

### **Purpose**

According to state law, the purpose of a Conservation Element is to assure the conservation, development and use of natural resources including water, forests, soils, rivers, fisheries, wildlife, minerals and other natural resources. Similarly, the purpose of an Open Space Element is to assure the continued availability of land for the managed production of resources (such as food and fiber), to protect the enjoyment of scenic beauty and ensure provision of recreation, to identify and preserve lands whose indiscriminate development could compromise public health and safety, and to preserve natural resources.

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

### **Relationship to Other Elements**

The Open Space and Environmental Conservation Elements are correlated with the Land Use Element which designates park and open space areas.



## 4.1 Parks and Recreational Facilities

### Inventory and Classification

Existing parks and recreation facilities are summarized in Table 4-1. As of October 2010, the Planning Area included approximately 201 developed city parkland and 1,544 acres of the Ed Levin Park, part of which is within City limits. Definitions of the General Plan park classifications follow.

**Community Parks.** Community Parks typically contain regulation-size ball fields and courts, space for informal games and activities, picnic and gathering areas, children play areas and parking. The only existing community park, the 24.4 acre Sports Center, serves as a special-use facility because it contains sports fields and facilities.

**Neighborhood Parks.** Neighborhood parks in the City fall into two categories: typical walk-to parks that serve the immediate neighborhood, providing open space for informal play, and parks containing a community-use facility, such as a regulation size, prepared ball field. In addition to serving the immediate neighborhood, the latter category also draws people from the larger community, some of whom may drive to the facility. The City's current inventory includes 43.3 acres of neighborhood parks.

**Special-use Parks.** This category includes mini-parks, linear parks, creek trails, flood retention areas, Community Garden, Senior Center, Rancho Milpitas Middle School Ball field, and Community /Civic Center. A total of 15 acres of the City's inventory consists of special-use parks. Additional linear parks through the creek trail system will be developed within the Midtown and Transit Specific Plan areas with future residential development.

**Urban Parks:** Urban parks are small facilities, generally less than one acre in size, which accommodate the daily recreation or passive needs of nearby residents. They typically can include children's play areas, sitting areas, and limited green space, but are not large enough to contain sports fields.

**Linear Parks:** Linear parks are narrow corridors of land that have been developed primarily as a trail system. Linear parks may also include other small scale facilities such as picnic tables and benches. Milpitas has taken advantage of the Hetch-Hetchy right-of-ways for the development of a linear park system.

**Regional Parks.** Regional parks are generally larger than 100 acres in size and serve the entire City or the region. While regional parks can provide for varying degrees of recreation activity, a portion of the park is generally maintained in a rustic setting for passive recreation use. While a number of regional parks serve Milpitas residents, the Planning Area includes only one such facility, the Ed Levin County Park.

**Trails.** The trail system within the City consist of several miles of pedestrian and bicycle trails on flood control levees and on the Hetch Hetchy corridor. The 1997 Trails Master Plan and 2010 Park and Recreation Open Space Plan establish goals for developing and enhancing city trails and connections to regional trails.

Other Facilities in the Planning Area include:

**School Sites.** The City has a joint-use agreement with the Milpitas Unified School District (MUSD) that allows mutual use of facilities at a reduced rental rate.

**Private Recreation Facilities.** Besides parks and recreation facilities listed above, private recreation facilities in the Planning Area include: Fitness for 10, 24-Hour Fitness, Fitness 19, USA Fitness, South Bay Athletic Club, Golfland, Summitpointe Golf Course, and Spring Valley Golf Course. Newly developed residential communities contain private recreational facilities and amenities such as pools, community rooms, and playgrounds.

<b>Table 4-1 Inventory of Park Acreage by Type and Facility</b>	
<b>Type/Name</b>	<b>Acreage</b>
<b>REGIONAL PARKS</b>	
Ed Levin Park <sup>1</sup>	1,544
Alum Rock Park <sup>1</sup>	775
Sunnyvale – Santa Clara Baylands Park <sup>1</sup>	280
Mission Peak regional Preserve <sup>1</sup>	1,875
S.F. Bay National Wildlife Refuge <sup>1</sup>	19,600
<b>Total Regional</b>	<b>24,074</b>
<b>COMMUNITY PARK</b>	
Milpitas Sport Center	20.33
Cardoza Park	10.15
Dixon Landing Park	11.4
<b>Community Park Total</b>	<b>41.88</b>
<b>NEIGHBORHOOD PARKS</b>	
Creighton Park	5.0
Foothill Park	3.98
Hillcrest Park	5.08
Sandalwood Park	3.88
Sinnot Park	4.67
Starlite Park	3.44
Strickroth Park	4.87
Albert Augustine Park	6.2
Oliver Jones Memorial Park	4.93
Ben Rodgers Park	8.6
Gill Park	8.16
Hall Memorial Park	9.91
Hidden Lake Park	6.57
Murphy Park	8.3
Pinewood Park	9.88
Robert E. Browne Park	4.93
Tom Evatt Park	4.42
<b>Neighborhood Park Total</b>	<b>102.88</b>

<b>URBAN PARKS</b>	
Calle Oriente Park	.35
John McDermott Park	.94
O'Toole Elms Park	1.63
Parc Metro West	.98
Parc Metro Middle	.58
Parc Metro East	2.06
Selwyn Park	.23
Fairfield Murphy Ranch Urban Park	1.12
Centria West Urban Park	0.50
N. Main and Weller Urban Park	1.61
<b>Urban Park Total</b>	<b>10</b>
<b>Linear Parks</b>	
Hetch Hetchy Linear Park	7.45
<b>Linear Park Total</b>	<b>7.45</b>
<b>SPECIAL USE PARKS</b>	
Alviso Adobe	2.26
Calaveras Ridge (undeveloped)	1.8
Higuera Adobe Park	4.8
Milpitas Dog Park	1.57
Veterans Memorial Park	1.57
Community Garden	1.2
<b>Special Use Parks Total</b>	<b>13.2</b>
<b>School Facilities</b>	
Rancho Middle School Field	17.63
Russell Middle School Field	7.86
<b>School Facilities Total</b>	<b>25.49</b>
<b>Total City Park Acreage</b>	<b>200.84 acres</b>
<sup>1</sup> Regional Parks outside the Planning Area serving City residents. Source: City of Milpitas Park and Recreation Master Plan, 2010.	

Existing and future public parks and trails are depicted in Figure 4-1.

### Current Plans

The City of Milpitas is committed to providing an interconnected system of park and recreational facilities and services for its residents. The Park and Recreation Master Plan was adopted in February 2010 and outlines the visions, goals, and implementation for the development and maintenance of Milpitas' park system. The Park and Recreation Master Plan describes potential major financing sources and funding strategies to implement proposed improvements to existing park facilities and the construction of new facilities.

