on the nearby hotel land uses. **(Less Than Significant Impact)**

#### ***Construction Noise Impacts***

Construction activities associated with implementation of the proposed project would temporarily increase noise levels in the project area. Construction activities generate considerable amounts of noise, especially during demolition and the construction of project infrastructure when heavy equipment is used. Typical average construction generated noise levels are about 81 – 89 dB measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.) Construction generated noise levels drop off at a rate of about six dB per doubling of distance between the source and receptor.

The construction of the proposed project (Lots 1-3) would temporarily increase noise levels in the immediate vicinity of the project site and would likely be audible at the existing residences closest to Penitencia Creek. The project will be required as a Condition of Approval to implement the following noise control measures and comply with Chapter 213 (Noise Abatement) of the City's Municipal Code which regulates construction noise within the City:

- Construction and demolition activities shall be limited to the period between 7:00 AM and 6:00 PM Monday through Friday and 9:00 AM to 6:00 PM on Saturdays. No construction or demolition activities are permitted on Sundays or holidays.
- Construction crews will be required to use available noise suppression devices and properly maintain and muffle internal combustion engine-driven construction equipment.

- The applicant shall designate a disturbance coordinator and post the name and phone number of this person at easy reference points for the surrounding land uses. The disturbance coordinator shall respond to and address all complaints about noise.

**(Less Than Significant Impact)**

**2.12.3            Conclusion**

Implementation of the proposed mitigation measures will reduce noise impacts to future residents on Lots 1 and 2 and reduce temporary construction noise impacts associated with the proposed project to a less than significant level. **(Less than Significant Impact with Mitigation)**

Redevelopment of Lot 3 will have a less than significant noise impact. **(Less Than Significant Impact)**

## 2.13 POPULATION AND HOUSING

### 2.13.1 Setting

According to California Department of Finance 2010 census data, the population for the City of Milpitas in 2010 was 66,790, with 3.34 persons per household.<sup>20</sup> The Association of Bay Area Governments (ABAG) projects the population for Milpitas to be 98,100 in 2030.<sup>21</sup> It is estimated that in 2010 the City had approximately 49,900 jobs and an active labor force of approximately 31,480 people.<sup>22</sup>

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

Milpitas currently has a higher number of jobs than employed residents (approximately 1.59 jobs per employed resident) and is projected to continue to have a higher number of jobs than employed residents with full build out under the current General Plan.<sup>23</sup>

### 2.13.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
57. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
58. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
59. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

<sup>20</sup> State of California Department of Finances. *Census 2010*. 2010.

<[http://www.dof.ca.gov/research/demographic/state\\_census\\_data\\_center/census\\_2010](http://www.dof.ca.gov/research/demographic/state_census_data_center/census_2010)> Accessed January 23, 2013.

<sup>21</sup> Association of Bay Area Governments. *Projections 2009: Building Momentum*.

<sup>22</sup> Association of Bay Area Governments. *Projections 2007: Forecasts for the San Francisco Bay Area to the Year 2035*.

<sup>23</sup> City of Milpitas. General Plan: Land Use Element.

### **2.13.2.1 Impacts from the Project**

Redevelopment of Lot 1 as proposed and future redevelopment of Lot 2 consistent with the proposed residential General Plan Amendment would result in a net decrease in job lands and available business buildings citywide and a net increase in residents of up to 788. Redevelopment of Lot 3 under the proposed commercial General Plan Amendments would result in businesses comparable to the existing land uses and would have no measureable effect on the number of available jobs within the City. There is currently a shortage of available housing within the City of Milpitas compared to the number of jobs within the City. The increase in housing on Lots 1 and 2 will incrementally decrease the overall jobs/housing imbalance within the City but represents a minimal percentage increase and will not be a substantial change.

The project site has not been used for residential purposes in the past; therefore, the implementation of the proposed project will not displace existing housing or people. Implementation of the proposed project will have a less than significant impact on population and housing in Milpitas. **(Less Than Significant Impact)**

### **2.13.3 Conclusion**

The project will increase availability of housing within the City which would reduce the jobs/housing imbalance. The project would not displace housing or people. The proposed project would not result in significant impacts to population or housing. **(Less Than Significant Impact)**

## **2.14 PUBLIC SERVICES**

### **2.14.1 Setting**

#### **2.14.1.1 Fire Protection Services**

Fire protection services on the project site are currently provided and would continue to be provided by the City of Milpitas Fire Department (MFD). The MFD has four fire stations and an administration facility. The closest fire station to the site is Station No. 3, located at 45 Midwick Drive, approximately 0.50 miles northwest of the project site.