## Standards

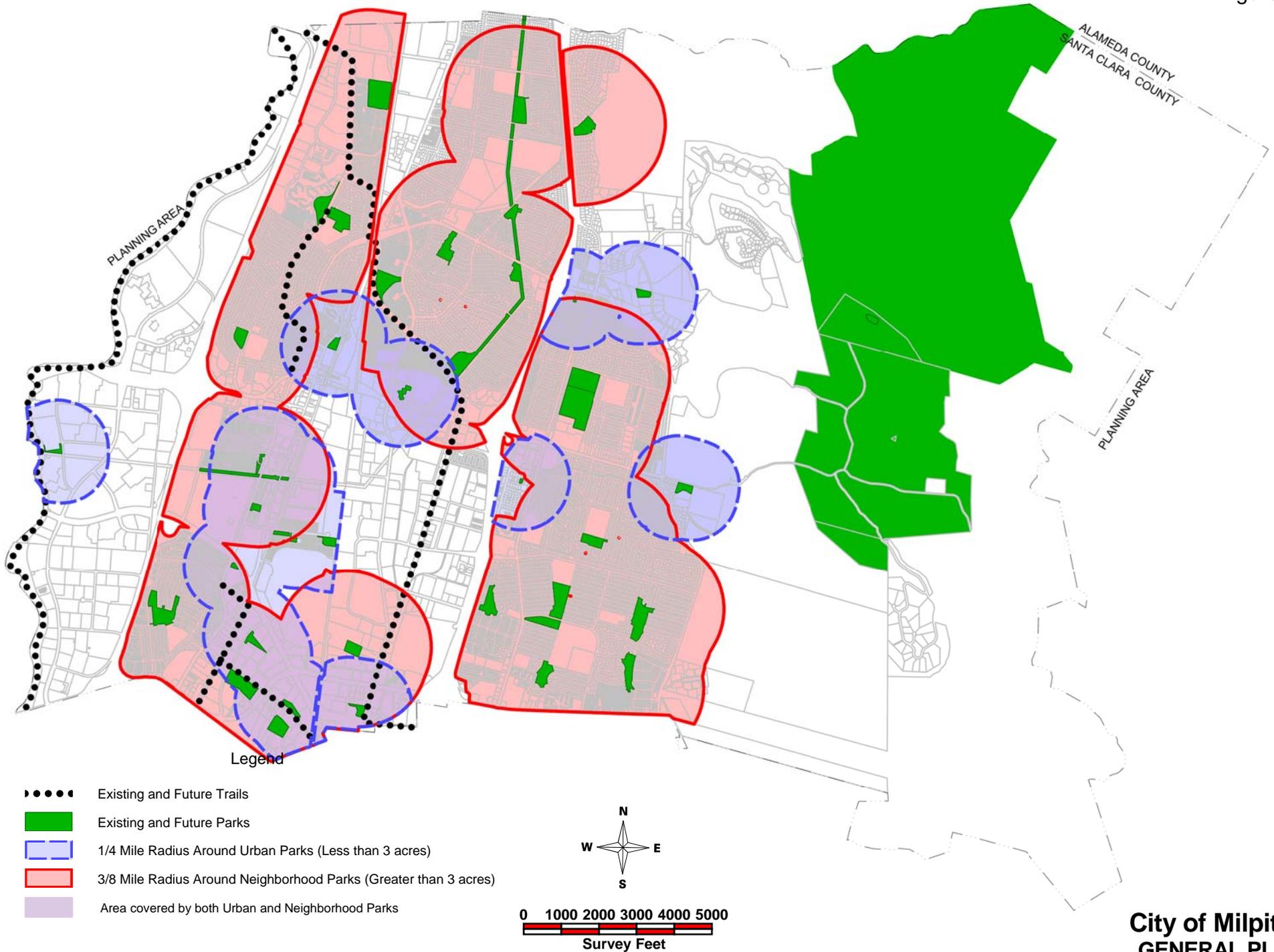
To guide implementation of park and recreation proposals, standards relating to park size, distribution, and primary service area are established in the General Plan (Table 4-2). Figure 4-1 depicts areas of the City within a 1/4 and 3/8-mile service radius of existing and future parks.

<b>Table 4-2</b>			
<b>Park Standards for New Facilities</b>			
	<b>Urban Parks</b>	<b>Neighborhood Parks</b>	<b>Community Parks</b>
Distribution (acres/1,000 residents)	5 acres with a minimum of 3 acres per 1000 residents for public parks outside of the Midtown and Transit Specific Plan areas.		
	3.5 acres with a minimum of 2 acres per 1,000 residents for public parks within the Midtown and Transit Specific Plan areas.		
Service Area Radius	1/4 Mile	3/8 Mile	Citywide

## Future Need

Current General Plan designations at build out would result in a population of approximately 106,100. With redevelopment and infill of the Midtown and Transit Specific Plan area, it is important to provide appropriately-scaled parks and open spaces to serve new residents and improve the amenity and livability of the Midtown and Transit Plan areas. Improving the creek trail system will link the Midtown and Transit Plan areas to the larger park system throughout the city. The Transit Area Specific Plan plans for 30 acres of new parks and trails to be developed upon build out. Their locations have been specifically designated to ensure each neighborhood is serviced by a park within comfortable walking distance (See the Map on page 3.1-7). The remaining growth projected by ABAG outside of the Transit Area can be adequately serviced with park and open space by continued adherence to the adopted service areas and acreage goals.

**Parks**  
Figure 4-1



## 4.2 Biological Resources

The Planning Area and the surrounding region offer a variety of wildlife habitats, such as marshlands, riparian areas, grasslands and woodlands. While much of the City is built-out, species supported by habitats such as Coyote Creek, salt marsh and mud flats to the west and the rolling hills of Ed Levin Park and beyond to the east include the California coastal deer, gophers and water snakes, as well as rattlers, songbirds such as the mocking bird and the red-winged blackbird, upland game birds, pheasant, quails and doves, squirrels, and bobcats. Fish species found include bass, catfish, trout and other non-game species which may be found in the Calaveras Reservoir (east of the Planning Area), Sandy Wool Lake, periodically in Coyote Creek, and impounded waters within the foothills.

### Special Status Species in the Planning Area

Certain species are recognized as needing special protection under state and federal law due to their rare, endangered, or threatened status. These species are afforded varying degrees of protection through the applicable laws and regulations of the Federal Endangered Species Act (ESA), the California Native Plant Protection Act (NPPA), the California Endangered Species Act (CESA), and the California Environmental Quality Act (CEQA).

The California Natural Diversity Data Base (CNDDDB), run by the California Department of Fish and Game (CDFG), is the most complete single-source inventory of officially (state and federal) listed rare, endangered, and threatened animals and plants, plus those considered by the scientific community to be deserving of such listing. An October 2010 search of the CNDDDB for the Milpitas and Calaveras Reservoir Quadrangles identified the following 8 species with special status. It should be noted the Milpitas and Calaveras Reservoir Quadrangles contain areas that are outside of the Milpitas Planning area.

<b>Animal</b>	<b>Status</b>
1. California Tiger Salamander	Threatened (US and CA)
2. California Red-Legged Frog	Threatened (US)
3. California Clapper Rail	Endangered (US and CA)
4. Western Snowy Plover	Threatened (US)
5. Salt-marsh Harvest Mouse	Endangered (US and CA)
6. Vernal Pool Tadpole Shrimp	Endangered (US)
7. Steelhead – Central California Coast DPS	Threatened (US)
8. Alameda Whipsnake	Threatened (US and CA)

The CNDDDB also listed 8 species that are not threatened or endangered but has a special California Department of Fish and Game designation which includes the following:

Animal	DFG Status
1. White Tail Kite	Fully Protected
2. Golden Eagle	Fully Protected and Watch List
3. Burrowing Owl	Species of Special Concern
4. Salt-marsh Common Yellowthroat	Species of Special Concern
5. Alameda Song Sparrow	Species of Special Concern
6. Tricolored Blackbird	Species of Special Concern
7. Foothill Yellow-Legged Frog	Species of Special Concern
8. Townsend's Big-eared Bat	Species of Special Concern

The CNDDDB also inventories both terrestrial and aquatic natural communities that are of extremely high quality and/or very limited distribution; no such communities were found in the search.