#### **2.14.1.2 Police Protection Services**

Police protection services on the project site are currently provided and would continue to be provided by the City of Milpitas Police Department (MPD). Services are provided from one central station located at 1275 North Milpitas Boulevard. The department employs 95 sworn officers.

#### **2.14.1.3 Schools**

The project site is located within the Milpitas Unified School District which has nine elementary schools, two middle schools, and two high schools. Students generated by the project will be served by Marshal Pomeroy Elementary School (located approximately 0.80 miles east of the site), Russell Middle School (located approximately 1.00 mile east of the site), and Milpitas High School (located approximately 0.75 miles east of the site).

#### **2.14.1.4 Libraries**

The Santa Clara County Library System consists of eight libraries and two bookmobiles. The Santa Clara County libraries are governed by the Joint Powers Authority, which is comprised of one City Council member from each of the eight member City jurisdictions and two members of the Santa Clara County Board of Supervisors. The project site is served by the Milpitas Library, located at 160 North Main Street.

#### **2.14.1.5 Parks**

The City of Milpitas owns more than 200 acres of park and recreation facilities<sup>24</sup>. In addition, Ed Levin County Park is partially within the City boundary and provides 1,544 acres of regional parkland. The nearest park to the project site is Dixon Landing Park, located approximately 0.10 miles east of the project site. Dixon Landing Park is an 11-acre park with three tennis courts, six barbecues, 10 picnic tables, a basketball hoop, play equipment, and restrooms. In addition, the adjacent Penitencia Creek levee has a walking trail.

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<sup>24</sup> City of Milpitas General Plan. [http://www.ci.milpitas.ca.gov/government/planning/plan\\_general.asp](http://www.ci.milpitas.ca.gov/government/planning/plan_general.asp) Accessed February 19, 2013

**2.14.2 Environmental Checklist and Discussion of Impacts**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,17
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

**2.14.2.1 Impacts to Public Services**

***Police Protection Service***

The proposed residential development on Lot 1 would increase the permanent population of Milpitas by up to 788 people and incrementally increase the demand for police protection services on the project site. The project site is located within the urbanized area of Milpitas, which is already served by the MPD. The project would be constructed in conformance with current codes and the project design will be reviewed by the MPD to ensure that it incorporates appropriate safety features to minimize criminal activity. Future residential development on Lot 2 would be comparable to the Lot 1 development and would also be constructed in conformance with current codes and designed with appropriate safety features.

Any future development under the proposed commercial General Plan Amendments would be comparable to the existing land uses on Lot 3 and would not increase the demand for police services.

New or expanded police facilities would not be required to provide adequate police services to serve the proposed project. **(Less Than Significant Impact)**

***Fire Protection Services***

The proposed residential development on Lot 1 would increase the permanent population of Milpitas and incrementally increase the demand for fire protection services on the project site. The project site is located within the urbanized area of Milpitas, which is already served by the MFD. The

proposed project will be built to applicable Fire Code standards in use when construction permits are issued, including sprinklers and smoke detectors, and will include features that would reduce potential fire hazards. Access to the site for emergency vehicles will be provided from project driveways on California Circle which will be built to City specifications. Future residential development on Lot 2 would be comparable to the Lot 1 development and would also be constructed in conformance with applicable Fire Code standards.

Any future development under the proposed commercial General Plan Amendments would be comparable to the existing land uses on Lot 3 and would not increase the demand for fire protection services.

Although the residential component of the project would incrementally increase demand for fire response and related emergency services, it will not require the development of new or expanded fire service facilities, and therefore, will not result in a significant physical impact on the environment.  
**(Less Than Significant Impact)**

### ***School Facilities***

The proposed residential development on Lots 1 and 2 will increase the permanent population of the City and will, therefore, increase demand on local schools. Using the City of Milpitas School District's student generation rate of 0.37 students for single-family detached housing,<sup>25</sup> the proposed 84 units on Lot 1 will generate approximately 31 students at full build-out including 21 elementary school students, four middle schools students, and five high school students.<sup>26</sup> Maximum build-out of Lot 2 (152 units) under the proposed General Plan Amendment (15 DU/AC) would result in up to 56 new students including 38 elementary school students, seven middle school students, and nine high school students.

The Milpitas Unified School District identified Pomeroy Elementary School as the elementary school that would serve the project site. Based on the District's *Classroom Capacity Analysis Update* (March 2012), however, Pomeroy currently exceeds its capacity by 79 students. Weller Elementary, which is the same distance from the project site as Pomeroy, has capacity for up to 105 additional students. The school capacity analysis also noted that Russell Middle School has capacity for 11 new students and Milpitas High School has capacity for 150 new students. As a result, local schools have sufficient capacity to accommodate new students generated by the proposed residential project on Lot 1 and future students generated by redevelopment of Lot 2 under the proposed General Plan Amendment.

According to California Government Code Section 66000, a qualified agency, such as a local school district, may impose fees on developers to compensate for the impact that a project will have on existing facilities and services. The California Legislature passed Senate Bill 50 (SB 50) in 1998 to insert new language into the Government Code (Sections 65995.5-65885.7), which authorized school districts to impose fees on developers of new residential construction in excess of mitigation fees

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<sup>25</sup> Milpitas Unified School District. *Projected Enrollments 2011 to 2021 in the Milpitas Unified School District*. November 2011.

<sup>26</sup> Numbers are not exact due to rounding.

authorized by Government Code Section 66000. SB 50 also restricts the ability of local agencies to deny project approvals on the basis that public school facilities are inadequate. School districts must meet a list of specific criteria, included the completion and annual update of a School Facility Needs Analysis, in order to impose additional fees.

Under SB 50, school districts may collect fees to offset the costs associated with increasing school capacity as a result of development. Under the terms of this statute, payment of statutory fees by property owners or property developers is considered to mitigate in full for the purposes of CEQA any impacts to school facilities associated with a qualifying project. The fees are assessed based upon the proposed square footage of the new or expanded development.

The addition of up to 87 students to the Milpitas School District would make up a very small percentage of the total student population. Implementation of the proposed project would not exceed the capacity of local schools, substantially degrade existing school facilities, or result in the need to expand existing facilities or for new permanent facilities to be constructed. The payment of school impact fees, consistent with SB 50, will allow the local school district to provide sufficient services for students generated by the project. **(Less Than Significant Impact)**

The proposed commercial General Plan Amendments would not result in any new residential land uses. Therefore, the proposed commercial General Plan Amendments will have no impact on school facilities in the City of Milpitas. **(No Impact)**

### ***Library Facilities***

The proposed residential development on Lot 1 and possible future residential development on Lot 2 would increase the permanent population of the City and will, therefore, increase demand on local library facilities. The average number of persons per household in the City of Milpitas is 3.34<sup>27</sup>. Based on this average, the proposed residential development on Lots 1 and 2 could generate up to 788 new residents (281 on Lot 1 and up to 507 on Lot 2). The addition of approximately 788 residents to the City will not generate a substantial increase in the use of the public library such that a new or expanded library would be required to adequately serve the resident population. **(Less Than Significant Impact)**

The proposed commercial General Plan Amendments would not result in any new residential land uses. Therefore, the proposed commercial General Plan Amendments will have no impact on library facilities in the City of Milpitas. **(No Impact)**

### ***Park Facilities***

The project proposes construction of 84 single-family detached residential units and 0.90 acres of private open space/parkland (0.64 acres of passive open space and 0.26 acres of active open space) on Lot 1. Future residential development on Lot 2 could result in up to 152 residential units and an unknown quantity of public and private open space. Using the City's parkland goal of five acres of

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<sup>27</sup> Department of Finance. E-8 City/County/State Population and Housing Estimates, 4/1/2000 to 4/1/2010. <<http://www.dof.ca.gov/research/demographic/reports/estimates/e-8/2000-10/view.php>> Accessed January 15, 2013.

parkland per 1,000 residents, the proposed development on Lot 1 generates demand for 1.4 acres of parkland. Future development on Lot 2 would generate a demand for up to 2.5 acres of parkland.