The California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California for the Milpitas and Calaveras Reservoir quads were also consulted. The inventory contains a list of plants presumed extinct in California, Rare and Endangered plants in California and elsewhere, Rare and Endangered plants in California but more common elsewhere, plant species for which more information is needed, and plants of limited distribution. An October 2010 search of the CNPS inventory for the Milpitas and Calaveras Reservoir Quadrants identified the following 4 plant species with special status.

Plant	Status
Alkali milk-vetch	None; Plant rare, threatened, or endangered in California and elsewhere, but more common elsewhere. (CNPS)
California seablite	Endangered (US)
Contra Costa goldfieds	Endangered (US)
Robust Spineflower	Endangered (US)

The results of the CNDDDB and the CNPS search are summarized in the Appendix C. The appendix also contains a listing of sensitive species in Santa Clara County – the presence of most has not been established in the Planning Area.

A brief discussion of the species potentially known to occur with the Planning Area are as follows:

**Salt Marsh Harvest Mouse (*Reithrodontomys raviventris*).** Listed as “Endangered” at the state and federal level, the salt marsh harvest mouse is confined to salt marshes about the Bay. The salt marsh harvest mouse is commonly associated with dense growth of pickleweed.<sup>1</sup> A non-burrowing mammal, it requires higher areas for flood escape. While the salt marsh harvest

<sup>1</sup> Jameson and Peters. *California Mammals*. University of California Press, Berkeley, 1988.

mouse has been sighted primarily west of the Planning Area in the marshes along Alviso Slough, Albrae Slough and Coyote Creek, one capture occurred at the San Jose-Santa Clara sewage disposal site and another two miles south of Fremont between Coyote Creek and the Nimitz Freeway in 1985.

**Golden Eagle (*Aquila chrysaetos*).** Listed as “Fully Protected” the golden eagle is found in rolling foothills or coast-range terrain, where wide open grassland turns to scattered oaks, sycamores or large digger pines. Nesting habitat can be found in cliff-walled canyons or large trees in open areas. In May 1993, two juvenile Golden eagles were banded at the upper end of Calera Creek, within the Ed Levin County Park. This is the only known site within the Planning Area.

**California Tiger Salamander (*Ambystoma californiense*).** Listed as a “Threatened” by CDFG, the California tiger salamander is most commonly found in annual grassland habitat, but also occurs in the grassy understory of valley-foothill hardwood habitats, and uncommonly along stream courses in valley-foothill riparian habitats.

**California Red-legged Frog (*Rana draytonii*).** Listed as “Threatened” by CDFG, the California red-legged frog is commonly found near foothills, grassland, and streamside habitats. These amphibians breed near water sources such as lakes, ponds, reservoirs, and marshes.

**Burrowing Owl (*Athene cunicularia*).** Listed as Species of Special Concern by the CDFG, the Burrowing Owl routinely lives and nests underground. The burrowing owls may occupy a range of open habitats that include grasslands, treeless plains, and in urban areas such as golf courses, and undeveloped vacant lots. In a survey conducted in July 2003, twelve burrowing owls were observed on and adjacent to northwestern and western portions of the KB Terra Serena Residential Development.

**Steelhead-Central California Cost DPS (*Oncorhynchus mykiss irideus*).** Listed as “Threatened” by CDFG, the Steelhead fish spend their adult life in the ocean but spawn and rear in freshwater streams and rivers. Their habitat consists of shaded pools of small, cool, low-flow upstream reaches as well as warm water habitats below dams or pipeline outfalls. According to the CNDDDB, Steelhead fish are known to be present in Coyote Creek and are reported to spawn in gravel substrates in nontidal reaches of Coyote Creek upstream of the confluence with Penitencia Creek.

**Alkali Milk-Vetch (*Astragalus tener vartener*).** Listed as Rare by CNPS, the alkali milk-vetch is found in valley and foothill grassland, and vernal pools. The CNPS notes this species as being endangered in a portion of its range, endemic to California and that its “occurrence [is] limited to one or a few highly restricted populations or present in such small numbers that it is seldom reported.” The alkali milk-vetch was recorded in southern Milpitas in the region bounded by Calaveras Boulevard to the north, Dempsey Road to the east, Capitol Avenue to the South and the Nimitz Freeway in the west. Although presumed extant according to CNDDDB, the last siting was in 1905.

### 4.3 Agricultural Resources

For background information and policies relating to soils in the Planning Area, see Section 5.1: Geology, Soils and Seismic Hazards.

#### Important Farmland

As part of the Farmland Mapping and Monitoring Plan (FMMP), the State Department of Conservation employs the Important Farmlands Inventory to classify farmland as prime, of statewide importance, unique, or of local importance based on data provided by the USDA Natural Resources Conservation Service (NRCS). Classification of land as prime or of statewide importance is determined by the soil type as well as current land use. The Farmland Mapping and Monitoring Program does not classify publicly owned land for which there is an adopted policy preventing agricultural use.

Categories of farmland employed by the FMMP<sup>1</sup> include:

**Prime Farmland:** Land which has the best combination of physical and chemical characteristics for the production of crops.

**Unique Farmland:** Land of lesser quality soils used for the production of specific high economic value crops.

**Farmland of Local Importance:** Small orchards, primarily in the foothill area.

**Grazing Land:** Land on which the existing vegetation is suited for the grazing of livestock.

While urbanization has resulted in loss of a considerable amount of farmland in the Planning Area, the Area does include some farmlands. The Santa Clara County Important Farmland Map (2008) depicts that there is no farmland of statewide importance in the Planning Area. However, within the city limits, prime farmland exists between N. McCarthy Boulevard and Coyote Creek, north of State Route 237.