To meet its park and recreation goals, the City of Milpitas has adopted a park and recreation ordinance (Municipal Code Chapter 9) that requires parkland dedication or payment of in-lieu fees for residential development. This ordinance requires residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. At least 60 percent of the parkland dedication/fees must be provided as public parklands.

In providing private park/open space for future residents, the project will lessen the project's impact on public park facilities in Milpitas. The development of private parkland does not, however, satisfy the City's goal for providing public parkland. To conform to the City's park and recreation ordinance the project will be required to dedicate public parkland, or pay applicable in-lieu fees, as outlined in Chapter 9 of the Municipal Code.

The project will be required to comply with the City's parkland ordinance requiring dedication or in-lieu fees for residential developments, which will avoid significant impacts to the City's park facilities. **(Less Than Significant Impact)**

The proposed commercial General Plan Amendments would not result in any new residential land uses. Therefore, the proposed commercial General Plan Amendments will have no impact on park facilities in the City of Milpitas. **(No Impact)**

### **2.14.3            Conclusion**

With the payment of applicable fees, the project will not result in significant impacts to public services in the City of Milpitas or require the construction of new facilities to serve the resident population of the City. **(Less Than Significant Impact)**

## 2.15 RECREATION

### 2.15.1 Setting

The City of Milpitas owns more than 200 acres of park and recreation facilities<sup>28</sup>. In addition, Ed Levin County Park is partially within the City boundary and provides 1,544 acres of regional parkland. The nearest park to the project site is Dixon Landing Park, located approximately 0.10 miles east of the project site. Dixon Landing Park is an 11-acre park with three tennis courts, six barbeques, 10 picnic tables, a basketball hoop, play equipment, and restrooms. In addition, the adjacent Penitencia Creek levee has a walking trail.

In addition to parkland, Milpitas has a 24,000 square foot community center located adjacent to City Hall. The community center offers preschool and after school programs as well as youth and adult classes and sports programs.

### 2.15.2 Environmental Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
2. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
3. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

#### 2.15.2.1 Impacts to Recreational Facilities

The project proposes construction of 84 single-family detached residential units and 0.90 acres of private open space/parkland (0.64 acres of passive open space and 0.26 acres of active open space) on Lot 1. Future residential development on Lot 2 could result in up to 152 residential units and an unknown quantity of public and private open space. Using the City's parkland goal of five acres of parkland per 1,000 residents, the proposed development on Lot 1 generates demand for 1.4 acres of parkland. Future development on Lot 2 would generate a demand for up to 2.5 acres of parkland.

The proposed residential project on Lot 1 includes 0.90 acres of open space, including two active open space areas totaling 0.26 acres, and various passive open space areas. The first active open space shown as Park B in Figure A1, *Site Plan*, will be approximately 0.13-acres in size and will include a barbeque and lawn area as well as pedestrian/bicycle access to the existing trail on

<sup>28</sup> City of Milpitas General Plan. [http://www.ci.milpitas.ca.gov/government/planning/plan\\_general.asp](http://www.ci.milpitas.ca.gov/government/planning/plan_general.asp) Accessed February 19, 2013

Penitencia Creek. The second active open space area, shown as Park C in Figure A1, *Site Plan*, will also be approximately 0.13-acres in size and will consist primarily of a tot lot.

Because the project includes 0.26 acres of active open space with recreational amenities, residents of the project site may be less inclined to seek out alternative recreational spaces that exist in the project area or elsewhere in the City. Additionally, the project will be required to comply with the parkland dedication/parkland in-lieu fee ordinance. The project will not, therefore, significantly impact existing parks or recreational facilities in the project area or in the City of Milpitas. **(Less Than Significant Impact)**

Future residential development on Lot 2 would be required to have some amount of open space pursuant to City requirements and could also include on-site amenities. Ultimately, any future residential development on Lot 2 would be required to comply with the parkland dedication/parkland in-lieu fee ordinance and would not significantly impact existing parks or recreational facilities in the project area or in the City of Milpitas. **(Less Than Significant Impact)**

The proposed commercial General Plan Amendments would not result in any new residential land uses. Therefore, the proposed commercial General Plan Amendments will have no impact on park facilities or other recreational facilities in the City of Milpitas. **(No Impact)**

### **2.15.3            Conclusion**

The proposed project would not result in significant impacts to recreational facilities in Milpitas. **(Less Than Significant Impact)**

**2.16 TRANSPORTATION**

**2.16.1 Setting**

The project site is currently developed with three industrial buildings, two office buildings, a hotel, a gas station, and a Starbucks. Existing traffic trips are generated by employees, customers, and deliveries to and from Lots 2 and 3. Lot 1 is currently vacant and does not generate traffic trips.

**2.16.2 Environmental Checklist and Discussion of Impacts**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
4. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,19
5. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,19
6. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,19
7. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
8. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
9. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,19

### **2.16.3 Conclusion**

Based on a possible increase in daily traffic trips and change in traffic patterns associated with the project site, the proposed project could result in a significant transportation impact. The analysis of transportation impacts is presented in the EIR. No further analysis will be provided in this Initial Study.

## **2.17 UTILITIES AND SERVICE SYSTEMS**

The following discussion is based in part on the City's 2010 Urban Water Management Plan and 2009 Sewer Master Plan Update.

### **2.17.1 Setting**

#### **2.17.1.1 Water Service**

The City of Milpitas provides water to the project site. Currently, the source of the domestic water used in Milpitas includes the San Francisco Public Utility Commission (SFPUC) and the Santa Clara Valley Water District (SCVWD). With minor exceptions, SFPUC water is used to supply residential areas of the City and SCVWD water is used to supply industrial areas. The City's water supply contract with SFPUC expires in 2034 and the SCVWD contract expires in 2054. The proposed project site is within the SFPUC wholesale distribution area.

#### ***Recycled Water***

The City of Milpitas purchases water from the South Bay Water Recycling Program (SBWR) which has developed a reclaimed water system to utilize recycled water from the San José/Santa Clara Water Pollution Control Plant (WPCP) for irrigation, industrial, and other non-potable purposes. Based on the 2009 Milpitas Water Master Plan Update, the project site is not currently serviced by the SBWR program and is not proposed to be served in the future.

#### **2.17.1.2 Sewer System and Wastewater Treatment**

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 mgd.

#### **2.17.1.3 Storm Drainage System**

The City of Milpitas owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into Penitencia Creek. Penitencia Creek flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site due to the levees. Currently, 58 percent of Lot 1 is covered with impervious surfaces.

#### **2.17.1.4 Solid Waste**

Republic Services provides solid waste and recycling collection services for residences in the City of Milpitas and Allied Waste Services provides collection services for businesses. The City has contracted with Newby Island Landfill for disposal capacity of municipal solid waste.

## 2.17.2

**ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
Would the project:					
10. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
11. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
12. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
13. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,20
14. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,21
15. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
16. Comply with federal, state and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

**2.17.2.1 Water Impacts**

The buildings on Lot 1 are currently vacant and do not currently generate a demand for potable water. There is likely some water utilized on Lot 1 for landscaping, but for the purposes of this analysis, it is conservatively assumed that there is currently no water usage on Lot 1. If occupied, the buildings on Lot 1 would use approximately 8,799 gallons per day of water.<sup>29 and 30</sup>

<sup>29</sup> NC Division of Water Quality's regulations on Wastewater Not Discharged to Surface Waters, pages 37-39. (<http://h2o.enr.state.nc.us/admin/rules/2H.0200.pdf>) .

<sup>30</sup> The Community Water Systems Source Book, 5<sup>th</sup> Edition. Table 1.

The proposed residential project on Lot 1 would use approximately 22,136 gallons per day of water (20,412 gallons for the residences and 1,724 gallons per day for landscaping).<sup>31</sup>

Lot 2 currently uses approximately 18,328 gallons per day of water. This would increase to 41,710 gallons per day with full build out (152 units) under the proposed General Plan Amendment, an increase of 23,382 gallons per day.<sup>32</sup> Possible future commercial development on Lot 3 would be comparable in size to the existing commercial buildings and, as a result, redevelopment of Lot 3 would not result in a change in the amount of water used on-site.