#### Crops in the Planning Area

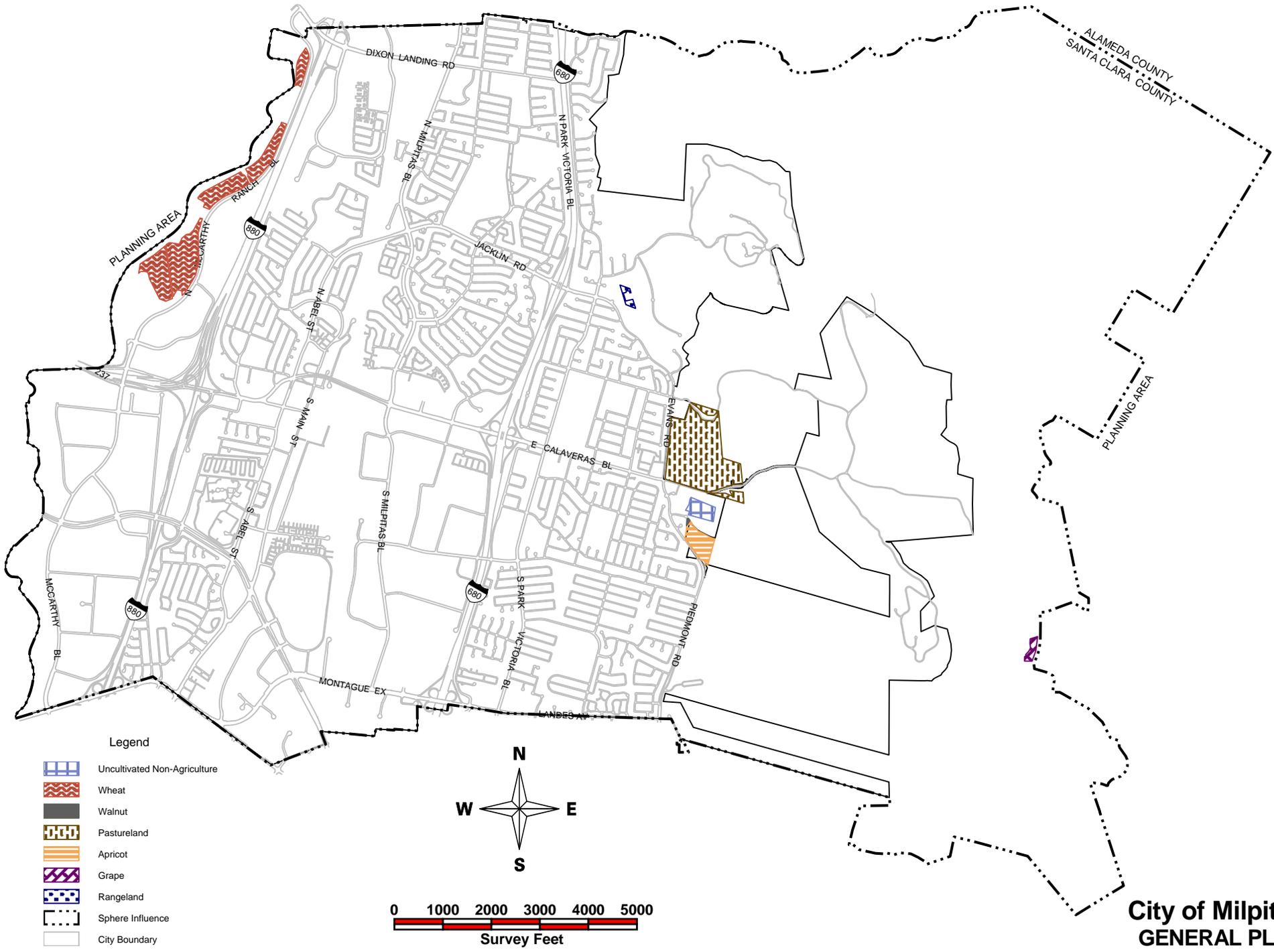
A small part of the Planning Area, along the Coyote Creek, is used for growing a variety of truck and field crops<sup>2</sup>. These include wheat, walnuts, grapes, and apricots. Figure 4-3 shows crops in the Planning Area according to type.

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<sup>1</sup> Department of Conservation, Office of Land Conservation, Santa Clara County: Important Farmland (2008).

<sup>2</sup> 2010 Santa Clara County, Department of Agriculture and Environmental Management

Crops in 2010  
Figure 4-3



## **4.4 Water Quality and Conservation**

For water supply, see Section 2.6: Public Utilities and Services.

### **Urban Runoff (Stormwater) Pollution Prevention**

The San Francisco Bay Regional Water Control Board (RWQCB) is responsible for enforcing the state's Porter-Cologne Water Quality Act and the Federal Clean Water Act. The Water Board's *Water Quality Control Plan* (Basin Plan) identifies beneficial uses of San Francisco Bay and its tributaries and sets forth criteria and programs for protection of beneficial uses. The RWQCB has issued National Pollutant Discharge Elimination System (NPDES) permits to Bay Area counties, water districts and municipalities. The permits mandate comprehensive programs to reduce urban runoff pollution by targeting pollutant reduction and surface flow prevention from urban development activities. Milpitas, along with twelve other cities and towns in northern Santa Clara County, Santa Clara County, and the Santa Clara Valley Water District are Co-permittees under a single stormwater NPDES permit. The NPDES permit was issued in 1990 and reissued, with additional requirements, in 1995, 2001, and 2009.

### **Water Conservation**

Prompted by the recent drought and water shortages, the City in 1993 adopted a Water Efficient Landscapes Ordinance and in 1994 adopted the Water Conservation Ordinance. The Ordinance seeks to promote conservation and efficient use of water by restricting new and rehabilitated landscaping for public agency projects, private commercial and industrial projects, and common-area landscaping in single-family and multifamily subdivisions and planned unit developments to maximum applied water allowances. It also requires preparation of landscape documentation packages for new and rehabilitated landscapes.

### **Recycled Water**

The City of Milpitas desires to conserve potable water supplies and encourages the use of recycled water for appropriate uses. Potable water shall not be used for irrigation if recycled water is available except as specified in the City Municipal Code.

## **4.5 Mineral Resources**

Urban preemption of prime mineral deposits and conflicts between mining and other uses throughout California led to passage of the Surface Mining and Reclamation Act of 1975 (SMARA), which establishes policies for conservation and development of mineral lands, and contains specific provisions for the classification of mineral lands by the State Geologist.

SMARA requires all cities and counties to incorporate in their general plans mapped designations approved by the State Mining and Geology Board. These designations are to include lands categorized as Mineral Resource Zones, the most significant of which is a designation of mineral resources that are of regional or statewide significance.

When considering mineral extraction, three critical factors must be weighed: impact upon the natural environment, regional need for the minerals extracted, and impacts upon the community.

### **Existing Mineral Resources**

The Planning Area contains four areas identified by the State Geologist as containing Regionally Significant Construction Aggregate Resources. These areas, located in the foothills outside City limits (see Figure 4-5), are part of the South San Francisco Bay Production-Consumption Region and contain sandstone deposits. Three of the sites are located west of the Ed Levin Park along Tularcitos and Loa Caches creeks, and the fourth is along Scott Creek at the County line. All of the areas are being currently quarried.

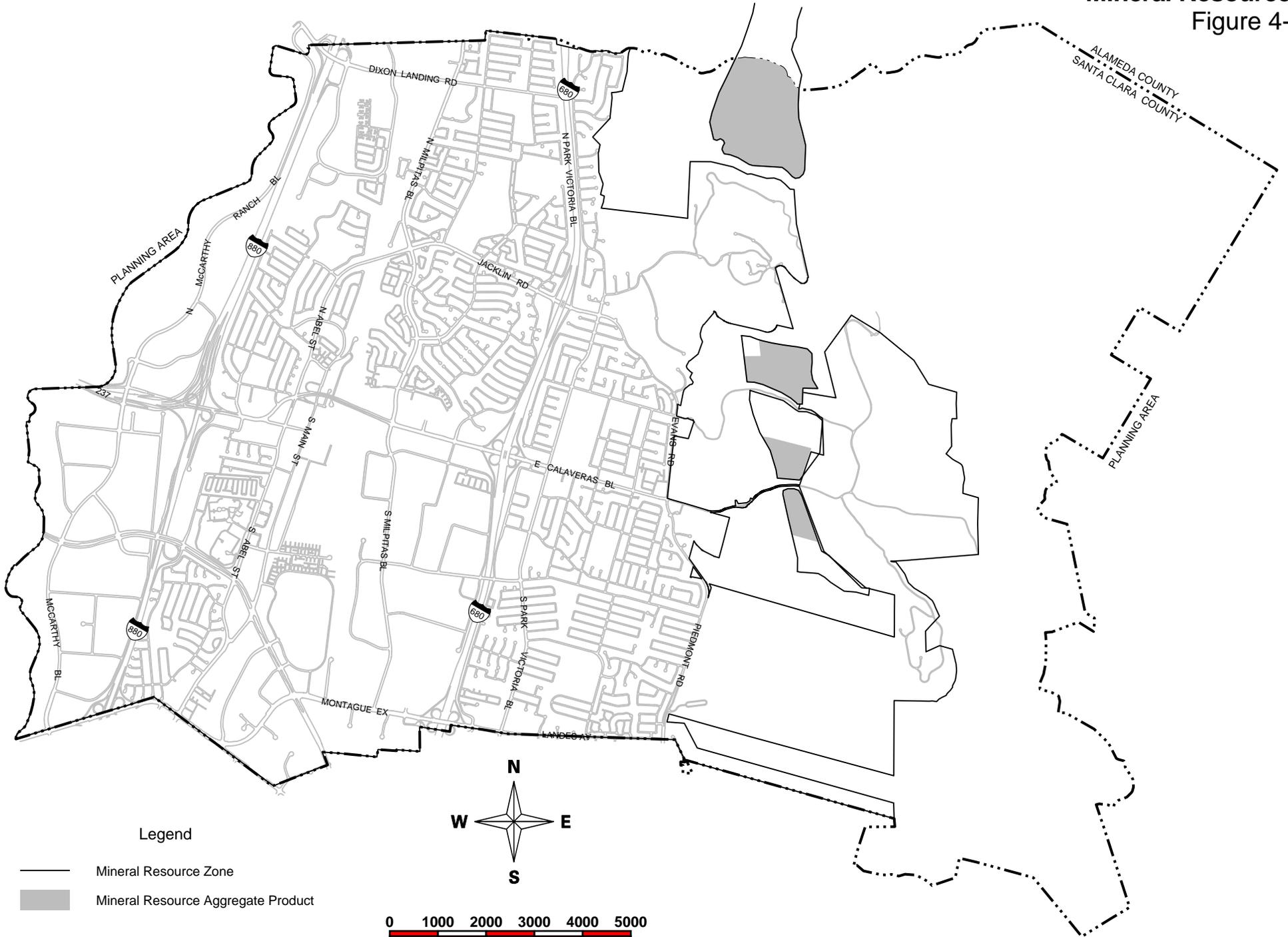
The scenic damage that has already occurred from these quarry operations is readily apparent; it is also possible for such activities to adversely affect water resources. In addition, these quarries must haul many tons of product off-site. When the only means of transportation for the product is by trucks passing through urbanized areas and transversing narrow hillside roads, there are a great many impacts upon the community.