While development of the proposed residential project on Lot 1 and future redevelopment of Lot 2 under the proposed General Plan Amendment would result in an increase in water usage on-site, it is a minimal increase relative to the total identified water supply. The existing water supply entitlements should be sufficient to support proposed and future development and no additional water supply entitlements are necessary. The existing water system infrastructure has adequate capacity to serve the proposed project. **(Less Than Significant Impact)**

#### **2.17.2.2 Sanitary Sewer/Wastewater Impacts**

Lot 1 does not current generate any wastewater and Lot 2 currently generate approximately 15,579 gallons per day of wastewater. If Lot 1 was occupied, wastewater generated on these lots would increase to 23,058 gallons per day. The proposed residential project on Lot 1 combined with future residential development on Lot 2 under the proposed General Plan Amendment would generate approximately 62,122 gpd of wastewater, an increase of 46,543 gpd over current conditions (i.e., Lot 1 buildings being vacant).

Possible future commercial development on Lot 3 would be comparable in size to the existing commercial buildings and, as a result, redevelopment of Lot 3 would not result in a change in the amount of wastewater generate on-site.

As stated above, the City is contractually allowed a sanitary sewer flow of 14.25 mgd and still has available treatment capacity at the WPCP. The increase in wastewater generated by the proposed project would not cause the City to exceed its allocated capacity. Therefore, implementation of the proposed project would have a less than significant impact on the WPCP. **(Less Than Significant Impact)**

Implementation of the proposed residential project on Lot 1 would result in a slight surcharge in the existing sanitary sewer pipe that serves the site. This surcharge is within acceptable limits and would not impair the functionality of the sewer line. Any future residential development on Lot 2 will need to modeled at the time a specific development is proposed to determine if the project will exceed the capacity of the existing sanitary sewer lines and, if so, what improvements the project will be required to implement to mitigate the impact. **(Less Than Significant Impact)**

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<sup>31</sup> Based on the residential water usage rates estimated by the City for the Murphy Ranch Residential Project. These usage numbers assume each residence will utilize 243 gallons of water per day and the site will use an additional 1,300 gallons per acre of landscaping per day.

<sup>32</sup> Assumes landscaped areas are equal to 36 percent of the total lot area, comparable to the proposed development on Lot 1.

### 2.17.2.3 Storm Drainage Impacts

Lot 1 is currently 83 percent impervious. The proposed residential project will result in approximately 64 percent of Lot 1 being covered with impervious surfaces such as drive aisles, buildings, and other hardscape. The remaining 36 percent of Lot 1 will be covered by landscaping and other pervious surfaces. It is reasonable to assume that pervious surface area would increase on Lot 2 as well if residences are constructed. Lot 3 would likely see no measurable change in impervious surfaces with redevelopment under the proposed General Plan Amendments. The project will implement required stormwater treatment in compliance with the City's Stormwater C.3 Guidebook. Please see Section 4.4., *Hydrology* of this Initial Study for a complete discussion of the proposed C.3 Stormwater Control Plan for this project.

The existing storm drainage system has sufficient capacity to support the existing land uses. Therefore, with a reduction in impervious surfaces and implementation of the City's C.3 stormwater treatment requirements, the proposed project will not exceed the capacity of the existing storm drainage system. **(Less Than Significant Impact)**

### 2.17.2.4 Solid Waste Impacts

Table 6 below shows the current and estimated solid waste generation on the project site.

<b>Lot</b>	<b>Existing<sup>33</sup></b>	<b>Proposed</b>
1	0	492
2	1,111	890
3	453	453

The buildings on Lot 1 are currently vacant and do not generate any solid waste. If occupied, the buildings would generate approximately 533 pounds per day (lbs/day) of solid waste. With implementation of the proposed residential project on Lot 1, solid waste generation would increase by 492 lbs/day compared to current conditions based

on the City's generation factor of 41 pounds per week for residential development. In addition to the waste generated by the site, Lot 1 would also generate approximately 120 lbs/day of recyclable materials based on the City's generation factor of 10 pounds per week for residential development.

Lot 2 currently generates approximately 1,111 lbs/per day of solid waste. This would decrease to 890 lbs per day of waste and 217 lbs/day of recyclable materials with full build out (152 units) under the proposed General Plan Amendment. Possible future commercial development on Lot 3 would be comparable in size to the existing commercial buildings and, as a result, redevelopment of Lot 3 would not result in a change in the amount of solid waste generated on-site.

Redevelopment of Lot 1 would result in a net increase in solid waste of 492 lbs/day compared to the current vacant condition of the site. The existing landfill has capacity to handle the additional 492 lbs/day of waste that would be produced from proposed development on the project site. If future development on Lots 2 and 3 under the proposed General Plan Amendments does occur, it could

<sup>33</sup> Based on 2.5 pounds of waste per day per 1,000 square feet of building space for commercial retail development. California Department of Resources Recycling and Recovery website. [www.calrecycle.ca.gov](http://www.calrecycle.ca.gov)

result in a slight decrease of solid waste of up to 221 lbs/day. Potential future development of Lots 2 and 3 would have a less than significant effect on the landfill.

The City of Milpitas is currently operating residential and business recycling programs that comply with state-mandated waste reduction goals specified in the Public Resources Code Section 40500. This project will participate in the City's solid waste program and in the City's recycling programs as applicable which will reduce the total amount of garbage taken to the landfill.

With implementation of the City's recycling programs and solid waste programs, the proposed project will have a less than significant impact on solid waste facilities serving the City of Milpitas. **(Less Than Significant Impact)**

### **2.17.3            Conclusion**

The proposed project will have a less than significant utilities impact. **(Less Than Significant Impact)**

**2.18**

**MANDATORY FINDINGS OF SIGNIFICANCE**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Checklist Source(s)
17. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-21
18. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-21
19. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-21
20. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-21

**2.18.1 Findings**

As discussed in the respective sections, the proposed project would have no impact or a less than significant impact on aesthetics, agriculture and forest lands, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, population and housing, public services, recreation, and utilities.

The project would locate residential land uses in an area where the ambient noise levels exceed the conditionally acceptable noise levels for these land uses. With implementation of the proposed design measures and mitigation measures, and consistency with General Plan policies, the identified noise impacts would be mitigated to less than significant. Because the noise impacts will be mitigated and are isolated to the particular land use on the project site, the proposed project would not have a cumulatively considerable impact on noise in the project area.

Due to proposed changes in land use designations, the project may have significant impacts and cumulatively considerable impacts to land use, air quality, biological resources, greenhouse gas emissions, and transportation. These impacts will be discussed in detail in the EIR.

### **2.18.2        Conclusion**

Implementation of the proposed project could result in significant impacts, impacts that are cumulatively considerable, or directly or indirectly cause substantial adverse effects on human beings. Therefore, an EIR will be prepared. **(Potentially Significant Impact)**

## Checklist Sources

1. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise and review of project plans).
2. City of Milpitas, General Plan and Zoning Ordinance.
3. California Department of Conservation. *Santa Clara County Important Farmland 2010*.
4. Health Risk Assessment – Haley & Aldrich, Inc.
5. BAAQMD CEQA Air Quality Guidelines
6. BAAQMD Odor Complaint Data Sheets
7. Biological Assessment – Live Oak Associates
8. Tree Survey – Hort Science
9. Archaeological Literature Review – Holman & Associates.
10. Preliminary Geotechnical Investigation – Cornerstone Earth Group
11. Greenhouse Gas Emissions Analysis – Illingworth & Rodkin
12. Phase I Environmental Site Assessment – Cornerstone Earth Group
13. Federal Emergency Management Agency, Flood Insurance Rate Maps.
14. Association of Bay Area Governments, Dam Failure Inundation Hazard Map and Tsunami Inundation Emergency Planning Map for Milpitas.
15. Floodplain Analysis – Schaaf & Wheeler
16. Noise Assessment – Charles M. Salter Associates, Inc.
17. MUSD Classroom Capacity Analysis Update – Kinzie & Associates
18. MUSD Projected Enrollments – 2011 to 2021 in the Milpitas Unified School District.
19. Transportation Impact Analysis – Hexagon Transportation Consultants
20. Milpitas 2010 Urban Water Management Plan
21. Milpitas 2009 Sewer Master Plan Update