### **Santa Clara County Policies**

Santa Clara County's Mineral Resources Element was adopted in 1994. Policies included in the Element call for new quarry operations within a city's Sphere of Influence to be consistent with that City's General Plan. Approval of new or significant expansion of existing operations would require environmental assessment and new operations that are visible from the Valley Floor are discouraged.

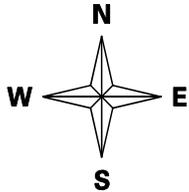
# Mineral Resources

Figure 4-5



### Legend

- Mineral Resource Zone
- Mineral Resource Aggregate Product



## 4.6 Historical and Cultural Resources

Background information that follows is summarized from the *Historic Sites Inventory* (1990) and the *Historic Resources Master Plan* (1993).

### Prehistoric Period

The lands now occupied by the City of Milpitas were once a part of the home territory of the Tamyen tribelet of Costanoan (Ohlone) Indians. Like other Costanoan groups, the Tamyen maintained a few year-round village sites but also visited various temporary camps at different seasons of the year to hunt and gather food as it became available.

The presence of a deposit of cinnabar (later famous as the mines of New Almaden) within Tamyen territory increased traffic through the early Milpitas area. The cinnabar (used as a body paint) stimulated considerable trade. The deposits were known over much of northern California, and parties from as far away as the Columbia River journeyed to Costanoan territory to obtain it. Trade for other items such as wooden bows, salt, and pine nuts, also brought many visitors to the Tamyen territories.

**Remnants of Lifestyle.** Two notable Costanoan village sites lie within the city limits of Milpitas. One, a huge shellmound near the present-day Elmwood Rehabilitation Center, was discovered in 1949 and dates back to the eighteenth century. The other, on the site of the Alviso Adobe near the corner of Calaveras and Piedmont, is at least 3,000 years old and is one of only a handful of archaeological sites in California with such a long history of continuous occupation.

### Historic Period

Aboriginal Milpitas must have been criss-crossed with a network of paths from village to village and from village to camp. For centuries, these aboriginal footpaths and deer trails were the only roadways of Milpitas. The year 1769 marked the most dramatic event since human beings first migrated into the Bay Area; in that year, the expedition of Gaspar de Portola inaugurated the historic era, bringing in its wake a host of changes. The expedition passed through Milpitas.

The Spanish presence in the South Bay region was rapidly modified over the next few decades. Over the following half-century, the mission holdings were broken up by secularization, supplanted by private land grants such as the Rancho de Milpitas.

The area that was to become Milpitas was already achieving distinction as a stopover point by the late 1840s when the Higuera Adobe welcomed travelers on the immigrant trail

between Sutter's Fort and San Jose, via Livermore Pass. In 1855, settlers in the Calaveras Valley petitioned for a county road across the flats to Alviso. The resulting intersection — where the Alviso Road crossed the Mission Road — encouraged the development of Milpitas. By the late 1850s, a stage line was operating between San Jose and Oakland, with stops at Milpitas, including one at the Higuera Adobe, operating as a hotel and stage depot. Soon businesses such as general stores, stables, saloons, hotels, blacksmiths, carriage shops, and the all-important post office catered to the needs of farming families.

**Historic Sites.** The historically and architecturally significant buildings in Milpitas are extremely diverse in style, as well as in method and period of construction.

The first structures to be built in Milpitas were adobe houses located along the foothills east of town (now east of Piedmont and Evans Road) and along both sides of Calaveras Road between Main Street and the foothills. During the 1850s to 1870s, many frame farmhouses were constructed.

Businesses that catered to travelers (saloons, restaurants, blacksmiths, service stations, and hotels) and those that supplied the local population (general stores, meat markets, lumber yards) developed near the intersection of the Alviso-Milpitas Road and the San Jose-Oakland Road. Clustered around this nucleus of commercial and service buildings were the homes of the merchants, railway employees, and working men of the community.

Milpitas changed little until 1953, when the Ford Motor Plant was built at the south end of town. Within the next two decades virtually all of the older buildings in the center of town were demolished; leaving two corridors along the eastern foothills and the western highway fairly intact.

### **Historical and Cultural Resources Preservation Programs**

**Cultural Resources Preservation Program.** Procedures to identify and designate historical and cultural resources, and to guide their preservation are outlined in the City's Zoning, Planning and Annexation Code. Cultural resources and historic districts are designated by the City Council on the advice of the Parks, Recreation and Cultural Resources Commission. Currently, there are fifteen sites officially designated and locally registered as a Milpitas Cultural Resources. Of the fourteen sites, the Alviso Adobe and Milpitas Grammar School are included in the National Register of Historic Places.

<b>Table 4-6 Designated Cultural Resources</b>		
<b>Site</b>	<b>Local Registered</b>	<b>National Registered</b>
1. Jose Higuera Adobe	X	
2. Cactus hedge	X	
3. Jose Maria Alviso Adobe	X	X

<b>Table 4-6 Designated Cultural Resources</b>		
<b>Site</b>	<b>Local Registered</b>	<b>National Registered</b>
4. Milpitas Hotel (1857) and Fat Boy Restaurant (1924)	X	
5. Bellew-McCarthy Ranchstead Site	X	
6. Shaughnessy-Murphy Ranchstead Site	X	
7. Old St. Johns Church Site	X	
8. Curtner House (Weller Estate)	X	
9. Milpitas Grammar School	X	X
10. Smith's Corner	X	
11. Dr. Smith House (Devries Home)	X	
12. Winsor Blacksmith Shop	X	
13. Barber House	X	
14. O'toole Elms Site	X	
15. Winsor Tank House	X	

The Master Plan also identified the two adobes as being eligible for the states' Historic Landmark or Point of Historical Interest status.

## 4.7 Scenic Resources and Routes

Milpitas' image is of an urban community located at the foot of a significant section of the Mount Diablo Range. The foothills, sparsely settled, represent a semi-wilderness of rugged terrain, remote plateaus and distant views.

### Scenic Resources

The foothills and the tree-lined Coyote Creek corridor provide Milpitas with a scenic backdrop and visual reference points. Also important to Milpitas' identity are the major entryways of the City. Scenic Resources could be both natural and man-made. Figure 4-6 identifies hillsides, ridges, visually significant vegetation and other elements that are critical in shaping the City's scenic identity.

### Scenic Routes

In order to maintain and improve the character of and views of scenic resources from streets, maximize access to parks, open space and other resources, the General Plan establishes a well-integrated network of Scenic Routes. These are streets or corridors which pass through an area of scenic value, provide efficient connections between such areas, or provide distant views of Scenic Resources. Two types of Scenic Routes are established (see Figure 4-6):

**Scenic Corridor.** Scenic Corridors are located along designated streets that pass through an area of scenic value. Scenic Corridors include the street rights-of-way and extend 200 feet from the center line of the streets along which they are located. Areas within the corridors are subject to special development controls for the purpose of retaining and enhancing nearby views or maintaining unobstructed distant views. Public projects will also be reviewed for compliance with this plan.

**Scenic Connector.** A designated street connecting or providing access to Scenic Corridors or distant views. A Scenic Connector may not necessarily traverse an area of scenic value, and the abutting land is not subject to the Scenic Corridor land use controls. However, special design treatment — which may include roadside landscaping, undergrounding of utility lines, and street furnishings — will be carried out to provide a visual continuity with the Scenic Corridors.



## **4.8 Waste Management and Recycling**

The City of Milpitas and Santa Clara County Integrated Waste Management Plans (IWMP) comply with state-mandated waste reduction goals specified in Public Resources Code 40500 (Assembly Bill 939). PRC 40500 requires local agencies to implement source reduction, recycling, and composting activities to reduce solid waste generation by 25 percent by the year 1995, and by 50 percent by the year 2000.

As a part of PRC 40500, each city and county is required to prepare a Source Reduction and Recycling Element (SRRE) and a Household Hazardous Waste Element (HHWE). Together, the SRRE and HHWE comprise the City's IWMP.

### **Solid Waste Disposal Facilities**

Newby Island landfill, located on Dixon Landing Road in San Jose serves the City. It is a Class III landfill, with an estimated lifespan of an additional 11 years (to 2021).

### **Source Reduction and Recycling**

The City's *Source Reduction and Recycling Element* provides a summary and analysis of existing and needed source reduction, recycling, and composting programs and facilities, strategies for handling special wastes, and for funding. Implementation measures for both short (next 5 years) and medium term (next 10 years) are specified and include multifamily residential and non-residential recycling, public awareness, and regulatory programs. Implementation measures outlined in the Element are expected to lead to diversion of an estimated 13.6 to 19.5 percent of the waste stream by 2000.

Goals adopted as part of the City's *Source Reduction and Recycling Element* include:

- Meet or exceed state-mandated solid waste disposition rates by maximizing source reduction, recycling and composting opportunities for Milpitas residents and businesses;
- Motivate the residential and business sectors to reduce and recycle solid waste;
- Ensure that all land development projects provide adequate space and design for waste reduction and management activities and equipment;
- Encourage the development and expansion of local and regional markets for diverted materials;
- Provide solid waste management services that minimize environmental impacts, ensure public health and safety and facilitate waste reduction efforts; and
- Increase residents' awareness of proper disposal and reduction methods for wastes.

## **Hazardous Waste**

Hazardous materials management includes the identification, proper transport, and disposal of hazardous materials. Hazardous materials include liquids, solids, and gases which by themselves, or when placed in contact with other materials, can result in contamination of soil or water, poisonous vapors, fires, or explosions. Hazardous materials can enter the environment via air, soil transport, or surface runoff. Improper storage or disposal can contaminate soil and groundwater and pose a general health hazard to the population. Hazardous materials are used and created everyday by some industries, and include common household items such as insecticides, waste motor oil, and cleaning fluids.

Nearly all of the hazardous materials transported through Santa Clara County, and the Planning Area, are carried by truck on the freeways and state highways. Little or none of the hazardous materials is transported through via rail. County roads and city streets are used to transport locally generated wastes from the source to the regional highway system.

### **Household Hazardous Waste (HHW)**

Hazardous materials, used in many household products (e.g., drain cleaners, waste oil, cleaning fluids, insecticides, and car batteries), are often improperly disposed of as part of normal household trash. These materials can interact with other chemicals to create a risk to the general population and can also result in soil and groundwater contamination.

Since 1985, Milpitas residents have had access to disposal of their HHW. Funded by the City from the General Fund, the current program is conducted by the Santa Clara County Household Hazardous Waste Collection Program. The County hosts mobile pickup at different sites throughout the County, twice yearly in Milpitas. Residents call the County HHW program hotline to make appointments to drop off their hazardous wastes, and the City pays a per-vehicle fee for the service.

The City has since October 1993 been participating in a countywide effort to site and develop permanent recycling and disposable facilities for HHW. These facilities, currently in the planning stages, will also serve small commercial generators of hazardous waste.

In 1986, AB 2984 (Tanner Bill) was passed, establishing a process for the development of hazardous waste management plans for all California counties, regional councils of government and the state. In 1989 Milpitas participated with other Santa Clara County cities in developing the Hazardous Waste Management Plan (CHWMP). This plan was subsequently approved by the County Board of Supervisors and the City Councils of every participating city, including Milpitas. In 1991 the CHWMP was amended by the County and cities. The State's review and approval of the CHWMP was obtained on January 6, 1995.

In addition to becoming the County Plan, the CHWMP was designed as a plan which could be adopted by participating cities for their own use. The City of Milpitas has adopted the CHWMP as the policy document and planning guide for all decisions regarding the development of off-site hazardous waste management facilities and programs related to the management of hazardous waste within the City.

The objectives of the City's *Household Hazardous Waste Element* are:

- Provide disposal alternatives for HHW generated in the city, including participation in the County of Santa Clara's HHW program;
- Undertake educational programs to reduce the volume and hazards of HHW entering the waste stream by encouraging proper use and disposal of hazardous products, and waste reduction, including the use of safer alternatives;
- Promote proper storage and handling methods to protect the public's health and safety;
- Recycle HHW to the extent possible; and
- Participate in the load inspection program at the Newby Island landfill.

## 4.9 Open Space/Conservation Principles and Policies

### a. Park and Recreational Facilities

#### Guiding Principles

- 4.a-G-1 Provide a park and recreation system designed to serve the needs of all residents of the community.
- 4.a-G-2 Develop a diversified trail system along streamsides and other public rights of way to provide recreational opportunities and link facilities.
- 4.a-G-3 Cooperate with other agencies, such as the County and MUSD, to provide recreational opportunities to residents.

#### Implementing Policies

- 4.a-I-1 Provide 5 acres of neighborhood and community parks for every 1,000 residents outside of the Midtown Specific Plan Area, and 3.5 acres of special use parks for every 1,000 residents within the Midtown Specific Plan Area. *This is the current City standard.*
- 4.a-I-2 For areas outside the Midtown Specific Plan Area, require land dedication or in lieu fees equivalent to the 5 acre/1,000 resident standard, but allow credit for private open space for up to 2 acres/1,000 residents for private open space provided in accordance with the criteria specified in the Subdivision Regulations. For areas within Midtown, require land dedication or in lieu fees equivalent to the 3.5 acre/1,000 resident standard, but allow credit for private open space for up to 1.5 acres/1,000 residents for private open space provided in accordance with the criteria specified in the Subdivision Regulations.
- 4.a-I-3 Provide a system of hiking and riding trails and pathways connecting the Valley Floor Area to Ed Levin Park.

- 4.a-I-4 Explore the feasibility of a trail in the Hillside Area within the crestline zone of protection connecting Ed Levin County Park to Alum Rock Park.
- 4.a-I-5 Provide an extensive visually stimulating system of "people paths" by developing park chains along Coyote River and the Hetch Hetchy right-of-way.
- 4.a-I-6 Develop the Coyote River area in cooperation with the County Park and Recreation Commission in a linear park chain which would connect with the Coyote Park Chain in San Jose and provide a safe mechanism for undertaking flood-control measures. The trails along Coyote Creek should be part of the San Francisco Bay Trail, a regional network of trails used by hikers and bicyclists.
- 4.a-I-7 Where feasible, provide new neighborhood and community parks adjacent to public schools for joint use.
- 4.a-I-8 Explore the feasibility of providing interpretive trails that tie in with the history of Higuero Adobe and Alviso Adobe.
- 4.a-I-9 Explore the feasibility of providing a performing/visual arts center, an historical museum and a gymnasium.
- 4.a-I-10 Implement the goals and objectives of the Park and Recreation Master Plan.

## **b. Biotic Resources**

### **Guiding Principles**

- 4.b-G-1 Protect and conserve open spaces which are necessary for wildlife habitats and unique ecological patterns.

- 4.b-G-2** Preserve and protect populations and supporting habitat of special status species within the Planning Area, including species that are state or federally-listed as Rare, Threatened, or Endangered, all federal "candidate" species for listing and other species proposed for listing, and all California Species of Special Concern.

### **Implementing Policies**

- 4.b-I-1** Strictly enforce grading regulations controlling removal of vegetative cover from hillside areas.
- 4.b-I-2** Preserve remaining stands of trees.
- 4.b-I-3** Recreation use of essentially virgin areas should be centered around activities which have a minimally disruptive effect on natural vegetation
- 4.b-I-4** Require a biological assessment of any project site where sensitive species are present, or where habitats that support known sensitive species are present.
- 4.b-I-5** Utilize sensitive species information acquired through biological assessments, project land use, planning and design.

### **c. Agricultural Resources**

#### **Guiding Principle**

- 4.c-G-1** Support agricultural activity that is compatible with urban uses, and as an interim use in areas that are designated for urban uses.

## **Implementing Policies**

- 4.c-I-1 While undertaking improvements in areas being used for agricultural operations, strive to ensure that the viability of agriculture as an interim used is maintained.
- 4.c-I-2 Permit and support grazing activity in the foothills where feasible.

## **d. Water Quality and Conservation**

### **Guiding Principles**

- 4.d-G-1 Assure reasonable protection of beneficial uses of creeks and South San Francisco Bay, and protect environmentally sensitive areas.
- 4.d-G-2 Comply with regulatory requirements pertaining to water quality.
- 4.d-G-3 Continuously improve implementation of stormwater pollution-prevention activities.
- 4.d-G-4 Mitigate the effects that land development can have on water quality.
- 4.d-G-5 Protect and enhance the quality of water resources in the Planning area.
- 4.d-G-6 Promote conservation and efficiency in the use of water.

### **Implementing Policies**

- 4.d-P-1 Implement a comprehensive municipal stormwater pollution-prevention program in compliance with requirements of the Water Board's stormwater NPDES permit.
- 4.d-P-2 Minimize the use of pesticides that may effect water quality.
- 4.d-P-3 Work cooperatively with other cities, towns, and the Santa Clara Valley Water District to comply with regulations, reduce pollutants in runoff, and protect and enhance water resources in the Santa Clara Basin.
- 4.d-P-4 Where consistent with other policies, preserve, create, or restore riparian corridors and wetlands. Where possible, set back development from these areas sufficiently to maximize habitat values.

- 4.d-P-5** Where feasible, conform developments to natural landforms, avoid excessive grading and disturbance of vegetation and soils, retain native vegetation and significant trees, and maintain natural drainage patterns.
- 4.d-P-6** Where possible, avoid new outfalls to natural or earthen channels.
- 4.d-P-7** Applicable projects shall minimize directly connected impervious area by limiting the overall coverage of paving and roofs, directing runoff from impervious areas to adjacent pervious areas, and selecting permeable pavements and surface treatments.
- 4.d-P-8** Applicable projects shall incorporate facilities (BMPs) to treat stormwater before discharge from the site. The facilities shall be sized to meet regulatory requirements.
- 4.d-P-9** Applicable projects shall control peak flows and duration of runoff where required to prevent accelerated erosion of downstream watercourses.
- 4.d-P-10** Projects accommodating outdoor activities, including work areas, storage areas or other areas that are potential sources of stormwater pollutants, shall incorporate measures to control those pollutant sources to the maximum extent practicable.
- 4.d-P-11** Owners and operators of stormwater treatment facilities shall maintain those facilities and ensure they continue to be effective.
- 4.d-P-12** Construction sites shall incorporate measures to control erosion, sedimentation, and the generation of runoff pollutants to the maximum extent practicable. The design, scope and location of grading and related activities shall be designed to cause minimum disturbance to terrain and natural features. (Title II, Chapter 13 of the Municipal Code includes requirements for control of erosion and sedimentation during grading and construction.)

## **Required Actions**

*Milpitas Urban Runoff Management Program*

(Details of implementation are in Title XI, Chapter 16 of the Municipal Code and in the Milpitas Urban Runoff Management Plan.)

- 4.d-A-1** Inspect commercial and industrial facilities and require BMPs.
- 4.d-A-2** Conduct surveillance and enforcement to reduce illegal dumping to storm drains.
- 4.d-A-3** Implement BMPs to minimize runoff pollutants during operation and maintenance of streets, roads, storm drains, and water supply mains and facilities.
- 4.d-A-4** Inspect construction sites and require erosion and sedimentation control and pollution-prevention BMPs.
- 4.d-A-5** Publicize and promote Integrated Pest Management and use Integrated Pest Management in maintenance of City parks and other facilities.
- 4.d-A-6** Update the Urban Runoff Management Plan as required in accordance with the Water Quality Control Board's Stormwater NPDES Permit.

*Cooperative Efforts to Protect and Enhance Water Quality*

- 4.d-A-7** Support and participate in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). Through SCVURPPP, support regional organizations and efforts, including the Bay Area Stormwater Management Agencies Association, to monitor and protect water quality in San Francisco Bay and its tributaries.
- 4.d-A-8** Coordinate with the Santa Clara Valley Water District to plan and implement multi-objective projects to reduce flood hazards, restore stream functions, and provide recreational resources along Berryessa Creek and other Milpitas creeks.

*Development Requirements*

(Details of implementation are in Title XI, Chapter 16 of the Municipal Code, the Milpitas Urban Runoff Management Plan, and the Milpitas Stormwater C.3 Guidebook.)

- 4.d-A-9** Provide guidelines to help applicants comply with stormwater requirements for new development.
- 4.d-A-10** Require developers of applicable projects to submit, with application for planning and zoning approval, a Stormwater Control Plan detailing the required stormwater pollution prevention and flow control measures incorporated into the project.
- 4.d-A-11** Require developers of applicable projects to prepare and submit, prior to final approval of construction, a Stormwater Control Operation and Maintenance Plan detailing maintenance requirements and methods for the stormwater treatment and flow control facilities incorporated into the project.
- 4.d-A-12** When conducting environmental reviews of proposed projects, evaluate water quality effects and identify appropriate mitigation measures.
- 4.d-A-13** Adopt and revise public works standards to minimize the impacts of development on water quality, provided that the new standards would also be consistent with other City policies.
- 4.d-A-14** Allow access to sites for City inspection of stormwater treatment and flow control facilities.

## **e. Mineral Resources**

### **Guiding Principle**

- 4.e-G-1** Provide for extraction of minerals to help meet future regional needs in an environmentally sensitive manner.

### **Implementing Policies**

- 4.e-I-1** Manage aggregate resources to ensure that extraction results in the fewest environmental impacts. *Mining is usually a high-impact activity that must adjust its operations to become an acceptable neighbor to urban areas.*
- 4.e-I-2** Require preparation and assured implementation of adequate reclamation of mined lands as a condition of approval of mining. *This is a requirement of SMARA.*
- 4.e-I-3** Permit new quarries only if they are:
- Compatible with surrounding land uses;
  - Not environmentally disruptive; and
  - Not visible from the Valley Floor.
- 4.e-I-4** Work with surrounding jurisdictions to ensure establishment of implementation measures for mineral resource management consistent with state law.

## **f. Historical and Cultural Resources**

### **Guiding Principles**

- 4.f-G-1** Preserve existing historical and cultural resources, especially those sites where an Historical Park may prove feasible.
- 4.f-G-2** Undertake efforts that promote Milpitas as a historical community, and undertake efforts to increase public awareness towards preservation.

## Implementing Policies

### Public Efforts

- 4.f-I-1 Continue to maintain, rehabilitate, and restore City-owned historic buildings and sites.
- 4.f-I-2 Acquire historic sites that would benefit from public ownership.
- 4.f-I-3 Develop a program to survey and catalog artifacts, documents and other historic material.
- 4.f-I-4 Increase the prominence and access to the City's historic resources by developing paths and trails linking the historic sites.
- 4.f-I-5 Develop programs to promote Milpitas' history.

### Private Preservation Efforts

- 4.f-I-6 Encourage private involvement in historic preservation through the establishment of a revolving City loan program. *The details of this program are described in the Conceptual Historic Resources Master Plan.*
- 4.f-I-7 Establish a program to award plaques, awards and small grants to recognize private preservation efforts.

## **g. Scenic Resources and Routes**

### **Guiding Principles**

- 4.g-G-1** Preserve and enhance the natural beauty of the Milpitas area.
- 4.g-G-2** Establish a network of continuous and varied Scenic Routes that provide views of Scenic Resources and access from urban areas and the regular transportation network to parks, open spaces and cultural attractions.
- 4.g-G-3** Enhance the visual impact of the gateways to Milpitas.
- 4.g-G-4** Encourage a variety of recreational uses along Scenic Routes consistent with the concept of protecting visual resources.
- 4.g-G-5** Provide for the inclusion of facilities and improvements (vista points, picnic areas, etc.) along Scenic Routes where appropriate.
- 4.g-G-6** Design and site Scenic Routes to have a minimal adverse impact on the environment.
- 4.g-G-7** Exempt all lands within the Valley Floor Planning Area from Scenic Corridor restrictions.

### **Implementing Policies**

#### **Land Use and Development**

- 4.g-I-1** Limit uses in Scenic Corridors to those uses allowed by right and conditionally in the R-1 Single Family Residence and Park and Open Space Zoning Districts. Commercial development can only be allowed when its design will not result in a loss of any scenic potential.
- 4.g-I-2** Permit clustering of structures, in order to preserve open space while providing for desired development.

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

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

**Design**

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

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

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

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

**Landscaping and Utilities**

**4.g-I-7** Ensure that all landscaping within and adjoining a Scenic Corridor or Scenic Connector:

- Enhances the City's scenic resources by utilizing an appropriate scale of planting, framing views where appropriate, and not forming a visual barrier to views;
- Relates to the natural environment of the Scenic Route; and
- Provides erosion control.

*Coordination with Caltrans will be required for portions of Scenic Connectors which are in Caltrans' right of way.*

*Median landscaping, lighting fixtures, street signals, and other street furnishing along Scenic Routes should follow a consistent design scheme, and be tastefully blended into the natural or urban landscape.*

**4.g-I-8** Undertake a program in cooperation with PG&E to underground, relocate or screen utility lines and transmission towers within or easily visible from Scenic Routes.

**4.g-I-9** Prepare and implement landscape plans for treatment of major gateways leading into the City.

*These are identified on Figure 4-6.*

## **Signage**

- 4.g-I-10** Ensure that within the Scenic Corridors, the City's Sign Ordinance permits on-street signs of only the minimum size and height necessary for identification purposes.
- 4.g-I-11** Undertake an evaluation of and implement any necessary steps to ensure that the design and location of signs within and adjoining Scenic Routes does not lead to unsightly and obtrusive conglomerations of advertising.
- 4.g-I-12** Undertake a program to place appropriate and consistent Scenic Route identification signs periodically along all Scenic Routes. Also provide instructional signs and displays, where appropriate, along Scenic Routes and at roadside facilities, indicating major visual features of the area.

## **Creeks**

- 4.g-I-13** Develop the section of Berryessa Creek which runs through the Town Center into a scenic as well as a recreation resource for the Town Center.

## **h. Waste Management and Recycling**

### **Guiding Principle**

- 4.h-G-1** Undertake efforts to reduce the generation of waste, increase recycling and slow the filling of local and regional landfills, in accord with the California Integrated Waste Management Act of 1989.

## Implementing Policy

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|---|---|
| <p><b>4.h-I-1</b>     Implement measures specified in the City's <i>Source Reduction and Recycling Element</i> and the City's <i>Household Hazardous Waste Element</i>.</p> | <p><i>Detailed measures to implement the City's policies are outlined in these two elements and are not repeated in the General Plan.</i></p> |
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### i.            Hazardous Waste

#### Guiding Principle

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|---|---|
| <p><b>4.i-G-1</b>     Ensure that off-site hazardous waste management facilities are safely located to maintain the quality of life in the community.</p> | <p><i>An off-site hazardous waste management or treatment facility is one which manages, stores, treats or processes hazardous waste. It serves more than one producer of hazardous waste, as opposed to an on-site facility, which serves only the hazardous waste needs of the company with which it is affiliated.</i></p> |
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#### Implementing Policies

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|---|--|
| <p><b>4.i-I-1</b>     Review proposals for hazardous waste management facilities for conformance with the goals, policies, siting criteria, implementation methods, mitigating measures and other applicable information and recommendations contained in the Santa Clara County Hazardous Waste Management Plan.</p> |  |
| <p><b>4.i-I-2</b>     Limit off-site hazardous waste management facilities to those that process the types of waste generated in the City, and limit the capacity of these facilities based on the “fair share” provisions of the Santa Clara County Hazardous Waste Management Plan.</p>                             |  |
| <p><b>4.i-I-3</b>     Given the highly urbanized development of Milpitas, it is not appropriate for hazardous waste residual repositories to be located within the city, and none shall be permitted.</p>   | <p><i>Hazardous waste residual repositories are specifically restricted to receiving residuals from hazardous waste treatment facilities; residuals are materials which are left over after treating hazardous waste</i></p> |